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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on March 2, 2017**

A meeting of the Kalamazoo Charter Township Planning Commission was conducted on March 2, 2017 commencing at 7:00 p.m. at the Kalamazoo Charter Township Hall within the Township.

Present were:

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

Absent were:

Jim Cripps
Jeremy Hathcock

Also present were Township Zoning Administrator Patrick Hudson; Township Attorney Roxanne Seeber; and 4 additional interested persons.

Call to Order

The chairman called the meeting to order. Dingemans moved, supported by Hitt to excuse Cripps and Hathcock. The motion passed unanimously.

Approval of meeting agenda

Hudson suggested that item 5a should be moved to item 6a because it was noticed for a public hearing on the special land use. Hartsough moved, supported by Chapman to approve the agenda as corrected. The motion passed unanimously.

Approval of meeting minutes

Hartsough noted two minor changes to page 3. Dingemans moved, supported by Chapman to approve the minutes as amended. Upon voice vote, the minutes were unanimously approved as amended.

1 **Public Hearings**

2 **Special Land Use – Landscaping Sales/Supply & Contractor’s Yard – U/L Foster Ave.**

3
4 Art Bates, Bates Architects appeared on behalf of CJP requesting special land use for a landscape
5 supply/sales and contractor’s yard on unaddressed Foster Avenue property. Bates indicated that
6 the application was not for a landscaping contractor, but for a landscape supply company. He
7 indicated that a building was planned. In response to an inquiry from Hartsough, Bates indicated
8 that typical items for sale would be stones, mulch, and railroad ties. The chairman opened a
9 public hearing on the request and invited Hudson to summarize his report. Hudson indicated
10 that all setbacks and parking were met. The maximum lot coverage proposed is 38%, whereas a
11 75% lot coverage was permitted. Parking was sufficient. Hudson indicated that he had done
12 the storm water calculations. He provided a review of the current plan from the drain
13 commissioner, who had no problem with the design. He also provided a new soil erosion permit
14 to the members of the Planning Commission.
15

16 Hudson indicated that he had received lighting details and that the interior landscape area had
17 been established as required by the zoning ordinance. The maximum height of permitted signage
18 is 22 feet, while the planned building height was 24 feet as allowed by the ordinance.
19

20 Chapman inquired about soil samples. Seeber recalled that they had been provided as part of
21 the fill permit for the same property. In response to an inquiry from Hitt, Seeber indicated that
22 the landscape supply request was new; it had not been part of the fill permit for the same
23 property. In response to an inquiry from Hitt, Hudson indicated that outside storage of
24 landscaping materials and equipment would be permitted on the site if the special exception use
25 and site plan were approved. The stored items just cannot reach higher than the berm, he
26 stated. Further, excavation of the mulch material that is present on the property would be
27 permitted. Vincent Schiavone of CJP, Inc. indicated that their plan was to sell off the fill material
28 as landscaping supply.
29

30 Hitt inquired about the standing water on the south side. Bates indicated that the drain
31 commissioner had approved the site as is. The area is fairly low, he said. The drain commissioner
32 did not allow any piping. The water from the site is to be going into the ditch at a low velocity,
33 he said. The plants are filtering the water before it hits the ditch, Bates said.
34

35 No one in the audience spoke for or against the application. In response to an inquiry from
36 Dingemans, Hudson stated that he had received no comments from neighboring property
37 owners. Specifically, the owner of the house on the corner had not made any comments.
38 Hudson stated that he had spoken with the property owner last summer and he was content with
39 the berm. Chapman recalled a lengthy prior discussion about standing water on the south side.
40 Discussion regarding the planning commission’s authority regarding the ditch on the south side
41 of the property ensued.
42

43 Dingemans moved, supported by Hartsough to grant a special use for a landscaping supply
44 business and contractor’s yard pursuant to Section 19.02.B. items 14 and 17 of the Kalamazoo

1 Charter Township Zoning Ordinance. The property is not to be utilized as a composting facility.
2 The motion passed unanimously.

3
4 Speaking to the site plan request, Bates wished to provide additional details. It was the intention
5 of the property owner to use the “VL Foster” (short for “vacant land—Foster”) for a landscape
6 supply and contractor’s yard. An approximately 4000-square foot warehouse with small office in
7 the front was to be constructed. Bates continued that there is about 4 feet of
8 mulch/fill/landscape supplies on site. The property owner’s intention was to leave the perimeter
9 as a berm and to remove the fill from the middle. He intended to start on the south side; to allow
10 the 150 feet for the required setback and to remove the rest, leaving a U-shaped berm on the
11 property. Bates indicated that there is already a berm on the south. The storm water, he said,
12 will be retained inside the cleared area. The storm water runoff will go to the south, into the
13 ditch. The County Drain Commissioner’s office was satisfied with the plan, regardless of whether
14 there was standing water on the site, Bates stated. The site plan improvement would reduce
15 the amount of storm water going into the ditch Bates indicated that the building would likely
16 not be under construction until late summer, 2017. This is because his client is currently in the
17 process of constructing another building on property he wishes to sell, Bates said.

18
19 Bates estimated that it would take 3 to 4 years to remove all of the fill/landscape materials from
20 the site. There is a fire hydrant in the southwest corner, he stated. The building is intended to
21 be connected to water and public sewer. The building was needed in order to permit the
22 applicant to resolve the zoning ordinance violation, he said.

23
24 Hartsough inquired as to whether the building would be constructed prior to the removal of
25 landscaping materials from the site. Bates indicated that the building was required in order to
26 remove the landscaping materials from the site. He estimated that the final completion of the
27 building would not take place until the spring of 2018. In response to an inquiry from Seeber,
28 Hudson indicated that the Zoning Ordinance permitted one year in which to get the special
29 exception use approval under construction. Hudson suggested that the applicant could be
30 permitted to file a bond for the costs of improvements that had not yet been made.

31
32 Hartsough inquired as to what types of items would be involved in the contractor’s storage aspect
33 of the business. Bates felt that the property would house earth moving equipment for use on
34 the property. Hitt inquired about the driveway off of Foster Avenue.

35
36 Hudson indicated that the driveway on the north side is pre-existing. It belongs to the property
37 owner on the north. To the south is residential property. This is the reason for the increased
38 setback, he said. Dingemans and Hitt indicated a desire for a security deposit to cover the costs
39 of landscaping, in the event that the applicant did not follow through with it. Hudson indicated
40 that it may not be an issue if they are not starting with construction until August. On the other
41 hand, he did not want to have to go back to the Planning Commission in order to get authority to
42 require a security deposit.

43 The group discussed the issue of contractor’s storage. Hudson indicated that screening is going
44 on the existing berms. The building itself functions as the screen to the west. Improved

1 driveways are required for the contractor's yard, he said. Equipment can be stored out-of-doors
2 on the property once the driveways are in place. Bates indicated that an application for the
3 driveway was pending with the road commission. In response to an inquiry from Hitt, Hudson
4 stated that there are no setback problems on Sprinkle View.

5
6 Hitt inquired about dumpsters on the site. Bates stated that they were shown on the plan. Hitt
7 inquired about temporary storage/PODS.

8
9 Schiavone indicated that their plan was to place concrete blocks in a U-shape to provide storage
10 and separation for different types of landscaping materials. These would be similar to the
11 concrete blocks used to provide temporary highway barriers, he said.

12
13 Hartsough moved approval of the site plan as submitted with the following conditions:

- 14 • The zoning administrator is authorized to require a financial guarantee/security deposit
15 in the amount equal to 125% of the costs of landscaping;
- 16 • There shall be no equipment storage on site until the applicant has obtained a driveway
17 permit from the Kalamazoo County Road Commission and implement the driveway as
18 required;
- 19 • Landscaping shall be in place before the contractor's equipment storage begins;
- 20 • The authorization does not include sign permits, which must be separately obtained from
21 the zoning administrator;
- 22 • There shall be no sale of landscaping items until receipt of an occupancy permit for
23 building; and
- 24 • Driveways shall be implemented in accordance with the approval of the road commission.

25
26 Dingemans supported the motion and it passed unanimously.

27 28 **Old Business**

29
30 Hudson noted an address error for Consumer's Concrete on the February 2017 planning
31 commission meeting minutes. Dingemans moved, supported by Chapman to further amend the
32 minutes to provide the address of 3344 Ravine Road for the concrete company. The motion
33 passed unanimously. Dingemans signed the minutes as corrected and they were provided to
34 Hudson for the Township's records.

35
36 Hudson indicated that he had gone through the township's 2014 master plan and gleaned the
37 goals and objectives of the Township from it. He had provided a copy to the members, indicating
38 that the county's consultant had apparently utilized the township's 2003 master plan in defining
39 the township's goals and objectives. Upon motion of Dingemans, supported by Hartsough, the
40 proposed goals and objectives were unanimously approved for transmittal to the county planning
41 commission.

42 43 **New Business**

1
2 Hudson had presented forms for the requested keycards for members' identification purposes.
3 Even though he was prepared to take photographs and complete the applications, the group
4 determined to wait until the April, 2017 planning commission meeting for this action when it was
5 anticipated that the full membership would be present. The group discussed the permissible
6 activities for site visits.

7
8 **Open Discussion**

9
10 **Correspondence Received**

11
12 Hudson indicated that Cooper Township had transmitted a notice that it was undertaking master
13 plan revisions. Oshtemo Township had also notified the Township that it was undertaking a sub-
14 plan update. He indicated that each of the plans was available electronically if anyone wished
15 to request them. The Planning Commission determined that it was not necessary to take action
16 on either of the notices.

17
18 **Citizen Comments**

19
20 Pastor Robert Ryan of The Israel of God at 625 Stassen inquired about the necessity of providing
21 a paved excess parking area for the church. He had spoken with Hudson, who had recommended
22 that he come to the planning commission with the request. Ryan indicated that a prior planning
23 commission had approved a gravel surface. He was also in contact with the county drain
24 commissioner's office. They were coming out to inspect the extra lot that he was intending to
25 use for overflow parking. He also desired to expand the size of the church building. A lengthy
26 discussion followed. Nagler was unable to determine whether there was any possibility of
27 waiving the paving requirement until there was further information. A site plan would need to
28 be provided which would include the proposed church expansion as well as that of the proposed
29 parking lot. Ryan was referred to Hudson for the application once his plans were more focused.
30 Nagler requested that Hudson obtain the minutes from the prior approval.

31
32 Nate Whitaker representing the owners of the gas station at the 3320 Ravine inquired as to
33 whether the planning commission was willing to undertake a text amendment to allow gas
34 stations as special land uses in the I-1 district zoning classification. Hudson reminded the group
35 of his presentation in February which indicated that all but one of the gas stations in the township
36 had become lawfully non-conforming when the new zoning ordinance was implemented. Nagler
37 indicated that the Zoning Board of Appeals had tabled a variance request for the gas station. He
38 was in favor of a text amendment. Hudson inquired as to whether the Township would be
39 undertaking that one on its own volition or whether it would require an application from a
40 property owner. Seeber indicated that, in making this analysis, the Planning Commission should
41 consider whether the amendment to the ordinance was beneficial to the township as a whole or
42 if it was only being made to address one property. The group discussed this. Hitt and Nagler felt
43 that the ordinance should be amended to allow gas stations as special uses in the I-1 and C-1
44 district zoning classifications. This, it was determined, would cover most of the non-conformities

1 and still allow the planning commission some control in the special use arena. Hudson indicated
2 that another option was to undertake a rezoning of that entire stretch of Nichols/Ravine where
3 he was getting a number of applications. Dingemans felt that the rezoning was not necessary.
4 The text amendment to the ordinance was preferable, he stated. Nagler observed that the group
5 was generally behind the text amendment idea. He directed the attorney to notice a text
6 amendment for public hearing in April and to prepare an amendment to make gas
7 stations/service stations special land uses in the I-1 and C-1 district zoning classifications.
8 Hudson asked the planning commission members to consider the uses in C-2 and determine the
9 purposes of the district. He inquired as to whether it made sense to allow gas stations as a special
10 use in that district. Nagler did not see the use as counter to the C-2 district. Seeber indicated
11 that modification to the text would be completed within 60 to 90 days.

12

13 **Report of Board Representative**

14

15 Hathcock was not present for a report. Hudson indicated that he had received a site plan for a
16 Dollar General Store; but he was not sure where it was to be located.

17

18 **Comments of ZBA Member**

19

20 Nagler indicated that the ZBA had tabled the application for variance for the gas station that
21 Whitaker had inquired about.

22

23 **Comments from Planning Consultant**

24

25 Hudson asked the group to consider the definition of “bed and breakfast” contained in the zoning
26 ordinance. He was having trouble addressing a couple of property owners that wished to
27 temporarily rent their houses while they were not on site. Hartsough and Dingemans were of
28 the opinion that an Air BNB did not really fit the definition of “bed and breakfast”. Seeber
29 indicated that she had emailed Hudson about the issue and that he had received feedback from
30 the township board respecting it. After considerable discussion, it was determined that Seeber
31 should add the removal of “Air BNB “from the definition of “bed and breakfast” as part of the
32 pending text amendments.

33

34 **Comments by Planning Commission Members**

35

36 Hitt voiced concern about outdoor storage units such as PODS on the unaddressed/vacant Foster
37 Avenue property. Nagler indicated that the same owner held the property Hitt referred to.
38 Hudson indicated that outdoor storage was permitted in the district, thus, he could not address
39 the PODS as they were allowed.

40

41 **Adjournment**

42

1 There being no additional business to come before the Planning Commission, upon motion of
2 Dingemans supported by Hartsough and unanimous voice vote, the meeting was adjourned at
3 8:45 p.m.

4
5 Respectfully Submitted,
6

7
8
9
10 _____
11 Henry Dingemans, Secretary
12

13 Synopsis of Actions Taken by the Charter Township of Kalamazoo Planning Commission on March
14 2, 2017:
15

- 16 1. Requested public hearing notification and text amendments for addition of gas/service
17 stations as a special land use in the I-1 and C-1 district zoning classifications;
- 18 2. Granted a special land use approval to CJP, Inc. for landscaper's supply/contractor's yard
19 on unaddressed property located on Foster Avenue. Granted site plan approval, with
20 conditions for the same property.
- 21 3. Requested removal of "Air BNB" from "bed and breakfast" definition as part of the text
22 amendment referred to in Paragraph 1.
- 23 4. Received public comment.