

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

A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on March 5, 2020, commencing at 7:00 p.m., at the Township Hall.

Present were:

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

Absent was:

None.

Also present were Township Planner Patrick Hudson, Township Attorney Seth Koches, and approximately three (3) additional interested persons.

Call to Order

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

Roll Call and Recognition of Visitors

Nagler welcomed those in attendance.

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

The next item on the agenda was approval of the agenda for the March 5, 2020 regular Planning Commission meeting. The Commissioners received a revised meeting agenda in their packets.

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

Approval of Meeting Minutes of the February 6, 2020 Regular Planning Commission Meeting

The next item on the agenda was approval of the February 6, 2020 regular Planning Commission meeting minutes. Copies of the draft meeting minutes were provided to the Commissioners in their agenda packets.

The Commissioners did not receive a copy of the February 6, 2020 regular Planning

Commission draft minutes prior to the meeting, therefore, the Commissioners tabled this agenda item until the April 2, 2020 regular Planning Commission meeting.

Scheduled Reviews

None.

Public Hearings

None.

New Business

None.

Old Business

Solar Energy Amendment

The next item on the agenda was review of proposed text amendments to the Township's Solar Energy Ordinance contained in Section 8.02.TT.2, entitled "Wind and Solar Renewable Energy Systems." Hudson said that the Township Board reviewed the text amendment as it was recommended by the Planning Commission for adoption and sent it back to the Commission for further discussion. Hudson prepared revisions to the proposed text amendment as recommended by the Township Board and summarized it.

Cook discussed the performance bond requirement contained in the proposed text amendments, and possible "solar shading" issues. Nagler recommended that the applicant assume the risk of any solar shading activities. The Planning Commission discussed surface area requirements related to solar energy panels. Mihelich recommended measuring from the envelope of the solar panel. Nagler recommended revising the words "has found" to "recognized" in paragraph d.b, entitled "Findings" of the proposed text amendment; the other Commissioners agreed. Cook recommended including the performance bond standard contained in paragraph e, entitled "Solar Energy Facilities;" the other Commissioners agreed. Hudson and Koches made the noted revisions on the proposed text amendment. The Commissioners accepted the other revisions prepared by Hudson.

Upon motion of Mihelich, supported by Cook, and unanimous vote, the Planning Commission recommended that the Township Board adopt the revisions made to "Solar Energy Systems" contained in Section 8.02.TT.2 of the Township Zoning Ordinance.

Sale of Used Vehicles at Mechanics' Property

The next item on the agenda was discussion regarding proposed text amendments to Section 8.02.E of the Township Zoning Ordinance. The Planning Commission previously recommended that sub-section 7 be amended to allow automobile display and sales as an

accessory use to automobile repair garages. Hudson indicated that during the first reading of the proposed text amendment, the Township Board expressed concern that the proposed change would give automotive repair shops an unfair advantage to sell used vehicles when compared to a vehicle sales lot (i.e. a car dealership), which must obtain a local and state license to sell automobiles. Hudson said the Township Board also expressed concern regarding an automotive repair shop that sells vehicles that were not associated with the shop's repair of unclaimed vehicles. Hudson asked the Commission to consider identifying the maximum number of vehicles that may be sold at a repair shop. The Township Board struck the last line of the proposed amendment, which read: "The sale of more than 5 automobiles from a single location in a year requires a state vehicle dealer's license." Hathcock said that the Township Board found that line to be redundant, which is why it was struck.

Hudson and Mihelich discussed the state licensing requirements for when a dealer license must be obtained. Mihelich said that the intent of the text amendment was to allow repair shops to use their property to fill vacant parking spaces with vehicles that are for sale. Mihelich said that most repair shops within the Township have between 3-6 parking spaces available. Nagler confirmed that a dealer license is required if more than four automobiles are sold per year. Hartsough asked what the practical impact is in a shop that sells 12 vehicles and a shop that sells 5. Nagler recommended limiting the number of vehicle sales at repair shops. Hathcock said that he didn't want to allow a repair shop to turn into a car dealership. Hathcock said that the Township Zoning Ordinance allows for repair shops to be located in certain zoning district classifications, while car dealerships are authorized in other districts. The Planning Commission discussed limiting the number of automobiles sold per year rather than the number of automobiles available for sale at any time. Hathcock said that the Zoning Ordinance purposefully places dealerships and repair shops in certain districts within the Township. Mihelich asked whether the Zoning Ordinance was attempting to remove automobile sales from repair shops. Mihelich noted that a variance may be sought from the Zoning Ordinance's requirements/limitations. Nagler recommended limiting the number of vehicles sold per year at a repair shop to five (5). Mihelich asked what the penalties are for someone who violates this provision of the Zoning Ordinance, if adopted. Koches said that the Township Ordinance Enforcement Officer may issue a citation to a violator; a violation is punishable as a municipal civil infraction and the Township may obtain a Court order compelling compliance with the Zoning Ordinance's provisions.

Upon motion of Hartsough, supported by Hathcock, and unanimous vote, the Planning Commission recommended that the Township Board accepts the proposed amendment to Section 8.02.E.7 with the revision to limit the number of automobiles sold not to exceed five (5) per year.

Hudson recommended that agenda item 9.b. be moved ahead of agenda item 8.b. Master Plan Discussion; the Commissioners agreed.

Upon motion of Mihelich, supported by Hartsough, and unanimous vote, the Planning Commission moved agenda item 9.b ahead of 8.b. for immediate consideration.

I-2 Zoning, Special Uses 13 & 31

Hudson discussed various provisions of the I-2 District Zoning Classification. Hudson directed the Commissioners to Section 20.B. of the Township Zoning Ordinance, entitled “Special Land Uses.” Hudson discussed sub-section 13, entitled, “Concrete and asphalt crushing operations when contained within a gravel mining operation”; and, sub-section 31, entitled, “Uses determined to be similar to the above land uses.” Dan Balkema was present and discussed a proposal with the Planning Commission. Balkema wanted to know if a proposed use of concrete crushing falls within the special land use within Section 20.B. of the Township Zoning Ordinance. Hartsough said that special use requires Planning Commission approval. The Commission concluded that the use of concrete crushing within the I-2 District Zoning Classification falls within 20.B.31 of the Township Zoning Ordinance.

Master Plan 5-Year Mandatory Update – Work Session

The next item on the agenda was continued discussion regarding the Master Plan 5-year mandatory update. Hudson prepared a draft copy of the Master Plan, which was provided to the Commissioners in their agenda packet. Hudson asked the Commissioners to provide feedback. Nagler said he will forward several revisions he recommended to Hudson via e-mail. Nagler said the Commission should designate time to meet within the various neighborhoods within the Township for input. Hartsough said that she would like to see GIS mapping of the Township in order to identify problem areas that should be addressed. Mihelich said that it is appropriate to have the necessary information when updating the Master Plan and asked whether the Commission has a budget to work within. Nagler discussed sidewalks and asked if a sidewalk inventory of the Township may be obtained. Cook recommended identifying brownfields, flood plains, PFAs, contaminated areas, unground storage tank locations, and areas of dilapidated housing/structures. Cook said that the Commission needs to identify these areas to develop an action plan and prioritize which areas should be addressed immediately. Mihelich summarized the information the Commissioners wanted in order to update the Master Plan. Mihelich said the Commission wanted a sidewalk inventory, zoning maps, flood plains identified, LUST, PFAs, well hook-up locations, and dilapidated housing/structures identified. Nagler recommended obtaining road PASER scale ratings for all Township roads. Hartsough discussed several issues within the previous Master Plan. Hathcock discussed budgeting issues that may impact the Planning Commission during this process. Cook discussed contacting local schools to see if students were interested in performing some of this research as a project. Hartsough recommended that the Commission set up a work session to further discuss the Master Plan update.

The Commission set a work session meeting for Thursday, March 19, 2020 from 1:00 p.m. to 3:00 p.m. at the Township Hall, 1720 Riverview Drive, Kalamazoo, MI 49004 to continue to work on the 5-year mandatory master plan update.

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

Hudson noted that the Tali’s Market Special Use application was tabled until the April 2, 2020 regular Planning Commission meeting. No further action was taken on this agenda item.

Open Discussion – Members of the Audience

Rodney Leverage discussed the Master Plan and asked whether the work session is open to the public; Nagler said yes. Hudson provided Leverage a draft copy of the updated Master Plan.

Andy Brown discussed building a garage/accessory structure larger than what the Zoning Ordinance allows. Nagler recommended that he discuss the request with Hudson.

Report of the Township Board Representative

Board Action of Greenhouse Text Amendment

Hathcock said that the Township Board removed residential districts from the special use list of the text amendment. Hathcock said that the Board did not want a commercial use in a residential district zoning classification.

Report of the Township ZBA Representative

Nagler discussed recent ZBA applications.

Comments from Planning Commission Members

Report of the Planner/Zoning Administrator

Hudson discussed the next month's agenda items.

Report of the Township Attorney

None.

Adjournment

There being no further business to come before the Planning Commission, upon motion of Hathcock, seconded by Cook, and unanimous approval, the March 5, 2020 regular Planning Commission meeting was adjourned at 9:00 p.m.

Warren Cook, Secretary

SYNOPSIS OF ACTIONS

The Kalamazoo Township Planning Commission undertook the following actions

at the March 5, 2020 regular Planning Commission meeting:

1. The Planning Commission recommended that the Township Board adopt the revisions made to Solar Energy Systems contained in Section 8.02.TT.2 of the Township Zoning Ordinance;
2. The Planning Commission recommended that the Township Board accepts the proposed amendment to Section 8.02.E.7 with the revision to limit the number of automobiles sold not to exceed five (5) per year.
3. The Planning Commission set a work session meeting for Thursday, March 19, 2020 from 1:00 p.m. to 3:00 p.m. at the Township Hall, 1720 Riverview Drive, Kalamazoo, MI 49004 to continue to work on the 5-year mandatory master plan update.