KALAMAZOO CHARTER TOWNSHIP PLANNING COMMISSION

MINUTES OF SPECIAL MEETING HELD JANUARY 13, 2016

A special meeting of the Kalamazoo Charter Township Planning Commission was held on January 13, 2016, at the Kalamazoo Township Hall commencing at 7:00 p.m.

Members Present: Robert J. VanderKlok
William Chapman
Steven C. Leuty
Sarah Milne
Charles H. Rothrock
Robert E. Talbot

Members Absent: Henry Dingemans

Also present were Nathan Mehmed, Township Planner and Zoning Administrator, Catherine Kaufman, Township Attorney, Supervisor Ron Reid, Rebecca Harvey and Chris Doozan, McKenna Associates.

ITEM 1 CALL TO ORDER

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

ITEM 2 ROLL CALL

Chairman VanderKlok called the roll and advised that Commissioner Dingemans was not in attendance. Motion was made by Mr. Rothrock, seconded by Ms. Milne to excuse Commissioner Dingemans' absence. The motion passed unanimously

ITEM 3 APPROVAL OF MEETING MINUTES FOR JANUARY 7, 2016

Chairman VanderKlok suggested tabling the consideration of the 1/7/16 regular meeting minutes until the Planning Commission's regular meeting on 2/4/16. Motion was made by Mr. Rothrock, seconded by Ms. Milne to table consideration of the 1/7/16 meeting minutes until the next regular Planning Commission meeting. The motion passed unanimously

ITEM 4 APPROVAL OF AGENDA FOR JANUARY 13, 2016 MEETING

Chairman VanderKlok said that because of the inclement weather, he hoped to move through the agenda quickly. Motion was made by Mr. Rothrock, seconded by Mr. Chapman to approve the agenda as presented, with the intent to move through the agenda as quickly as possible. The motion passed unanimously

ITEM 5 SCHEDULED REVIEWS

None

ITEM 6 PUBLIC HEARINGS

None

ITEM 7 OLD BUSINESS

7.a. Zoning Ordinance Update: Review of Articles 6 and 8

Chris Doozan, McKenna Associates, presented draft Article 6, Walls and Fences. He said that this Article will deal with screening, walls in residential districts and standards for walls and fences. Mr. Rothrock felt it would be helpful to add the word "screening" to the title of this Article. Mr. Leuty noted some typographical errors and complimented the design of the table in Section 6.01. Mr. Rothrock asked if a six foot tall fence was adequate and discussed proposed fence materials. Mr. Doozan referenced the section on required fence maintenance.

In response to a question from Commissioner Talbot, Mr. Doozan said Article 7 will be on signs and that this Article has not been drafted yet. It will be presented to the Planning Commission for review at a later date.

Mr. Doozan then presented draft Article 8, Site Development Standards Applicable to Specific Uses. Commissioner Rothrock asked about the introductory language of the section regulating adult uses discussing secondary effects. Attorney Kaufman explained that case law bases regulation of adult uses (as a regulation of speech) in part on the negative impact of those uses on surrounding properties. Generally, she said, this type of language is found in regulations affecting adult entertainment uses.

In reviewing the proposed regulations for airports, Mr. Doozan said that much airport regulation is through the FAA. Supervisor Reid asked about regulation of drones.

With regard to auto body/paint shops, there was general discussion about requiring proof of EPA or other required approvals. Mr. Doozan indicated that some of the required approvals went beyond land use and land use is what is controlled by zoning.

In terms of automobile/vehicle dealers, the Planning Commission discussed adding recreational vehicle dealers and outdoor recreational equipment dealers (ie., ORVs, snowmobiles) to this category. Ms. Harvey referenced the draft language which included recreational vehicles and other vehicles. There was also discussion about the proposed driveway location language, to require a minimum setback from intersection rights-of-way.

Commenting on the proposed regulations of automobile filling stations/automobile garages, Mr. Rothrock asked if spill cleanup could be regulated through the zoning ordinance. Mr. Doozan stated that this is not something that would be regulated by zoning, but instead by the DEQ or other regulatory agencies. Supervisor Reid asked if gasoline filling stations were required to have concrete paving. Chairman VanderKlok liked the limit on the number of days that repaired vehicles can be kept on site.

There were no comments on the proposed regulations for automobile washes.

The Planning Commission supported the proposed regulations for bed and breakfast establishments. Supervisor Reid asked about regulation of Air BNB or other short term rental options. Ms. Harvey suggested adding language to this section to regulate short term rentals such as Air BNB.

The Planning Commission had extensive discussion on the proposed regulations for brewpubs and microbreweries. Mr. Rothrock noted that the limits on brewpubs selling beer to other retailers/wholesalers may soon be changed through new legislation. Mr. Rothrock suggested citing Michigan law, which may be amended periodically. Mr. Rothrock also asked the Planning Commission if it wanted to require a certain percentage of gross sales be from food service, or if the Township should be more flexible. The Planning Commission also discussed distilleries and microdistilleries. Mr. Doozen noted that the State currently regulates who a micro distillery can sell to. The Planning Commission was pleased overall with the regulations and wants to do all it can to encourage the establishment of brewpubs and distilleries in the Township.

There were no comments on the proposed cemetery regulations.

Mr. Leuty felt the proposed composting regulations were very good and provided the necessary flexibility. He felt the drainage regulations were well done and asked McKenna to consider adding references to composting of food waste in this section. There was Planning Commission discussion regarding percentage of finished composted material allowed on site versus total material on site. Mr. Leuty said there was a DEQ regulation on this already.

Mr. Doozan next said that the concrete plant/concrete crushing regulations were taken from the Township's existing standards. Mr. Rothrock asked about regulating portable asphalt plants. Supervisor Reid noted the need to make the bonding amount per acre in this section be the same as the bonding amount per acre for mining operations.

There were no comments on the proposed regulations for Consulting Medical and Psychological Facilities, Drive-in Establishments or Funeral Homes. Mr. Doozan said that he used the Township's existing regulations for garage sales. There were also no comments on golf courses.

Regarding governmental uses, there was discussion as to the scope of zoning regulation and authority over County owned facilities, including the County Jail and Expo Center. There was discussion as to how the County Expo Center/Fairgrounds operates under a MUD approval, with annual Township review and approval of activities and events. Supervisor Reid noted the difficulty of traffic using Healy Street to access the new Intake Center at the County Jail. There was discussion that Governmental Uses should have access on state highways or county primary roads.

Mr. Doozan then advised that the earth removal regulations were taken from the Township's existing ordinance. Chairman VanderKlok felt that the existing regulations had worked well over time. There was Planning Commission discussion on reclamation requirements, setbacks, hours of operation and annual reviews.

The Planning Commission had no comments on health clubs or hospitals, but did ask for clarification on group day care homes. There was discussion on required fence height for group day care centers – some members felt that four feet was not tall enough.

Mr. Doozan said that the regulations for junkyards were taken from the existing ordinance. Supervisor Reid brought up the issue of allowing metal fences at junk yards. The Planning Commission then had a discussion on proposed regulations for commercial and non-commercial kennels, including a distinction between platted and non-platted lands. The Planning Commission had no comments on regulations for landscape contractors.

The Planning Commission discussed the proposed minimum lot size for metal recycling operations (50 acres), as well as the proposed setback for storage of equipment/parts. Chairman VanderKlok asked if existing metal recycling operations would become lawful non-conforming uses if the new regulations were adopted. Attorney Kaufman explained the applicability of a lawful non-conforming use in light of revised zoning ordinance regulations.

With regards to mini-storage facilities, Chairman VanderKlok felt it was important to prohibit electrical service inside each unit for safety reasons. Mr. Rothrock asked if the proposed regulations for mobile offices would incorporate mobile MRI and other medical labs, as well as trailers used at schools. Mr. Doozan said these uses would be included.

Mr. Doozan explained that the regulations for hotels/motels include a very basic standard of service. Supervisor Reid said that he felt TVs should be required in each room.

The Planning Commission had no comments on proposed regulations for motor freight warehouses, movie theaters, nature centers, nursing homes or oil/gas processing facilities. The Planning Commission did ask for clarification on the requirement for driveway locations for open air businesses, ie., no closer than sixty feet from an intersection.

When considering the regulation of outdoor events, the Planning Commission explained its longtime practice of annually approving events for the Kalamazoo County Expo Center (Fairgrounds), as a function of a previous MUD approval. Additionally, the Planning Commission had few comments on regulations for pet shops/pet grooming, other than requiring proper handling of pet waste for public health purposes.

With regard to recreation facilities, Supervisor Reid asked for clarification of required road frontage/access. The Planning Commission felt the proposed regulations for religious institutions were well drafted. There was discussion on regulations of farm stands/roadside stands. Chairman VanderKlok said there are still several farm stands in the Township. Attorney Kaufman noted that there is a farm market GAAMP and any regulation of farm stands cannot conflict or revise the provisions of that GAAMP. Ms. Harvey said that the Township can regulate farm stands to the extent that there is no conflict.

Mr. Rothrock asked that the definition of structure include reference to solar panels. He also said that there should be a bonding requirement for solar panels, as they contain cadmium and present a health hazard.

Mr. Leuty had to leave the meeting at 9:25 p.m.

The Planning Commission had no comment on stamping plant regulations. There was extensive Planning Commission discussion on the proposed tattoo parlor regulations, which were the same as those in the current zoning ordinance. Ms. Harvey suggested that tattoo parlors be treated the same as other personal service establishments such as beauty or barber shops or nail salons, as their impact is similar in nature. Chairman VanderKlok provided historical background on the regulations for tattoo parlors.

There were no comments on the proposed regulations for utility structures, vehicle impoundment lots or veterinary clinics. With regards to wind energy system regulations, Mr. Rothrock asked for some regulation of vibration, and a requirement for bonding for removal. Chairman VanderKlok was against allowing wind energy systems that are providing energy back to the grid in residentially developed areas. The Planning Commission had no comments on proposed regulations for wireless communication facilities.

Mr. Doozan next outlined draft Section 8.03, Site Development Standards for Residential Uses. The Planning Commission had no comments on the proposed regulations for accessory apartments. The Planning Commission did discuss at length the proposed regulations for single family attached and multiple family housing. The Planning Commission asked Mr. Doozan to explain the proposed density restrictions. The Planning Commission was pleased with the proposed construction standards, including articulation between units and minimum distance standards between buildings. Supervisor Reid brought up the requirement for public road access. He also questioned the proposed site design standards for length of a cul-de-sac. Mr. Doozan said that public safety standards generally limit the length of a cul-de-sac and mandate a minimum radius to insure

appropriate turning distance. Mr. Doozan also said that, in general, roads internal to a multi-family development are usually private roads, although that does not have to be the case.

Mr. Doozan said that the open space preservation regulations were drafted to track with state law. The Planning Commission had no comments on proposed regulations for senior housing or model homes. The Planning Commission had discussion about eliminating the special housing zoning provisions from the zoning ordinance, as the provisions had never been used.

ITEM 8 ADJOURNMENT

Chairman VanderKlok said that as the Planning Commission had completed review of the draft zoning ordinance sections on that night's agenda and given the late hour, he wanted to postpone other business at that time.

Mr. Rothrock made a motion to adjourn, seconded by Ms. Milne. The motion carried unanimously and the meeting was adjourned at 10:00 p.m.

KALAMAZOO TOWNSHIP
PLANNING COMMISSION

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