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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on January 2, 2020**

8 A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on
9 January 2, 2020, commencing at 7:00 p.m., at the Township Hall.

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Present were:

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

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Absent was:

26 None.

27 Also present were Township Manager Dexter Mitchell, Township Planner Patrick Hudson,
28 Township Attorneys Roxanne Seeber and Seth Koches, and approximately five (5) additional
29 interested persons.

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Call to Order

34 The Chairman called the meeting to order at 7:00 p.m.

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Roll Call and Recognition of Visitors

39 Nagler welcomed those in attendance.

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Approval of the Agenda for the January 2, 2020 Regular Planning Commission Meeting

45 The first item on the agenda was approval of the agenda for the January 2, 2020 regular Planning
46 Commission meeting. The Commissioners received the meeting agenda in their packets. Hudson
47 said that the request for Tali's Market was previously tabled until the January 2, 2020 regular
48 Planning Commission meeting and needed to be added to the agenda. Hudson said that Tali's
49 Market requested more time before submitting their revised plans for an automobile filling
50 station special use request to the Planning Commission for review. Hudson recommended
51 revising the agenda so the request of Tali's Market may be discussed.

52 Upon motion of Mihelich, supported by Cook, and unanimous vote, the agenda was approved as
53 revised.

1 The Commission discussed tabling the Tali’s Market special use request until the April 2, 2020
2 regular Planning Commission meeting. Hudson said tabling their request until April 2, 2020,
3 should give the applicant enough time to submit a complete application. Prior information that
4 Tali’s had been sold may have been premature, he said.

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6 Upon motion of Chapman, supported by Hathcock, and unanimous vote, the special exception
7 use and site plan request of Tali’s Market was tabled until April 2, 2020.

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9 **Approval of Meeting Minutes of the December 5, 2019 Regular Planning Commission Meeting**

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11 The next item on the agenda was approval of the December 5, 2019 regular Planning Commission
12 meeting minutes. Copies of the draft meeting minutes were provided to the Commissioners in
13 their agenda packets.

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15 Upon motion of Chapman, supported by Hartsough, and unanimous vote, the minutes of the
16 December 5, 2019 regular Planning Commission meeting were approved as presented. The
17 minutes were signed by Cook and forwarded to Hudson for transmission to the Township Staff.

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19 **Scheduled Reviews**

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21 None.

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23 **Public Hearings**

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25 None.

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27 **New Business**

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29 None.

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31 **Old Business**

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33 **Recreational Marijuana Text Amendments**

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35 **1) Designated Consumption Areas, Temporary Events**

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37 Hudson prepared and summarized the proposed text amendments regarding designated
38 consumption areas and temporary events. The proposed text amendments were provided to the
39 Commissioners in their agenda packet. Attorney Seeber discussed Designated Consumption
40 Areas, Temporary Events, and the Township’s Police Power Ordinance regulating Temporary
41 Outdoor Events/Gatherings. Seeber said the Township Board would grant the applicant a license
42 under the police power ordinance, which is enforced by the Township separately from the Zoning
43 Ordinance. The Township Fire Marshal would also provide input in the licensing process. Seeber
44 explained the differences between a police power ordinance and a zoning ordinance. Seeber

1 discussed the possibility of repealing the Township’s police power ordinance regulating Outdoor
2 Events/Assembly and enacting an ordinance that is enforced through the Township Zoning
3 Ordinance. Seeber said the police ordinance for Outdoor Gatherings/Assembly is applicable for
4 events where over 5000 people attend. Seeber said the police power ordinance is outdated and
5 rarely used. Mihelich commented that it is possible to obtain a special use permit, but be denied
6 an Outdoor Gathering/Assembly license. The Planning Commission discussed what portions of
7 the Township may accommodate Temporary Events. Hathcock confirmed that the police power
8 ordinance may not be necessary if the Zoning Ordinance regulates outdoor events. Mihelich
9 discussed the industrial zoned areas of the Township and concerns he has regarding traffic
10 patterns and access to those locations in the context of outdoor gatherings.

11
12 The Planning Commission felt that a map depicting the locations/zoning districts may be helpful
13 to determine where outdoor events may be located. The Commission further discussed the
14 application process and how to obtain a license. Hudson discussed the differences between a
15 temporary and permanent use. Hudson explained that the proposed text amendment prohibits
16 the continued use by issuance of a subsequent license for the same location within 90 days. The
17 Commission discussed this proposed amendment and agreed to reduce the 90 days to 30 days.
18 Hudson noted the change.

19
20 The Commission next discussed Outdoor Temporary Events. Hudson summarized the proposed
21 text amendments. Hudson commented that a temporary fence shall be erected no more than 48
22 hours prior to the event and must be removed within 24 hours after the event. The Commission
23 discussed this text amendment and decided to increase 24 hours to 72 hours for fence removal
24 once an event concludes. The Commission noted that it may take more than 24 hours to clean
25 up after an event. The Commission preferred to review a map of the Township depicting the
26 potential locations of temporary events before any recommendation is made to the Township
27 Board.

28
29 **2) Issues with Event Organizer as Home Occupation and Micro-Business**

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31 The Commission next discussed the proposed text amendments regarding Event Organizer as a
32 Home Occupation as well as Micro-Businesses. Hudson prepared and summarized the proposed
33 text amendments, which were provided to the Commissioners in their agenda packet. Hathcock
34 said that caregivers are a similar use and function as an Event Organizer and should be allowed
35 as a Home Occupation. Hartsough commented that someone organizing an event from home is
36 different from actually hosting an event or function. Hudson expressed concerns regarding
37 commercial or retail aspects of allowing an Event Organizer as a Home Occupation. Mihelich said
38 that the planning occurs at the home and the event occurs somewhere else. Mihelich said that if
39 an individual has the proper state licensing to be a caregiver and an Event Planner, then it should
40 be allowed. Seeber read portions of the Adult Use Marijuana Event Organizer proposal text
41 amendment to the Commission. Seeber said that Home Occupations are generally difficult to
42 police, regardless of the occupation. The Commission agreed that further discussion is needed
43 before the proposed text amendments are set for public hearing.

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Other Zoning Test Amendments

1) Outdoor Event Regulations v General Ordinance Regulations

Outdoor Event Regulations versus the General Ordinance Regulations were previously discussed.

2) Non-conforming Lots

The next item on the agenda was the public hearing for proposed text amendments to issues regarding non-conforming lots, Section 3.04 of the Township Zoning Ordinance. Hudson prepared and summarized the proposed text amendments, which were provided to the Commissioners in their agenda packets. Hudson directed the Commissioners to paragraph C(2), and read the proposed text amendment. The Commission discussed the amendment and opted to keep the language “or existing as an unplatted parcel.”

Hudson said that this proposed text amendment was set for a public hearing. Nagler opened the public hearing and asked any interested party to submit public comment in support of or in opposition to the proposed text amendment to Section 3.04, Non-conforming Lots of Record. Hearing no public comment, Nagler closed the public hearing and the Commission entered into deliberations.

Upon motion of Cook, supported by Hathcock, and unanimous vote, the Planning Commission recommended approval of the proposed text amendments to Section 3.04, Non-conforming Lots of Record, to the Township Board.

3) Section 8.02 Site Development Standards: D. Auto Dealers & E. Auto Repair Garages

The next item on the agenda was the discussion of proposed text amendments regarding Vehicle Sale and Storage, Article 8, Section 8.02.D.7 of the Township Zoning Ordinance. Hudson prepared the proposed text amendment and provided it to the Commissioners in their agenda packet. Hudson summarized the proposed amendment, indicating that the sale of new, used, or repaired vehicles shall be limited to the parking space available on site and shall not interfere with fire access. Hudson said that the number of vehicles for sale shall not exceed ten. Mihelich said he visited many of the repair shops within the Township for input on this proposed amendment and every shop wanted the opportunity to sell automobiles; the issue was to determine how many motor vehicles should be available for sale at a repair shop. Mihelich concluded that 6-10 vehicles are an appropriate number after speaking with many of the shop owners. Mihelich supported repealing the prohibition of automobile sales at repair facilities. The Planning Commission discussed the proposed text amendment and agreed that the amendment is appropriate.

1 Upon motion of Mihelich, supported by Hartsough, and unanimous vote, the Planning
2 Commission set the proposed text amendments to Vehicle Sale and Storage, Article 8, Section
3 8.02.D.7 of the Township Zoning Ordinance for public hearing on February 6, 2020.

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5 **4) Section 8.02.AA Mini-Warehouse – Brick Exterior Facing Street**

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7 The next item on the agenda was discussion of proposed text amendments regarding Article 8,
8 Section 8.02.AA, Mini-Warehouses (Self-Storage) and Portable Storage Units, of the Township
9 Zoning Ordinance. Hudson prepared the proposed text amendments which were available to the
10 Commissioners in their agenda packet. The proposed text amendments revised Section 8.02.AA.3
11 and 7, which regulate site entrance and exterior appearance. Hudson proposed repealing Section
12 8.02.AA.4.b entirely and reserving it for future expansion. Hudson proposed revising Section
13 8.02.AA.3, but elected to include “masonry wall or opaque fence, constructed in accordance with
14 Section 6.01.” The Commission discussed the proposed text amendment and decided to leave
15 the words “In Lieu of” in the second sentence and strike the remaining wording as proposed by
16 Hudson. The Commission also added the word “fence” to the first sentence after the words “six
17 (6) feet high.” The Commission also discussed and determined to remove the words “with gables”
18 from Section 8.02.AA.4.a. The Commission discussed the proposed revisions and concluded that
19 they are appropriate.

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21 Upon motion of Hathcock, supported by Hartsough, and unanimous vote, the Planning
22 Commission set the proposed text amendments to Article 8, Section 8.02.AA, Mini-Warehouses
23 (Self-Storage) and Portable Storage Units, of the Township Zoning Ordinance for public hearing
24 on February 6, 2020.

25
26 **5) Green House SUP Conditions**

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28 The next item on the agenda was the discussion of proposed text amendments to issues
29 regarding Section 26.05.C Site Plan Review Applications and Procedures, and Articles 11 and 12,
30 to add the word “greenhouses” to the list of either permitted or special uses. Hudson prepared
31 the proposed text amendments which were available to the Commissioners in their agenda
32 packets. The Commission discussed the proposed text amendments and concluded that they are
33 appropriate.

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35 Upon motion of Cook, supported by Hartsough, and unanimous vote, the Planning Commission
36 set the proposed text amendments to Section 26.05.C, of the Township Zoning Ordinance for
37 public hearing on February 6, 2020.

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39 **6) Solar Regulations**

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41 The next item on the agenda was the public hearing for proposed text amendments to Article 8,
42 Section 8.02.TT, Wind and Solar Renewable Energy Systems, subsection 2, Solar Energy Systems
43 to revise subparagraph “e” to increase the utility grade from “over 10 kW” to read as “over 20
44 kW”. The proposed amendment further amended subparagraph “d” to increase solar energy

1 systems in residential from “10 kW or less” to “20 kW or less.” Hudson prepared the proposed
2 text amendments which were available to the Commissioners in their agenda packet.

3
4 Nagler opened the public hearing and asked any interested parties to submit public comment in
5 support of or in opposition to the proposed text amendment to Section 8.02.TT, Solar Energy
6 Systems. Hearing no public comments, Nagler closed the public hearing and the Commission
7 entered into deliberations.

8
9 Mihelich discussed the text amendment and said that if it passes, it will reduce the barrier to
10 allow people to invest in their property. Mihelich commented that the setback and location
11 standards remain the same. The Commission discussed the proposed text amendment and felt it
12 was appropriate.

13
14 Upon motion of Cook, supported by Hartsough, and unanimous vote, the Planning Commission
15 recommended approval of the proposed text amendments to Article 8, Section 8.02.TT Solar
16 Energy Systems, as presented to the Township Board.

17 18 **7) Escrow Rules**

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20 The next item on the agenda was the public hearing for proposed text amendments to Section
21 26.03, titled Special Land Uses, of the Township Zoning Ordinance regarding Escrow Rules.
22 Hudson prepared a copy of the text amendments which were provided to the Commissioners in
23 their agenda packet. Hudson summarized the text amendment, indicating the revision was to
24 Section 26.03.B.10, titled “Performance Guarantee.” The proposed the following revision “[i]f
25 due to weather conditions, all elements or conditions of a site plan cannot be completed, and
26 the applicant wishes to obtain an occupancy permit, the Zoning Administrator with the
27 concurrence of the Township Attorney and Township Treasurer may allow occupancy conditional
28 upon the receipt of a performance guarantee in compliance with Section 2.13.”

29
30 Nagler opened the public hearing and asked any interested party to submit public comment in
31 support of or in opposition to the proposed text amendment to Section 26.03, Special Land Uses.
32 Hearing no public comments, Nagler closed the public hearing and the Commission entered into
33 deliberations. The Commissioners discussed the proposed text amendment and felt it was
34 appropriate.

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36 Upon motion of Cook, supported by Hartsough, and unanimous vote, the Planning Commission
37 recommended approval of the proposed text amendments to Section 26.03, Special Land Uses,
38 as presented, to the Township Board.

39 40 **Master Plan – 5 year mandatory update – Preliminary Draft – Status Report**

41
42 Hartsough recommended setting up a special work session to discuss the mandatory update to
43 the master plan; the Commission agreed. Hartsough recommended holding a public open house
44 to obtain input from the public and other interested parties.

1 **Annual Report of the Planning Commission Activities to Township Board.**

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3 A copy of the Planning Commission’s annual report was provided to the Commissioners in their
4 agenda packets. Hudson summarized the annual report and the Commission discussed it. Nagler
5 recommended several revisions.

6
7 Upon motion of Hartsough, supported by Hathcock, and unanimous vote, the Planning
8 Commission recommended submitting the Annual Report to the Township Board as revised.

9
10 **Open Discussion – Members of the Audience**

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12 Ron Huster commented on the master plan update and discussed getting a group of people
13 together to provide input. Gerald Harrison thanked the Commission for considering the text
14 amendments to automobile sales and vehicle repair facilities.

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16 **Report of the Township Board Representative**

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18 Hathcock thanked the Commissioners for their hard work.

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20 **Report of the Township ZBA Representative**

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22 Nagler discussed the recent ZBA applications.

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24 **Comments from Planning Commission Members**

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26 Mihelich said he would continue to identify issues within the Zoning Ordinance that may need
27 further discussion or revision.

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

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31 Hudson discussed the next month’s agenda items and thanked Mihelich for his work on the
32 recent text amendments.

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34 **Report of the Township Attorney**

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36 None.

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38 **Adjournment**

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40 There being no further business to come before the Planning Commission, upon motion of
41 Hathcock, seconded by Mihelich, and unanimous approval, the January 2, 2020 regular Planning
42 Commission meeting was adjourned at 9:35 p.m.

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SYNOPSIS OF ACTIONS

The Kalamazoo Township Planning Commission undertook the following actions at the January 2, 2020 regular Planning Commission meeting:

1. Tabled the request of Tali’s Market until April 2, 2020; and,
2. Recommended approval of proposed text amendments to Section 3.04, Non-conforming Lots of Record, to the Township Board; and,
3. Set the proposed text amendments to Vehicle Sales and Storage, Article 8, Section 8.02.D.7 of the Township Zoning Ordinance for public hearing on February 6, 2020; and,
4. Set the proposed text amendments to Article 8, Section 8.02.AA, Mini-Warehouses (Self-Storage) and Portable Storage Units, of the Township Zoning Ordinance for public hearing on February 6, 2020; and,
- 5.
6. Set the proposed text amendments to Section 26.05.C, of the Township Zoning Ordinance for public hearing on February 6, 2020; and,
7. Recommended approval of the proposed text amendments to Article 8, Section 8.02.TT Solar Energy Systems, as presented, to the Township Board; and,
8. Recommended approval of the proposed text amendments regarding performance guarantees Section 26.03, Special Land Uses, as presented, to the Township Board.