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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on March 7, 2019**

8 A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on
9 March 7, 2019 commencing at 7:00 p.m. at the Township Hall.

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Present were:

16 William Chapman
17 Jeremy Hathcock
18 Fred Nagler, Chairman
19 Henry Dingemans
20 Denise Hartsough
21 Tonnie Hitt

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Absent was:

26 Jim Cripps

27 Nagler stated the Township received an e-mail that Cripps was not feeling well and will be
28 absent for the meeting.

29 Upon motion of Dingemans, supported by Chapman and unanimous vote, the Commissioners
30 excused Cripps from the meeting.

31 Also present were Township Zoning Administrator Patrick Hudson, Township Manager Dexter
32 Mitchell, Township Attorneys Roxanne Seeber and Seth Koches, and approximately seven
33 additional interested persons.

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Call to Order

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

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Roll Call and Recognition of Visitors

39 The Chairman welcomed those in attendance to the Planning Commission meeting and noted
40 that all Commissioners, except Cripps were present.

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Approval of Meeting Minutes for February 7, 2019

45 The first item on the agenda was approval of the February 7, 2019 regular Planning Commission
46 meeting minutes. Copies of the February 7, 2019 meeting minutes were provided to the
47 Commissioners in their packets. Hartsough and Nagler recommended several revisions to the
48 minutes.

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2 Upon motion of Hartsough, supported by Hathcock and unanimous vote, the minutes of the
3 February 7, 2019 regular Planning Commission meeting were approved with revisions. Attorney
4 Seeber made the revisions on the minutes and Dingemans signed the same. The minutes were
5 provided to Hudson for transmission to the Township staff.

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7 **Approval of the Agenda for the March 7, 2019 Meeting**

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9 The Commissioners received the revised agenda in their packets.

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11 Upon motion of Chapman, supported by Hathcock and unanimous vote, the agenda was
12 approved as presented.

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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 **Rezoning for 2322 and 2334 Nazareth Road.**

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22 The first item set for public hearing was the request of Kalamazoo Charter Township to rezone
23 two properties, located on Nazareth Road, between the Gull Road intersection and the Borgess
24 Drive intersection, from the existing I-2 Industrial District Zoning Classification to the C-1 Local
25 Commercial District Zoning Classification in order to comport with the current uses. These
26 properties are addressed as 2322 Nazareth Road and 2334 Nazareth Road.

27
28 Hudson said the properties to the north of the subject properties are zoned C-1 and the
29 properties to the east are zoned C-2. Hudson said it makes sense to rezone the subject
30 properties to C-1. Hudson said KABA is located at 2322 Nazareth Road a dentist's office is
31 located at 2334 Nazareth Road. Hudson said the proposed rezoning will be consistent with the
32 Zoning Map.

33
34 Nagler opened the public hearing and invited any interested person to make public comment
35 regarding the proposed rezoning request.

36
37 Dr. Kevin Keen said he is the dentist who owns 2334 Nazareth Road and his dental practice has
38 been at that location for 30 years. Keen said in 2016 the zoning classification of his property
39 changed, but he never received notice of the rezoning. Keen said there was a mistake made in
40 the zoning map that resulted in his property being zoned residential. Keen said there is likely a
41 paper trail for the error and he requested the error be corrected.

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43 Hearing no additional public comment, Nagler closed the public hearing and the Commission
44 entered into deliberations. Hathcock said it made sense to rezone the subject properties.

1 Chapman asked if the change will be consistent with the future land use map. Nagler said yes.
2 Attorney Seeber said a new Zoning Map has been ordered and the rezoning will be shown on it.

3
4 Upon motion of Chapman, supported by Hathcock and unanimous vote, the Planning
5 Commission recommended approval for the rezoning of 2322 Nazareth Road and 2334
6 Nazareth Road, from the existing I-2 Industrial District Zoning Classification to the C-1 Local
7 Commercial District Zoning Classification, to the Township Board.

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10 **New Business**

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12 None.

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14 **Old Business**

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16 **2233 Burdick – Security Deposit Discussion**

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18 The first item under Old Business was a request for a security deposit for 2233 Burdick Street.
19 Hudson said that 2233 Burdick was part of the North Burdick development for medical
20 marihuana facilities. Hudson said Eric Misterovhci (applicant) owns the marihuana facility and
21 requested an occupancy permit. Hudson said the applicant cannot finish paving the parking lot
22 because asphalt factories are closed for the season. Hudson indicated that the applicant wants
23 to open the facility in the spring. Hudson said the Township Zoning Ordinance authorizes the
24 Township Board or Planning Commission to approve a temporary certificate of occupancy.
25 Hudson read Section 2.13 to the Planning Commission, which allows the Township Board or
26 Planning Commission to require a performance guarantee be deposited with the Township to
27 insure faithful completion of improvements in accordance with the approved site plan are
28 satisfied. Hudson said the performance guarantee shall be 125% of the estimated cost of the
29 improvements for which the performance guarantee is required. Hudson said the applicant
30 shall provide an itemized schedule of estimated costs to complete all such improvements.

31

32 Hudson discussed the subject property and used a diagram depicting the property’s layout. The
33 Township Fire Marshal said the driveway across Parcel B must be paved. The Fire Marshal said
34 that the subject property needs to have a fire apparatus turn-around. The applicant said the
35 parking lot is currently paved and is serviceable. The applicant said the remaining projects on
36 the subject property are paving, striping and completing the drainage system located behind
37 the building. Dingemans asked the applicant whether he had an itemized cost breakdown of the
38 remaining improvements. The applicant said no. Hudson said he had not seen an itemized cost
39 breakdown. Nagler said an itemized cost breakdown could be a condition of approval.

40

41 Attorney Seeber said an occupancy permit issued under zoning is different from an occupancy
42 permit issued by the building inspector. Attorney Seeber said the Township Board or Planning
43 Commission may issue a temporary certificate of occupancy permit, however the building
44 inspector will not issue a permanent certificate of occupancy until the subject property is in full

1 compliance with all local ordinances. Attorney Seeber cited the Administrative Rules requiring
2 medical marihuana facilities to obtain a permanent certificate of occupancy. Attorney Seeber
3 was unsure why a temporary certificate of occupancy permit would be helpful to the applicant
4 because his business cannot receive state approval without a permanent certificate of
5 occupancy issued by the building inspector. Nagler said it may be a moot point if the building
6 inspector doesn't issue the permanent certificate of occupancy.

7
8 The applicant said he doesn't need to repave the subject property, but wants to. The Planning
9 Commission discussed the conditions of the applicant's special use approval. Mitchell said the
10 State of Michigan requires a permanent certificate of occupancy permit to be issued and the
11 Township is reluctant to issue a temporary certificate of occupancy without the applicant
12 completing all required improvements. Nagler asked whether the subject property's existing
13 paving and striping is satisfactory for an occupancy permit. Art Bates, the applicant's architect,
14 addressed the Commission. Bates said the original building was set up for assembly use. Bates
15 said the approved site plan has fewer parking spaces. Hudson said the site needs to be
16 inspected. Chapman discussed accessibility to the building. Bates said the building is accessible
17 and has two handicapped parking spaces than presently exist on the property. Nagler said
18 granting a temporary certificate of occupancy permit will not guarantee that the building
19 inspector will issue a permanent occupancy permit. Hudson said the building inspector inspects
20 the inside of the building and the zoning administrator inspects the outside of the building for
21 zoning compliance. Attorney Seeber said the building inspector cannot sign off on a permanent
22 occupancy permit until the zoning is approved. Attorney Seeber said that once the site plan is
23 approved it is the law that applies to that site. Mitchell said once the site plan is approved, the
24 applicant must comply. Hudson said he will inspect the site on Monday to determine whether
25 the existing parking is complaint with the approved site plan.

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27 Hathcock said the Zoning Administrator needs to inspect the property to see whether it is in
28 compliance. Hitt asked whether the approved site plan may be amended. Hudson said he may
29 approve a minor revision and asked what constitutes a minor revision of a site plan. Dingemans
30 said if there is an approved site plan it makes sense for the applicant to come back for approval
31 should it be changed. The Planning Commission discussed a timeline for the applicant to pave
32 the site. Nagler concluded that allowing an escrow for incomplete site improvements would be
33 allowed under the ordinance, but may not get the applicant where it needs to be with the state.

34
35 Upon motion of Hathcock, supported by Hartsough, and unanimous vote to accept a bond in
36 the amount of 125% of the cost to bring the site into compliance with the approved site plan,
37 with the parking lot to be completed by June 30, 2019. Hudson was permitted to inspect the
38 site to determine whether the current parking and lot drainage could support the use. If so, the
39 escrow would be permitted.

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42 **521 E Mosel – Security Deposit Discussion**
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1 The second item under Old Business was the request of a security deposit for 521 E Mosel
2 Street. Hudson discussed the landscaping plan and light fixtures. Hudson said he will need to
3 review the photometric plan on Monday. Hudson summarized the performance guarantee
4 summarized in Section 2.13 of the Township Zoning Ordinance. Hudson said trees and shrubs
5 need to be planted at the site. Hudson said the applicant does not have the parking lot striped
6 or the trees and shrubs planted. Hudson said the applicant prefers to bond and finish the site in
7 the spring. Hudson said the applicant is not changing the site plan. Sig Rudolhm addressed the
8 Commission on behalf of the applicant. Rudolhm said all hard costs have been installed and
9 only cosmetic projects remain. Rudolhm said it will cost approximately \$5,000 to finish the site.
10 Rudolhm said the trees and shrubs will be planted in May or June, so they survive. Mitchell
11 stated that the site must be in compliance with the site plan and ordinance before a final
12 occupancy permit is issued.

13
14 The Fire Marshal said the applicant needs to remove debris on the west part of the property if
15 the Planning Commission issues a temporary certificate of occupancy. The Fire Marshal said
16 that the debris is blocking fire access to the site.

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18 Upon motion of Hathcock, supported by Dingemans, and unanimous vote to accept security in
19 the amount of 125% of the cost to bring the site into compliance with the approved site plan
20 which required striping of the parking lot and landscaping with the following conditions:

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- 22 1. The landscaping is planted by June 1, 2019;
- 23 2. The Zoning Administrator inspects the photometric plan; and,
- 24 3. That the debris is removed from the site.
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26 **Open Discussion – Member of the Audience**

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28 John Taylor thanked the Planning Commission for accepting security regarding 521 E Mosel.
29 Taylor said he plans to hire local workers as employees.

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31 **Report of the Township Board Representative**

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33 Hathcock summarized the 2/25/19 Township Board meeting and noted the Board approved a
34 1% raise for non-union employees. Hathcock thanked the Planning Commission for its hard
35 work.

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37 **Report of the Township ZBA Representative**

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39 Nagler discussed the 2/25/19 ZBA meeting. Nagler said a car wash facility applied for three
40 variance requests. Nagler summarized the ZBA’s decision and noted the complexity of the
41 requests.

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43 **Comments from Planning Commission Members**

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1 Dingemans said he will not be present for the April, 2019 Planning Commission meeting.

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

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5 **Zoning Ordinance Issues**

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7 Hudson summarized the annual report which was provided to the Commissioners in their
8 agenda packets. Hartsough asked for clarification regarding the "Looking Ahead" portion and
9 budgetary concerns, and discussion ensued. The Commission discussed the I-131 interchange.
10 Hudson said he will make revisions to the report. Mitchell discussed W. Main Street and zoning
11 issues. Nagler discussed the W. Main Hill DDA and asked whether it would make sense to do
12 another along E. Main Street.

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14 **Master Plan**

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16 Hudson noted several text amendments that he prepared. The text amendments were provided
17 to the Commissioners in their agenda packets. Nagler said some revisions need to be made and
18 the Commission would review the proposed text amendments at a future meeting.

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20 **Report of the Township Attorney**

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22 None.

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24 **Adjournment**

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26 There being no further business to come before the Planning Commission, the meeting was
27 adjourned at 8:25 p.m.

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Henry Dingemans, Secretary

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SYNOPSIS OF ACTIONS

The Kalamazoo Township Zoning Board of Appeals undertook the following actions at the March 7, 2019 meeting:

1. Recommended approval of rezoning 2322 and 2334 Nazareth to the Township Board;
2. Accepted security bond for 2233 N Burdick Street, with conditions; and,
3. Accepted security bond for 521 Mosel Street, with conditions.