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

10 A regular meeting of the Kalamazoo Charter Township Planning Commission was  
11 conducted on February 1, 2018 commencing at 7:00 p.m. at the Township Hall at 1720  
12 Riverview Drive.

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19 **Present were:**

20 Jim Cripps  
21 Jeremy Hathcock  
22 William Chapman  
23 Fred Nagler, Chairman  
24 Denise Hartsough  
25 Henry Dingemans  
26 Tonnie Hitt

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31 **Absent were:**

32 None.

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41 Also present were Township Manager Dexter Mitchell; Township Zoning Administrator  
42 Patrick Hudson; Township Attorneys Roxanne Seeber and Seth Koches.

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47 **Call to Order**

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

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53 **Roll call and Recognition of Visitors**

54 The Chairman noted that all Commission members and approximately 25 visitors were  
55 present.

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61 **Approval of meeting minutes**

62 The first item on the agenda was approval of the January 4, 2018 and January 18, 2018  
63 special meeting minutes, a draft of each had been provided to the members in their  
64 packets.

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77 Cripps, Hathcock, Hartsough and Chairman Nagler suggested changes to correct minor  
78 errors in January 4, 2018 meeting minutes. Cripps moved, supported by Chairman  
79 Nagler to approve the minutes of the January 4, 2018 meeting as corrected. The motion  
80 passed unanimously. The changes were made on the face of the minutes; Dingemans  
81 signed them and they were provided to Hudson.

1 Cripps, Dingemans and Hartsough suggested changes to correct minor errors in  
2 January 18, 2018 meeting minutes. Hartsough moved, supported by Dingemans to  
3 approve the minutes of the January 18, 2018 special meeting as corrected. The motion  
4 passed unanimously. The changes were made on the face of the minutes; Dingemans  
5 signed them and they were provided to Hudson.  
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### 8 **Approval of the Agenda**

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10 A draft agenda had been provided to the members in their packets. Chapman moved,  
11 supported by Cripps to approve the agenda as amended. The motion passed  
12 unanimously.  
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### 15 **Scheduled Reviews**

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17 None.  
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### 20 **Public Hearings**

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22 The next item on the agenda was a public hearing for a PUD amendment for  
23 Kalamazoo County Animal Services (“KCAS”). A copy of Hudson’s report was provided  
24 to the members in their packets. Hudson reviewed the report, indicating that the PUD  
25 was originally approved under the old zoning ordinance as a MUD for the County  
26 fairgrounds and other County uses. Section 21.03B – Permitted Uses, provides that any  
27 land use allowed in the Township may be included in a PUD provided that there shall be  
28 buffering from any adjacent residential uses. Section 21.03 specifies maximum lot  
29 coverage depending on the underlying zoning. However, he said, there is no indication  
30 in the Township’s records of what that underlying zoning may have been. Hudson noted  
31 that it is likely to have been Industrial which would prohibit residential uses within the  
32 MUD. The applicable provisions of the Township’s Zoning Ordinance for reviewing the  
33 KCAS PUD amendment are Article 21.00, Section 21.03 – Design Standards; Article  
34 26, Section 26.04 PUD procedures, M. Revision to Approved Plans, 1. General  
35 Revisions.  
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37 The public hearing was opened and Hudson indicated that the existing parcel is a  
38 vacant, grass parcel. County buildings occupy land to the north and County fairgrounds  
39 occupy the land to east. The County jail is to the south and the land to the west is  
40 occupied by several small industrial-type businesses fronting Healy Street. The  
41 proposal is to construct a 17,754 square-foot building on the 8.92-acre parcel. This  
42 building will include approximately 7,544 square feet of usable floor area for the public.  
43 The proposal also seeks permission to construct a north parking lot consisting of 9,600  
44 square feet and a south parking lot consisting of 12,600. A 10,500 square foot storm-  
45 water detention basin will also be built.  
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1 Elevation drawings and specifics were provided with the application. Hudson discussed  
2 District Regulations pursuant to Article 21, Section 21.03, including dimensional  
3 setbacks, required distances between buildings, building height, parking, open space,  
4 lighting and landscaping requirements. Hudson also discussed the standards for site  
5 plan approval pursuant to Section 25.02F of the Township's Zoning Ordinance. Hudson  
6 noted that the KCAS proposal's character fits well within the PUD and all ordinance  
7 requirements except screening of the dumpster were satisfied. Hudson noted that a  
8 permit for soil erosion must be issued through the County.

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10 The Kalamazoo County Sheriff's Department submitted an e-mail asking that fencing  
11 around the future dumpsters located on the south end of the new building not be solid  
12 for the safety of the County Sheriff's operations, particularly with the jail so nearby.  
13 Hudson noted that the Fire Marshal requested that fire hydrants be properly located on  
14 the site plan. Hudson said that the applicant would have to apply separately for a sign  
15 permit, but the permit may be approved administratively.

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17 Steve Lawrence, the director of Kalamazoo County Animal Control addressed the  
18 members. Lawrence said that the current shelter was built in 1984 and was used to  
19 store animals. Lawrence said that the animals are unable to be separated and there is  
20 no air circulation system or air conditioning in the current building. Lawrence said that  
21 there is funding to support this project and he would like to get it done. Lawrence noted  
22 that the new facility will have pods with separate large kennels which will enable  
23 separation of animals. Lawrence remarked that the new facility will have a more inviting  
24 design and will draw more volunteers to assist. The new building will have air  
25 conditioning and will reduce or eliminate odors. Lawrence noted that the cats will be  
26 separated from the dogs. Lawrence plans to hold animal educational events at the new  
27 shelter as well.

28  
29 Andrew Roselle from A.R. Engineering addressed the members. Roselle provided  
30 visual rendering which available for public inspection. Roselle said that the plan was to  
31 develop 2.5 acres. Roselle discussed the survey drawing and noted that the property  
32 was mostly flat. Roselle discussed the site plan and noted the places for public parking,  
33 staff areas, entrances and the dumpster location. Roselle discussed the utility and storm  
34 water locations and detention areas and basins. Roselle provided a diagram of the  
35 landscaping plan and said that it meets the ordinance. Roselle said that the lighting plan  
36 will not create light pollution or interference. Roselle said that the project, if approved,  
37 should begin construction in the spring, 2018 and be finished in the spring, 2019.  
38 Roselle said that an application will be submitted for a signage, but noted the proposed  
39 design will comply with the ordinance. Roselle asked the members if they had any  
40 questions.

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42 Chapman asked if the new shelter will be ADA compliant. Lawrence said yes and also  
43 clarified fire hydrant placement.

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45 Chairman Nagler asked to receive any public comment from interested parties. Being  
46 none, the Chairman closed the public hearing and the members entered deliberations.

1 Hathcock said that this is a great project and the rest of the members agreed. Cripps  
2 said that the applicant made the required amendments and the applicant met all the  
3 requirements.

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5 Hathcock moved, supported by Hitt to approve the PUD amendment as presented. The  
6 motion passed unanimously.

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10 **Old Business**

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12 Medical Marijuana Draft Ordinance

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14 The next item for consideration on the agenda was to review changes made to the draft  
15 text of the proposed medical marijuana facilities ordinance. Hudson summarized the  
16 status the draft ordinance. The proposed changes were included in the members'  
17 packets. Hudson said there were several areas to address, beginning with outdoor  
18 marihuana grow. Attorney Seeber said that there is new case law requiring townships to  
19 allow outdoor grow operations. Attorney Seeber said that an applicant may grow  
20 marihuana outside, but it must be secured. Cripps said that the members could demand  
21 that there be no odor from the outdoor grow, but couldn't prohibit it. Mitchell  
22 recommended doing some critical thinking before setting up an applicant for failure.

23  
24 Cripps asked that the members review page one of the proposed changes to the  
25 proposed text amendment. Cripps recommended that "B-24" be removed. Attorney  
26 Seeber said that the Fire Marshall has a copy of the proposed text amendments for  
27 review. Hudson said that on page 4, liability insurance had been adjusted from  
28 \$1,000,000 to \$2,000,000. Hudson asked how to address non-conforming buildings.  
29 Discussion ensued regarding adjacent property lines and set back requirements.  
30 Chairman Nagler recommended that an applicant should submit a request for a  
31 variance should non-conforming properties become an issue. Mitchell said that the  
32 setback requirement in an industrial zoning is 50 feet. Chairman Nagler discussed  
33 measurements and non-conforming uses and noted that the purpose of measurements  
34 is to establish buffers and setback lines from the buildings. Mitchell said that the setback  
35 is from the non-conforming building to the setback of the other building. Chairman  
36 Nagler said that the distance should be measured from the building of the medical  
37 marihuana facility.

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39 Hathcock suggested that uses in neighboring municipalities should be considered.  
40 Cripps discussed buffers between neighboring municipalities and various zoning  
41 districts. Mitchell noted that Comstock Charter Township did not adopt a medical  
42 marihuana facilities ordinance. Attorney Seeber said that mutual discussion led to an  
43 agreement of a 250-foot buffer between municipal boundary lines. Attorney Seeber said  
44 that a subsequent discussion with the City of Kalamazoo allowed for the elimination of  
45 the 250-foot buffer if an Industrial zoning district located within the City of Kalamazoo  
46 abuts an Industrial zoning district within the Township. Attorney Seeber said that the

1 struggle is defining "similar uses" and establishing buffers on properties that abut a  
2 neighboring municipality that has not adopted a medical marihuana facilities ordinance  
3 or abuts a contiguous zoning district classification with different uses. Cripps said that a  
4 buffer has to be present is if the marihuana facility abuts a parcel with not a like use.  
5 Chairman Nagler asked if the members were comfortable with "compatible uses."  
6 Cripps noted that the Township cannot control how the City of Kalamazoo interprets  
7 Township uses. Chairman Nagler said he prefers to keep it simple and amend the  
8 ordinance as needed. Attorney Seeber said that the setback is 250 feet from  
9 residential uses from neighboring municipalities. Attorney Seeber said that the members  
10 should address similar or non-similar uses of neighboring municipalities, and set a  
11 buffer.

12  
13 Hudson recommended removing paragraphs D, E and F from page 9 from the draft text.  
14 Chairman Nagler had no objections. Mitchell used a visual mapping tool to demonstrate  
15 measuring distances between buildings. Cripps said that an applicant's site plan will  
16 have to show all setbacks are satisfied to ensure compliance. Hudson handed out maps  
17 that showed the Township's Industrial zones. The maps also showed where the City of  
18 Kalamazoo's residential zoning districts were located. Hudson noted that the buffer  
19 eliminates many of the buildings in the map. Dingemans said that is the purpose of the  
20 buffer. Hudson said that definitions on page 13 have been revised in the draft text.  
21 Attorney Seeber stated that an application will need to be analyzed under the different  
22 sets of criteria, not just the "normal" setbacks contained in the zoning district. The  
23 Chairman and Cripps suggested that the special use application be revised to make  
24 sure that the application shows distances from the protected uses and adjoining  
25 municipalities.

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29 Commercial Vehicle Parking in residential – continued discussion

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31 The next item for consideration on the agenda was to continue discussion regarding  
32 commercial vehicle parking in residential zoning districts. Cripps moved, supported by  
33 Hathcock to table the continued discussion regarding commercial vehicle parking in  
34 residential zoning districts. The motion passed unanimously.

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37 **New Business**

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39 None.

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42 **Open Discussion**

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44 Members of the Audience

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46 None.

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Correspondence Received

Chairman Nagler said that a letter from Kalamazoo County stating that their master plan was approved.

**Report of Township Board Representative**

Hathcock said the Township Board appreciates and thank the members of the Planning Commission for its hard work on drafting the medical marihuana facilities ordinance.

**Report of the ZBA Member**

Chairman Nagler reported that there was no ZBA meeting the prior month.

**Comments from Planning Commission Members**

None.

**Report of the Planner/Zoning Administrator**

Hudson inquired about two applications that had come before him recently. One was for a church in a commercial district which had requested a text amendment. The group located the potential church property and saw that it was adjoining residential to the north. Seeber suggested a rezone or a conditional rezone rather than a text amendment. Hudson will pass that along to the applicant. Hudson inquired about another office that wished to move into a location in the township. Because the type of use was not specified, he wasn't sure if it would be permitted in the zone. Seeber indicated that this was an interpretation question that the zoning administrator had the authority to make.

**Report of the Township Attorney**

None.

**Adjournment**

There being no additional business before the Planning Commission, upon motion of Hathcock and support by Cripps, and unanimous approval, the meeting was adjourned at 9:10 p.m.

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Respectfully Submitted,

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Henry Dingemans, Secretary