

**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on April 5, 2018**

A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on April 5, 2018 commencing at 7:00 p.m. at the Township Hall.

Present were:

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

Absent was:

None.

Also present were Township Manager Dexter Mitchell; Township Zoning Administrator Patrick Hudson; Township Attorneys Roxanne Seeber and Seth Koches; and approximately fifteen additional interested persons.

Call to Order

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

Roll Call and Recognition of Visitors

The chairman called the roll, noting that all were present.

Approval of Meeting Minutes

The first item on the agenda was approval of the regular Planning Commission meeting minutes of February 1, 2018 and the special Planning Commission meeting minutes of February 8, 2018. Copies of these meeting minutes were not included in Commissioners' packets. Upon motion of Cripps, supported by Hartsough and unanimous voice vote, the minutes of the of February 1, 2018 regular Planning Commission meeting and February 8, 2018 special Planning Commission meeting were tabled until next month. The motion passed unanimously.

Approval of the agenda for the April 5, 2018 meeting

The Commission unanimously agreed to switch agenda items 7 and 8. The agenda was approved as modified.

Scheduled Reviews

None.

1 **Public Hearing: Maridell Corporation—Marijuana Provisioning Center SUP—937 Foster**
2

3 The first item of new business was the request of Joshua Charles Blaauw and Maridell Corporation for a
4 Special Use Permit and site plan approval to operate a medical marijuana provisioning center at 937
5 Foster Avenue within the Township (Parcel No. 06-24-285-180). The property is located in the I-1 “Light
6 Industrial” District Zoning Classification. The rules for medical marijuana provisioning center special use
7 approval are contained in Article 8, Section 8.05vv of the Kalamazoo Township Zoning Ordinance.
8 Seeber provided the Commissions with a copy of the ordinance.
9

10 Hudson provided his review, indicating that the applicant would be constructing a primarily new building
11 for a medical marijuana provisioning center at the corner of Foster Avenue and McCormack Street,
12 which is a private road. The site size is 29,403 square feet in area. The proposal is to add a new 1,428
13 square foot commercial building on the site, to retain an existing 576 square foot storage building and to
14 demolish an existing 890 square-foot building previously used for engine repair. Parking for 7 vehicles
15 will be provided. A new storm water detention basin will be added. The KCRC requires the installation
16 of new curbs on the site. Hudson stated that the engine repair shop had not been operated for several
17 years. To the east along McCormack are three nonconforming single family dwellings. To the north
18 across McCormack St. is a vehicle towing business and there is also a painting business in the vicinity.
19 Across Foster to the west is a legal nonconforming single family dwelling. Abutting the property on the
20 south side of Foster Avenue is an electric manufacturing company. To the east on Foster is a
21 commercial landscaping company. Hudson stated that there are a number of nonconforming uses in
22 the area. He stated that the zoning across Sprinkle Road to the east in Comstock Township is “B-3”,
23 General Business. This B-3 District is less than 300’ deep and then a residential district line commences.
24 There is also a school located on the third property to the east.
25

26 Hudson indicated that the 2,676 gross floor area of the buildings calculates to a 7.7% lot coverage,
27 wherein the maximum lot coverage allowed is 75%. He indicated that the minimum parcel width in the
28 I-1 “Light Industrial” District is 100 feet. The parcel is only 99 feet in width, but there is also an 87’ wide
29 easement for McCormack Street thereon. The building size proposed is 1 story, and 16 feet in height,
30 which meets the standard for the I-2 district. Hudson noted that all setbacks are met. The 7 spaces
31 shown are acceptable, Hudson continued, because according to his calculations, only 6 spaces are
32 required.
33

34 Hudson indicated that the proposed storm water detention swale has a capacity of 2,658 c.f. The
35 calculated discharge for a 100-year storm is 2,500. A 6’ deep swale over a 153’ long perforated storm
36 pipe along the McCormack St. easement was proposed by the applicant. Hudson stated that the parcel
37 has a maximum permitted one free-standing sign, with a maximum 48-square foot face. The proposed
38 sign and its location meet these standards.
39

40 Hudson noted that the site is within the 100-year flood plain. He said all landscaping was shown on the
41 plan and satisfied the ordinance’s requirements. Hudson continued reading through his report,
42 indicating that McCormack Street was not adequate for fire access. The private road must be graded
43 and graveled to withstand a 60,000 pound fire truck.
44

45 A soil erosion and sedimentation control permit is required if the site is within 500’ of a stream or
46 county drain.
47

1 Hudson stated that the dumpster is properly located and screening is provided. A waste management
2 plan and an odor control plan have been provided. A security plan was provided by the applicants.
3

4 Hudson recommended that the Planning Commission consider whether storm water retentions
5 provisions were met; that driveway permits from the county road commission may not be required
6 because the access area is off of McCormack Street; and that McCormack Street must be graded and
7 graveled for fire department access. Hudson stated that the Planning Commission should discuss
8 whether sidewalks are required, as none are proposed along Foster Avenue. The Planning Commission
9 may also want to consider additional conditions.
10

11 The chairman indicated that the special use issue would be considered. Adam Schwaillier on behalf of
12 the applicant noted that the landscaping requirement was satisfied. The applicant said emergency
13 access is a concern and agreed that the private road must be improved to support a 60,000 lb. fire truck.
14 The applicant noted the building site is located 500 feet from the county drain. The applicant said he
15 wants to comply with the Township Ordinances. The applicant wants to tear down a dilapidated building
16 and beautify the site. The applicant said he would submit a lighting plan to the Zoning Administrator and
17 asked the Commission if it had any questions.
18

19 Hartsough asked if the applicant plans to build a provisioning center or a grow operation. The applicant
20 said he will build a provisioning center. Dingemans asked the applicant if he owned the building. The
21 applicant said yes. Chapman asked how many employees the provisioning center will hire. The applicant
22 said he plans to hire six to ten people. Cripps asked if there is a restriction on building width. Hudson
23 said there is no such restriction in the Commercial District Zoning Classification. Hudson read the lot
24 width requirements from the Ordinance. Hitt confirmed that the vacant home located near the site was
25 not located in a Residential District Zoning Classification. The applicant discussed the current status of
26 his application process with the State of Michigan. Schwaillier said he needs to submit the construction
27 plan to the State.
28

29 Being as there were no further questions for the Commission, Nagler opened a public hearing. Nagler
30 closed the public hearing as there were no comments from the public, and the Commission entered into
31 deliberations.
32

33 Chapman asked where the nearest school is located. Nagler said the nearest school is more than 1,000'
34 away from the building site. Cripps added that the Township's setback requirement from the Comstock
35 Township boundary line is 250'. Nagler said the applicant satisfied the standards for a special use.
36 Hathcock agreed.
37

38 Upon motion of Hathcock, supported by Dingemans, and unanimous voice vote, the applicant's request
39 for a special use permit was approved as presented.
40

41 Nagler directed the Commission's attention to the applicant's site plan for review. The applicant
42 submitted three sets of plans. The applicant said he wants to make adjustments to the parking on the
43 current plan. Schwaillier said he wants to increase the number of parking spaces from seven to nine.
44 The applicant provided the Commission with several hard copies of the plans. The applicant said the
45 plans included added fencing in the parking areas for employees and an undated landscaping plan. The
46 applicant said his engineer reviewed the storm water plan and submitted the finding to Hudson. The
47 applicant said the plans include improvements to McCormack Street so fire trucks will have access.

1 Cripps said the site plan needs to be more detailed. Schwaillier said more detail will be provided. Cripps
2 said the site plan does not indicate a turn radius for fire truck access and asked Hudson whether the
3 Township Fire Marshal expressed concerns. Hudson said the Fire Marshal was concerned whether
4 McCormack Street could handle a 60,000 lb. fire truck. Cripps noted that some sort of turn around
5 should be done. Dingemans asked where inventory will be stored. The applicant said a vault will be
6 constructed within the building. Chapman confirmed the dumpster area will be enclosed. The applicant
7 noted that he and the Fire Marshall discussed access point designs.

8
9 Cripps and Nagler expressed concern over a powerline and potential powerline easement in the building
10 site. The applicant wasn't sure if a powerline easement existed. Hartsough asked what the implications
11 of a potential easement may have. Nagler said that a building cannot be located within a certain amount
12 of feet from an easement. Nagler noted that is depends on how the easement is written. The applicant
13 said he plans to hook up to the City of Kalamazoo water and sewer connections and noted that such
14 access is at the street. The Commission discussed whether to conditionally approve the site plan or table
15 the same. Cripps said he wants the final plan to include all the details. Hathcock inquired as to the
16 applicant's sidewalk plan down Foster Street. Nagler said the Commission may table to conditionally
17 approve the site plan. Cripps said the site plan generally conforms, but it is not finished. Cripps wanted
18 the site plan brought back to the Commission and preferred not to approve it administratively.
19 Dingemans agreed. The applicant said he doesn't want to be held up with the State application process
20 and prefers to have his site plan conditionally approved. Cripps said the site plan needs to address the
21 following matters: fire truck access with soil testing to satisfy the 60,000 lbs. requirement; storm water
22 and percolation details must be provided; the powerline easement needs to be researched and
23 examined; the sewer hook-up points must be identified; and the sidewalk requirements along Foster
24 Street must be met.

25
26 Upon motion of Cripps, supported by Hathcock, and unanimous voice vote, the applicant's request for
27 site plan approval was tabled until next month, pending receipt of the documentation outlined by Cripps
28 in the paragraph above.

29 **New Business**

30 **Borgess Hospital Addition**

31 The next item on the agenda was the request of Thomas Platz, architect, for site plan review and
32 approval for a proposed renovation of the Borgess Hospital surgery center at 1521 Gull Road. The
33 property is located in the R-2 Single and Two Family Residential District within the Township. The
34 proposal is to construct a 36,975 square foot second floor addition to an existing building and an
35 internal 9,970 square foot renovation to the existing surgery center.
36

37
38 Hudson stated that the Borgess complex is a total of over 100,000 square feet with parking for 3,308
39 vehicles. Hudson indicated that the City portion of the hospital property is zoned CN (Commercial
40 Neighborhood) and the surrounding city areas are zoned RM-15 (Residential mixed use). The properties
41 to the east within the Township are zoned RM-2 Residential Mixed Use and the properties across Gull
42 Road to the south are zoned C-1 (local commercial).

43
44 Hudson read through his report, indicating that the minimum parcel size is 30 acres and that there was
45 no change proposed to the existing setbacks. This is because the construction is a rebuild and an
46 upward expansion of the surgery center. Additionally, he said, there was no change proposed to the
47 parking, landscaping, lighting or any other surface features on the site. He indicated that the change

1 had a minimal impact to the overall site and that all of the standards for site plan approval were either
2 met or not applicable.

3
4 Hudson recommended that the applicant be required to obtain a height variance from the Township
5 Zoning Board of Appeals. Additionally, he recommended that all driveways must remain accessible to
6 emergency vehicles during construction. The Planning Commission was free to add any other conditions
7 it deemed appropriate.

8
9 Hudson additionally recommended that the Planning Commission review the Site Development
10 Standards for Hospitals contained at Section 8.02V. of the Zoning Ordinance. Particularly, he asked the
11 Planning Commission to consider whether the height limitation, setback regulations and maximum lot
12 coverage for the district would always apply, or whether the Planning Commission would instead
13 consider amending the special use provisions for hospitals to allow for an exception to building height
14 restrictions (similar to what was done for the stacking of materials in a freight yard).

15
16 The Township Fire Marshal expressed concern for access during construction. Nagler asked why the
17 applicant must go to the ZBA if the hospital design was originally approved and it is six stories high.

18
19 Architect, Tom Platz, addressed the Commission on behalf of the applicant. Platz said the proposed
20 development is a one-story addition to the existing structure. Platz said impatient surgery will be moved
21 into this addition. Platz noted that the existing operating rooms are small. Platz said construction should
22 begin in June, 2018 and is planned to be completed in the first quarter of 2020. Nagler asked how many
23 new operating rooms would be built. Platz said twelve. Platz said a height variance will be sought from
24 the ZBA. Nagler said the design is not expanding the current footprint of the building. Hudson said he
25 didn't believe the applicant needs variance approval.

26
27 Upon motion of Hathcock, supported by Hartsough, and unanimous voice vote, the applicant's request
28 for site plan approval as presented was approved.

29
30 **Annual report: 2018 Goals and Objectives / Township Strategic Plan**

31
32 The next item on the agenda was to discuss the 2018 Township Goals & Objectives, and strategic plan.
33 Hudson summarized the accomplishments of the Planning Commission. Hudson had provided a draft of
34 the Township Planning Commission's Annual Report to the members in their packets. This document
35 contained a summary of the Planning Commission's activities during 2017 and set forth proposed goals
36 of the Planning Commission for 2018. Hudson said that looking ahead in 2018, the Commission should
37 review the Township Zoning Ordinance and remedy any issues or inconsistencies. Hudson provided an
38 update on the Capital Improvement Plan. Hudson said a Corridor Improvement Authority (CIA) plan
39 along West Main Street should be considered.

40
41 Koches provided the Commission with an overview of the CIA. Koches said a CIA is a tax increment
42 financing tool used to promote economic development. Koches said a CIA is designed to assist economic
43 development or redevelopment in established commercial districts. Koches said there are certain
44 parameters that must be established before a CIA may be created. Koches said that the Township Board
45 decides whether to create a CIA and explained the process for establishing a CIA.

46
47 The Planning Commission discussed the goals and objectives and suggested some wording changes
48 which Hudson agreed to make.

1 **Old Business**

2 **Commercial Vehicle Parking in Residential—continued discussion**

3 The Planning Commission next took up a continuation of a discussion regarding the parking of
4 commercial vehicles in residential zoning districts. Nagler recalled that he had requested Hudson to
5 come up with a draft amendment for it to consider. Hudson provided a document with a chart that
6 specified classes of vehicles based on USDOT standards and gross vehicle weight. He recommended
7 eliminating the word “power” from the text of the zoning ordinance’s Article 1 Definitions of
8 “Commercial Vehicles and Equipment”. Hudson’s suggestion was to define “Class 3” vehicles and above
9 (as shown on the chart) as commercial vehicles and therefore prohibit them from parking or storage in
10 residential areas.

11
12 Hudson recommended amendments to Section F “Commercial Vehicles and Recreational Vehicle Parking
13 in Residential Districts” by the elimination of the reference to “one ton” and by then referencing the
14 “commercial vehicle” definition. He also added a section requiring site plan review for a home
15 occupation in cases where large equipment was to be stored on residential property.

16
17 Hudson next recommended adding a sentence to Article 4, Section 4.01.B. which would disallow parking
18 of motor vehicles within the required front or side yards. This would restore a provision that was
19 contained in the prior zoning ordinance, but had been left out of the current ordinance.

20
21 Cripps and Dingemans discussed whether Class II vehicles or Class III vehicles should be allowed in the
22 Residential District Zoning Classification. Cripps said that he doesn’t want delivery trucks parked in the
23 Residential Districts, but noted that private individuals own Class III vehicles for personal use. Hudson
24 recommended defining the word “commercial vehicle.” Dingemans read the Texas Township Residential
25 Parking Ordinance as an example. Dingemans said he doesn’t think commercial vehicles should be
26 parked in residential areas. Hathcock recommended considering the size and dimensions of the vehicle
27 and whether it is reasonable to park the vehicle in a Residential District. Cripps asked why the ordinance
28 says driveways may only be 20 feet wide. Dingemans said he likes the language contained in the old
29 ordinance. Hathcock said the Commission could make it a violation if the issue is people parking
30 commercial vehicles in the right-of-way. Hudson said the Township Ordinance Enforcement Officer
31 needs some direction as to what constitutes a violation. Dingemans asked if anyone on the Commission
32 has an issue with old ordinance language. Seeber said commercial trucks and trailers in the right-of-way
33 are the main enforcement problems. Hudson said he will re-incorporate the discussed recommendation
34 into proposed language.

35
36 **Open Discussion**

37 **Members of the Audience**

38
39 Sherine Miller thanked the Commission for requiring the Maridell Corporation to submit a complete site
40 plan before approving it. Miller said she reached out to Senator O’Brien’s office regarding the
41 importance of the US-131 interchange and noted that the Township could lose businesses in that area
42 because without it, there is no quick access to I-94. Miller said it is rumored that Gibson Guitar may
43 open a museum in the business loop area.

44
45 Ron Huster expressed concerns of communication to the public regarding Township business and news.
46 Huster said no one in the community is interested until there is a problem.

47

1 William Chapman said he’s lived in the Westwood neighborhood for 40 years and is speaking as a
2 resident. Chapman said people do not come to meetings to express their concerns. Denise Hartsough
3 volunteered to attend the Westwood neighborhood association meetings.
4

5 **Correspondence Received**

6
7 The Chairman acknowledged receipt of a notice of intent to plan for a master plan for Oshtemo
8 Township.
9

10 **Report of Township Board Representative.**

11 Hathcock thanked the Commission for its hard work.
12
13

14 **Report of the ZBA Representative.**

15
16 None.
17

18 **Comments from Planning Commission members.**

19
20 Hartsough said she attended ZBA training and it was very helpful.
21

22 **Report of the Zoning Administrator / Fire Marshal.**

23
24 Hudson said an amendment to the ordinance should be considered to require site plans of individuals
25 who strip trees from their property. Hudson handed out pictures of a property owner who stripped all of
26 the trees from his property.
27

28 The Fire Marshal said the fire code is being updated. The Fire Marshal said that the 2018 NFA is up for
29 first reading before the Township Board. The Fire Marshal said medical marihuana is addressed in the
30 2018 code. The Fire Marshal discussed various amendments to the fire code. The Fire Marshal said the
31 Fire Department needs 25’ for all access drives and access roads still must be marked as “fire lanes” with
32 “no stopping or standing.” The Fire Marshal said anyone may call him should there be any questions.
33

34 **Report of the Township Attorney.**

35
36 None.
37

38 **Adjournment**

39
40 Cripps moved, supported by Hathcock to adjourn the meeting at 9:55 p.m. The motion passed
41 unanimously.
42
43
44
45

46 _____
Henry Dingemans, Secretary