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Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on July 6, 2017

A meeting of the Kalamazoo Charter Township Planning Commission was conducted on July 6, 2017 commencing at 7:00 p.m. at the Township Hall at 1720 Riverview Drive.

Present were:

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

Absent were:

Tonnie Hitt
William Chapman

Also present were Township Zoning Administrator Patrick Hudson; Township Attorney Roxanne Seeber; Township Manager, Dexter Mitchell; and 15 additional interested persons.

Call to Order

The chairman called the meeting to order. Upon motion of Hathcock, supported by Hartsough, Hitt and Chapman were unanimously excused.

Approval of Meeting Agenda

Hathcock moved, supported by Cripps to approve the agenda for the meeting as submitted. The motion passed unanimously.

Approval of Meeting Minutes

The proposed minutes of the June 1, 2017 planning commission meeting had been provided to the commissioners in their meeting packets. Hartsough noted one change to page 3, in which Hathcock was identified as both the motion maker and the second. The second was changed to Hartsough. Upon motion of Hathcock, supported by Dingemans, the minutes were unanimously approved as corrected. The secretary signed the corrected minutes and they were provided to Hudson for transmittal to the Township staff.

Public Hearings

The next item on the agenda was the request of Quoctriah (Tina) Glover for a Special Use Permit to allow a group day care home on the property addressed as 3814 Rockwood Drive, within the Township. A group day care home is for up to 12 children. The property is located in the R-2 "Single and Two-Family Residential District" Zoning Classification.

1 At Nagler's request, Hudson read through his report indicating that the main item of concern for him
2 was the fencing. Cripps inquired about the report's reference to the south property line. It was
3 determined that the east property line was the one at issue. Cripps noted that there are two
4 barns/outbuildings on the property.

5
6 The applicant presented several letters of support from parents of children that use the day care
7 presently. She presently has a licensed day care for bilingual activities—English and French. She has
8 been state-licensed for the last ten years. All of the parents are following her to the new day care. She
9 is happy that the parents trust her with their children.

10
11 Cripps inquired about helper staff. Glover indicated that the state requires a one adult to six child ratio.
12 She would therefore have one staff person in addition to herself. In response to an inquiry from Cripps,
13 the applicant indicated an intention to leave the existing fence in place.

14
15 The Chairman opened a public hearing. Ben Bakalyar, 25 Woodlane Drive, spoke in favor of the
16 application. His daughter has attended the day care for the last two years. He appreciated the language
17 teaching that Glover incorporates.

18
19 Jill Reed, 1205 Bunker Hill, has a seven year old that has been at the Glover daycare since he was six
20 weeks old. She remarked favorably on the sense of community and indicated that the day care would
21 be an asset to the area.

22
23 Nathan Harrison, 3616 Thornhill Drive, spoke in favor of the request. He provided a letter from the
24 nearest affected property owner, the Daniels, who also support the request.

25
26 Kate Krieger, 2309 Lindin Drive, also voiced support for the day care. Sara Davis, 05621 40th Street,
27 Bloomingdale, has a child at the day care in its current location and voiced support for the special use.

28
29 Ellie Founé of Grand Junction has a child at the day care. She has left her child with the applicant since
30 he was six weeks old. She is now proud to say that he is trilingual.

31
32 Robert Mitchell, 3813 Rockwood, lives across the street and spoke in favor of the application.

33
34 Nagler noted for the record that he knew some of the parents of the day care that had not spoken at the
35 meeting. He indicated that it would not affect his ability to make an impartial decision on the
36 application. Hartsough commented that she did not view this as a conflict. The rest of the members
37 concurred.

38
39 Hartsough inquired about the height of the fence. Ms. Glover indicated that it is taller than she is at
40 4'8". Dingemans indicated that he lives around the corner.

41 Cripps stated that he had driven up and down the street and that there was no one around. He had no
42 concerns at all about the parking or traffic flow.

43
44 No one spoke in opposition to the application. The chairman closed the public hearing.

45
46 Cripps indicated that his only concern with the application was the neighbor directly to the east. Since
47 they had provided a letter of support, he had no problem with the application. He noted that he lives
48 next to a day care and that it is not intrusive. It can sometimes be interesting or even delightful, he said,

1 whereupon Cripps moved to approve the special use application for the group day care center with up
2 to 12 children and one employee per the application. Hartsough seconded the motion. There was no
3 additional discussion and the motion passed unanimously.

4
5 **Bri-Val LLC**

6
7 The chairman introduced the next application which was the application of Bri-Val LLC- Farmhouse Child
8 Development Center, for a minor revision to a PUD, for property located at 3709 W. Main Street. The
9 applicant proposes to renovate existing buildings at Kalsec for use as a child care center for employees.
10 The property is located on the south side of West Main Street between Turwill Lane and Cherokee. The
11 property is zoned PUD. The tax id number is 06-18-415-017

12
13 Hudson indicated that this request was somewhat different from the former one because the property
14 on which this is proposed to be operated is a planned unit development (PUD). He outlined his report,
15 indicating that the request was to use the existing farmhouse on the Kalsec property for a children's day
16 care center. The applicant proposed to place a 4-foot high fence around the play area. The building is
17 well away from West Main at 180 feet, Hudson stated. The parking met the setbacks. Screening around
18 the play area is required. No lighting details had been provided; however, there was no real issue with
19 the lighting on the site when it was so far off the road. Hudson continued indicating that the
20 application requested ten additional parking spaces as well as a 300-square foot addition to an adjacent
21 accessory building. More than 12 children will be present, he said.

22
23 Margaret Todd, owner at Kalsec/Bri-Val, spoke on behalf of the applicant. She introduced Ty Weiss,
24 senior project manager for Kalsec. Todd will be in charge of the daycare if the special use is approved.
25 She introduced the two lead teachers for the daycare. Todd indicated that the farmhouse is the building
26 closest to West Main Street, but it is quite a ways off of the right-of-way. Weiss approached the site
27 plan that had been provided and outlined the basics of the plan. He stated that there is adequate
28 screening along West Main. He also showed the proposed drop-off lane for parents' use to drop off
29 and pick up children. Weiss indicated that the additional parking was needed only for special events.
30 He stated that an ADA ramp and increased door width would be provided. The child care center will
31 abide by the state's licensing requirements.

32
33 Cripps inquired about the contents of the application regarding family members of employees only.
34 Todd stated that the child care will be operated by Kalsec and it was intended for use by children of
35 employees and grandchildren of employees only at this point. Kalsec is willing to place a six-foot high
36 fence along West Main and then 50 feet into the PUD. Hartsough confirmed that the state has separate
37 licensing requirements that must be adhered to. Todd was prepared to adhere to state requirements.

38
39 In response to an inquiry from Hathcock, Weiss indicated that the use would be more of a school than a
40 daycare, but it would definitely be licensed as a daycare. Todd indicated that a child development
41 center has more emphasis on learning. At present, the operation would only be accepting infants and
42 up to the age of 5 years. Weiss spoke favorably on the option being made available to the families. In
43 response to an inquiry from Cripps, Todd indicated that they had plans in the next three to five years to
44 add preschool and after school as well as summer programs.

45
46 Sarah Davis who had spoken in favor of the previous application was also a Kalsec employee. She spoke
47 in favor of the application, as did Ellie Founé from Bloomingdale whose situation was similar. Ron
48 Huster, 1314 Coolidge Avenue representing the Westwood Neighborhood Association, spoke in favor of

1 the application as a stabilizer to the neighborhood. He was also appreciative of the driveway move
2 that was in the works. One other audience member also spoke in favor of the request.

3
4 Cripps inquired about the sidewalk and whether it was to be added with the childcare of when the
5 driveway was moved. He did not think a sidewalk was necessary given the limited use of the Kalsec
6 street side and the existence of a sidewalk on the north side of West Main Street. Hartsough agreed
7 that no additional sidewalk would be necessary. Huster from the audience indicated that the bus stop
8 would be moving and a curb was to be added. Nagler explained that a short portion of the sidewalk
9 from the relocated bus stop to the new driveway was to be added. This was to eliminate a que of cars in
10 the driveway space. The new bus stop was to be located about 80 feet to the east of the driveway.

11
12 There being no further discussion, Hathcock moved, supported by Cripps, to approve the application for
13 PUD amendment for the addition of a child care facility in the farm house and a 300 square foot addition
14 to an adjacent outbuilding in accordance with the plan provided. The motion passed unanimously.
15 Seeber indicated that the PUD amendment needed to be approved by the Township Board. Manager
16 Dexter Mitchell indicated that the addition could be made to the agenda for Monday, July 10. Weiss
17 indicated that he would be present at the meeting.

18
19 **Old Business**

20
21 Hudson introduced an amendment to the East Main Street Dollar General that had recently been
22 approved by the Planning Commission. He indicated that the County Road Commission had voiced
23 concern about traffic volumes and alignment with properties on the north side of East Main Street. It
24 had required the applicant to remove the driveway on Nazareth and to move the East Main Street
25 driveway to align with driveways across the street. The engineers for the project were present.
26 Hudson indicated that he had two sets of full size plans available if anyone needed to consider them.
27 In response to an inquiry from Nagler, Hudson indicated that the adjustment was more of an
28 informational piece at this point. Seeber indicated that it would be appropriate to approve the
29 amended site plan and to allow the chairman to sign and date it. Dingemans moved, supported by
30 Hathcock, to accept the amended site plan and to have Nagler sign and date the site plan. The motion
31 passed unanimously. Nagler signed the amended site plan and provided it to Hudson.

32
33 **Draft Capital Improvement Plan (CIP)**

34
35 Hudson had prepared a draft capital improvement plan and provided it to the members of the Planning
36 Commission. He indicated that there had been a few minor changes to the text and to the tables on the
37 last two pages. A couple of the projects had dropped off and a few new projects had been added.
38 Department heads were to turn in their requests for their own areas; however, he had not received
39 anything except from the police department, fire department and parks commissioner Leuty. The
40 projects that had been accomplished were eliminated off of last year's plan in the preparation of the
41 current plan. In response to an inquiry from Dingemans, Hudson stated that the CIP was really more of
42 a wish list and a planning tool.

43
44 Manager Dexter Mitchell indicated that the CIP was required because the Township operated public
45 water or sewer. He wished to have the plan recommended to the board so that the approval could be
46 made by the board prior to budget time. Mitchell indicated that there were a number of changes
47 needed to the township hall.

1 Hartsough voiced concern over the number of items that seemed to be out of the township’s control.
2 Hudson indicated that many of the items on the list were dependent upon funding availability. Parks
3 funds are general fund monies, he said. Also, if an item was on the list for more than three years and it
4 didn’t get done, then it was just dropped off the list.

5
6 Nagler indicated that the document was fairly comprehensive. Hathcock moved, supported by Cripps,
7 to table the matter to the August 4, 2017 Planning Commission meeting. Cripps inquired as to whether
8 the information had been compiled from different departments. If so, he asked for copies of their
9 requests. Hudson stated that those that did reply just marked up the prior year’s CIP and turned it over
10 to him. The motion passed unanimously.

11
12 Cripps suggested that the Planning Commission consider a work session with the Township Manager on
13 the CIP prior to the August 4, 2017 meeting. Other members of the Planning Commission voiced
14 support for this idea. Mitchell indicated a willingness to attend. Mitchell and Cripps indicated that
15 meeting with the architect (Byce) on the plans for the township hall renovations may also be
16 worthwhile. Cripps moved, supported by Hathcock, to set a work session with the Township Manager
17 and perhaps Byce Engineering on the CIP for 6:00 p.m. on August 4, 2017. The motion passed
18 unanimously.

19 20 **Unintended Consequences of New Zoning Ordinance**

21
22 Hudson introduced his listing of problems he and OEO Shawn Gallagher had encountered with the
23 zoning ordinance. He indicated that there was a change made to the commercial parking provisions
24 such that formerly no commercial parking was permitted on residential properties. Now, one
25 commercial vehicle is permitted. They had run into problems with people operating lawn care
26 businesses out of their homes without enough room to park. Hudson indicated that he was treating a
27 lawn care business as a home occupation, thus requiring a special use. He was concerned about one
28 property owner that seemed to be continually in violation who now had a lawn mowing service truck, a
29 lawnmower on a trailer, and a welder in his yard. Seeber was familiar with the property and the
30 ordinance violations. She explained the current status, indicating that the most recent citation was for
31 litter and vehicle storage violation. Hudson felt that a 14-day cumulative period for litter was
32 excessive.

33
34 Cripps inquired about “no front yard parking” in the ordinance. Cripps was surprised to see that in the
35 ordinance. Dingemans thought that it was still there. He did not know why it had been removed.
36 Hathcock indicated that Hudson must have listed items so that the Planning Commission members could
37 better inform themselves on the issues. He asked Hudson to provide some language for home
38 occupations. Hudson indicated that he would have a number of samples for the August meeting.

39 40 **Open Discussion/Non-Agenda Items**

41
42 The chairman opened the meeting for public comment.

43
44 John Novak, Ryan Gardner, and Mark Kiewet introduced themselves, indicating that they had acquired
45 2915 West Main, which is a combination of 5 parcels on West Main and abutting Kendall. They were in
46 the process of undertaking their “due diligence” on the development of the property. He introduced
47 some diagrams of what they were planning. All of the parcels are zoned RM-2, Novak noted. They are
48 considering doing a mixed use/retail office first floor with second story residential along West Main

1 Street, with residential only on the south. Novak indicated that all three of the individuals had been in
2 the real estate business for more than 20 years. They felt lucky to have acquired the parcels. Novak
3 indicated that the master plan and the future land use plan show the area for higher density residential.
4 He indicated that the reason he came to the planning commission was to make sure they were in the
5 neighborhood on their plans for development. The proposal, he said, would meet current zoning.
6 Novak provided photographs and renderings of similar properties. He inquired as to whether any of the
7 Planning Commission members had questions.

8
9 In response to an inquiry from Hartsough, Novak provided information on the existing buildings. They
10 were all vacant except one of the smaller single family houses. The biggest building, at 419, would need
11 to be demolished, he said. Novak propounded the idea of a mixed-use concept with a walkability
12 factor. He felt that the neighborhood would need to support everything around it. Nagler inquired as
13 to whether access would be off of Kendall. Novak indicated that the main access would be off of
14 Kendall. Santos is on the south property line, he said. Kendall is one way. They were going through a
15 process to determine the feasibility of the proposal. A certain density would be necessary in order to
16 make it worth investing in, Novak said.

17
18 Diane Johnson indicated that she owns property at 3800 Wynn Road. She had renters there and it was
19 zoned commercial for a long time. Hudson told her that the zoning had been changed and now there
20 were ½ industrial and ½ commercial on the same lot. She thought that was dumb. She voiced concern
21 that she did not receive a notice of the rezoning. The assessing department classifies the property as
22 commercial, she said. Hudson confirmed that the zoning line goes just about down the center of the
23 parcel. "New Image" window tinting occupied the building for a long time. Johnson has a person that
24 wishes to place a small car lot on the property. Hudson told her that she cannot do that because of the
25 zoning change. Cripps indicated that the location in question is near that for Burchett Quality Tools,
26 which the planning commission discussed at a recent meeting. He indicated that a rezoning may be
27 necessary. He stated that the planning commission can initiate a rezoning, but that the process would
28 take a while. Johnson stated that the building is not rentable in the meantime. Hudson indicated that it
29 can be rented to another window tinting operation. Cripps requested information and a zoning chart
30 for 3800 Wynn Road from Hudson prior to the next meeting. The planning commission was generally
31 amenable to initiating a rezoning on the parcel. Johnson inquired as to why the property had been
32 rezoned, and stated that it had been commercially-used all along. Nagler indicated recognition of the
33 issue; but the hands of the planning commission are somewhat tied. Johnson inquired as to her next
34 step. Nagler indicated that she really did not need to do anything; that the planning commission would
35 get the information and undertake the rezoning. He provided her with the meeting date for the August
36 2017 planning commission meeting.

37
38 Sue Hodapp, 2308 Wilmette Street, was present with several other neighbors raising questions and
39 concerns about a neighboring property which was being offered for sale as an "Air BNB". The property
40 is in the R-2 district zoning classification. The Air BNB was launched earlier in the year and has been
41 quite successful. The person that owns the house right now has converted it to an "Air BNB" she stated.
42 They had purchased in an R-2 residential area and they wanted to live near neighbors that they know.
43 The lots are very close together. Wilmette is a dead-end street and now the house in question is being
44 used as a commercial hotel. They don't know who is in the house and when they are coming and going.
45 It is disruptive to the neighborhood. They are bringing in luggage at all hours and generally not acting
46 like those that live in the neighborhood do. Hodapp voiced concern for her property values, as well as
47 those of the neighbors. There is a lot of noise at odd hours. Mitchell indicated that the Township
48 Police Department should be contacted for noise violations. Hodapp countered that they don't know

1 who the noisemakers are. They did call the police once. Hodapp inquired what would happen to their
2 street and the rest of Westwood if hotels were allowed to sprout up in neighborhoods. She had
3 stopped by the planning office and spoken with Hudson, who had suggested that they should come to
4 the planning commission and voice their concerns. The address of the house in question is 2231
5 Wilmette. It is presently for sale, she added. They sold it on a land contract in 2009. It is still under a
6 land contract, she said. She was worried about the property being used as a hotel. At one point there
7 were several kids living in the basement, she said. She lives right next door with the lots only separated
8 by a chain link fence. Dave Austin, 2225 Wilmette, indicated that they have a balloon payment due on
9 the land contract so they are offering it with \$5000 in bookings like a “rebate” or incentive. Linda
10 McIntosh, 2225 Wilmette, understood from Hudson that the gentleman trying to do this came to the
11 township and got a rental agreement. She inquired as to whether people who ask for rental
12 agreements are asked any questions. “Do they fill out the form and pay the money and they can do
13 whatever they want?” she inquired. “Are there questions asked?” Seeber and Mitchell explained the
14 rental property registration ordinance.

15
16 Hudson indicated that Air BNBs are becoming an increasing problem in South Haven and St. Joseph and
17 other places. Macintosh indicated that there are a lot of properties in this area that are listed as Air
18 BNBs, which can be rented by the week, day or month. In a bed and breakfast, the owner stays on the
19 premises and offers a breakfast, she said. The owner of the house they are inquiring about lives in
20 Grand Junction. He might show up once in a while to make it presentable. He just rents it out by the
21 night. Somehow he thinks it’s okay to be an entrepreneur and make a lot of money by renting the
22 house out and ruining the neighborhood. Austin indicated that the renters come down the driveway at
23 all hours. They bring cars, SUVs and luggage and everyone knows that they are there because they are
24 so noisy. McIntosh inquired about whether the Air BNBs pay hotel taxes. She felt that they lived next
25 door to a Holiday Inn Express. McIntosh indicated that the site shows they have the place booked until
26 the middle of October. She inquired who wrote these ordinances that allow this kind of activity. Nagler
27 indicated that the zoning ordinance was recently redone by a professional planning consulting firm.
28 The non-zoning ordinances and zoning ordinance text amendments are generally prepared by the
29 Township Attorney.

30
31 Austin was concerned that there were no rules to regulate the tenancies. He voiced alarm about a
32 massage table and on-site massages available. Hathcock addressed the group, indicating that he had
33 presented his research to the planning commission the prior month. However, they had been advised
34 that there is pending legislation that would make the Air BNBs a permitted use in all zoning districts.
35 McIntosh inquired as to whether they could be charged for every time they rent. Seeber indicated and
36 Nagler confirmed that this was not possible. Mitchell encouraged the group to report noise violations
37 to the police department. He inquired as to whether anyone had spoken with the owner. McIntosh
38 indicated that she had spoken with John Hoadley’s office and the bill was in committee. She wondered
39 why they would put everything on hold while awaiting the legislature’s bill to take all ability to regulate
40 away from the local municipalities. Seeber checked the bill’s status online and indicated that the house
41 and senate had both passed a version and that it was in committee.

42
43 Hartsough indicated that the issue merits further discussion. Mitchell stated that the short term rentals
44 had grown dramatically in the past couple of years and that the local municipal entities were trying to
45 catch up. Austin stated that there are money-driven individuals. McIntosh indicated that there are
46 already a lot of hotels and bed and breakfasts on West Main, including the Henderson castle. She
47 voiced surprise that those businesses are not complaining about losing business. It did not appear to
48 her that the owners are paying any extra fees or taxes after the commission is paid to the listing service.

1 “It goes in their pocket” she said. Hodapp stated that it is a bigger problem than one little street in
2 Kalamazoo Township. The Township Attorney outlined the status of the current zoning ordinance and
3 the rental property registration ordinance. Hudson stated that many building officials have safety
4 concerns about short term rentals. For example, how are the smoke detectors and extra exits
5 designated, he said. Additionally, there are no posting regulations like there are for hotels. Brian Hoff,
6 2314 Wilmette Street, owns a long term rental. His renters blend into the neighborhood and are warmly
7 welcomed. He encouraged the planning commission not to delay action due to pending legislation at
8 the state level. He wished to go on record that building the community was important. His rental does
9 not equate to a hotel. Mitchell provided the group with his contact information. The problem is
10 significant, he said. At Nagler’s request, Seeber outlined different options for police power ordinances
11 and zoning ordinance language that has been successful in addressing these matters in other locations.
12 Cripps advised about the MTA “Hot Topics in Zoning” session in which short term rentals will be a topic
13 of discussion. In response to an inquiry from the audience, Seeber indicated that there were
14 constitutional issues presented by a proposal to amend the Rental Property Registration Ordinance
15 dependent upon the amount of time rentals occurred. Hudson noted that “Air BNB” is a company that
16 markets short-term rentals.

17
18 Moe Alkateeb of the Aladdin Hookah Lounge Original approached Hudson and inquired about his
19 compliance status. He brought photographs of the Hookah Lounge and its parking lot and landscaping
20 areas. Hudson confirmed that the parking spaces, landscaping and lighting were now compliant with
21 the approved site plan. The matter as to the sign had been addressed as well. He inquired as to
22 whether the sign post would be removed. Alkateeb indicated that one of the lights was not working.
23 He offered to remove it. Alkateeb inquired as to whether a demolition permit would be required.
24 Hudson referred him to the electrical inspector at KABA. Alkateeb inquired about additional parking
25 spaces from the adjoining parcel and whether he could use them to increase his occupancy limit.
26 Hudson indicated that the occupancy permit is set by the fire marshal. There were no comments or
27 interaction with the members of the planning commission.

28
29 Hudson brought up the West Main Party Store problem. He stated that the final issue is the casing
30 around the sign. Cripps inquired about the driveway closure that was in the original site plan. The
31 Township Attorney indicated that the matter would be brought before the magistrate on a citation
32 issued by Shawn Gallagher on July 18. She read the compliance order to the group. Hudson
33 indicated that the former Township Clerk had issued the sign change permit in error; however the casing
34 was not included. Seeber confirmed that the sign was included in the compliance order.

35
36 **Planning Commission Member Comments**

37
38 Hathcock moved, supported by Cripps to adjourn the meeting at 9:55. The motion passed unanimously.
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Respectfully Submitted,

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Henry Dingemans, Secretary

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1 Synopsis of Actions Taken by the Charter Township of Kalamazoo Planning Commission on July 6, 2017.

- 2
- 3 1. Granted special exception use approval to Quoctriah (Tina) to allow a group day care home on
- 4 the property addressed as 3814 Rockwood Drive, within the Township. A group day care home
- 5 is for up to 12 children.
- 6 2. Granted a minor PUD revision to Bri-Val LLC- Farmhouse Child Development Center, for 3709 W.
- 7 Main Street (Kalsec property) and forwarded the same to the township board for approval.
- 8 3. Tabled consideration of the Capital Improvement Plan and set work session on same for August
- 9 3, 2017 commencing at 6:00 p.m.
- 10 4. Received report from planning consultant regarding unintended consequences of new zoning
- 11 ordinance.
- 12 5. Received public comment.