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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on February 6, 2020**

8 A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on
9 February 6, 2020, commencing at 7:00 p.m., at the Township Hall.

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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: Jeremy Hathcock

24 Also present were Township Planner Patrick Hudson, Township Attorney Roxanne Seeber and
25 approximately 11 additional interested persons.

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Call to Order

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

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Roll Call and Recognition of Visitors

35 Nagler welcomed those in attendance. Cook moved, supported by Hartsough to excuse
36 Hathcock. The motion passed unanimously.

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Approval of the Agenda for the February 6, 2020 Regular Planning Commission Meeting

41 Nagler suggested moving the change in use for 3815 N. Westnedge to the beginning of the
42 meeting. Cook moved, supported by Hartsough to amend the agenda by moving 3815 N.
43 Westnedge change in use to the first item under "new business". The motion passed
unanimously.

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Approval of Meeting Minutes of the January 2, 2020 Regular Planning Commission Meeting

48 The next item on the agenda was approval of the January 2, 2020 regular Planning Commission
49 meeting minutes. Copies of the draft meeting minutes were provided to the commissioners in
50 their agenda packets. Hartsough recommended two changes to correct typographical errors.
51 Chapman moved, supported by Hartsough to approve the minutes as amended. The motion
52 passed unanimously. Seeber made the changes to a final copy of the minutes and forwarded
53 them to Cook for signature and transmission to Hudson.

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Scheduled Reviews

None.

New Business

3815 N. Westnedge – Change of Use – Agricultural (former non-conforming industrial use)

The first item under New Business was the application of Jared Foster and Great Lakes Native Seed, LLC / Native Connection for a change of use from a non-conforming concrete castings facility to a native plant growing and packaging facility on the property addressed as 3815 N. Westnedge Avenue (Parcel No. 06-04-295-015), within the Township. Hudson prepared a staff report and summarized it. Hudson stated that the applicant proposed to change the use of the existing Quality Precast concrete castings plant to a native plant growing and packaging facility. He stated that the applicant proposed to remove the industrial machinery and use the existing concrete slab for parking. The applicant proposes to use 1.35 acres as a seed production area, .3 of an acre as a demonstration garden; and .8 of an acre area as a rain garden. He also proposed to border the north and west of the property with 6’ tall decorative grasses. The applicant, Hudson said, wishes to convert the existing 4,490 square-foot building to an office and packaging facility and to use the 2,400 square-foot building as a warehouse.

The primary use of the property will be for growing seeds for native plants, separating seeds and packaging. Hudson said the subject property is zoned R-2 as are all surrounding properties. The existing uses in the area are single family residences and a church. The subject property is approximately 4.17 acres in size. Hudson discussed Section 25.02 of the Township Zoning Ordinance, stating that the minimum lot area, width and lot coverage requirements were satisfied. The structures would cover only 4% of the parcel, whereas 25% was permitted. Nine parking spaces are required and 12 are shown, so the required parking is exceeded. The parcel is flat. There is a buried storm water drain running north and south on the north side of the property. Hudson noted that all setback requirements were satisfied. He indicated that the parking and landscaping requirements were also satisfied.

Hudson summarized the Standards for Site Plan Approval contained in Section 26.02.G of the Township Zoning Ordinance. Hudson noted that the applicant’s plans did not include storm water calculations; however the proposed use presented a significant reduction of impervious surfaces because some of the areas were changing from gravel to plant growth areas. The fire marshal had approved the site plan. The house had been separated from the rest of the property as a separate site. Hudson noted that there is not a sidewalk on the west side of Westnedge Avenue. He indicated that no drainage plan was provided, but noted that there is no increase in impervious surface area planned. Further, he had not received an exterior lighting plan. Hudson recommended extending the driveway to the proposed parking lot. The chairman noted that a letter had been received from the applicant, indicating that he would be unable to attend the meeting due to a previously-scheduled vacation.

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2 Hudson stated that there was some concern about the semi-industrial nature of the property
3 for seed production and packaging. Nagler noted that agricultural uses are permitted in the R-2
4 district zoning classification. Hudson expressed concern over noise that may be made by
5 harvesting equipment.

6
7 Rachel Hughes Milson, landscape architect for the project, Jim Foster, the applicant's father and
8 an employee, Karen Kline, spoke to the application. Milson indicated that the applicant's
9 desire was to move his seed growing facility from Three Rivers to this location. There are other
10 sites in the area that he uses for seed growing, processing and packaging. The processing and
11 packaging of those seeds would be occurring on the property in question. There were also
12 some demonstration gardens planned for the site. Milson pointed to the areas where tall
13 grasses would be planted. All of the plants are perennials, so they would regenerate from year
14 to year for five or six years or longer. He would need to till some of the soil and plant some
15 seeds in the spring. The seeds from the new plants would be harvested, packaged and sent out
16 to consumers from this site.

17
18 Milson indicated that the machines used for processing and packaging are about the size of a
19 shop vac. They have attached filters to address the dust. All of the machinery would be located
20 and used inside a fully-enclosed building on site. The noise would not be heard from outside of
21 the building, she said. Milson stated that most of the site presently consisted of hard-panned
22 gravel. Most of it would be tilled up and planted with native seeds, such as wild prairie grasses
23 and flowers. She noted that there is a drain along the north side of the property and the
24 Wiersema county drain in the front of the property. The applicant was furthermore proposing
25 to construct a 6-foot high privacy fence to separate the site from the existing house. The
26 existing driveway would be retained. The fire marshal had not required an increased width to
27 the driveway. There would typically be no customers at the site, Milson said. They will place
28 a sign out front that states "employees only". They would be doing shipping and mailing from
29 UPS trucks from the site for the most part. There would be no retail component, and no ready-
30 made seed packets for sale. Kline estimated that a semi-truck may be on site one time per
31 month for shipments, and otherwise UPS trucks on a daily basis for smaller shipments.

32
33 Kline indicated that there is a flatbed trailer holding a tractor that will leave the premises on a
34 daily basis to go off to the sites for harvesting of seeds. Milson indicated that they can remove
35 the excess parking if desired. Chapman inquired about hours of operation. Kline stated that
36 they generally work 8:00 a.m. to 4:30 p.m. 5 days a week and sometimes on the weekends
37 during the summers, although most of this activity would be off-site in the seed fields to the
38 north.

39
40 In response to an inquiry from Cook, Kline and Milson stated that the perimeter plantings could
41 be mostly Indian Grass and Canadian Rye, with dense blades and taller plumes. These plants,
42 they said, take very easily, even to coarse soil and will have a good foothold of roots by the end
43 of the first summer. Hartsough received assurance that the Westnedge border of the property
44 would be used for demonstration gardens, including a rain garden. No tall grass was planned

1 for that area, Milson said. In response to an inquiry from Hartsough, Milson stated that the
2 reason that the driveway was not shown as connected, was cost.

3
4 Cook referred Milson to a photograph of the prior use, which showed a considerable amount of
5 outdoor storage. Kline stated that the only outdoor storage planned was for a flat-bed trailer
6 that would hold the tractor. In response to an inquiry from Chapman, Kline stated that there
7 are presently 4 employees. Chapman inquired about handicapped parking. Milson stated
8 that it was provided in the large parking lot. Cook inquired about exterior lighting. Kline
9 indicated that there was no exterior lighting planned, except for the existing safety lighting on
10 the outside of the buildings. Due to the nature of the work, she said, there was no need for
11 exterior lighting on the site.

12
13 In response to an inquiry from Cook, Kline indicated that they lease some of their crop
14 production land from the Nature Center, but there are no other official conservancy-type
15 connections with the business. Cook inquired about the timing. Milson indicated that if
16 approved, the planting would start in May. In response to an inquiry from Cook, Kline
17 indicated that they were not planning on making many renovations to the buildings. Jim Foster
18 stated that some electrical upgrades would be needed. Kline stated that some space would
19 need to be climate-controlled at 50 degrees, with 50% humidity. Foster indicated that they
20 would be making some upgrades to the office area as well.

21
22 Mihelich inquired about a "rain garden". Milson indicated that there is a county drain in the
23 front of the parcel, which sometimes has a lot of water in it and sometimes has none. There
24 are certain plants that can thrive in this type of environment. They would be planted to show
25 that it is possible to have a nice looking setting with that type of natural environment. Jim
26 Foster indicated that his son truly believes in what he is doing and that the location would
27 become a park-like setting with less of an eye towards "sales". Cook indicated that the use
28 would be a great addition to the township. Nagler inquired about the planting areas. Milson
29 and Kline indicated that they only needed tilling, even with the hard packed gravel and concrete
30 residue. The plants were very hardy and would develop roots even in that environment.

31
32 Mihelich noted that there is a sidewalk available on the east side of North Westnedge, across
33 the street from the site. Nagler noted that there are open culverts for the county drain, so
34 that the implementation of sidewalks on the subject property would not even be possible. The
35 group discussed the parking. Hudson stated that the area designated for parking is already
36 paved. Nagler did not feel that the extra parking spaces were problematic. They might be
37 useful in the future, he reasoned.

38
39 In response to an inquiry from Mihelich, Kline indicated that hearing protection was required
40 when she operated the machines inside of the building.

41
42 There being no further discussion, upon motion of Cook, supported by Hartsough and
43 unanimous vote, the Planning Commission approved the site plan submitted by Jared Foster
44 and Great Lakes Native Seed, LLC / Native Connection for a change of use from a non-

1 conforming concrete castings facility to a native plant growing and packaging facility on the
2 property addressed as 3815 N. Westnedge Avenue (Parcel No. 06-04-295-015), with the
3 following conditions:

- 4
- 5 • No trailers other than the flat bed for the tractor(s); and
- 6 • Connect the driveway to the parking lot; and
- 7 • Operation of processing and packaging machinery shall take place inside of the
- 8 buildings.
- 9

10 **Public Hearings**

11 **Rezoning – Hillside Gravel 2702 Ravine Road**

12 The next item on the agenda was the public hearing for the request of Josh Balkema and
13 Hillside Gravel, 2702 Ravine Road, Kalamazoo, MI 49004 to re-zone parcel numbers 06-08-135-
14 021 (2500 Ravine Road); 06-08-115-018 (Vacant, Barney Road) and the north half of parcel 06-
15 08-135-021 (2500 Ravine Road) within the Township from the existing R-2 Single & Two Family
16 Residential District Zoning Classification to the I-2 General Industrial District Zoning
17 Classification. The properties combined are approximately 6.76 acres in size.

18 Hudson prepared a staff report and summarized it. Hudson said that the applicant proposed to
19 expand the existing gravel mine to adjacent land in the same ownership. The gravel operation
20 has gone through different names of ownership but the overall plan for gravel mining has gone
21 back to at least the year 2000, he said. Hudson noted that if the zoning amendment was
22 approved, a special use application addressing the specifics of the site would likely follow.
23 Hudson said the properties to the south and east with existing sand and gravel mining are
24 zoned I-2. Hudson said that the properties to the north and west are zoned R-2 and are
25 occupied by single-family dwellings on small lots. Hudson noted that the 2008 Township Master
26 Plan called for this area to remain residential.

27 Hudson directed the Commissioners to Section 8.02, sub-section S, of the Township Zoning
28 Ordinance titled, Earth Removal, Gravel Processing, Mining and Related Mineral Extraction.
29 Hudson discussed Section 8.02.S with the Commission. Notably, Hudson discussed site access,
30 setback requirements, sight barriers and screening, Nuisance Abatement and the Reclamation
31 of Mined Areas. These would all be dealt with as part of a special use application, if the
32 rezoning were approved.

33 Hudson directed the Commissioners to Section 26.06 of the Township Zoning Ordinance, titled
34 “Amendments.” Hudson explained that Section 26.06.C.4 sets forth considerations for the
35 planning commission on rezoning requests.

36 Hudson noted that the Planning Commission may not place conditions upon the re-zoning
37 request unless the applicant makes a written voluntarily offer of conditions. Hudson said that

1 the Township may only accept or reject such an offer. Hudson said that the Commissioners may
2 not suggest or demand any conditions.

3 The group considered the maps and the locations for the request. Hudson pointed out parcel
4 no. 21, noting that the south half was already zoned for the gravel mine use. Applicant Josh
5 Balkema indicated that they had made the application for rezoning. He was there to answer
6 any questions.

7

8 Cook inquired as to the location of the current operations respecting the existing parcel lines.

9 Balkema indicated that they are presently going to the north, up near the north property line.

10 In response to an inquiry from Mihelich, Balkema estimated that they would mine for 8 or 10
11 years on the parcels in question. All crushing, sifting and processing would take place off-site
12 on the current mining sites to the east. Balkema cautioned that the volume being mined is
13 based on demand. In response to an inquiry from Cook, Balkema stated that there were no
14 planned truck route changes. In response to an inquiry from Chapman, Hudson stated that
15 there is a 150-foot setback from adjoining parcels. Hudson indicated that the current site
16 access was off of Barney and another was off of Nichols. Balkema indicated that they would be
17 using those access points for the new parcel as well.

18

19 The chairman opened a public hearing on the request.

20

21 Judy Doorlag 2510 Nichols Road voiced concern about noise, dirt and dust. She pointed her
22 parcel out on the map and inquired as to how close the mining would be to her house.
23 Balkema indicated that they would comply with the setback requirements of the zoning
24 ordinance and that likely the only machinery nearby would be a loader. Doorlag inquired as to
25 what would occur after the mining was done. She wished to go through the rest of the bullet
26 points on the agenda. Hartsough indicated that those were not part of the rezoning
27 discussion, but zoning ordinance text amendments that would be considered later in the
28 meeting. Nagler reminded the group that only the rezoning was up for discussion presently.
29 Issues respecting the particulars of the use of the site would be taken up as part of a special use
30 application at some future point if the rezoning was approved. Balkema indicated that they
31 would follow the reclamation procedures required by the ordinance.

32

33 Judy Doorlag stated that the property was supposed to be a housing development. Hartsough
34 commented that after gravel removal, the level would be considerably lower. Doorlag stated
35 that her property value would go down and her house would be much harder to sell if the
36 property was zoned I-2. Bob Doorlag, 2510 Nichols Road voiced concern about dust and noise.
37 He wanted to be able to keep his windows open in the summer. He had to hose his own
38 property down when they were working in the street a few years ago.

39

40 Heidi Pike, 2536 Nichols wished to see a map so she would know how close the mining could go
41 to her property. Presently, she said, she is surrounded on all sides by a corn field. Hudson
42 stated that the gravel mining setback was 150 feet from property lines. Pike inquired about the
43 500-foot setback she found in the zoning ordinance. Nagler indicated that it was for crushing
44 and processing, which would not take place at this location but would remain where it is under

1 the special use at the adjoining property. Pike voiced concern about property values. She had
2 lived there for 16 years. She did not wish to have dust and stuff being shaken off of her walls.

3
4 In response to a request from Nagler, Balkema indicated that they have a soaking truck that
5 runs hourly through the mining pit to keep the dust down. Pike inquired about shaking and
6 digging up the earth. She wanted to know what she would see when she went out her back
7 door. Nagler indicated that the only request presently was for re-zoning. There was no request
8 for gravel mining, only to change the zoning of the parcel. Pike inquired about a berm.
9 Mihelich located the mining special use provisions. He suggested that they could get copies of
10 the special use provisions from the zoning administrator. In response to an inquiry from Pike,
11 Balkema indicated that they had purchased the property on a land contract. Pike voiced
12 concern that all of the trees had been cut down. She can now hear the business loop clearly
13 from her property.

14
15 Eleanor Zantjer has lived at 2608 Nichols Road for 57 years. She requested that the rezoning be
16 denied. Due to his job with the City of Kalamazoo, she and her husband could live in the city or
17 the township. They chose the township under the assumption that the area would always be
18 zoned residential. There was supposed to be a neighborhood, a school and a church on the
19 property. She never envisioned a gravel mine. Hudson took a map out to Pike, showing her to
20 location for the proposed rezoning. Judy Doorlag inquired as to whether the machinery would
21 shake the windows and the house. She has a garage that is located on the back of her property
22 that would be affected structurally by the mining. Mihelich read from Section 8.s. of the
23 ordinance regarding site barriers for mining operations. He indicated that nuisance abatement,
24 hours of operation, reclamation and rehabilitation would all be considered with a special use
25 application. Doorlag stated that when it is done, it will remain industrial, Bob Doorlag agreed.
26 Mrs. Doorlag requested a copy of all of the approved uses in the industrial district.

27
28 Carl Sanders 2323 Barney Road stated that the Balkema was grandfathered in 2016. Does the
29 grandfathering extend to this property, he inquired? Hudson indicated that a new special use
30 for new property is required. Sanders expressed concerns about reduced home values, young
31 families in the area, children near a gravel mine and noise. He hears clanking from the mine all
32 day as it is. There are deer and turkeys on the parcel. He foresees an equivalent of a strip
33 mine.

34
35 Nagler read a letter from Eleanor Zantjer into the record with her permission. Sanders
36 inquired about the outlots on Barney and Nichols. Zantjer voiced concern about the proximity
37 of mining to her house. Pike showed Hudson how she accesses her parcel via one of the
38 outlots. Nagler said that they were owned by the state and the county road commission. He
39 read a letter from Anthony and Eloise Swinehart 2323 Nichols Road into the record. They
40 opposed the rezoning due to the high volume of traffic and noise. Zantjer stated that she
41 would appreciate if a portion of the property could remain farmland. The group determined
42 that Pike's parcel was landlocked.

43
44 There were no additional public comments and the chairman closed the public hearing.

1
2 Nagler stated that he did not agree with a permanent industrial zone. He stated that while a
3 conditional rezoning may be possible; it would be up to the applicant to make that request.
4 There was no request for conditional rezoning on the application. Chapman stated that he
5 agreed with the sentiments of the homeowners. He had received phone calls over a year ago
6 from a family on Barney Road that complained about feeling vibrations. Nagler understand
7 that gravel is valuable resource and that there may be a lack of good gravel in the area.
8 However, he was concerned that the requested rezoning was contrary to the master plan.
9 Mihelich agreed, indicating that in the recent master plan discussions there appears to be a lack
10 of housing in the township. Hartsough agreed, indicating that the existing industrial was not
11 close enough to this parcel to convince her that it should be changed to an industrial district.
12 Cook was more circumspect. Consideration of the master plan alone would easily indicate that
13 the properties should remain residential; however, consideration of the need for gravel for
14 road improvements alone would change the results of the decision. He felt that the master
15 plan should be the guiding tool. Nagler agreed. He was unsure of the extent to which
16 additional guidance could be provided to the applicant. Seeber explained “conditional
17 rezoning” and how it would work. She indicated that the Township had a separate application
18 for conditional rezoning in which an applicant could offer conditions, including possibly a site
19 plan for consideration by the planning commission. If the conditions were no longer satisfied,
20 the property reverted to the original zoning district.

21
22 Balkema indicated that he had considered the 2018 master plan before the meeting. It showed
23 the parcels in question as “multi-use development, including industrial development”. Hudson
24 had been unable to locate the 2018 master plan; however Hartsough had a copy for review.
25 She read from the pertinent page. Hudson stated that the old zoning ordinance had a “multi-
26 use development” district, which had been eliminated by the new zoning ordinance.
27 Hartsough indicated that the current master plan looks at redevelopment of gravel pits and
28 making them a different use after the land is mined. Nagler inquired about status of current
29 legislation on gravel. Hartsough felt that the language in the master plan was more in terms of
30 a planned development, with a mix of different uses, instead of an invitation for strict industrial
31 development. She considered that the master plan made the land available for a mixture of
32 compatible uses in a highly-planned and coordinated development. Mihelich indicated that an
33 increased setback could be part of the conditions of a special use.

34
35 Nagler considered Hudson’s report and the listing of considerations for review. Nagler led the
36 group through the list of amendments.

37
38 Section 26.06 of the Township Zoning Ordinance provides the following considerations for
39 amendments:

40
41 a. *Will the proposed (map) amendment be in accordance with the basic intent and purpose*
42 *of the Zoning Ordinance?* The planning commission held a general discussion regarding this
43 inquiry. Cook and Hartsough commented that the purpose of a zoning ordinance is to ensure
44 orderly development with consideration of the envisioned future land use plan.

- 1 b. *Will the proposed (map) amendment further the comprehensive planning goals of the*
2 *Township as reflected in the Master Plan?* Nagler commented that the 2014 multi-use
3 designation for the parcels on the master plan were not consistent with a straight rezoning to
4 industrial. Hartsough and Mihelich agreed.
- 5 c. *Have conditions changed since the Zoning Ordinance was adopted or was there a*
6 *mistake in the Zoning Ordinance that justifies the amendment?* Nagler, Hartsough
7 commented that conditions had not changed. Hartsough commented that for decades, the
8 land had clearly been intended for residential, church and subdivision-type uses.
- 9 d. *Will the amendment correct an inequitable situation created by the Zoning Ordinance,*
10 *rather than merely grant special privileges?* Cook stated that there was not an inequity with
11 the current zoning. The property simply had not been developed for residential purposes. It
12 still could be.
- 13 e. *Will the amendment result in unlawful exclusionary zoning?* Hudson explained that
14 exclusionary zoning prohibits a use outright. He commented that there are several operating
15 gravel mines in the township. Mihelich agreed.
- 16 f. *Will the amendment set an inappropriate precedent, resulting in the need to correct*
17 *future planning mistakes?* An extended discussion on this provision took place. Hartsough and
18 Mihelich concluded that rezoning to industrial may create a future planning problem because
19 once the property is mined (if that is the goal), it will remain zoned industrial. All industrial
20 uses would not be appropriate so close to residential, they reasoned.
- 21 g. *If a rezoning is requested, is the proposed zoning consistent with the zoning classification*
22 *of surrounding land?* The group considered that the rezoning is partially consistent, due to the
23 proximity of the adjoining gravel mine and the crushing operations. However, it was also
24 inconsistent with residential uses. Hartsough commented that if it was only for the northern
25 portion of parcel 21, the answer to this question may be different. Chapman and Hartsough
26 were leaning more toward the inconsistency with the residential uses.
- 27 h. *If a rezoning is requested, could all requirements in the proposed zoning classification be*
28 *complied with on the subject parcel?* Seeber indicated that this really had to do with whether
29 the setbacks could be met and the other physical attributes of the site were consistent with the
30 proposed zone. Cook, Hartsough and Mihelich found that the property could meet industrial
31 district physical standards.
- 32 i. *If a rezoning is requested, is the proposed zoning consistent with the trends in land*
33 *development in the general vicinity of the property in question?* Again, Hartsough commented,
34 the answer is partly “yes” and partly “no”. There is mining to the east; however residential is in
35 the other three directions. Since this meant that $\frac{3}{4}$ were on the “no” side of things, the group
36 was comfortable answering “no” to this question.
- 37 j. *Will the proposed amendment be consistent with the purposes of this Ordinance and, in*
38 *particular, will the proposed (map) amendment promote the public health, safety and welfare?*
39 Chapman indicated that the increased dust, noise and traffic may actually be a detriment to the
40 public health, safety and welfare. Hartsough indicated that the value of homes in the area
41 would be adversely affected. Nagler stated that the only benefit would be a nearby source of
42 available gravel.

43

1 Upon motion of Mihelich supported by Cook, and unanimous vote, the Planning
2 Commission recommended denial of the request of Josh Balkema and Hillside Gravel, 2702
3 Ravine Road, Kalamazoo, MI 49004 to re-zone parcel numbers 06-08-135-021 (2500 Ravine
4 Road); 06-08-115-018 (Vacant, Barney Road) and the north half of parcel 06-08-135-021 (2500
5 Ravine Road) within the Township from the existing R-2 Single & Two Family Residential District
6 Zoning Classification to the I-2 General Industrial District Zoning Classification because it does
7 not meet the standards.

8
9 **Zoning Ordinance Text Amendments**

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11 The next item set for public hearing was proposed text amendments to Article 8 to provide
12 development standards for greenhouses. A copy of the proposed text amendment in ordinance
13 format was provided to the Commissioners in their agenda packets. The proposed amendment
14 creates sub-section “YY” of Section 8.02 of the Township Zoning Ordinance titled “Greenhouses
15 and Nursery Regulations and Conditions.” Hudson summarized the proposed amendment. He
16 indicated that there was now concern voiced that they may be “overregulating” the
17 greenhouses. Seeber commented that the amendment only applied to “new” greenhouses.
18 Hudson stated that greenhouses are already allowed in C-1 and C-2 as special uses. However,
19 there have been no special use standards specific to greenhouses. This amendment, he
20 explained, adds greenhouses as a special use in R-1 and R-2 and adds special use standards for
21 greenhouses. Nagler commented that the proposed regulations were pretty modest. Cook
22 and Mihelich agreed.

23
24 Nagler opened the public hearing and asked any interested party to submit public comment in
25 support of or in opposition to the proposed text amendment.

26
27 Hearing no additional public comments, Nagler closed the public hearing and the Commission
28 entered into deliberations.

29
30 Upon motion of Hartsough supported by Cook, and unanimous vote, the Commission
31 recommended approval of the proposed text amendment regarding greenhouses.

32
33 **Amendment to Article 8 to Development Standards for Auto-Repair Garages to allow Auto**
34 **Sales**

35
36 The next item set for public hearing was the proposed text amendment to Article 8 “Site
37 Development Standards Applicable to Specific Uses”, Section 8.02 “Scope of Requirements,”
38 Sub-section E. “Automobile Filling Stations, Automobile and Vehicle Service Stations,
39 Automobile Repair Garages”. A copy of the proposed text amendment in ordinance format was
40 provided to the Commissioners in their agenda packets. Hudson summarized the proposed
41 amendment. The text amendment proposed to eliminate the prohibition on automobile sales
42 in the same location and to provide standards for the number of vehicles that may be offered
43 for sale on improved surfaces based on the number of excess parking spaces. This proposed
44 ordinance came as a result of Mihelich’s survey of automobile repair facilities. He stated that a

1 lot of the problem was with “mechanic’s liens” in which a person would not pay for a repair and
2 leave the car at the repair shop. This amendment would partially solve that problem by
3 allowing the repair facility with a mechanic’s lien to sell the car from the repair site. Cook
4 suggested removing the last line of the proposed amendment stating that a facility needed a
5 used vehicle dealer license to sell more than five vehicles in a calendar year.

6
7 Nagler opened the public hearing and asked any interested party to submit public comment in
8 support of or in opposition to the proposed text amendment to Section 8.02.E.7 of the
9 Township Zoning Ordinance.

10
11 Hearing no additional public comments, Nagler closed the public hearing and the Commission
12 entered into deliberations.

13
14 Upon motion of Cook, supported by Hartsough and unanimous vote, the Commission
15 recommended approval of the proposed text amendment to Section 8.02.E.7 of the Township
16 Zoning Ordinance to the Township Board, with the elimination of the last sentence of the
17 amendatory text.

18
19 **Amendment to Article 8, Development Standards for mini-warehouses to eliminate brick**
20 **facades and requirement for gable roofs**

21
22 The next item set for public hearing was the proposed text amendment to Article 8 “Site
23 Development Standards Applicable to Specific Uses”, Section 8.02 “Scope Requirements,” sub-
24 section “A.” A copy of the proposed text amendment in ordinance format was provided to the
25 Commissioners in their agenda packets. Hudson stated that the proposed amendment revises
26 sub-section AA.4 to eliminate the phrase “with gables”; and eliminates sub-section AA.4.b.
27 Hudson said that Section 8.02.AA.3 Site Enclosure was proposed to be amended as follows:
28 “The entire site, exclusive of access drives, shall be enclosed with a six (6) foot high fence of
29 landscape screening authorized by Section 5.02 of this Ordinance and approved by the Planning
30 Commission.” Hudson stated that the ordinance currently requires a masonry façade for a mini
31 storage. Chapman wished to ensure that the good side of the fence was facing the outside.
32 Hudson indicated that this provision was already contained in the fencing requirements.
33 Mihelich inquired about the number of existing mini storage facilities in the township and came
34 up with four or five on quick count. Mihelich commented that the one on Nazareth was the last
35 one built, and it looked okay.

36
37 Nagler opened the public hearing and asked any interested party to submit public comment in
38 support of or in opposition to the proposed text amendments to Section 8.02.AA. of the
39 Township Zoning Ordinance.

40
41 Hearing no additional public comments, Nagler closed the public hearing and the Commission
42 entered into deliberations.

1 Upon motion of Mihelich, supported by Chapman and unanimous vote, the Commission
2 recommended approval of the proposed text amendments to Section 8.02.AA of the Township
3 Zoning Ordinance to the Township Board, as presented.
4

5 **Amendment to Article 8 to provide development standards for marijuana event organizers**
6

7 The next item set for public hearing was the proposed text amendment to Article 8 “Site
8 Development Standards Related to Specific Uses,” Section 8.02 “Scope of Requirements, sub-
9 section XX, “Adult Use Marijuana Special Licenses” of the Township Zoning Ordinance to allow
10 adult use marijuana organizers as office uses. A copy of the proposed text amendment in
11 ordinance format was provided to the Commissioners in their agenda packets. Hudson said that
12 the proposed amendment is to Section 8.02.XX and adds sub-section 6, which considers adult-
13 use marijuana event organizer an office use, authorized in the C-1, C-1, I-1 and I-2 District
14 Zoning Classifications as an accessory use to an existing approved medical marijuana facility or
15 adult use marijuana establishment with appropriate state and township approvals and licenses.
16 Hudson explained that an adult-use marijuana event organizer office use that is not operated as
17 an accessory use to an existing approved medical marijuana facility or adult use marijuana
18 establishment is a permitted use as a home occupation, or in a commercial office building in the
19 RM-2, C-1 and C-2 District Zoning Classifications if certain requirements are satisfied.
20

21 Nagler opened the public hearing and asked any interested party to submit public comment in
22 support of or in opposition to the proposed text amendments to Section 8.02.XX of the
23 Township Zoning Ordinance.
24

25 Hearing no additional public comments, Nagler closed the public hearing and the Commission
26 entered into deliberations. The commissioners discussed the difference between a “home
27 occupation” and an event organizer in a stand-alone office. Cook ultimately requested that the
28 ordinance be amended slightly so as to acknowledge the ability of a person to utilize marijuana
29 privately in-home, as allowed by the voter-initiated statutes.
30

31 Upon motion of Mihelich supported by Cook and unanimous vote, the Commission
32 recommended approval of the proposed text amendment Section 8.02.XX of the Township
33 Zoning Ordinance to the Township Board, revised.
34

35
36 **Amendment to Article 26 “General Procedures and Related Standards” of the Township**
37 **Zoning Ordinance**
38

39 Chapman, moved, supported by Cook to amend the agenda to include consideration of
40 proposed text amendments requiring emails to the zoning administrator for applications for
41 variances and appeals, which had been noticed for public hearing. The motion passed
42 unanimously.
43

1 A copy of the proposed text amendment in ordinance format was provided to the
2 Commissioners in their agenda packets. Hudson explained the various sections of the
3 amendment, which added a requirement for emailed zoning application submittals.
4 Nagler opened the public hearing and asked any interested party to submit public comment in
5 support of or in opposition to the proposed text amendments to Section 26.05.C of the
6 Township Zoning Ordinance.

7
8 Hearing no additional public comments, Nagler closed the public hearing and the Commission
9 entered into deliberations.

10
11 Upon motion of Hartsough supported by Cook, and unanimous vote, the Commission
12 recommended approval of the proposed text amendment Section 26.05.C of the Township
13 Zoning Ordinance to the Township Board, as presented. The motion passed unanimously.

14
15 **Old Business**

16
17 **Recreational Marijuana Text Amendments**

18
19 Nagler stated that the Township Board had requested that the Planning Commission work on
20 the master plan and that it not make consideration of the remaining marijuana special uses a
21 priority at this time. Mihelich recounted the three special marijuana licenses that had not yet
22 been addressed by the Planning Commission. They are: Designated Consumption Areas,
23 Temporary Events, and Microbusinesses.

24
25 **Master Plan – 5 year mandatory update**

26
27 The planning commission has set another master plan work session for 1:00 on February 20th.

28
29

30 **Tali’s Market Special Use – Action tabled to April 2, 2020**

31
32 Nagler indicated that this would be removed from the planning commission agenda until the
33 April meeting. Chapman commented that the market had been sold to an adjoining property
34 owner.

35
36 **Open Discussion – Members of the Audience**

37
38 None.

39
40 **Report of the Township Board Representative**

41
42 No report.

43
44 **Report of the Township ZBA Representative**

1
2 Nagler discussed the recent ZBA meeting in which the ZBA had denied Drive and Shine's
3 variance request for a 60-foot high flag pole.
4

5 **Comments from Planning Commission Members**
6

7 Mihelich was satisfied with the progress the Planning Commission was making. Cook reported
8 that he had been notified of the existence of a Metropolitan Planning Commission. He would be
9 in contact with them in an effort to find zoning maps for adjoining municipalities. Hartsough
10 reported on the Westwood Neighborhood Association meeting, indicating that there were
11 some negative comments about the Drive and Shine. A member of the audience appreciated
12 the work of the Planning Commission, indicating that he had been to the Westwood
13 Neighborhood Association as well. Nagler invited audience members to report issues to the
14 zoning administrator or the township manager. Chapman noted that there were a number of
15 complaints about noise from the Drive and Shine on the Facebook page. Mihelich had been to
16 the site and the "no left turns" sign was on the property. People were just ignoring it and
17 turning left out of the property onto West Main.
18

19 **Report of the Planner/Zoning Administrator**
20

21 Hudson encouraged the members to consider attending the citizen's planner course offered by
22 MSU extension. Nagler and Mihelich were interested.
23

24 **Report of the Township Attorney**
25

26 Seeber reported on the status of gravel mining bills at the state level.
27

28 **Adjournment**
29

30 There being no further business to come before the Planning Commission, upon motion of
31 Mihelich, supported by Cook and unanimous approval, the February 6, 2020 regular Planning
32 Commission meeting was adjourned at 10:05 p.m.
33
34

35
36 _____
Warren Cook, Secretary
37
38

39 **SYNOPSIS OF ACTIONS**
40

41 The Kalamazoo Township Planning Commission undertook the following actions at the
42 February 6, 2020 regular Planning Commission meeting:
43

- 1 1. Recommended denial of the re-zoning request for parcels near the Hillside Gravel site at
2 2707 Ravine Road; and
3
- 4 2. Recommended approval of proposed text amendments to Section 8.02, by adding sub-
5 section "YY" "Greenhouses and Nursery Regulations and Conditions" as presented, to
6 the Township Board; and
7
- 8 3. Recommended that the Township Board approve proposed amendments to the site
9 development standards for auto repair garages to eliminate the prohibition on
10 automobile sales in the same location; and to provide standards for the number of
11 vehicles that may be offered for sale on improved surfaces based on the number of
12 excess parking spaces; and
13
- 14 4. Recommended that the Township Board approve proposed amendments to the mini-
15 warehouse provisions to eliminate the brick exterior façade and gabled roof
16 requirements; and
17
- 18 5. Recommended that the Township Board approve amendments to allow adult use
19 marijuana organizers as office uses; and
20
- 21 6. Amend the submittal requirements to require digital copies to be emailed.
22
- 23 7. Approved the change of use / site plan of Jared Foster and Great Lakes Native Seed, LLC
24 / Native Connection for the property addressed as 3815 N. Westnedge Avenue, with
25 conditions.
26