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**Charter Township of Kalamazoo
Minutes of a Planning Commission Meeting
Held on July 7, 2016**

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A regular meeting of the Kalamazoo Charter Township Planning Commission was conducted on July 7, 2016 commencing at 7:00 p.m. at the Township Hall.

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Present were:

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Chairman Robert VanderKlok

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Robert Talbot

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Henry Dingemans

Sarah Milne

Bill Chapman

Charles Rothrock

Steve Leuty

Also present were Township Zoning Administrator Patrick Hudson; Township Attorney Roxanne Seeber; Zoning Consultant Chris Doozen and 6 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 noted that all members were present. He recognized Doozen, Seeber and 6 visitors.

APPROVAL OF THE MEETING MINUTES FOR JUNE 2, 2016 AND JUNE 8, 2016

The first item on the agenda was the minutes of the June 2, 2016 Planning Commission meeting, a draft of which had been distributed to the members in their packets. Upon motion by Rothrock, supported by Milne, the June 2, 2016 minutes were unanimously approved.

The draft minutes of the June 8, 2016 Planning Commission meeting had been distributed to the members in their packets. Upon motion of Chapman, supported by Milne, the June 8, 2016 Planning Commission meeting minutes were unanimously approved.

APPROVAL OF MEETING AGENDA

VanderKlok suggested switching numbers 5 (scheduled review) and 7 (zoning ordinance review) on the proposed agenda due to Doozen's time constraints. Rothrock moved, supported by Milne to approve the revised agenda as the agenda for the meeting. Rothrock thanked Doozen for his attendance. The motion passed unanimously.

1 **OLD BUSINESS:**
2 **PROPOSED NEW ZONING ORDINANCE AND ZONING MAP**
3

4 At the chairman’s request, Doozen explained the two proposed changes to the zoning map. First,
5 Doozen explained, Leuty and Treasurer Cochran had proposed to change an area east of Sage Street and
6 north of Valley Ridge Lane which was comprised of a parking lot, parking shelters and unpaved land
7 located between the apartments and Davenport College to RM-2. He referred the group to an aerial
8 view that had been provided by Leuty. VanderKlok suggested addressing each of the items separately.
9 Leuty moved, supported by Rothrock to change the area referred to from the RM-1 to the RM-2 color
10 designation. The motion passed unanimously. Doozen indicated that he would make the change.

11
12 Doozen continued with the map changes, indicating that the next area was the very north portion of
13 Lauderdale where it adjoins West Main. Leuty indicated that the proposal was only to change the
14 former Kidston property, which was a house with office that offered business exposure on West Main
15 Street. Leuty moved, supported by Rothrock to change the proposed map to change the R-2 color
16 designation to the RM-2 color designation. Leuty explained that the property was immediately west of
17 Tibble Insurance and DeHaan remodeling. The motion passed unanimously. Doozen indicated that he
18 would make the change.

19
20 Rothrock made an inquiry of Doozen regarding a particular map location. It was determined that the
21 color was correct, it was just somewhat different on the smaller-scale map.

22
23 The next item for consideration was text changes to the new ordinance. VanderKlok indicated that
24 Supervisor Reid had suggested a change in Section 2.18 subsection “b” regarding the width of
25 sidewalks. He wished to indicate that the minimum sidewalk width was 5 feet rather than the
26 designation that the sidewalk “shall” be 5 feet in width. Milne inquired as to whether there were some
27 locations where the sidewalks were greater than 5 feet. Doozen confirmed that most commercial
28 sidewalks were greater than 5 feet in width. Leuty moved, supported by Rothrock to make the
29 suggested change by adding the word “minimum” into Section 2.18 b of the Ordinance. The motion
30 passed unanimously. Doozen indicated that he would make the change.

31
32 Rothrock made several minor suggestions and corrections to the proposed new ordinance text. First,
33 he suggested correcting the word “heave” to “heavy” in Section 14.01. Next, Rothrock suggested a
34 change to Section 2.07 regarding the ZBA review of flood plains. Doozen suggested changing the
35 wording in 2.07.b.2 to read “disputes as to the location of a flood hazard boundary may be resolved
36 through the process established by FEMA”. Leuty moved, supported by Rothrock to make these two
37 changes. The motion passed unanimously. Doozen indicated that he would make the changes.

38
39 Next, Doozen indicated that he had received a memorandum from Zoning Administrator Hudson which
40 he needed to respond to. Upon inquiry, it was determined that only Doozen had a copy of the
41 memorandum. He and Hudson commenced a dialogue regarding the memo, in which Hudson explained
42 his concerns to the Planning Commission and Doozen responded. Hudson indicated that he had been
43 getting a number inquiries regarding what happens to a particularly property when the new zoning
44 ordinance becomes effective. He had a question regarding a church that wished to put a café in. He
45 wasn’t sure whether a café was part of church activities. He wondered whether an amendment
46 indicating the parameters of “church use” was appropriate. Doozen explained that RLUPA requires the
47 municipality to take a broad view of religious uses. Upon further discussion, it was determined that the
48 only change which needed to be made was to change “places of worship” to “religious institution”

1 throughout the ordinance in order to address inconsistencies. Doozen indicated that he would make
2 the change. Doozen also indicated that the definition of “religious institution” would be expanded to
3 include “accessory uses typically associated therewith”.

4
5 Hudson next inquired about the width of shared driveways. Upon further discussion, it was determined
6 that no change was necessary.

7
8 Hudson was next concerned with zoning permits for fences and accessory buildings under 200 square
9 feet in size, which do not require permits under the current ordinance. VanderKlok indicated that while
10 these items count as a “structure”, the Township has not required permits for them in the past. They
11 would need to comply with setbacks however. VanderKlok indicated that a fence over six feet in height
12 required a building permit. The group confirmed that it was not their intention to require permits for
13 fences and accessory buildings under 200 square feet in size. Therefore, no change to the proposed
14 ordinance was necessary.

15
16 Hudson expressed concern about multiple commercial uses in a single building. He wasn’t sure when a
17 multiple use building became a “shopping center”. He indicated a space on West Main across from the
18 Dollar Store was adding a second business. Milne indicated that she thought it was to be a hookah
19 lounge. Hudson was concerned as to whether there was a parking issue. Rothrock indicated that the
20 size of the building controlled the number of spaces required. If there was a parking issue, it would go
21 to the planning commission. VanderKlok indicated that site plan review would be necessary, regardless.
22 Doozen referred the group to Chapter 26 in the new ordinance addressing site plan review. Hudson felt
23 that the issue was adequately covered in the new ordinance.

24
25 The last item of concern for Hudson was the front setback in RM-2 along West Main. Leuty indicated
26 that there was only to be a particular area of West Main where the setback was narrowed to ten feet.
27 Doozen pointed out that the change had been made and referred the group to the footnotes in the
28 setback table wherein the setback was narrowed for new buildings on West Main between Gilkinson
29 east to the Township Boundary. Leuty was satisfied that the matter was addressed in the footnotes.
30 Hudson concurred.

31
32 Rothrock indicated that he had a couple more minor comments. He suggested adding a definition of
33 “mixed use” on page 117 so as to eliminate the need for a person to switch to the “definitions section”
34 of the ordinance. He also pointed out a missing comma in Section 12-1, item B-6.

35
36 The chairman then inquired as to whether there was anyone in the audience that wished to address the
37 ordinance. There were no comments on the ordinance from the audience. Doozen indicated that he
38 would make the changes to the Ordinance. The chairman asked Doozen to provide only the individual
39 pages that had changed rather than have an entirely new version of the Ordinance transmitted.

40
41 Rothrock moved, supported by Milne to recommend adoption of the new ordinance and map, with the
42 amendments made to the map and ordinance at the meeting to the Township Board. Sherine Miller,
43 609 Stassen indicated that she had not yet seen a new map. Rothrock provided his map to her.
44 Chapman indicated that he had located a place that can provided a textured map that could be used by
45 the visually impaired and had referred the company to the Township Supervisor. The motion passed
46 unanimously. VanderKlok thanked and excused Doozen.

1 **PUBLIC HEARINGS**

2
3 None scheduled.

4
5 **SCHEDULED REVIEW-CJP INCORPORATED FILL PERMIT**

6
7 The next item on the agenda was the annual review of CJP Fill Permit for the Foster Avenue property.
8 Vincent Shiavone, Vice President of CJP, Inc. spoke on behalf of the company. VanderKlok indicated that
9 Zoning Administrator Hudson had provided a review which tracked the requirements contained in the
10 Planning Commission's May 2015 approval. Schiavone did not recall getting a page of instructions at
11 the May 2015 Planning Commission meeting. VanderKlok felt that nothing had been done to adhere to
12 the approval standards. In fact, he had observed more violations.

13
14 Schiavone indicated that he had missed the May 2015 Planning Commission meeting because his
15 daughter was graduating at that time. Tom Heath had represented the applicant. VanderKlok inquired
16 as to the reason the approval requirements had not been adhered to. Schiavone indicated that they had
17 attempted to comply with some of the requirements, but the trees had died.

18
19 VanderKlok went through Hudson's list. The berm may have been created, but it appeared to me more
20 than 4 or 6 feet in height. The property was not mowed. Additionally, there was a lot of fill that needed
21 to be removed. The entire property appeared to be more than 2 feet over the road grade. The only
22 portion that was to be 2 feet over grade was at the highest point of the property, VanderKlok said. In
23 other words, all of that fill needed to be removed. More than 2/3 of the property was 4-5 feet over
24 grade he said. Rothrock and Milne agreed.

25
26 VanderKlok indicated that an access road had been added, which had not been authorized by the
27 planning commission. They were selling black dirt off of pile in the back, he said. Trucks were using the
28 access road, loaded with dirt and then removed. Schiavone indicated that they were not selling the dirt.
29 They were using it on other properties that they owned. They were not selling anything, so there were
30 no "outdoor sales" according to Schiavone.

31
32 The added fill was to be levelled and seeded. According to VanderKlok, this had not been done. The
33 property was overrun with weeds that were more than 4 feet in height. Schiavone indicated that he had
34 mowed last week and at least one other time over the season. VanderKlok indicated that the limitation
35 in the weed ordinance was twelve inches. Furthermore, he said, there had been no seeding done.
36 Schiavone was concerned with the amount of time needed to remove two feet of dirt from the
37 property. VanderKlok indicated that it should have been hauled out a year ago. It did not take that
38 long to put it on there.

39
40 VanderKlok continued along Hudson's memorandum. He, Milne and Rothrock were concerned with the
41 level of adherence to the planning commission's approval. There is standing water on the property.
42 VanderKlok inquired about the trees. Schiavone stated that they had planted trees on the berm, but
43 they all died. VanderKlok stated that there are no dead trees on the berm. Further, if there ever were
44 trees, they were not staggered 5 feet on centered and at least 4 feet in height. Schiavone stated that
45 they were growing trees in Comstock Township. Those trees would be used on the berm. VanderKlok
46 inquired as to the height. Schiavone was not able to provide a height. VanderKlok indicated that the
47 trees needed to meet the minimum height at the time of planting. The applicant should purchase trees

1 rather than assume the Planning Commission would wait for them to grow. Milne was dissatisfied with
2 the level of progress.

3
4 The group discussed options in terms of time lines for compliance and consequences. Rothrock wished
5 to ensure that all work was done by fall. VanderKlok, Dingemans and Chapman were inclined to be less
6 generous with the time frame for compliance. Seeber indicated that the failure to adhere to the fill
7 permit requirements could result in revocation of the permit or a citation for violation of the zoning
8 ordinance.

9
10 Schiavone stated that the County Road Commission had given curb cut approval for the driveway. He
11 inquired as to whether it needed to be removed. VanderKlok stated that there was no driveway on the
12 site plan. If it was needed to access the property for removal of the excess fill and for the planting of
13 the required trees or mowing, that was okay. However, once the fill had been removed and the trees
14 planted there would be no needed to access the property except for recreational purposes, which is
15 what the applicant indicated it was to be used for the driveway and gravel would have to b removed.

16
17 VanderKlok recalled that the special use permit had been authorized in order to accommodate the
18 applicant's prior bad behavior. The property had already been filled when the application had been
19 made. The Planning Commission and Mr. Milliken had bent over backward in order to accommodate
20 the applicant and it had not been met with any cooperation. Dingemans agreed. VanderKlok pointed
21 out that a minimum of 4 feet of fill needed to be removed from the property. Schiavone nodded his
22 understanding.

23
24 Chapman inquired as to whether continuing supervision of the property or a designated "end date"
25 could be designated. He felt that the applicant just sees how far it can push the township before it gets
26 caught. VanderKlok agreed, stating that the applicant had been notified when the owner started filling
27 that a permit was required. He just ignored the township. He did not have much sympathy for the
28 applicants.

29
30 Leuty wished to confirm that height at the far western portion of the property was the only portion of
31 the property where the elevation was satisfactory. VanderKlok confirmed this. He felt that equipment
32 could be put on site within ten days and the planning commission's approval parameters met with thirty
33 days.

34
35 Rothrock made a motion as follows:

36 -The applicant is in violation of the special land use permit.

37 -The applicant shall move equipment on site and commence compliance activities including the removal
38 of all excess dirt, mowing and planting of trees within 10 days. All work shall be completed within 30
39 days at which time the driveway shall be removed.

40 -If the applicant does not comply, the planning commission will take steps to revoke the special land use
41 permit and will recommend that a citation for violation of the zoning ordinance be issued.

42
43 Milne seconded the motion. VanderKlok provided a copy of the May 2015 standards to Schiavone.
44 The motion passed unanimously.

45
46 Schiavone left the building briefly, then returned to inquire about the fill permit for the Georgia Pacific
47 site. VanderKlok and Dingemans indicated that it is a DNR-approved site, with oversight by the DNR.

1 VanderKlok indicated that the fill permit provisions were added to the zoning ordinance subsequent to
2 the Georgia Pacific operation. Therefore, it was grandfathered.

3
4 **9. OPEN DISCUSSION/AUDIENCE COMMENTS**

5
6 Ken Sauer, 3826 N. Westnedge Avenue, inquired about the new zoning for the Quality Precast property.
7 VanderKlok indicated that the zoning was residential in the new ordinance. Sauer complained that there
8 is a considerable amount of dust coming from the property and that three times a season for dust
9 control was not enough. The chairman indicated that the Quality Precast property was not within the
10 purview of the planning commission. He understood that the matter was with the township board for
11 enforcement. The placement of the property into a residential zoning district would insure that no
12 expansion could take place he said. Sauer indicated that they had already expanded a lot. He knew the
13 cement statuery business when it began there and it is now a lot bigger than what it was 40 years ago.
14 Diane Sauer 3826 N. Westnedge indicated that Quality Precast never pulled permits for the expansion.
15 They should not have changed the house to an office. The cement dust, she said is terrible.
16 Furthermore, there is a lot of cement and white discharge going into the drain in front of their house.
17 They had called the drain commissioner in the past, who had them take care of it. Mr. Sauer stated that
18 there are tandem trucks going in and out of the property all day. The Sauers expressed a great deal of
19 frustration that they cannot get anything done about the operation, even though they have been
20 complaining about it for a year.

21
22 Denise Hartzog, 980 Timberleaf, congratulated the Planning Commission on two years of hard work and
23 on getting the ordinance done. Sherine Miller, 609 Stassen, read in the minutes from last Planning
24 Commission meeting that three PC members had been asked to resign. VanderKlok indicated that he
25 had not been asked to resign. He had wished to resign a year and a half ago but he was asked to stay on
26 until the zoning ordinance was amended. Miller appreciated VanderKlok's dedication, saying that she
27 did not like to see caring and involved people walk away. Milne indicated that she felt that she and
28 Rothrock had been asked to resign. Miller appreciated their service.

29
30 George Cochran, Township Treasurer thanked Milne, VanderKlok and Rothrock for their service to the
31 township. "I applaud you on the new zoning ordinance and I appreciate your service," he said. The
32 township board members could not attend planning commission meetings due to a potential for
33 perceived "undue influence". He did not wish the planning commission to think he was not interested
34 in or appreciative of their work.

35
36 **CORRESPONDENCE**

37
38 VanderKlok indicated that Catherine Kaufman is teaching a seminar on planning and zoning. He
39 encouraged members to attend. Cochran indicated that members who wished to participate should
40 contact the office and tell Molly.

41
42 VanderKlok indicated that there was a joint meeting scheduled with the Planning Commission, ZBA and
43 Township Board on July 26 at 6:00 p.m. at the Northwood fire station.

44
45 Leuty indicated that the township audit was done. 74% of the Township's budget goes to public safety,
46 which is what the township residents wished the township to focus on. He reminded the group that
47 some of the activities undertaken by the ZBA and the Planning Commission would be changing, which is
48 one of the reasons for shifting memberships.

1
2 VanderKlok reported on the ZBA activities, including the implementation of rugby fields on Nichols Road
3 near the church and an office for “The Landings” apartments on West Main.

4 **PC MEMBER COMMENTS:**

5
6 Rothrock explained that July 4 made him think about the new country hitting the “reset button” in 1776
7 wherein racial and religious preferences caused a divide from England. Maybe it was time to hit the
8 “reset” button again, he wondered aloud.

9
10 Talbot inquired about the property at the northeast corner of East Main and Nazareth. Cochran
11 indicated that the state had pulled the owner’s used car vehicle dealer’s license.

12
13 Chapman indicated that he is very proud of the community and what has been accomplished. He
14 thanked and will miss Milne, Rothrock and VanderKlok. He was concerned about the loss of a great deal
15 of knowledge. They will leave a great big void. He was furthermore concerned about neighborhood
16 issues and police department response. He wished for better traffic and speed control enforcement
17 and for the return of “community policing”.

18
19 **ZONING ADMINSTRATOR COMMENTS.**

20
21 Hudson indicated that he was working on the Township Capital Improvement Plan, which would be
22 available for the Planning Commission at next month’s meeting.

23
24 Additionally, he could not wait for the new zoning ordinance to be effective, he said.

25
26 **ADJOURNMENT.**

27 Upon motion of Rothrock, supported by Chapman, the meeting was unanimously adjourned at 9:00 p.m.

28
29
30 _____
31 Robert Talbot, Secretary

32
33
34 **SYNOPSIS OF ACTIONS**

35 The Kalamazoo Township Planning Commission undertook the following actions at the July 7,
36 2016 meeting:

- 37
38 1. Made slight changes to the proposed zoning map and zoning ordinance text.
39 Recommended adoption of the Ordinance to the Township Board.
40 2. Undertook annual review of fill permit for CJP property on Foster Street.