

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48

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

A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on July 7, 2020, commencing at 7:00 p.m., via Zoom remote teleconference pursuant to Michigan Governor's Order 2020-75 in light of the coronavirus outbreaks.

Present were:

William Chapman
Denise Hartsough
Fred Nagler, Chairman
Warren Cook
Christopher Mihelich

Late was:

None.

Also present were Township Planner Patrick Hudson, Township Manager Dexter Mitchell, Township Attorney Roxanne Seeber, and approximately 14 additional interested persons were present electronically.

Call to Order

The Chairman called the meeting to order at 7:05 p.m. Due to Executive Orders issued by the Governor relating to the COVID-19 pandemic, this regular Planning Commission meeting was held electronically via Zoom and properly noticed so that any interested party could attend and participate.

Roll Call and Recognition of Visitors

Nagler welcomed those in attendance.

Approval of the Agenda for the July 2, 2020 Planning Commission Meeting

The next item on the agenda was approval of the agenda for the July 2, 2020 regular Planning Commission meeting. The Commissioners received the revised meeting agenda in their packets.

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

Approval of Meeting Minutes of the June 4, 2020 Regular Planning Commission Meeting

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

Several Commissioners recommended revisions to the proposed June 4, 2020 regular Planning Commission meeting minutes. Seeber hand wrote the changes onto the draft minutes.

1
2 Upon motion of Chapman, supported by Cook, and unanimous vote, the minutes of the June 4 regular
3 Planning Commission meeting were approved as revised. Seeber signed the minutes on behalf of
4 Mihelich and indicated that she would email the approved minutes to Hudson.

5
6 **Scheduled Reviews—gravel mines**

7
8 **5a. 1100 Nazareth---- Top Grade**

9
10 Hudson said Top Grade had procured management of this site three years ago. The bond was given an
11 indefinite duration, liability insurance “was ok until cancelled”, and the soil erosion permit is valid until
12 5/30/2021. The inspection fee was paid. Hudson said gravel crushing occurs well away from adjacent
13 uses and the pit is expanding to the southwest. He indicated that Top Grade may acquire additional
14 property for expansion and will need a site plan amendment when that occurs. All non-working slopes
15 have been stabilized.

16
17 Upon motion of Hartsough supported by Mihelich, and unanimous vote, Top Grade’s permit was
18 extended for one year.

19
20 **5b. 2702 Ravine----Hillside Gravel**

21
22 Hudson said the site has no issues; the bond was extended through 2020 and the liability insurance was
23 renewed. The inspection fee was paid and the soil erosion permit is valid for another year. Hudson and
24 the applicant discussed how the bond always lapses around this time of year and how the applicant has
25 to send it in right after these reviews.

26
27 Hudson said there is occasional concrete crushing in the pit, but it is well buffered from adjacent uses.
28 He noted that the Township received a complaint from an adjacent property owner in April 2019, but
29 the complaint was resolved after one week.

30
31 Upon motion of Mihelich, supported by Cook, and unanimous vote, Hillside Gravel Pit’s permit was
32 extended for one year, upon the condition that Hudson administratively approves the bond.

33
34 **5c. 1950 Ravine—Superior Gravel Pit**

35
36 Hudson said the bond expires next year, liability insurance expires next year, and the soil erosion permit
37 is valid for another two years. The inspection fee was paid on May 27, 2020, and the slopes around the
38 cell tower have been stabilized on all sides and are covered by vegetation. Hudson said that occasional
39 concrete crushing is performed near the center of the site and is well buffered from adjacent uses.

40
41 Upon motion of Hartsough, supported by Cook, and unanimous vote, Superior Gravel Pit’s permit was
42 extended for one year.

43
44 **Public Hearings**

45
46 **6a. 2325 N. Burdick – Master Equity Management – Recreational Marijuana grow & processing.**

1 The first public hearing was the request of Burdick Investment Group/Adam Tucker (applicant) and
2 Lachie Equity Partners, LLC (owner) for special exception use approval for a proposed adult use
3 marijuana grow and processing operation on the property located at 2325 N. Burdick (Parcel Nos. 06-
4 10-180-030/010; 06-10-115-210; 06-130-30). The property is located in the "I-2" Industrial District
5 Zoning Classification and is presently used as a medical marijuana facility, which will remain.
6 Standards of review for an adult use marijuana retailer are located in Section 8.02 WW of the
7 Township's Zoning Ordinance. Hudson read through his report. He stated that the site consists of
8 21 acres and 5 buildings with an existing medical marijuana provisioning center, grower facility and
9 future processor. Hudson stated that the surrounding properties are all zoned I-2 General Industrial.
10 Properties to the west are vacant or back up to BL-131. Property immediately to the north is vacant
11 and properties to the east are either used for a trucking yard or are undeveloped. Hudson noted
12 that all setbacks are existing and that some are lawfully non-conforming as to setbacks. The
13 maximum lot coverage permitted is 75%, while the buildings take up 28.9% of the parcel and are not
14 expected to expand in size as a result of this application.

15
16 Hudson provided his parking calculations and stated that all parking needs were provided for. The
17 drainage plan had been previously approved. He noted that the landscaping plan had been
18 previously approved as well. However, due to issues with the power lines, several of the landscaping
19 areas had to be relocated and clustered. He also stated that the lighting fixture details and trash and
20 security fencing had been previously-approved and would be unchanged. Signage had been
21 separately approved. Hudson led the group through his report and his comments as to the standards
22 for site plan approval. Even though a new use was being added, the site would remain largely
23 unchanged from the prior approvals.

24
25 Hudson then explained that this is a continuation from last month. The application had to do a re-
26 noticing because they did not include the grow & processing facility in with their approved
27 recreational retail operation. Hudson stated that liability insurance would need to be amended.
28 Additionally, all of the previously-stated conditions for the approved medical should be applied to
29 this adult use.

30
31 Cook asked Hudson about the signage. Hudson said that signage had been separately approved.

32
33 Cook also asked about parking. Hudson said that the bulk of the parking is behind the fence and provided
34 his parking calculations.

35 Nagler invited the applicant to speak, however they were not present.

36
37 Nagler opened public comment at 7:31PM. No one spoke. Nagler closed public comment at 7:32PM.

38
39 Cook moved, supported by Hartsough, to approve the special use exception the addition of Recreational
40 Marijuana grow & processing to the properties at 2325 N. Burdick. The motion passed unanimously.

41
42 The Planning Commission next considered the request for site plan approval. Upon motion of Hartsough,
43 supported by Mihelich, and unanimous vote, the site plan was approved.

44
45 **6b. Zoning Ordinance text amendments: remove item 12 from marijuana buffering and amend solar**
46 **energy systems regulations – tabled from June 4, 2020**

47

1 Seeber indicated that this item had been noticed for public hearing and an ordinance prepared after May's
2 discussion regarding the buffering for marijuana uses. Consideration of the ordinance and the public
3 hearing had been tabled from the June 4, 2020 planning commission meeting, due to the size of the
4 agenda. She explained that the ordinance was written at the direction of the planning commission after
5 consideration of the setbacks for adult use marijuana buffers. The body of the ordinance referred to
6 "Item 12", which had intended to address buffers from government buildings; however, "item 12" was
7 not contained in the ordinance. At its May 2020 meeting the planning commission determined that it did
8 not wish to include adult use buffers from government buildings, making it necessary to remove the
9 references to Item 12 in the text of the ordinance.

10
11 Nagler opened public comment at 7:36PM. No one spoke. Nagler closed public comment at 7:37PM.

12
13 Hartsough moved, supported by Chapman, to recommend approval of the ordinance removing the
14 nonexistent item 12 from adult use marijuana buffer zone. The motion passed unanimously.

15
16 Next, Seeber indicated that this item had been noticed for public hearing and an ordinance prepared after
17 last month's discussion regarding ground-mounted solar energy provisions. The ordinance has ground-
18 mounted solar energy panels counting as an accessory building. This has been eliminated from the
19 definitions section. A sentence has been added to the ground-mounted solar energy systems provisions
20 to establish that setbacks are subject to the special use provisions for solar energy. Steve Leuty had
21 additional recommendations and the ZBA had referred his request to the PC. Those considerations were
22 not before the planning commission at this time.

23
24 Nagler opened public comment. No one spoke. Nagler closed public comment.

25
26 Cook moved, supported by Hartsough, to recommend approval to the township board for the amendment
27 to the solar energy systems regulations in Section 8.02 Article 2 Section 2.03.3 and in Section TT
28 Subsection 2. The motion passed unanimously.

29
30 **New Business**

31
32 **7a. 2318 Regent- METC- site plan amendment for 138 kV substation**

33
34 Next on the agenda is for the applicant METC (Michigan Electric Transmission Company), owned by
35 Consumers Energy. The address is 2318 Regent St. ((Parcel No. 06-11-115-010) with the current zoning of
36 R-2 Single & Two-Family Residential. The applicant is requesting to amend the existing site plan to add a
37 138 kV substation. The applicant placed additional equipment to the existing substation in order to serve
38 an expansion of industrial uses nearby, but they would like to add a 16' x 48' control building and six or
39 more electrical panels (exterior) to the station and expand the station area by 1.1 acre. The property is
40 zoned R-2 as are all of the properties on the North and East sides. These properties are occupied by single-
41 family dwellings. The properties to the south and west are in the City of Kalamazoo. To the west is a CN-
42 1 Local Neighborhood Commercial district. To the south is the RM-15 Multi-family Residential district.
43 Both of these areas are vacant.

44
45 Hudson mentioned that the Planning Commission should discuss the need for the required roadside
46 vegetation. Subject to those remarks, Hudson suggest that the Planning Commission approve the site
47 plan with the conditions.

1 Chapman asked for clarification if this site was North or South of the cemetery. Hudson said North of the
2 cemetery.

3
4 Cook commented on how when he looked at the site, he noticed that there were neighbors with kids to
5 the North and how he thinks there should be additional buffering.

6
7 Representative from METC, Nora Balgoyene, spoke on the history of the company. She also spoke on their
8 screening; they screen wherever possible, however they can not have vegetation and screening too close
9 to substations for safety and security reasons.

10
11 Cook made comments to Balgoyen regarding the site plan regarding possible screening on the project
12 boundary line and if there will be a fence. Balgoyen said that it is an existing substation and she does not
13 want to speak out of turn and say they could do vegetation, but they can take a look at and follow up with
14 Hudson.

15
16 Nagler asked if Hudson would be ok with making an administrative judgement on the vegetation. Hudson
17 said he would; also there could be six to eight foot shrubbery that could go in that area that tend not to
18 grow higher than the fence line.

19
20 Cook then asked questions regarding the anticipated noise level and work time during construction time
21 and regular operation time. Balgoyen said that during construction would take place during the week with
22 a 7AM-5PM window and the normal amount of construction noise. After the substation is expanded, there
23 will be no changes in the noise level because no transformer is being added.

24
25 Hartsough moved, supported by Cook, to approve the site plan amendment for METC.

26
27 After a comment from Mihelich, Hartsough amended her motion to approve the site plan amendment for
28 METC with the condition that additional potential screening will be administratively approved. Supported
29 by Cook. The motion passed unanimously.

30
31 **7b. ZBA recommendation for text amendments to accessory structures for solar panels**

32
33 Hudson spoke. He said that this is about the consideration that he passed along to the board regarding
34 ZBA recommending text amendments to accessory structures for solar panels. ZBA was asking if they
35 could not be called an accessory structure.

36
37 Cook asked what they wanted them to be called. Nagler clarified that they don't want them to count
38 towards the total number of accessory structures, but they do want them to count in regards of total lot
39 coverages. This could encourage people to have solar energy without having to have to obtain a variance
40 every time. Hudson also added that a property owner is allowed to have two accessory structures on the
41 property. Nagler added that could be two garages or two sheds, but you have to have a variance ground
42 structure solar panels.

43
44 Cook said this is a smart idea and goes towards the right direction regarding carbon foot print. He said the
45 board should give it more thought.

46
47 Hudson said it could also be a consideration if the board would like to recommend a change in the number
48 of allowable accessory structures. Nagler said they don't have an interest in that really.

1
2 Nagler asked if there had been situations of this nature in the past. Hudson said not really.

3
4 Nagler asked if they can keep the definition as an accessory structure, but stipulate that it does not count
5 against the total amount of accessory structures. That way it can still be regulated as an accessory
6 structure.

7
8 Mihelich asked if they should rename it to be something in line with a power structure. Hudson added in
9 like a generator or a flagpole. He also said he would need to investigate that more because that could
10 have other implications.

11
12 Hudson then asked about just eliminating the number limit. Seeber said you could make the language say
13 that the lot coverage percentage would still apply but would not apply to the number of accessory
14 buildings.

15
16 Mihelich added that lot coverage is already a limitation and so is the kilowatt output.

17
18 Cook asked if any of their ordinances covered any geothermal regulations. Hudson said no.

19
20 Chapman asked if this would be in just R-2 district. Hudson said it would be R-1 and R-2. Nagler asked if
21 there would be any district that they would not allow them in. Hudson asked why they wouldn't allow
22 them everywhere. Nagler said they should allow them every where as long as they meet the requirements
23 they set forth.

24
25 No motion was made.

26
27 **Old Business**

28
29 **2609 N Burdick Street – Site Plan Revision Review-Recreational Marijuana**

30
31 The next item on the agenda was the request of Razal Singh (applicant) and Ravi Sigh (owner)
32 for site plan approval for a proposed Class “A” (not more than 500 plants) medical marijuana grow
33 facility at 2609 N. Burdick Street within the Township (Parcel No. 3906-10-130-020). The property
34 is located in the I-2 “General Industrial” District Zoning Classification. Standards for site plan review
35 are contained in Section 26.02 of the Township Zoning Ordinance. The property received a special
36 land use for operation of an adult use marijuana grow facility on this parcel at the June 4, 2020
37 Kalamazoo Charter Township Planning Commission meeting. The applicant had determined after
38 review by the proposed contractor and architect that the building itself should be
39 demolished. Therefore the site plan was based on a new drawing, with consideration for a new
40 building which meets setbacks.

41
42 Hudson opened by saying that the board approved the special use, but not the site plan, because
43 there was some questions that needed to be addressed. Hudson noted that the applicants found
44 out that the existing building was not worth saving, so they made the decision to tear it down. The
45 new building will not be lawfully nonconforming anymore; it will meet all of the setback, lot
46 coverage, and parking requirements. This site plan is for a medical marijuana grow only.

47

1 Hudson suggested that the Planning Commission table or grant conditional approval to the site plan
2 in order to have the conditions satisfied. He mentioned that liability insurance would need to be
3 required. Also he recommended that conditional approval be upon approval by County Drain
4 Commissioner.

5
6 Chapman asked Hudson what the fencing requirement would be. Hudson stated that the fencing
7 requirement could be a condition of approval. Nagler said that they applicant was proposing 8-
8 foot-high fencing around the building. Chapman asked if they are going to have a sidewalk. Nagler
9 and Hudson answered yes.

10
11 Cook asked Hudson if the Fire Marshal was satisfied with this plan. Hudson said yes and that now the fire
12 hydrant location has been resolved. Cook then asked about the site plan's schematics and the size of the
13 mechanical room. Cook also asked if they have received the liability insurance. Hudson said yes.

14
15 Attorney Matt VanDyke, attorney for Razal Singh (applicant) and Ravi Sigh (owner), spoke. He said that
16 they did receive a letter from the County Drain Commissioner saying the site looked good, so he was
17 unsure why there would be a condition. Hudson said that he has not received anything like that and that
18 they would need some form of written communication from the Drain Commissioner saying that he is ok
19 with it.

20
21 Project architect, John Schultz, spoke. He mentioned that they are putting up 8-foot fence. Hudson asked
22 for clarification on the cement situation because he was unclear on that and why it has to be taken out.
23 Schultz said that the only cement that would be removed would be for construction purposes and what
24 would need to come out for landscaping.

25
26 Razal Singh spoke on the mechanical and water storage room. He said that contractor Brian Lamoreaux
27 can expand on the size more. Lamoreaux did explain the size necessity and the building's room control
28 system. Lamoreaux also explained the water filtration system and why the room needs to be that size.

29
30 Lamoreaux asked the commission if it would be acceptable if they recapped over the cement areas that
31 they pulverize with new concrete, because they would like to make the area better. The commission said
32 it is ok.

33
34 Nagler asked about the parking lot and screening for the fire station. Lamoreaux said that that he doesn't
35 believe that would be an issue, because the cars are meant to pull in and face the building.

36
37 Hudson asked if this is going to be a chain link fence. Razal Singh said that the 8-foot fence would be chain
38 link. Nagler then commented that a chain link fence would not be a buffer for the fire station.

39
40 Mihelich asked about the pole mounted yard light that is in the parking lot and if it would shine into the
41 neighbors. Ravi Singh said that it will not because it will be pointing straight into their parking lot.

42
43 Nagler then asked about the North face of the building and if it would be better for the neighbors if they
44 were not motion sensors, especially since they are facing the fire station. Schultz said that those lights can
45 be directional and that they can tip them down. Lamoreaux also added that they can make them a dusk
46 to dawn too.

47

1 Mihelich moved, supported by Cook, to approve the site plan for 2609 N. Burdick Street with the condition
2 that Hudson receives a letter from the County Drain Commissioner with approval and an amended site
3 plan showing that the existing concrete will be capped, not crushed and milled.
4

5 After a comment from Mihelich, he amended the motion to approve the site plan for 2609 N. Burdick
6 Street with the condition that Hudson receives a letter from the County Drain Commissioner with approval
7 and an amended site plan showing that the existing concrete will be capped, not crushed and milled. Also,
8 any feedback from the fire station will be received and will be adjusted in the plan. Supported by Cook.
9 The motion passed unanimously.

10
11 **Master Plan – 5-Year Mandatory Update**

12
13 Hudson began by saying that he tried to talk to the County GIS Coordinator who has not been having office
14 hours. He spoke with the UpJohn people, however they need the shape files that the County has, so
15 Hudson needs to get in touch with the GIS Coordinator to get the shape files. He said that the County did
16 have the flood plan map and the zoning maps.
17

18 Mihelich commented on public input. He did some research into some options for public input besides
19 just online communication. He will share what he has noticed what other municipalities have done and
20 will share that information with Hudson and Manager Mitchell.
21

22 Cook add that he has a contact that could help the commission with maps.
23

24 Hartsough asked Hudson to share the most current version of the current text.
25

26 Nagler added that he would like to do this right, not fast. Mihelich agreed.
27

28 **Open Discussion – Members of the Audience**

29
30 None.
31

32 **Open Discussion – Mr. Hasan- questions regarding rezoning R-2 property on Kendall to RM-2**

33
34 Mr. Hasan was not present. Hudson presented Hasan’s idea of rezoning the R-2 property on Kendall to
35 RM-2. Hudson’s concern though was that Hasan is backing up to the R-1 district.
36

37 Cook asked Hudson if this would involve demolition of the yellow duplexes. Hudson said yes because
38 Hasan would like to put in an apartment building.
39

40 Hudson asked that the board if Hasan should try pursuing this. Nagler said that he believes there could be
41 too much opposition. Mihelich added that they should wait till after the Master Plan review to gauge
42 public reaction.
43

44 **Report of the Township Board Representative**

45
46 Cook noted that the board has been reviewing internal documents regarding the manager’s review. He
47 also spoke on the advisory committee and the preparation plan for opening the township office.
48

1 **Report of the Township ZBA Representative**

2

3 Nagler noted that the ZBA approved a variance for fencing for the Morris Rose project.

4

5 **Comments from Planning Commission Members**

6

7 Hartsough said that she appreciated how Mitchell responded to the concerns that arose regarding
8 policing. Chapman agreed.

9

10 Cook asked if it is a possibly to schedule a meeting to discuss the land use map. Hudson said he would like
11 to hold off on that until they are able to review the maps.

12

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

14

15 Hudson noted that there will be an August and possibly a September meeting.

16

17 **Report of the Township Attorney**

18

19 Seeber discussed the gravel mining legislation that is said to be up for imminent vote in the state senate.
20 Hudson said that he would pass information along about it.

21

22 **Adjournment**

23

24 There being no further business to come before the Planning Commission, upon motion of Mihelich,
25 seconded by Chapman, and unanimous approval, the June 4, 2020 regular Planning Commission meeting
26 was adjourned at 9:00PM.

27

28

29

30

31

Christopher Mihelich, Secretary

1
2
3 **SYNOPSIS OF ACTIONS**

4 The Kalamazoo Township Planning Commission undertook the following actions at the June 4,
5 2020 regular Planning Commission meeting:

- 6 • Approved Top Grade’s permit being extended for one year,
 - 7 • Approved Hillside Gravel Pit’s permit being extended for one year, upon the
8 condition that Hudson administratively approves the bond.
 - 9 • Approved Superior Gravel Pit’s permit being extended for one year.
 - 10 • Approved a special use application and site plan with conditions for the addition
11 of an adult use recreational marijuana grow & processing to the medical
12 marijuana facilities at 2325 N. Burdick.
 - 13 • Recommended approval of solar energy systems text amendments to Township
14 Board. Approved the site plan amendment for 2318 Regent – METC with the
15 condition that additional potential screening will be administratively approved.
 - 16 • Approved the site plan for 2609 N. Burdick Street with the condition that Hudson
17 receives a letter from the County Drain Commissioner with approval and an
18 amended site plan showing that the existing concrete will be capped, not crushed
19 and milled. Also, any feedback from the fire station will be received and will be
20 adjusted in the plan.
- 21
22