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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on December 5, 2019**

8 A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on
9 December 5, 2019, 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 Henry Dingemans
21 Jeremy Hathcock

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Absent was:

26 Warren Cook

27 Also present were Township Manager Dexter Mitchell, Township Planner Patrick Hudson,
28 Township Attorneys Roxanne Seeber and Seth Koches, and approximately eight (8) 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.

40 Nagler noted that Cook was absent and asked the Commissioners if they would excuse him
41 from the meeting. Upon motion of Hartsough, supported by Dingemans, and unanimous vote,
42 Cook was excused from the December 5, 2019 regular Planning Commission meeting.

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Approval of the Agenda for the December 5, 2019 Regular Planning Commission Meeting

47 The next item on the agenda was the approval of the agenda for the December 5, 2019 regular
48 Planning Commission meeting. The Commissioners received a revised meeting agenda in their
49 packets. Hudson said he added proposed agenda items 8.f and 8.g under Old Business for
50 consideration by the Commission.

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

1 **Approval of Meeting Minutes of the November 7, 2019 Regular Planning Commission**
2 **Meeting**

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4 The next item on the agenda was the approval of the November 7, 2019 regular Planning
5 Commission meeting minutes. Copies of the draft meeting minutes were provided to the
6 Commissioners in their agenda packets. Hartsough and Nagler recommended several revisions
7 to the November 7, 2019 regular Planning Commission draft meeting minutes.

8
9 Upon motion of Mihelich, supported by Hathcock, and unanimous vote, the minutes of the
10 November 7, 2019 regular Planning Commission meeting were approved as revised. Koches
11 made the revisions to the meeting minutes. The minutes were signed by Dingemans and
12 forwarded to Hudson for transmission to the Township Staff.

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14 **Scheduled Reviews**

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16 None.

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18 **Public Hearings**

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20 None.

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22 **New Business**

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24 **Planning Commission Calendar for 2020**

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26 The next item on the agenda was approval of the 2020 regular Planning Commission meeting
27 dates. A copy of the proposed 2020 meeting dates was provided to the Commissioners in their
28 agenda packets. The Commissioners reviewed the proposed 2020 meeting dates and had no
29 objections.

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31 Upon motion of Hathcock, supported by Nagler, and unanimous vote, the 2020 regular Planning
32 Commission meeting dates were approved as presented.

33
34 **Annual Report to Township Board**

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36 The next item on the agenda was review of the Annual Report that will be submitted to the
37 Township Board. Hudson provided a copy of the proposed Annual Report to the
38 Commissioners. The Commissioners discussed the report and determined they needed more
39 time to review it before forwarding it to the Township Board.

40
41 Upon motion of Hathcock, supported by Mihelich, and unanimous vote, review of the Annual
42 Report and its submission to the Township Board was tabled until the January 2, 2020 regular
43 Planning Commission meeting.

44

1 **Old Business**

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3 **Parks & Recreation Plan – Draft Plan for Review**

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5 Hudson provided the Parks & Recreation Plan to the Commissioners via e-mail as it is 92 pages
6 long. Steve Leuty was present to answer any questions the Commissioners had. Hartsough
7 noted that the Parks & Recreation Plan was very thorough, informative and useful. Hathcock
8 said that Township Trustee, Steve Leuty and Township Clerk, Mark Miller, did a very good job in
9 drafting the Parks & Recreation Plan. Nagler recommended several revisions to the Parks &
10 Recreation Plan. Hudson asked the Commission to recommend approval of the Parks &
11 Recreation Plan to the Township Board if they were satisfied with it.

12

13 Hudson read the Resolution Recommending Adoption of the Five-year Parks and Recreation
14 Master Plan 2020 – 2025 to the Commissioners. Upon motion of Hartsough, supported by
15 Chapman, and unanimous roll call vote, the Commission passed the Resolution Recommending
16 Adoption of the Five-year Parks and Recreation Master Plan 2020 – 2025 to the Township
17 Board.

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19 **Capital Improvement Plan Text**

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21 The next item on the agenda was to review the Capital Improvement Plan. A copy of the
22 Township Capital Improvement Plan was included in the Commissioners’ agenda packets.
23 Nagler discussed the Capital Improvement Plan and confirmed with Mitchell that the fire and
24 police millage are separate millages.

25

26 Upon motion of Hathcock, supported by Mihelich, and unanimous vote, the Commission
27 recommended approval of the Capital Improvement Plan to the Township Board.

28

29 **Other Zoning Text Amendments**

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31 **Recreational Marijuana Text Amendment**

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33 The next item on the agenda was discussion of proposed recreational marijuana text
34 amendments. A copy of proposed text amendments was included in the Commissioners’
35 agenda packets. Mitchell discussed excess growers and said they will be located in Industrial
36 Districts because the Township has no Agricultural Districts. Seeber said the proposed
37 amendments provided to the Commissioners reflect the revisions recommended by the
38 Township Board. Seeber said that one ordinance was accepted for first reading, but it didn’t
39 include excess growers. The Commissioners reviewed the revised text amendments for excess
40 grower, which included the revisions recommended by the Township Board.

41

42 Upon motion of Hartsough, supported by Hathcock, and unanimous vote, the Commission
43 recommended approval of the proposed text amendments to Section 8.02.XX.3 of the
44 Township Zoning Ordinance (excess grower) to the Township Board.

1 Hudson discussed proposed amendments to Section 8.02.XX.4 Adult Use Marijuana Temporary
2 Event License, Section 8.02.XX.5 Adult Use Marijuana Designated Consumption Establishment
3 License, and Section 8.02.XX.6 Adult Use Marijuana Event Organizer License. Hudson discussed
4 the Township’s police power ordinance for outdoor assembly. Attorney Seeber recommended
5 that the Township Board consider repealing the police power ordinance and allow the
6 Township Zoning Ordinance, Section 8.02.JJ, titled “Outdoor Events,” to regulate those types of
7 events.

8
9 The Commissioners discussed Designated Consumption areas. Hathcock and Nagler discussed
10 buffer requirements. Hartsough discussed the potential location of Designation Consumption
11 Establishments. Mihelich discussed point-of-sale operations. Seeber discussed public and
12 private lodges and limitations in C-1, C-2, I-1 and I-2. Seeber discussed the proposed
13 amendments to buffered areas. Hudson handed out revisions to Section 8.02.VV and to Section
14 8.03.WW. The Commissioners agreed to the proposed revisions which addressed the Board’s
15 concerns by amending “areas” to “uses” throughout.

16
17 The Commissioners next discussed Event Organizers. Hathcock said that if an applicant has a
18 license, they could apply for special exception use approval. Hudson asked the Commission to
19 consider in which districts Temporary Outdoor Events should be allowed. Mitchell said some
20 organizers may have product at their house available for a commercial purpose. The group
21 discussed whether organizers could be a home occupation or an office use only. The Planning
22 Commission discussed and considered whether the zoning would sufficiently limit the locations
23 for outdoor events. Mihelich asked how much product an event organizer planner may have.
24 Nagler recommended limiting the amount that is allowed non-commercially. Seeber will revise
25 the Event Organizer text amendment so it is an office use. Hudson will revise the text
26 amendments for further Planning Commission review.

27
28 The Planning Commission discussed text amendments to the Outdoor Events portion of the
29 ordinance. Seeber noted that if the ordinance limits the number of outdoor events, the
30 Township must establish a competitive process to determine which applications are reviewed.
31 Hudson noted that the Township Police Chief and Township Fire Marshal are opposed to an
32 Outdoor Events/Assembly Ordinance. Hathcock said that more work needs to be done on the
33 Outdoor Assembly Ordinance before the Commission considers a recommendation.

34
35 **Master Plan – 5 year Mandatory Update**

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37 Hudson said that he will provide a 5 year Master Plan update to the Commissioners and asked
38 the Commission to discuss the update at the next meeting. The Commission agreed.

39
40 **Other Text Amendments**

41
42 The next item on the agenda was discussion regarding solar regulations. Mihelich discussed the
43 requirements contained in Article 8, Section TT, Wind and Solar Renewable Energy Systems.
44 Sub-paragraph 2, Solar Energy Systems, (d) Solar Energy Systems (10 kilowatts or less in certain

1 zoning districts) is out of line with industry standards. Mihelich discussed this impact on
2 Consumer’s Energy programs that are now available for residential use. Proposed text
3 amendments will be prepared and submitted to the Commission for public hearing. Mihelich
4 noted that everything else contained in the Solar Renewable Energy Ordinance is sufficient, but
5 would like to increase from 10 kilowatts to 20 kilowatts.

6
7 The Commission next considered text amendments to the Escrow Rules. Hudson discussed the
8 Zoning Ordinance requirements contained in Section 26.03 and performance guarantees.
9 Hudson discussed amending the Zoning Ordinance to allow administrative approval. Hudson
10 said this proposed text amendment will be included in the next text amendment packet.
11 Seeber will notice these text amendments for public hearing on January 2, 2020.

12
13 The Commission next considered text amendments to lawful non-conforming lots. Hudson
14 discussed platted lots that have water and sewer service. Nagler said the Master Plan discusses
15 increasing density. Hartsough said that she wants to allow more housing within the Township;
16 Nagler agreed. Hudson said that proposed text amendments would only apply to pre-platted
17 lots of record.

18
19 Hudson said he would draft proposed text amendments that would be considered at the
20 January, 2, 2020 regular Planning Commission meeting.

21
22 **Site Plan Amendment – 1825 Ravine Road - Bishop Construction**

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24 The next item on the agenda was the request of 1825 Ravine Road, Bishop Construction for a
25 site plan amendment. The Commissioners received a copy of the site plan amendment in their
26 agenda packets and had no additional comments or questions.

27
28 Upon motion of Hathcock, seconded by Mihelich, and unanimous approval, the site plan
29 amendment for Bishop Construction was approved as presented.

30
31 **2105 N Burdick Street – Authorization of Escrow if needed**

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33 The next item on the agenda was the request of 2105 N Burdick Street for Authorization of
34 Escrow, if needed. Hudson noted that the Kalamazoo County Road Commission and the
35 Township Fire Marshal have a continued issue with driveway configuration.

36
37 Upon motion of Hathcock, seconded by Chapman, and unanimous approval, the Commission
38 authorized issuance of an occupancy permit with escrow, if needed, depending on whether
39 additional work needs to be done which would expire on May 30, 2020.

40
41 **Open Discussion – Members of the Audience**

42
43 The Commission discussed a possible rezoning of property located in the C-2 District Zoning
44 Classification on the north side of Lake Street to the I-1 District Zoning Classification, thereby

1 extending the I-1 district from the south side across the street to the north. Hudson noted that
2 the potential rezoning would be for a medical marijuana grow facility. Nagler said this type of
3 rezoning may not be consistent with the Township’s Master Plan and Future Land Use map. The
4 other Commissioners agreed.

5
6 Chris Pick said he is considering developing 8 acres of property he owns on Sprinkle Road into a
7 mini-storage facility. Pick discussed the Zoning Ordinance requirements regarding a brick façade
8 and the need for 42” footings. Pick discussed how this requirement would impact the
9 development of his property. Pick discussed the gable roof requirements and noted that he was
10 considering building 20 structures that are each 50’ deep. The Commissioners reviewed the
11 Zoning Ordinance and discussed the definition of “mini-storage.” Pick discussed whether he
12 needed to go to the ZBA for direction on the issue. Nager read the definition of “mini-storage”
13 and noted that there are no size requirements or limitations. Mihelich confirmed that Pick’s
14 property is not in the flood plain. Pick indicated that he would like to use them for boat
15 storage.

16
17 Ivan Harrison said he has owned a building on E. Main Street for 10 years and wants a Class B
18 License so he can sell automobiles. Harrison noted that the previous owner of his property had
19 a dealer’s license. Harrison discussed the Zoning Ordinance requirements regarding property
20 located in the C-2 District. Nagler and Harrison discussed the layout of the driveways on the
21 property. Hudson said that auto sales are prohibited at service stations, but automobile dealers
22 are allowed to repair vehicles. Harrison said there will be cars on his property for his repair
23 business, but he would like to be able to sell vehicles for extra money. Nagler said that the
24 Zoning Ordinance prohibits automobile sales at a repair shop and noted that Harrison may need
25 to apply for a variance. Hudson invited Harrison to his office for further discussion on this issue.

26
27 Hudson discussed a plant grower (horticultural use) in the R-2 District Zoning Classification.
28 Jared Foster said that he is a business owner looking to move into the Quality Pre-Cast building.
29 Foster said his business plants/harvest seeds. Mihelich discussed whether a horticultural
30 business may be considered a home-based business within the R-2 District. Hudson said that
31 Foster’s proposed use is a permitted use within the R-2 District, but noted that Foster’s
32 business will need site plan approval. Nagler reviewed the Zoning Ordinance and confirmed the
33 definition of “horticultural.”

34
35 Gerald Harrison discussed a corporation that buys homes and rents them out. Harrison said this
36 practice has caused parking and traffic issues in his neighborhood. Harrison noted that the use
37 of these properties is not as a Bed and Breakfast. Nagler commented that this is an ongoing
38 issue within the Township. Attorney Seeber discussed single-family use and the practice of
39 renting to college students. Seeber discussed the definition of “family” and discussed possible
40 ordinance enforcement procedures.

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42 **Report of the Township Board Representative**

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44 Hathcock thanked the Commissioners for their hard work.

1 **Report of the Township ZBA Representative**

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3 Nagler was absent from the last ZBA meeting. Hudson discussed the recent ZBA applications.
4

5 **Comments from Planning Commission Members**

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7 Mihelich asked whether the Township Board finds the solar panel information helpful. Nagler
8 said the information was very helpful. Dingemans said he enjoyed his time as a Commissioner
9 and thanked the Commission for their service. Dingemans has resigned from his position as
10 Commissioner.
11

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

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14 Hudson discussed the next month’s agenda items.
15

16 **Report of the Township Attorney**

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18 None.
19

20 **Adjournment**

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22 There being no further business to come before the Planning Commission, upon motion of
23 Dingemans, seconded by Mihelich, and unanimous approval, the December 5, 2019 regular
24 Planning Commission meeting was adjourned at 9:14 p.m.
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28 _____
Henry Dingemans, Secretary

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31 **SYNOPSIS OF ACTIONS**
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33 The Kalamazoo Township Planning Commission undertook the following actions at the
34 December 5, 2019 regular Planning Commission meeting:
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- 36 1. Approved the 2020 regular Planning Commission meeting dates; and,
37 2. Tabled the Annual Report and its submission to the Township Board until the January 2,
38 2020 regular Planning Commission meeting; and,
39 3. Passed the Resolution Recommending Adoption of the Five-year Parks and Recreation
40 Master Plan 2020 – 2025 to the Township Board; and,
41 4. Recommended approval of the Capital Improvement Plan to the Township Board; and,
42 5. Recommended approval of the proposed text amendments to Section 8.02.XX.3 of the
43 Township Zoning Ordinance (excess grower) to the Township Board; and,

- 1 6. Approved the site plan amendment for Bishop Construction, 1825 Ravine Road as
- 2 presented; and,
- 3 7. Authorized an issuance of occupancy permit with escrow for 2105 N Burdick Street.