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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on September 6, 2018**

A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on September 6, 2018 commencing at 7:00 p.m. at the Township Hall.

Present were:

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

Absent were:

Tonnie Hitt

Also present were Township Zoning Administrator Patrick Hudson, Township Manager Dexter Mitchell, Township Attorney Seth Koches and approximately eight 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 noted that Tony Hitt was absent from the meeting because he was ill. Upon a motion of Cripps, supported by Hartsough and unanimous vote, Hitt was excused from the meeting.

Approval of Meeting Minutes for August 2, 2018

The first item on the agenda was approval of the August 2, 2018 regular Planning Commission meeting minutes. Copies of the August 2, 2018 meeting minutes were provided to the Commissioners in their packets.

Upon motion of Chapman, supported by Dingemans and unanimous vote, the minutes of the August 2, 2018 regular Planning Commission meeting were approved as presented. Dingemans signed the same and the minutes were provided to Hudson for transmission to the Township staff.

Approval of the Agenda for the September 6, 2018 Meeting

The Commissioners received the agenda in their packets.

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

1 **Scheduled Reviews**

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3 None.

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5 **Public Hearings**

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7 **Zoning Text Amendments to Article 14 and 8; to amend RM-2 regulations to add conditions for**
8 **package liquor sales. Amendments to Article 2; to allow for increase in size for detached accessory**
9 **buildings.**

10

11 The first item set for public hearing was text amendments to amend Principal Permitted Uses and
12 Structures in Section 14.02 to make an exception for Package Liquor; to amend Special Land Uses in
13 Section 14.02 to add Retail Sale of Package Liquor, subject to Section 8.02 (WW); and to amend Article
14 8.00 Site Development Standards, Section 9.02 Scope of Requirements, by adding subsection WW,
15 which places certain conditions on the retail sale of Package Liquor in the RM-2 District Zoning
16 Classification. The proposed text amendments were provided to the Commissioners in their packets.
17 Hudson summarized the proposed amendments to the Commissioners. The Commission decided to
18 review the package liquor sales text amendment first and consider the proposed text amendments to
19 Section 2.03 C. 3, separately.

20

21 Nagler opened the public hearing and invited anyone from the public to speak in support of the package
22 liquor text amendments. Christopher Mihelich said he approved the proposed text amendments and
23 noted that the proposed amendments are consistent with surrounding areas. Nagler asked the public if
24 anyone would like to speak against the proposed text amendments. Hearing no additional public
25 comments, Nagler directed the Commission to consider the proposed text amendments to Article 2 C. 3,
26 which adds subpart "a" and subpart "b" regarding detached accessory buildings size requirements and
27 exceptions. Subpart "b" includes a table that sets limitations for aggregate gross floor areas, maximum
28 heights and setback requirements for accessory buildings on large parcels. Hudson noted that subpart
29 "b" is an exception to subpart "a."

30

31 Being that the public hearing remained open, Nagler invited anyone to speak in support of the proposed
32 text amendments to Article 2. C. 3. Michelle Quillin requested clarification, stating that she owns an
33 eight acre parcel and previously tried to get approval for an accessory building on her property. Quillin
34 said she wants to build an accessory building that will be twelve feet in height. Quillin asked if she still
35 needed to obtain a special use permit. Nagler said yes. Quillin asked what a special use means. Nagler
36 responded that an accessory building is not automatically approved; the Township reviews the
37 application. Hudson said it is a special exception use because an accessory building could be a possible
38 nuisance to a neighboring property. Quillin expressed concerns over the costs to obtain a special use
39 permit and prefers to use that money towards the cost of the accessory building. Nagler asked Quillin if
40 she supports the text amendment, with qualifications. Quillin said yes. Christopher Mihelich stated that
41 he was in favor of the proposed text amendments, but didn't agree with making it a special exception
42 use. Mihelich said he would like to see how neighboring municipalities treat this type of request.
43 Hearing no additional public comments in favor of the proposed text amendments to Article 2. C. 3.,
44 Nagler invited anyone to speak against the same. Hearing no additional public comments, Nagler closed
45 the public hearing and the Commission entered into deliberations.

46

47 Nagler asked the Commission to consider each group of text amendments separately. The Commission
48 discussed possible buffer requirements between liquor stores and residential properties in the RM-2

1 district zoning classification. Hathcock said liquor stores and medical marijuana facilities do not have
2 much in common and so it doesn't make sense to require similar buffers. Dingemans said he liked the
3 wording of the alternative language because it reduces the possibility of high traffic concerns near a
4 residential home.

5
6 Regarding Article 8.00, Section 8.02 Scope of Requirements, subsection WW, the Commission eliminated
7 Hudson's proposed alternate language. Regarding other possible conditions contained within 8.02 WW,
8 the Commission eliminated the words "residential zoned property" and replaced the same with "a
9 residence." Attorney Koches confirmed the revisions and re-read sub-section WW to the Commission.

10
11 The Commission considered a revision to the proposed new subsection "WW" to Article 8, "Site
12 Developments Standards," Section B "Special Land Uses," of Section 8.02 "Scope of Requirements." The
13 Commission discussed the last sentence contained in the fourth requirement of proposed subsection
14 "WW," which read, "Driveways for this use are prohibited to side streets." The Commission agreed to
15 revise the wording to read as follows: "Driveways for this use to county local roads are prohibited." The
16 Commission added a fifth requirement to proposed new subsection WW of the Site Development
17 Standards to read as follows: "The Property is not adjacent to a residential use property." Attorney
18 Koches confirmed the revisions and re-read the propose text amendments to Section 14.02 and Article
19 8, Site Development Standards to the Commission.

20
21 Upon a motion by Hartsough, supported by Hathcock, and unanimous vote, the Planning Commission
22 recommended approval of the proposed text amendments to Section 14.02 and Article 8.00, as revised,
23 to the Township Board.

24
25 The Commission discussed the proposed text amendments to Section 2.03 C. 3. Mitchell supported the
26 proposed text amendments. Cripps said he supported the intent of the proposed text amendments, but
27 expressed concern about making it a special exception use. Cripps said that a special exception use
28 comes at a high cost to the applicant. Cripps asked if it would be easier to administratively approve an
29 accessory building request if it fell within certain parameters. Cripps noted that residents will pay tax on
30 the new accessory building and will have to pay a special exception use fee on top of that. Mitchell
31 recommended developing a check list that could result in administrative approval if all the criteria were
32 satisfied. Hathcock said the checklist may address the concerns that involve a special exception use.
33 Hudson said the applicant could still go to the Planning Commission or ZBA if s/he had any issues with
34 the checklist items. Nagler expressed concern for properties that are larger than one acre, but less than
35 two acres in size. The Commission discussed the size of an acre and impact of an accessory building built
36 thereon.

37
38 Nagler recommended striking "1 acre but less than two acres" from the table line contained in subpart
39 "b". Hartsough agreed. The Commission agreed to eliminate the entire line regarding "1 acre but less
40 than 2 acres" from the table contained in subpart "b," including the 1,280 Total Accessory Building Floor
41 Area for All Accessory Buildings, the 18 feet Maximum Accessory Building Height requirement and the
42 18 feet Side & Rear Yard Setback requirements. Upon further discussion, the Commission agreed to
43 revise the first sentence of Article 2 C. subpart "b" to read as follows: "Exception to 3.a. above, for large
44 parcels:". This revision eliminated the words "if granted by Special Use by the Planning Commission."

45
46 The Commission revised the Side & Rear Setbacks (not Permitted in Front Yards) in the table included in
47 subpart 3. b. The Commission decided to eliminate the 25 foot setback requirement and replace it with
48 the following language "at least the height of the proposed building."

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2 Upon a motion by Hathcock, supported by Hartsough, and unanimous vote, the Planning Commission
3 recommended approval of the proposed text amendments to Section 2.03 C. 3, as revised to the
4 Township Board.

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7 **New Business**

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9 **Set Public Hearing Date for Zoning Map Amendment – Nazareth Rd. north of E. Main**

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11 The first item under New Business was to set a public hearing date for a Zoning Map amendment to
12 Nazareth Road north of E. Main Street. Hudson said the parcels in question are zoned commercial.
13 Hudson said houses were built on the parcels and are currently zoned C-2. Hudson said the homeowners
14 are having issues selling their houses. Hudson told the Commission he would like to re-zone lots 110,
15 120 and 130 from C-2 to R-2. Dingemans asked if this was mentioned in the master plan. Mitchell said
16 that when the Township changed the zoning, these lots were kept in the C-2 district. Mitchell said the
17 three parcels with residential homes thereon were oversights. Mitchell said the parcels in questions are
18 non-conforming lots and mortgage requests are being denied.

19
20 Upon motion of Hathcock, supported by Dingemans and unanimous vote, the Commission set a public
21 hearing date for Zoning map amendments on Nazareth Road north of East Main Street for October 4,
22 2018.

23
24 **Old Business**

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26 **Zoning Ordinance Text Amendments**

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28 The first item under Old Business was continued discussion regarding proposed text amendment to the
29 Zoning Ordinance. The suggested amendment defined Home Occupation/Home Business. The suggested
30 amendment was requested by Township Manager, Dexter Mitchell. Hudson drafted proposed text
31 amendments which were provided to the Commissioners in their packets. Mitchell asked how to
32 distinguish between home occupation and home based businesses. Hartsough described some
33 discrepancies contained within the ordinance. Cripps noted at least three conflicting provisions in the
34 current language. Hudson said a home occupation does not allow non-resident employees. Discussion
35 ensued regarding parking and various types of home based businesses. Cripps expressed concern
36 regarding parking. Hudson expressed concern with enforcement. Mitchell said he wants to help
37 entrepreneurs and grow home based businesses and home occupations within the Township. Cripps
38 said he started his business 23 years ago in the attic of his home and had no customers come to his
39 house. Cripps asked if this is what the Township wants to encourage. Mitchell said yes. Cripps asked if a
40 transition will occur regarding the zoning map. Mitchell discussed a commercial corridor district and the
41 impact of such. Cripps asked whether this can be dealt with in updating the zoning maps. Mitchell said
42 yes. Cripps asked whether there are any residential corridors adjacent to business corridors. Cripps said
43 the Township should allow for that type of transition. Discussion continued regarding the differences in
44 the meaning of a home based business and a home occupation. Hudson said he had a better
45 understanding of the Commission’s vision and will continue to work on the amendments.

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Master Plan Review

The second item under Old Business was the Master Plan Review. Hudson distributed the 2013 and 2014 Master Plan maps to Commission members. Hudson said he prefers to see a more nebulous future land use plan. Nagler noted this would be quite a change; Hudson agreed, as did Mitchell. Hudson said most of the Township’s greenhouses are located in the R-2 District. Hartsough said that didn’t make much sense. Mitchell said it would be helpful to have some agricultural space within the Township. Hudson mentioned Celery Flats not being developed. Nagler asked Hudson if he will draw up maps. Hudson said yes.

Open Discussion

Members of the Audience

Michael Zueck said he was interested in accessory building setback requirements and building heights. Zueck said his neighborhood has narrow lots and garages are two feet from the lot line. Nagler said the proposed setback requirements contained in the text amendments discussed earlier in the evening applied only to larger parcels. Nagler said an existing accessory building will be lawful non-conforming. Ron Huster said the City of Kalamazoo Planning Commission has a proposal to approve a marijuana dispensary that violates the municipal boundary buffer agreement between the municipalities. Nagler said the Township cannot hold the City to the Township Ordinance, but it might violate the buffer zone agreement between the municipalities. Mitchell discussed the municipal boundary agreement and noted that there are no barriers where like zoning districts abut each other. Michelle Quillin asked for clarification regarding home based businesses and home occupations. Quillin said she is not supposed to operate a home based business because she needs a DBA and needs an address in Kalamazoo Township. Quillin said she maintains foreclosed homes in Kalamazoo County and has no employees. Quillin asked if this type of business is allowed without a special exception use permit. Hudson said maybe. Nagler asked whether two home occupations could occupy one residence.

Communication Received

Nagler noted that the Planning Commission received a letter from Miller Canfield, P.C. regarding the possible re-zoning of 3315 Ravine Road.

Report of the Township Board Representative

Hathcock thanked the Commission members for their hard work and said the Township Board approved looking into a new HVAC system for the Township Hall, adopted Ordinances 602 and 603, and completed the first read of the re-zoning for Ravine Road.

Report of the Township ZBA Representative

None.

1 **Comments from Planning Commission Members**

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3 None.

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

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7 **1a. 3834 Lake Street – Auto-Right Sales Office – internal work**

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9 Hudson said he gave administrative approval based on the internal change of not increasing the need
10 for additional parking and noted that some cars parked on the grass would be moved to the paved area
11 of the lot.

12
13
14 **1b. 3418 N. Westnedge – Havenaar Greenhouse minor expansion**

15
16 Hudson said the owner wants to replace the building and the zoning ordinance will allow the Zoning
17 Administrator to administratively approve it. The Commission had no objection to Hudson approving the
18 request.

19
20 **1.c Ravine Road/BL-131 – new billboard**

21
22 Hudson noted that a new billboard request will soon come before the Planning Commission.

23
24 **Report of the Township Attorney**

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26 None.

27
28 **Adjournment**

29
30 There being no further business to come before the Planning Commission, upon a motion of Hathcock,
31 supported by Dingemans and unanimous vote, the meeting was adjourned at 8:55 p.m.

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35 _____
36 Henry Dingemans, Secretary

37
38 **SYNOPSIS OF ACTIONS**

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40 The Kalamazoo Township Zoning Board of Appeals undertook the following actions at the
41 September 6, 2018 meeting:

- 42
43 1. Recommended approval of the proposed text amendments to Atricle 14 and Article 8; to amend
44 RM-2 regulations to add conditions for package liquor sales; and, or amended Article 2, to allow
45 for the increases in size for detached accessory buildings., as revised to the Township Board;
46 and,

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2. Set October 4, 2018 as the public hearing date for a Zoning Map Amendment request to Nazareth Road north of E. Main Street.