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2 **Charter Township of Kalamazoo**  
3 **Minutes of a Planning Commission Meeting**  
4 **Held on June 1, 2017**  
5

6 A meeting of the Kalamazoo Charter Township Planning Commission was conducted on June 1,  
7 2017 commencing at 7:00 p.m. at the Township Hall at 1720 Riverview Drive.  
8

9 **Present were:**

10 Jim Cripps  
11 Jeremy Hathcock  
12 Denise Hartsough  
13 Tonnie Hitt  
14 William Chapman  
15

16 **Absent were:**

17 Henry Dingemans  
18 Fred Nagler  
19

20 Also present were Township Zoning Administrator Patrick Hudson, Township Attorney  
21 Catherine Kaufman; and 7 additional interested persons.  
22

23 **Call to Order**

24  
25 Vice Chairman Cripps called the meeting to order. Mr. Cripps noted that Chairman Nagler and  
26 Mr. Dingemans were absent. Chapman moved, supported by Hitt to excuse Dingemans and  
27 Nagler from the meeting. The motion passed unanimously  
28

29 **Approval of meeting minutes**

30  
31 The proposed minutes of the May 4, 2017 planning commission meeting had been provided to  
32 the commissioners in their meeting packets. Upon motion of Hitt, supported by Chapman, the  
33 minutes were unanimously approved as presented.  
34  
35

36 **Approval of meeting agenda**

37  
38 Hartsough moved, supported Hitt to approve the meeting agenda as submitted. The motion  
39 passed unanimously.  
40

41 **Scheduled Reviews**  
42

1 Cripps said that there were three scheduled reviews for gravel mining operations – Superior  
2 Gravel, Top Grade and Hillside Gravel. Mr. Hudson presented a memo regarding all three  
3 reviews to the Planning Commission  
4

5 **Superior Gravel – 1950 Ravine Road.** Mr. Hudson said that the liability insurance is up to date,  
6 the bond is good until 2018, the inspection fee has been paid and the soil erosion permit is still  
7 valid (expires on October 2017). Hudson also said that the trespass issue with Azon has been  
8 resolved and that slope has been stabilized. Mr. Hudson referenced pictures of the site.  
9

10 Wes Smith, representing Superior Gravel, displayed a 2016 aerial photo. He said that they are  
11 currently mining in the same area south of the tower. They are mining for sand on the lower  
12 level and mining for gravel on the upper level. Mr. Smith indicated areas on site that Superior  
13 Gravel owns and areas that it leases. He noted that they have backfilled the area around the  
14 guy wire (which was a concern last year). Mr. Smith said they are also asking for a permit to  
15 allow concrete crushing. Mr. Smith said they crushed concrete last year and would like to do  
16 so again.  
17

18 Chapman asked about the time for concrete crushing. Mr. Smith said they work 7 a.m. to 7  
19 p.m. on weekdays, per the Township ordinance. Hathcock asked for clarification of concrete  
20 crushing versus gravel crushing. Mr. Smith said that gravel is taken from the bank on site.  
21 Concrete is brought onto the site and crushed on site. Mr. Smith said crushed concrete is  
22 gaining in popularity and is used for road base, driveways, etc. Cripps said that crushing  
23 concrete probably results in the same noise and dust as crushing gravel. Mr. Smith said that  
24 they are regulated for noise and dust. Chapman asked for clarification of where the concrete  
25 crushing happens on site. Mr. Smith indicated the area outlined in red on the aerial photo. He  
26 said there will be noise and vibrations from concrete crushing. Hartsough mentioned that the  
27 Township Ordinance limited mining to 7 a.m. to 7 pm. Monday through Friday and 8 a.m. to 5  
28 pm. on Saturday.  
29

30 There being no further Planning Commission discussion, Hartsough moved to renew the mining  
31 permit for Superior Gravel for another year, including allowing concrete crushing. Hathcock  
32 seconded the motion. The motion passed unanimously.  
33

34 **Top Grade, 1100 Nazareth Road.** Mr. Hudson said that the bond had expired for this site; the  
35 liability insurance will expire in July; the company needs to pay the inspection fee; and the soil  
36 erosion permit is good until 2019. Mark Clark addressed the Planning Commission on behalf of  
37 Top Grade. Cripps asked if any expansion of mining areas was planned. Mr. Clark said that  
38 they were mining in the same area as last year, near the southwest/western portion of the site.  
39 Mr. Clark said they are working on getting bond update and renewing their liability insurance.  
40

41 There being no further Planning Commission discussion, Hitt moved to renew the mining permit  
42 for Top Grade for another year, with the conditions of approval being that applicant must  
43 update its bond and pay its required inspection fees within two weeks. Hathcock seconded  
44 the motion. The motion passed unanimously.

1 **Hillside Gravel Pit, 2702 Ravine Road.** Mr. Hudson said that there are no site issues. The  
2 surety bond expired on June 1, 2017 (today) and liability insurance will expire on June 24. The  
3 soil erosion permit is valid until November 2017 and they need to pay their inspection fee.

4  
5 Don Balkema submitted proof of a new bond, updated liability insurance and payment for the  
6 required inspection fee to the Planning Commission. Mr. Balkema said that they are digging in  
7 the southwest corner of the site, behind the Vlietstra house. He said they continue to work in  
8 the same 3 -4 acre area where they have been working the last few years.

9  
10 There being no further Planning Commission discussion, Hathcock moved to renew the mining  
11 permit for Hillside Gravel for another year. Hathcock seconded the motion. The motion  
12 passed unanimously.

13  
14 **Public Hearings**

15  
16 None

17  
18 **Old business**

19  
20 Mr. Hudson asked to move the discussion regarding Pizza Hut ahead on the agenda. There was  
21 no objection.

22  
23 Mr. Hudson said that he had reviewed the site that day (1930 W. Main Street) and said that it  
24 looks great. The sign is up in the correct location and the landscaping has been installed.  
25 Brian Cronkright, representing Pizza Hut, addressed the Planning Commission. Mr. Cronkright  
26 said that Pizza Hut had completed all required site improvements. The last requirement was  
27 that he appear at the June Planning Commission meeting to update the Planning Commission  
28 on progress. Cripps said that the grass installation looked very good and is the direction the  
29 Township is taking under its new Zoning Ordinance. Cripps thanked Pizza Hut for their  
30 cooperation.

31  
32 Mr. Hudson next addressed the issue of compliance at the Hookah Lounge. 1747 W. Main  
33 Street. Hudson said that the site is not in compliance, as it still needs to finish asphaltting the  
34 parking lot. Additionally, the sign location on the approved site plan does not meet required  
35 setbacks. There are not many good options to locate the sign that will satisfy the 12.5 foot  
36 setback, unless the sign is put in the center island along West Main, which would then  
37 necessitate removing a tree shown on the landscape plan. Mr. Hudson supported revising the  
38 site plan to move the sign location to the center island area along West Main. Mr. Hudson said  
39 that otherwise the Hookah Lounge would have to lose parking to put the sign an area  
40 designated for parking that met the setback requirements.

41  
42 Mr. Hudson also referenced a letter from Caporossi Construction that had been submitted by  
43 the Hookah Lounge to the Planning Commission that night, stating that asphaltting was

1 scheduled for June 23, 2017 and topsoil work would be done after that. Caporossi Construction  
2 anticipates being done with paving and topsoil work by the end of June 2017.

3  
4 The Planning Commission discussed the proposed sign location. Attorney Kaufman said that  
5 the applicant could apply for a setback variance, but would need to demonstrate a hardship to  
6 justify a setback variance. Also, the applicant could downsize the building or use less usable  
7 floor area, so as to decrease the required parking, thereby allowing installation of the sign in  
8 the parking lot (and in compliance with setbacks). Attorney Kaufman said that it was the  
9 applicant's responsibility to submit a site plan that complies with zoning regulations.

10  
11 Mahmoud Alkhateeb addressed the Planning Commission on behalf of the Hookah Lounge. Mr.  
12 Alkhateeb said that they have completed everything except striping the parking lot and  
13 installing the sign. He said that he had removed the old sign. He is not allowed to replace the  
14 old sign at its former location, because the new zoning ordinance requires a 12.5' setback. He  
15 said Mr. Hudson suggested putting the sign on an island in the parking lot.

16  
17 Mr. Hudson mentioned that this property will be back on court on June 22 regarding exceeding  
18 posted capacity. Chapman asked if the lighting issues had been resolved. Hitt reminded the  
19 applicant that no live entertainment is allowed on site, as a condition of the previous special  
20 use approval. Cripps asked Attorney Kaufman if the Planning Commission had authority to deal  
21 with a variance for the sign location. Attorney Kaufman said that only the ZBA had the  
22 authority to grant a variance. Attorney Kaufman said that the applicant can apply to the ZBA  
23 for a variance for the sign location, if he chooses to do so.

24  
25 Mr. Alkhateeb said the business needs a sign to identify their location, as traffic moves fast on  
26 West Main Street. He said the only signage he has currently is the awning. Cripps said that the  
27 applicant will need to figure out how to address the issue of the sign location.

28  
29 Mr. Hudson said that the Hookah Lounge had a June 1<sup>st</sup> deadline for compliance with all zoning  
30 ordinance and special use requirements; they still had to complete paving and landscaping.

31  
32 There being no further discussion, Hitt moved to approve an extension of the timeline to  
33 complete all site improvements as required by the zoning ordinance, the approved site plan  
34 and the special use approval until June 30, 2017. Hartsough seconded the motion and the  
35 motion passed unanimously. Hudson reminded the applicant that he had to submit a revised  
36 site plan to show a new sign location, if he chose to relocate the proposed sign.

### 37 38 **Air BNB/Short Term Rental discussion**

39  
40 Hudson distributed a staff memo and a list of pros/cons regarding short term rentals prepared  
41 by Hathcock. Hudson referenced his memo for definitions, explaining that it wasn't  
42 appropriate to use the term Air BNB, as it is a corporation's name, not a land use. Hudson said  
43 that the Township currently does not have definitions for short term rentals versus long term  
44 rentals. Hudson said the State Building Code defines short term as 30 days and under;

1 everything else is long term rental. Hudson said that the questions are when does a short term  
2 rental become a business and/or a motel and whether a short term rental is residential in  
3 nature. Hudson also said that the Planning Commission should consider whether there should  
4 be any regulation on these uses.

5  
6 Hathcock walked through his suggestions for the Planning Commission's consideration, which  
7 included adding definitions for short term rentals (STRs), the prevalence of this issue  
8 nationwide, adding STRs as special uses in single family neighborhoods, pros and cons,  
9 regulating length of stays and survey of other municipalities' actions.

10  
11 Cripps asked for public comment on this matter. Dale Mitchell, 2231 Wilmette, said that he  
12 has been at township board meetings where this issue was discussed. He has registered his  
13 home with Air BNB and it is filing quickly. He has people renting his house through Air BNB for  
14 a month; other rentals range from 2 weeks to one night. He is completely filled for June and  
15 August of this year. Mr. Mitchell feels that the Air BNB requirements (photo ids, rating system  
16 for guests/hosts) builds in safeguards to protect the property owner. He feels that there is less  
17 traffic using his house from the short term rentals than when he actually lived there. He has  
18 requirements on his rentals, including after 10 p.m. being quiet time.

19  
20 Cripps asked Mr. Mitchell if he still lived at the Wilmette Street address. Mr. Mitchell said that  
21 he now lives in Bangor, on a family property. He maintains the Wilmette Street house and uses  
22 it when he wants to be in town for civic and other activities.

23  
24 Attorney Kaufman mentioned that there was pending legislation that, if passed, would prohibit  
25 local regulation of short term rentals, other than to treat them the same as other single family  
26 residential uses. Mr. Mitchell said there have been no negative impacts from his Air BNB  
27 affiliation.

28  
29 The Planning Commission had discussion on amendment to the Zoning Ordinance regarding  
30 short term rentals, bed and breakfasts and how to identify when a single family dwelling  
31 converts into a commercial use. Cripps thanked Hathcock for his research and presentation.

32  
33 Mr. Mitchell told the Planning Commission that it was not cost effective for him to rent his  
34 house out long term; short term rentals are cost effective and he requires that his renters  
35 respect the property and the neighbors. Hitt asked what happens if a renter will not leave at  
36 the end of their short term rental agreement. Mitchell said the short term rental is policed by  
37 and regulated through Air BNB.

38  
39 Hathcock said that the Township Board has not set a specific timeline for dealing with the short  
40 term rental issue. The Planning Commission decided to table further conversation on this item  
41 for a few months.

42  
43 **New Business**

1 **3320 Ravine Road – Phillips 66 Gas & Food Mar - Site plan review/site plan amendment.**

2  
3 Mr. Hudson presented his staff report regarding a proposed site plan amendment. Mr. Hudson  
4 said that the proposal is for a 1,652 square foot addition to an existing gas station building,  
5 which will be used primarily for retail sales. Mr. Hudson noted that the Township Board had  
6 approved a Zoning Ordinance amendment to allow automobile service and filling stations as  
7 permitted uses in the I-1 zoning district. Regarding the proposed addition, Mr. Hudson said all  
8 setbacks are satisfied; the fire chief has signed off on the plan; there is no increase in  
9 permeable surface; there is no new interior landscaping required or provided; there is one light  
10 proposed for the rear of the building; no new signage is proposed; no new site drainage is  
11 proposed and no sidewalks are shown on the plan. Chapman asked if the site is ADA compliant;  
12 Hudson confirmed that it was.

13  
14 John Lovely, Bosch Architects, appeared with the applicant, Maginder Benipal. Mr. Benipal  
15 said the proposed hours of operation at Monday through Friday 5 a.m. to 11 p.m.; Saturday 6  
16 a.m. to 11 p.m.; Sunday 7 a.m. to 9 p.m.

17  
18 Hathcock asked if one light is enough for the site. Mr. Lovely said that one LED wallpack has  
19 been added to the rear of the building. It will be mounted at 10 feet and will light the rear area  
20 at night. Mr. Lovely said that there are a number of existing lights on site that will remain.  
21 Additionally, Mr. Lovely said that while 6 parking spaces are being eliminated to allow the  
22 building expansion, 7 new parallel parking spaces are being added to the site. There will be a  
23 total of 24 spaces, which satisfies the parking requirements.

24  
25 Cripps asked if there is room for additional landscaping between the building and the sidewalk.  
26 Mr. Lovely said that area is about 3 ½ feet in dimension; river rock or shrubs are planned for  
27 this area. Mr. Benipal said that the wants to place bollards in this area as well, to protect the  
28 building. Mr. Lovely said there are also bollards planned for the back corner of the building.  
29 Chapman asked if the carwash would be expanded; Mr. Lovely said it would not.

30  
31 The Planning Commission discussed the desire for additional landscaping on site, perhaps  
32 adjacent to the addition. Cripps also noted that there are sidewalks on the east side of  
33 Nicholas Road going north. Mr. Lovely noted that the sidewalk is shown on Sheet TS001.  
34 Cripps felt there was no need for a sidewalk on this site, as the Trail is across the street. Cripps  
35 also recommended that the applicant contact County Soil Erosion to confirm if they need a  
36 permit.

37  
38 In response to a question about when construction would start, Mr. Benipal said he is waiting  
39 for his approval from the Liquor Control Commission. He expects to have that within 3 weeks;  
40 construction can start after that.

41  
42 There being no further Planning Commission discussion, Hartsough moved to approve the site  
43 plan, effective on June 5, 2017, with the following condition: river rocks and/or shrubs are to

1 be installed in the area south of the new addition. Hitt seconded the motion and the motion  
2 passed unanimously.

3  
4 **Open Discussion**

5  
6 John Taylor asked if the Planning Commission had reviewed the issue of medical marijuana.  
7 Mr. Taylor said he had recently purchased the building at 4023 Douglas. He updated the  
8 Planning Commission on the Medical Marijuana Facilities Licensing Act (MMFLA), noting that  
9 each municipality gets to decide whether it wants to allow facilities within its jurisdiction. He  
10 said that LARA will be putting out administrative rules shortly and that townships can adopt  
11 additional regulations. He asked the Planning Commission to have the conversation about  
12 medical marijuana facilities.

13  
14 **Report of Board Representative.**

15  
16 Hathcock said that the Township had held a retirement party for Ron Reid the day before. Don  
17 Martin has been selected as supervisor and the Township has selected six people to be  
18 interviewed for the open trustee spot. Interviews of the 6 candidates will be on June 9 and 10.

19  
20 Hathcock also said that the Township Board approved the zoning ordinance amendments  
21 regarding storage of aggregate materials.

22  
23 **Report of Zoning Board of Appeals Representative.**

24  
25 Mr. Hudson said that the ZBA had a public hearing on a variance request for 4601 Winding Way.  
26 The ZBA determined it needed additional information and encouraged the applicant to hire a  
27 surveyor. Additionally the ZBA made an interpretation as to whether a bee is livestock.

28  
29 **Planning Commission Member Comments.**

30  
31 None

32  
33 **Planner/Zoning Administrator Report**

34  
35 Mr. Hudson provided additional information on 1108 Dupont: in 1988 a site plan was never  
36 completed for the site; the property owner came to the ZBA last year, at which time he was  
37 told to complete required items from 1988 site plan approval; he was given until June 18, 2017  
38 to complete those issues. Mr. Hudson said if that deadline is not met, a citation will be issued.

39  
40 Regarding 2909 Lake Street, Mr. Hudson said that the police will issue parking tickets for  
41 parking across a sidewalk. Regarding 2003 E. Michigan, Mr. Hudson said that a license is  
42 required for repairing cars on site. Regarding 2029 W. Main Street, Mr. Hudson said a site plan  
43 was never completed. The liquor store has increased the intensity of light used on site. Mr.  
44 Hudson was on site on May 31 between 9:55 p.m. and 10:00 p.m. taking light readings with a

1 light meter. He measured the electronic message sign at .75, .76 and .8 foot candles; the  
2 maximum foot candles allowed by ordinance are .5 foot candles. He will work with Shawn to  
3 issue tickets on this property.

4  
5 Mr. Hudson said that next month there will be a request for an amendment of a PUD for 333  
6 Turwill, to allow expansion of a doctor's office and a PUD amendment for Kalsec, to allow a day  
7 care center for Kalsec employees.

8  
9 There being no further business, Hathcock moved, supported by Hartsough to adjourn the  
10 meeting at 8:55 p.m. The motion passed unanimously.

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12  
13 Respectfully Submitted,

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17 Henry Dingemans, Secretary  
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Synopsis of Actions Taken by the Charter Township of Kalamazoo Planning Commission on June 1, 2017

1. Held scheduled reviews for Superior Gravel (1950 Ravine Road), Top Grade (1100 Nazareth Road) and Hillside Gravel (2702 Ravine Road).
2. Had discussion on short term rentals.
3. Received an update on the status of Pizza Hut site plan compliance (1930 W. Main)
4. Received an update on the status of Hookah Lounge site plan compliance (1747 W. Main)
5. Approved a site plan amendment for a gas station addition, 3320 Ravine Road.
6. Received public comment.