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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on November 5, 2020**

8 A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on
9 November 5, 2020, commencing at 7:00 p.m., at via Zoom video conference.

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Present were:

15 William Chapman
16 Denise Hartsough
17 Christopher Mihelich
18 Fred Nagler, Chairman
19 Warren Cook

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Absent was:

23 None.

24 Also present were Township Planner Patrick Hudson, Township Manager Dexter Mitchell,
25 Township Attorneys Roxanne Seeber and Seth Koches, and approximately eighteen (18)
26 additional interested persons were present electronically.

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Call to Order

30 The Chairman called the meeting to order at 7:00 p.m. In accordance with the provisions of the
31 Open Meetings Act and in response to the COVID-19 pandemic, this regular Planning Commission
32 meeting was held electronically via Zoom and properly noticed so any interested party may
33 attend and participate in this meeting.

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Roll Call and Recognition of Visitors

36 Nagler welcomed those in attendance.

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Approval of the Agenda for the November 5, 2020 Regular Planning Commission Meeting

41 The next item on the agenda was approval of the agenda for the November 5, 2020 regular
42 Planning Commission meeting. The Commissioners received the meeting agenda in their packets.
43 Hudson recommended removing items 7.b, 9.b, and 9.c from the agenda. Hudson also asked the
44 Commission to add item 13.a to the agenda titled, "Letter from the City of Parchment."

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

1 **Approval of Meeting Minutes of the October 1, 2020 Regular Planning Commission Meeting**

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3 The next item on the agenda was approval of the October 1, 2020 regular Planning Commission
4 meeting minutes. Copies of the draft meeting minutes were provided to the Commissioners in
5 their agenda packets.

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7 Upon motion of Cook, supported by Chapman, and unanimous vote, the minutes of the October
8 1, 2020 regular Planning Commission meeting were approved as presented. Mihelich authorized
9 Seeber to sign the meeting minutes on his behalf.

10
11 **Scheduled Reviews**

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13 None.

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15 **Public Comment on non-agenda items**

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17 None.

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19 **Public Hearings**

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21 **3738 E. Main Street – change of use – contractor yard with outside storage**

22
23 The next item on the agenda was the public hearing for a change of use request of Rick and Lisa
24 Dando for property addressed as 3738 E. Main Street, Parcel Identification No. 06-13-235-042
25 (“subject property”) to convert the existing commercial building from a retail use to a building
26 materials yard. The subject property is located in the “C-2” Commercial Corridor District Zoning
27 Classification and is approximately 1.25 acres in size with 280’ of frontage along E. Main Street.

28
29 Hudson prepared and summarized a staff report. The applicant proposed to convert the existing
30 building for use as a building material sales and office facility with the main portion converted
31 for equipment and materials storage, and with some outdoor storage within a fenced area.
32 Hudson said that the property to the east is zoned C-2 and is vacant. The property to the south
33 is zoned I-2 and is occupied by a gravel mine. The properties across E. Main Street to the
34 northwest are zoned C-2 and are occupied by retail businesses while the properties to the
35 northeast are zoned R-2 and are either vacant or occupied by single-family dwellings.

36
37 Hudson said that site plan reviews are regulated by Section 25.02 of the Township Zoning
38 Ordinance. Hudson indicated that the minimum lot width, area, and coverage requirements were
39 satisfied. Hudson noted that front and rear setback requirements were satisfied. Hudson said
40 that the side-yard setback requirement is 25 feet. The existing building is 21’ from the east side
41 and 104’ from the west side. Hudson summarized the off-street parking requirements, noting
42 that the site has 15 spaces available and 16 spaces are needed to satisfy the ordinance
43 requirements. Hudson noted that the site plan requires one additional tree to be planted in order
44 to satisfy the ordinance’s landscaping requirements. Hudson said that a photometric plan was

1 not submitted, but all lighting will be shielded according to the site plan. Hudson recommended
2 that the KCRC be consulted to authorize the ingress and egress to the site.

3
4 Hudson summarized the site development standards contained in Section 20.03 of the Township
5 Zoning Ordinance. Hudson said that outdoor storage may be permitted if certain conditions are
6 satisfied. Hudson said that outside storage areas shall be located no closer than 150' to any street
7 right-of-way line and no closer than 20' to all other property lines. Hudson said that the outside
8 storage area must also be screened by a wall or fence.

9
10 Hudson summarized the standards for granting special land use approval in accordance with
11 Section 26.04 of the Township Zoning Ordinance. Hudson discussed adjacent land uses,
12 compatibility with the master plan, public services nearby, traffic impact, possible detrimental
13 effects, the economic well-being of the community if the use is approved, and compatibility with
14 the natural environment.

15
16 Paul Neikamp, the applicant, addressed the Commission. Neikamp said there will be no major
17 exterior changes to the building. Neikamp said he plans to have 10 employees and there will be
18 16 parking spaces and he will use the existing parking spots. Neikamp asked the Commission to
19 waive the fencing requirement where the berm is located.

20
21 Chapman confirmed that the entrance to the site is off E. Main Street. Hudson said the site is the
22 old Dando building, east of the Dollar General. Cook discussed traffic concerns at the location.
23 Hudson said that a building permit is not required, so the Road Commission doesn't need to
24 review the design. Mihelich noted that the west entrance to the property is blocked with
25 vegetation. Mihelich agreed that the concerns were where the vegetation is not maintained. The
26 Commission discussed sidewalk issues. Chapman asked whether a fence will surround the entire
27 structure. Hudson said a fence will go across the front of the property, but the applicant wants
28 the Commission to waive the side and rear requirements. Neikamp discussed fencing on each
29 side and noted that it is in compliance with the Fire Department's requirements. Neikamp said
30 that a sidewalk will go directly through the drain field and doesn't connect to another sidewalk.
31 Nagler said the sidewalk may be re-positioned to avoid the drain field. Neikamp said that he
32 wants to replace the existing sign, which is 6' x 8'. Hudson noted that a sign design isn't part of
33 special use review. Nagler recommended a monument sign instead of the pole sign. Neikamp
34 agreed to re-work the design of his sign to comply with the Township Ordinance requirements.
35 Chapman confirmed that the site plan was compliant with ADA standards.

36
37 Nagler opened the public hearing and invited any interested party to speak in support of or in
38 opposition to the applicant's change of use request. Hearing no public comment, Nagler closed
39 the public hearing and the Commission entered into deliberations.

40
41 Upon motion of Hartsough, supported by Cook, and unanimous vote, the Planning Commission
42 approved the special request of Rick and Lisa Dando to convert an existing commercial building
43 from a retail use to a building materials yard for property addressed as 3738 E. Main Street, Parcel

1 Identification No. 06-13-235-042 (“subject property”) to convert the existing commercial building
2 from a retail use to a building materials yard with the following conditions:

- 3
- 4 1. The signs be lowered and designed to be in compliance with the Township Zoning
5 Ordinance sign requirements; and
- 6 2. A photometric plan be submitted to the Township Planner for review and
7 administrative approval.
- 8

9 The Commission next considered site plan review. After further discussion, the Commission had
10 no further additional questions of Neikamp.

11
12 Upon motion of Mihelich, supported by Hartsough, and unanimous vote, the Planning
13 Commission approved the site plan as presented for 3738 E. Main Street, Parcel Identification
14 No. 06-13-235-042.

15 16 17 **New Business**

18 19 **2650 N. Pitcher Street – Consumers Energy sub-station**

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21 The next item on the agenda was the request of Consumers Energy Co., 2650 N. Pitcher Street to
22 erect an electric utility substation on a vacant parcel. Hudson prepared a staff report and
23 summarized it. Hudson said that the applicant is requesting to create a new substation in order
24 to serve an expansion of industrial uses nearby. The proposed improvement is an electric circuit
25 transformer structure, grading, and fencing, but no buildings. The subject property is located in
26 the “I-2” General Industrial District Zoning Classification and is approximately 1.83 acres in size.
27 Hudson said that all the surrounding properties are also zoned I-2 and are either vacant or
28 occupied by heavy industrial uses. Hudson noted that the minimum lot area requirement was
29 satisfied, as was the maximum lot coverage requirement. Hudson said that all setback
30 requirements were satisfied as well. Hudson noted that the site plan does not satisfy the
31 minimum ornamental tree and shrub requirements. Hudson indicated that the site plan adds
32 about 20,000 square feet of stone-mix surface and noted that runoff increases should not exceed
33 5,000 cubic feet. The planned storm basins have a capacity of 20,000 cubic feet.

34
35 Hudson noted that this was an essential service, and that there will be no staff working on site.
36 Hudson said the application did not contain storm water calculations. Hudson said that the
37 Township Fire Marshal reviewed and approved the site plan design. Chapman confirmed that
38 there will be fencing around the site. Hudson said that there will be an 8’ fence with barbed wire
39 along the top. Chapman confirmed that there will be warning signs along the fence.

40
41 Courtney Kilee addressed the Commission on behalf of Consumers Energy and said that the
42 project is part of an electrical upgrade to the area. Greg Kral is Consumers Energy’s substation
43 planning engineer and noted that Consumers is re-locating the substation because its previous
44 location interfered with development. The new substation will serve approximately 1,100

1 customers. Cook asked whether the new substation will increase capacity to serve other
2 locations. Kral said yes, the new substation will offer double the capacity in order to serve other
3 locations. Steve Sulzman, a civil engineer with Consumers Energy, discussed water discharge.
4 Sulzman confirmed that water will discharge onto another property. Hudson said that water
5 discharge onto another property violates the Township Zoning Ordinance. Mihelich discussed
6 sidewalks. Nagler wanted to remain consistent with the Commission's policy of requiring
7 sidewalks. Mihelich asked whether the guardrail will be retained. Kral said that the guardrail may
8 need to be removed in order to install a sidewalk. Discussion ensued regarding the location of
9 the sidewalk. Kral said he would re-work the site plan to accommodate a sidewalk and that this
10 shouldn't affect Consumers Energy's timeline.

11
12 Upon motion of Mihelich, supported by Cook, and unanimous vote, the Planning Commission
13 approved the request of Consumers Energy Co., 2650 N. Pitcher Street to erect an electric utility
14 substation on a vacant parcel with the following conditions:

- 15
- 16 1. Water discharge to be designed to remain onsite or obtain an easement with the
17 adjacent property owner; and
 - 18 2. A sidewalk be installed if investigations yield it feasible along Pitcher Street.
- 19

20 **Kal-Sec sidewalk revision**

21
22 The next item on the agenda was the review of the Kal-Sec sidewalk revision. Hudson said that
23 there is a provision in the Township Zoning Ordinance where the Planning Commission may
24 approve an asphalt surface for a sidewalk instead of concrete along W. Main Street in front of
25 Kal-Sec. Nagler discussed durability concerns with asphalt surfaces. Hartsough discussed
26 maintenance that asphalt surfaces require. Jim Justice addressed the Commission on behalf of
27 Kal-Sec. Justice said that Kal-Sec is trying to accommodate a bike and/or walking path and asphalt
28 is a cheaper material than concrete. Justice showed the Commission a site plan which depicted
29 the sidewalk design along W. Main Street. Justice said that plan is designed to keep people away
30 from W. Main Street for safety and to avoid snow plows in the winter.

31
32 Steve Leuty addressed the Commission. Leuty discussed the 8' asphalt sidewalk standard. Leuty
33 noted that the site plan provides for a 6' wide pathway. Mihelich noted that Kal-Sec's site plan
34 does not satisfy the minimum width requirements for an asphalt sidewalk. Hartsough said that
35 she can agree to an asphalt sidewalk surface, but the sidewalk should still comply with other
36 ordinance requirements. Seeber discussed the sidewalk width requirement and whether the
37 applicant needed to obtain approval from the Township Board. Seeber read from Section 2.18 of
38 the Township Zoning Ordinance which confirmed that the Planning Commission may modify
39 sidewalk requirements.

40
41 Upon motion of Cook, supported by Mihelich, and unanimous vote, the Planning Commission
42 approved the request of Kal-Sec to construct an asphalt surfaced sidewalk in the Kal-Sec PUD
43 Plan as presented in conformance with the Township's General Law Sidewalk Ordinances. Justice

1 was unsure as to whether the design could be amended to comply with the 8’ width requirement.
2 Justice indicated that he may be back after additional consultation.

3

4 **Capital Improvement Program – Annual Report**

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6 A copy of the Capital Improvement Program plan was included in the Commissioners’ packets.
7 Hudson said he made the requested changes and asked whether the Commission was ready to
8 approve the plan.

9

10 Upon motion of Cook, supported by Mihelich, and unanimous vote, the Planning Commission
11 approved the Capital Improvement Plan – Annual Report as presented.

12

13 **Sidewalk requirements possible amendments to Section 2.18.**

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15 The next item on the agenda was possible amendments to Section 2.18 of the Township Zoning
16 Ordinance. A copy of Section 2.18 was included in the Commissioners’ packets. Hudson
17 summarized Section 2.18 to the Commission. Hudson recommended removing the words “and”
18 and “Residential and commercial” from Section 2.18.A. Hudson recommended the words “or
19 change of use” to Section 2.18.A. Under Section 2.18.C. Hudson recommended adding the words
20 “general law ordinances.” The Commission reviewed and discussed the proposed revisions to
21 Section 2.18. The Commission concluded that it would set these proposed text amendments for
22 public hearing sometime in the future.

23

24 **Old Business**

25

26 **Solar panel text amendment – 3rd draft**

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28 The next item on the agenda was proposed text amendments regarding solar panels. A copy of
29 the proposed text amendments was provided to the Commissioners in their agenda packet.
30 Hudson summarized Section 8.02.TT, Wind and Solar Renewable Energy Systems and discussed
31 the proposed amendments. Hudson directed the Commissioners to Section 8.02.TT.e, and
32 recommended adding the sentence “Ground cover for solar panels shall be counted as if toward
33 the square footage of the panels were positioned to the ground.” The Commissioners reviewed
34 and discussed the proposed text amendment.

35

36 **Home Occupation accessory office – Chris Mihelich suggestions**

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38 The next item on the agenda was Mihelich’s suggestions to Section 2.03 of the Township Zoning
39 Ordinance regarding Detached Accessory Buildings. A copy of Hudson’s proposed text
40 amendments was provided to the Commissioners in their agenda packet. Hudson summarized
41 Section 2.03 and the proposed revisions. Hudson recommended adding the word “required” in
42 Section 2.03.C.1. Hudson discussed the number of allowable accessory structures in Section
43 2.03.C.4. The Commission discussed whether four accessory structures was an acceptable
44 number on a certain parcel size, but concluded that they needed more time to research the issue.

1 Hudson recommended removing the word “tennis” from Section 2.03D.3, and adding the
2 sentence, “Such structures shall not be counted as an accessory building” to that section as well.
3 Hudson recommended removing the word “front” from Section 2.03.D.5 .
4

5 Hudson discussed Section 2.08.B.2 regarding activities that are not considered home
6 occupations. Hartsough discussed issues with parking work vehicles on residential streets.
7 Hudson confirmed that the Township receives a lot of complaints regarding this issue. Hartsough
8 said that the proposed language added to Section 2.08.B.2 will help address this issue. Mihelich
9 discussed whether someone may dwell in an accessory structure. Hudson discussed the issue of
10 creating two dwellings on a single parcel. Hudson confirmed that home-based occupations are
11 restricted to certain zoning district classifications.
12

13 **Master Plan 5-year update**
14

15 The next item on the agenda was continued discussion regarding the 5-year mandatory Master
16 Plan update. Hudson indicated that he was still working on the updated master plan.
17

18 **Open Discussion – Members of the Audience – Public Comment**
19

20 Abby Thompson asked how a cat café would be classified for zoning purposes. Hudson said it is
21 a permitted use within the C-2 District Zoning Classification.
22

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

25 None.
26

27 **Report of the Township ZBA Representative**
28

29 None.
30

31 **Comments from Planning Commission Members**
32

33 Chapman thanked the Commissioners for their hard work. Hartsough discussed an issue with
34 bulk trash that was eventually removed. Mihelich discussed home occupation ideas and
35 accessory units.
36

37 **Report of the Planner/Zoning Administrator**
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39 Hudson said that the Township received a letter from the City of Parchment regarding a review
40 of their master plan.
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42 **Report of the Township Attorney**
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44 None.

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Adjournment

There being no further business to come before the Planning Commission, upon motion of Mihelich, seconded by Cook, and unanimous approval, the November 5, 2020 regular Planning Commission meeting was adjourned at 9:30 p.m.

Warren Cook, Secretary

SYNOPSIS OF ACTIONS

The Kalamazoo Township Planning Commission undertook the following actions at the November 5, 2020 regular Planning Commission meeting:

1. Approved the special request of Paul Neikamp (owners Rick and Lisa Dando to convert an existing commercial building from a retail use to a building materials yard and office for property addressed as 3738 E. Main Street, with conditions;
2. Approved the request of Consumers Energy Co., 2650 N. Pitcher Street to erect an electric utility substation on a vacant parcel, with conditions;
3. Approved the request of Kal-Sec to construct an asphalt surfaced sidewalk in the Kal-Sec PUD Plan as presented in conformance with the Township’s General Law Sidewalk Ordinances.
4. Approved the Capital Improvement Plan – Annual Report as presented.