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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on October 4, 2018**

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A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on October 4, 2018 commencing at 7:00 p.m. at the Township Hall.

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Present were:

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William Chapman
Jeremy Hathcock
Fred Nagler, Chairman
Henry Dingemans
Denise Hartsough
Jim Cripps
Tonnie Hitt

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Absent were:

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None.

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Also present were Township Zoning Administrator Patrick Hudson, Township Manager Dexter Mitchell, Township Attorney Seth Koches and approximately five additional interested persons.

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Call to Order

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

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Roll Call and Recognition of Visitors

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The Chairman welcomed those in attendance to the Planning Commission meeting and noted all Commissioners were present.

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Approval of Meeting Minutes for September 6, 2018

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The first item on the agenda was approval of the September 6, 2018 regular Planning Commission meeting minutes. Copies of the September 6, 2018 meeting minutes were provided to the Commissioners in their packets. Hartsough recommended several revisions to the minutes.

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Upon motion of Chapman, supported by Dingemans and unanimous vote, the minutes of the September 6, 2018 regular Planning Commission meeting were approved with revisions. Attorney Koches made the revisions and Dingemans signed the same. The minutes were provided to Hudson for transmission to the Township staff.

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Approval of the Agenda for the September 6, 2018 Meeting

The Commissioners received the agenda in their packets.

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

Scheduled Reviews

None.

Public Hearings

Zoning Map Amendments to 1222 Nazareth, 1230 Nazareth and 1306 Nazareth; from C-2 to R-2 in order to make non-conformities conforming.

The first item set for public hearing was Zoning Map Amendments to 1222 Nazareth, 1230 Nazareth and 1306 Nazareth; from C-2 to R-2 in order to make non-conformities conforming. This proposed rezoning was suggested in order to bring three existing homes into conformance with the Zoning Ordinance. The parcels at issue are currently zoned C-2 and have residential single-family homes thereon. The previous version of the Ordinance allowed single-family houses in the B-4 Residence-Commercial District Zoning Classification. The 2016 Zoning Ordinance does not allow houses in the C-2 District Zoning Classification. These lots were reconfigured having originally run north-south with frontage on E. Main Street. The frontage was sold off and remains in commercial use. These reconfigured lots do not frontage on E. Main Street and re-zoning is recommended.

Nagler indicated that the notice of the public hearing was timely published; however, the mailed notice to surrounding property owners was not sent. Koches said that the public hearing could not be opened because the mailed notice was not effectuated. Koches said the Commission may set the public hearing for a date certain and would not have to re-publish the notice of public hearing. Koches said anyone who wanted to speak in support or against the proposed Zoning Map amendments would be present at the meeting and would be informed of the date certain.

Upon motion of Hitt, supported by Hathcock and unanimous vote, the date certain for the public hearing regarding the Zoning Map amendments was set for November 1, 2018 at 7:00 p.m.

New Business

None.

1 **Old Business**

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3 **Master Plan Review – Update**

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5 Under the provisions of the 2006 Michigan Enabling Act, a future land use plan and map are
6 required as a guide for future zoning. The Township’s 2013 Future Land Use Plan map uses
7 labels and terminology, which has not been used in the current Zoning Ordinance. Furthermore, the
8 previous plan has not been followed in guiding zoning requests. Hudson’s report indicated that
9 another issue is the limitation of agricultural zoning from the current Zoning Ordinance, except
10 as permitted use in the R-1 and R-2 Districts, while the former celery fields have been zoned for
11 development, which is not advisable. Hudson’s report recommended a different approach to
12 the Future Land Use map by depicting the various general areas for future zoning using
13 “balloon” type mapping in order to provide greater flexibility.

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15 Hudson handed out a land use plan map and indicated that the letter “M” identifies “muck”
16 land. Hudson said muck soil shouldn’t be developed. Hathcock said water could destroy
17 foundations. Cripps said it is possible to develop muck properties if it is done properly. Hudson
18 distributed a second map to the Commission, which identified greenhouse operations in red.

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20 **Open Discussion**

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22 **Members of the Audience**

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24 Robert Haavenar asked whether he needed a site plan if he wanted to build a new structure
25 (greenhouse) that is the same use. The Commission said yes. Travis Gernaat said greenhouses
26 are temporary structures. Koches said the use remains commercial, which triggers the site plan
27 review requirement.

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29 **Greenhouse Zoning**

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31 Hudson said the majority of the existing greenhouses are located in the R-2 District Zoning
32 Classification. Hudson said greenhouses are only identified as permitted uses in the C-1 and C-2
33 Districts. Hudson said the Township has large areas of “muck” and similar soils where old celery
34 fields used to exist, which should not be developed due to soil instability, high ground water
35 and lot configurations. Hudson indicated that there are concerns about how the Right-To Farm
36 Act impacts the R-2 District. Hudson distributed a copy of Article 12 of the Township Zoning
37 Ordinance, R-2 Single and Two Family Residential District. Hudson indicated that Section 12.02
38 A, sub-section 14, includes “horticultural” and “truck farming” as a permitted use. Hudson said
39 greenhouses are also permitted in the C-1 District Zoning Classification.

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41 Mitchell asked what the difference is between agricultural and horticultural. Hudson said
42 horticultural is a subset of agricultural, and described an orchard as an example of a
43 horticultural activity. Dingemans read the dictionary definition of “horticultural” to the
44 Commission. Hathcock asked whether greenhouses should be added into the R-2 District.

1 Mitchell discussed the differences between agricultural and horticultural. Hudson asked
2 whether the Commission should demand a site plan review when a greenhouse is built. Hudson
3 said if the property is zoned Agricultural, there is no site plan review. Hudson said the owner
4 would need to comply with certain zoning requirements, such as setbacks, but does not need a
5 building permit. Nagler asked whether it was sufficient to make an interpretation of the
6 meaning of horticultural or should the meaning of horticultural be codified in the Zoning
7 Ordinance.

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9 Hartsough asked when buildings are exempt from obtaining a building permit. Hathcock said
10 that the rules for farmers are relaxed. Nagler asked if including greenhouses in a specific zoning
11 district prohibits greenhouses in another zoning district. Koches asked whether the words
12 “greenhouse” or “horticultural” are defined by the Zoning Ordinance. Hudson reviewed the
13 Ordinance and indicated that “greenhouse” and “horticultural” are not defined. Koches said
14 that the Zoning Administrator may interpret the meaning of “horticultural” and may interpret
15 whether a use falls within his interpretation of the word “horticultural.” Koches indicated that if
16 the use fits within the interpretation of “horticultural” an applicant or owner may have a
17 greenhouse if other requirements of the Zoning Ordinance are satisfied, i.e. site plan review, lot
18 coverage, set-back requirements.

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20 Hathcock said it is fair to require site plan review because the Township requires other people
21 to submit site plans. Mitchell said greenhouses should be treated the same way. Hudson
22 agreed, and indicated that a greenhouse may be a commercial building. Mitchell recommended
23 the Commission remain consistent with requiring site plan review. Cripps said he interprets the
24 Zoning Ordinance to provide a measure of control.

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26 Upon motion of Cripps, supported by Hitt and unanimous vote, the Commission made the
27 clarification that greenhouses are allowed as a horticultural use, but also considered a
28 commercial building requiring site plan review.

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30 **Report of the Township Board Representative**

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32 None.

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34 **Report of the Township ZBA Representative**

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36 None.

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38 **Comments from Planning Commission Members**

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40 Chapman asked if there was any update regarding the proposed medical marijuana facility
41 located in the City of Kalamazoo that encroached into the 250’ buffer into Kalamazoo Charter
42 Township. Mitchell said he contacted the City Attorney’s Office regarding this matter and
43 Attorney Seeber. The Township Attorney said violating the municipal boundary buffer is a direct
44 violation of the City Ordinance.

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Cripps indicated that he will not be present at the 11/1/18 Planning Commission meeting and will miss the public hearing for that date regarding the proposed re-zoning. Cripps said he would provide any comments to the Commission, if any, in advance of the meeting, in writing.

Report of the Planner/Zoning Administrator

Legalization of Marijuana and Impact on Zoning – Section 6 of the Ballot Initiative

Hudson discussed the impact of the proposed ballot question that will legalize recreational marijuana. The Commission discussed the general impact of the proposal and possible impact upon the Township Medical Marijuana Facilities Ordinance. Hartsough reviewed the proposed ballot language question and summarized it to the Commission. Koches said he would provide further information to the Commission at the next meeting, or if necessary, to Mitchell.

Report of the Township Attorney

None.

Adjournment

There being no further business to come before the Planning Commission, upon a motion of Hathcock, supported by Cripps and unanimous vote, the meeting was adjourned at 8:08 p.m.

Henry Dingemans, Secretary

SYNOPSIS OF ACTIONS

The Kalamazoo Township Zoning Board of Appeals undertook the following actions at the October 4, 2018 meeting:

1. Set a date certain for the public hearing regarding the Zoning Map amendments for November 1, 2018 at 7:00 p.m.; and,
2. Clarified that greenhouses are allowed as a horticultural use but also considered a commercial building requiring site plan review.