

1
2
3
4
5
6
7
8

**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on November 1, 2018**

9
10
11
12
13
14
15

A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on November 1, 2018 commencing at 7:00 p.m. at the Township Hall.

16
17

Present were:

18
19
20
21
22

William Chapman
Fred Nagler, Chairman
Henry Dingemans
Denise Hartsough
Tonnie Hitt

23
24

Absent were:

25
26

Jeremy Hathcock and Jim Cripps.

27
28
29
30
31
32

Also present were Township Zoning Administrator Patrick Hudson, Township Manager Dexter Mitchell, Township Attorney Roxanne Seeber, and thirteen additional interested persons.

33
34

Call to Order

35
36

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

37
38

Roll Call and Recognition of Visitors

39
40
41
42
43
44

The Chairman welcomed those in attendance to the Planning Commission meeting and noted that Cripps had indicated that he would be unavailable for the meeting. Mitchell stated that Hathcock was ill. Dingemans moved, supported by Chapman to excuse Cripps and Hathcock. The motion passed unanimously

45
46

Approval of Meeting Minutes for October 4, 2018

47
48
49
50

The first item on the agenda was approval of the October 4, 2018 regular Planning Commission meeting minutes. Copies of the October 4, 2018 meeting minutes were provided to the Commissioners in their packets.

51
52
53
54
55

Hartsough noted a couple of corrections to page 3. Dingemans noted a correction to page 3. Nagler suggested a correction to page 2 line 26. The recording secretary hand wrote the corrections on the minutes. Hartsough moved, supported by Chapman to approve the minutes as corrected. The motion passed unanimously. Dingemans signed the corrected minutes and Seeber provided them to Hudson for transmission to the Township staff.

1 **Approval of the Agenda for the November 1, 2018 Meeting**

2

3 The Commissioners received the agenda in their packets.

4

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

7

8 **Scheduled Reviews**

9

10 None.

11

12 **Public Hearings**

13

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

16

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

27

28 Mitchell stated that the Township had initiated the rezoning request on Nazareth Road. The
29 Chairman opened a public hearing on the proposed rezoning. Bruce Hunter, 1230 Nazareth
30 and Sharon Barron, 1222 Nazareth spoke in support of the rezoning. Seeber indicated that
31 rezoning would not be adopted by the Township until November 26. Mitchell indicated that he
32 would visit the property owners personally to notify them of the rezoning. The Chairman
33 closed the public hearing. Dingemans moved, supported by Hartsough, to recommend
34 approval of the rezoning ordinance to the Township Board. The motion passed unanimously.

35

36 **Special Use application – 2233, 2309, 2325 N. Burdick St. for Medical Marijuana Provisioning**
37 **Centers (2), Processing Facility and Grow Facility.**

38

39 The next item on the agenda was the request of Burdick Investment Group and Lachie Equity
40 Partners, LLC for a Special Use Permit and site plan approval to operate a medical marijuana
41 provisioning center at 2233 N. Burdick Street (Parcel A) within the Township (Parcel No. 06-10-
42 180-030); and the request of Burdick Investment Group and Lachie Equity Partners, LLC for a
43 Special Use Permit and site plan approval to operate a medical marijuana facility on an
44 unaddressed vacant parcel located on Burdick Street between 2233 N. Burdick and 2309 N.

1 Burdick (Parcel B) (Parcel No. 06-10-180-020) in order to permit access between Parcel A and
2 Parcel C on the proposed plan; and the request of Burdick St. Investment Group and Kzoo LLC,
3 for a Special Use Permit and site plan approval to operate a medical marijuana processing
4 facility at 2309 N. Burdick within the Township (Parcel "C") (Parcel No. 06-10-180-010). The
5 rules for medical marijuana processing facility special use approval are contained in Article 8,
6 Section 8.05vv of the Kalamazoo Township Zoning Ordinance. The property is located in the
7 "I-2" Industrial District Zoning Classification.

8
9 Hudson went through his report. He stated that there are existing buildings to be converted to
10 a 4,060 square foot medical marijuana provisioning center on 1.3 acres; a 11,879 square foot
11 medical marijuana processing facility with a 2,794 square foot warehouse on 1.03 acres; a 3,000
12 square foot warehouse and a 32,869 square foot combined medical marijuana grow (Class
13 C-two areas facility), processor, provisioning center and office on 11.6 acres; and a vacant 1.03
14 acre lot on the same "campus." The entire site is 14.96 acres in size. Hudson indicated that
15 the proposal will change the currently vacant buildings to the uses stated. The applicant
16 proposes to add a driveway across on what is designated "Parcel B" so as to permit connection
17 between Parcels "A" and "C". The applicants proposed to move one driveway and add fencing,
18 he said. Hudson read through the list of existing and surrounding conditions and zoning
19 districts. He noted that all setbacks provided were for existing buildings. The front setbacks
20 on Parcel "C" and "D" are nonconforming.

21 Hudson stated that the applicant had provided a revision to the site plan, which had been
22 provided to the planning commissioners at the meeting. This site plan had reconfigured the
23 parking to alleviate his concern over angled parking in the front of the buildings. He had
24 calculated a need for 143 parking spaces. 147 were shown on the newer plan, with 28
25 deferred. There was extensive grading and surface drainage proposed for the new parking
26 area on Parcel "A". The drainage and retention basin were more than adequate, he stated.
27 He noted a significant lack of landscaping, particularly in the interior of the parcels and along
28 the roadway. For example, he said, 128 shrubs were required along the road frontage. 18
29 were included in the notes on the plans, but none were shown.

30 No signage was depicted anywhere on the plan, according to Hudson. The applicant was
31 suggesting security fencing of 8' in height with barbed wire around the perimeter of the
32 campus.

33 Hudson next addressed the special use standards, indicating that all spacing requirements were
34 met so far as he could estimate. He stated that there was no odor control or waste elimination
35 plan provided. Additionally, he was unaware of the plan for security, save the proposed fence.

36 Nagler indicated that the planning commission would take up the special use request first. He
37 opened a public hearing on the matter. Hudson stated that on-site security is required.

1 Eric Severich, attorney for the applicants indicated that Parcel "B" is only a vacant lot. It is a
2 driveway to connect Parcels "A" and "C". They wanted to include a special use request for it
3 even though there would be no buildings on that parcel. The properties were all within the I-2
4 zoning district where the proposed facilities were special uses. If something was missing on the
5 plan, he said, the applicants would be more than willing to address it. They are very committed
6 to doing the project. He introduced Art Bates, the architect who could address the specific
7 layouts of the properties; and Adam Tucker, who is a member and owner of Burdick Investment
8 Group to address the operations.

9 Hartsough inquired as to why there was only a men's locker room. Bates stated that there
10 were lockers depicted within the women's ADA compliant bathroom. It just was not a separate
11 locker room like the men's side was. In response to an inquiry from Chapman, Tucker
12 estimated that they would employ between 60 and 70 people. Chapman inquired about
13 security. Tucker stated that it would be 24-hour security, but there would not be on-site living
14 space. The fencing, he said, would surround all of the properties and be 8 feet in height with
15 two rows of barbed wire. Dingemans inquired of Hudson as to what items on the special use
16 request had not been provided. Hartsough voiced concern about the late receipt of a revised
17 plan and the lack of time in which to review them.

18 Bates stated that there are two proposed provisioning centers. One is in the old bar and then
19 another on the extreme north end of the building. In between would be the growers and
20 processors. Hartsough inquired about odor control. Bates stated that the information was
21 contained on page A-1 in the notes. Nagler indicated that there was only verbiage on the
22 notes. There was no design. Bates stated that there is a floor plan for each building. Nagler
23 indicated that prior applications had contained detailed drawings of the odor elimination plans.

24 There was no one the audience to speak for or against the applications. The Chairman closed
25 the public hearing. Hartsough inquired as to whether the special use permit was being
26 considered only at this point in the hearing. Nagler confirmed this. Seeber indicated that she
27 had prepared a bullet-point handout which briefly stated what was required for each type of
28 special use. She stated that some of the special use requirements for these types of facilities
29 start to look a lot like site plan review.

30 Hartsough inquired about insurance. Tucker stated that it had been provided with the
31 application. Mitchell checked in the back office where the original application was stored. He
32 came back a few minutes later without it. Tucker stated that the properties were insured as
33 required. He offered to get the insurance certificates to the Township Manager within 24
34 hours. Bates stated that they needed the special use approval in order to make their
35 application to the state.

1 Mitchell had the plans on a thumb drive and he placed them on the overhead screen for all to
2 see. Bates asked for conditional special use approval with the applicants being permitted to
3 provide the missing items to Township staff. Severich stated that the state licensing process
4 takes a long time. He understood that there would be some fine points to work out, but he
5 requested the special use be approved.

6 Nagler indicated that there were a few things that needed to be considered. As for the concept
7 and the location, he was in favor of it. However, he said, the applicant knew what was
8 required to get the special use approved. Dingemans agreed, indicating that they had not had
9 the opportunity to review the new plans which had just been submitted. Dingemans and
10 Nagler both agreed that the area was appropriate for the use. Dingemans stated that there
11 was a lot of missing information. In response to an inquiry from Hartsough, the Chairman
12 stated that the public hearing was closed. Seeber stated that meant that the special use
13 applications had moved to "deliberation". If the planning commission desired, it could table
14 the special use requests until the next meeting without the need to re-notice it.

15 Hartsough and Dingemans were not in favor of approving a request with a lot of conditions
16 attached. In response to an inquiry from Dingemans, Seeber indicated that it would be possible
17 to put a time limitation on some of the items, such as insurance. However, some of the site
18 plan issues, such as waste management, would need to be included in the site plan. Hudson
19 stated that the deadline is two weeks before the next meeting. Nagler stated that the Planning
20 Commission will approve special uses with conditions on a very limited basis. He suggested
21 going through the special use standards one at a time.

22 Dingemans moved to table the applications until the next planning commission meeting,
23 pending receipt of all of the required items. Bates reiterated his request for approval subject
24 to receipt of the additional information. He did not have a problem tabling the site plan until
25 the next meeting, but he wished to ensure that his client had the approval required to make his
26 application to the state. Severich indicated that the state is going very slowly on the
27 applications. Chapman commented that there are a lot of unknowns. Hitt stated that they
28 could not go forward with construction until the site plan was approved. Hartsough did not
29 approve of feeling pressured. The insurance information was missing. There was no detail on
30 the odor control plan, and no information on waste management. The planning commission
31 had only been advised of the security plans at the meeting that evening.

32 Dingemans amended his motion. He moved, supported by Hartsough to grant the special use
33 applications for the medical marijuana facilities as requested conditioned upon the provision of
34 an insurance certificate by Monday November 5; the provision of detailed information on odor
35 control and waste management including details on the design for each; the provision of details
36 as to on-site security; and the provision of a phone number as required. With the exception of

1 the insurance certificate, the other items must be provided not less than two weeks prior to the
2 meeting at which the site plan will be considered. Dingemans stated that he would vote in
3 favor of the motion, but he was not inclined to do it again if the situation arose wherein the
4 applicant was not completely prepared. Nagler agreed. The motion passed unanimously.

5 Hitt moved, supported by Dingemans to table consideration of the site plans. The motion passed
6 unanimously

7
8
9

New Business

10 Site Plan Review—Singh---Retail Store site plan review request.

11

12 The next item on the agenda was the request of Gurmukh Sing, 2815 Gull Road to construct a
13 3313 square foot commercial building for retail business including packaged liquor in this
14 location. Seeber passed out Ordinance No 606 as adopted by the township board. She stated
15 that the board had removed some of the spacing requirements contained in the one approved
16 by the planning commission. However, there was still a requirement that a new packaged
17 liquor facility could not be adjacent to a residential use. Seeber stated that the rule for vested
18 interest in zoning is 'permits pulled' and 'shovels in the ground'. The planning commission had
19 considered the ordinance in September and had held a public hearing on it. The state had
20 removed the separation requirements for churches and schools for packaged liquor. The
21 application for site plan review was premature, she stated. She suggested that the matter be
22 tabled pending receipt of a special use application. She stated that the planning commission
23 was unlikely to grant a special use if all of the conditions could not be met, but that the
24 applicant could make an application for one if it so desires. Dingemans moved, supported by
25 Hitt, to table the site plan pending receipt of a special use application. The motion passed
26 unanimously.

27

28 Report of the Township Board Representative

29

30 There was no report of the Township Board representative.

31

32 Report of the Township ZBA Representative

33

34 Nagler reported on the ZBA hearing. The members thanked Mitchell for the audio-visual
35 efforts he made. All agreed that it helped considerably.

36

37 Report of the Planner/Zoning Administrator

38 Hudson stated that the Family Dollar on Gull Road would be turning in a request for variance on
39 the size of a wall sign. Ms. Hall was in the process of applying for a retail shop at Heritage Hall
40 on East Main.

1 **Report of the Township Attorney**

2

3 None.

4

5 **Adjournment**

6

7 There being no further business to come before the Planning Commission, upon a motion of
8 Nagler, supported by Dingemans and unanimous vote, the meeting was adjourned at 8:00 p.m.

9

10

11

12

Henry Dingemans, Secretary

13

14

15 **SYNOPSIS OF ACTIONS**

16

17

18 The Kalamazoo Township Zoning Board of Appeals undertook the following actions at
19 the November 1, 2018 meeting:

20

- 21 1. Gave special use approval, with conditions for proposed medical marijuana facilities at
- 22 2233, 2309, 2325 N. Burdick Street (2 provisioning centers, processing facility, 2 grow
- 23 facilities).
- 24 2. Tabled consideration of site plan for retail store including packaged liquor at 2815 Gull
- Road pending submittal of a special use request, at the applicant’s option.