

DRAFT – NOT APPROVED

KALAMAZOO CHARTER TOWNSHIP PLANNING COMMISSION**MINUTES OF REGULAR MEETING HELD SEPTEMBER 1, 2016**

A regular meeting of the Kalamazoo Charter Township Planning Commission was held on September 1, 2016 at the Kalamazoo Township Hall commencing at 7:00 p.m.

Members Present: William Chapman
Jim Cripps
Henry Dingemans
Steven C. Leuty
Fred Nagler

Member Absent: Robert Talbot

Also present were Patrick Hudson, Township Planner/Zoning Administrator, Catherine Kaufman, Township Attorney, Supervisor Ron Reid and 6 interested persons.

ITEM 1 CALL TO ORDER

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

ITEM 2 ROLL CALL AND RECOGNITION OF VISITORS

Vice Chairman noted that Robert Talbot was absent, but the rest of the members were in attendance and that there were 6 members of the public in the audience. Motion was made by Mr. Chapman, seconded by Mr. Leuty to excuse Robert Talbot from the meeting. The motion passed unanimously.

ITEM 3 APPROVAL OF MEETING MINUTES FOR AUGUST 4, 2016 MEETING

A motion was made by Mr. Chapman, seconded by Mr. Leuty to approve the minutes from the August 4, 2016 meeting. The motion passed unanimously.

ITEM 4 APPROVAL OF AGENDA FOR SEPTEMBER 1, 2016 MEETING

Vice Chairman Dingemans requested that an additional item be added as Item 8B under New Business – designating a liaison between the Planning Commission and the ZBA. A motion was made by Mr. Leuty, seconded by Mr. Chapman to approve the agenda with the addition. The motion passed unanimously.

ITEM 5 SCHEDULED REVIEWS

5.a. None

ITEM 6 PUBLIC HEARINGS

6.a. Public hearing for special use request and site plan approval by Trigo Pizza Company for property at 1930 W. Main Street.

Vice Chairman Dingemans said there was a special use and site plan approval request for a carryout Pizza Hut restaurant at 1930 W. Main Street. The proposal also includes seating for 12 for inside dining. The property is zoned RM-2. A carryout restaurant is a special use in the RM-2 zoning district.

Brian Cronkrite, 1397 Kristen Path, St. Joseph, appeared on behalf of Trigo Hospitality. Mr. Cronkrite said that Trigo Hospitality owns all Pizza Huts within Kalamazoo County. Currently, they lease property at 1908 W. Main Street and would like to relocate that location a few parcels west to 1930 W. Main. The proposed location (1930 W. Main) was formerly Ziggy's Auto Sales. Trigo's plan is to convert the front office area to the carryout restaurant, with limited dining (12 seats) inside. Trigo bought this building nearly a year ago and has pulled demolition and building permits already. The majority of the interior work is already done. Trigo only found out later that a special use and site plan approval would be required. Trigo's plan is to close the existing restaurant on 9/11 and reopen in the new location on 9/13. They will have the same operation as the current location. Trigo was not able to make a satisfactory lease arrangement at the current location so bought 1930 W. Main about a year ago.

Trigo is proposing 12 seats inside, simply as a courtesy to any customers who want to sit and eat inside. They do not anticipate significant dine-in eating.

Mr. Hudson presented his staff memo dated August 8, 2016, which memo is incorporated herein. Mr. Hudson noted that the subject property is zoned RM-2. A carryout and/or dine-in restaurant would require special use approval in the RM-2 zoning district. From the applicant's description, it appears this use is most appropriately classified as a carryout restaurant, after reviewing the definitions in Section 1.03 of the Zoning Ordinance. Mr. Hudson said that the proposed improvement would be to convert the existing auto sales showroom and offices to a carryout restaurant with limited indoor seating. There will be a maximum of 4 staff persons at peak hour.

Mr. Hudson said that the lot is irregular in shape, with 38.44 feet on West Main and 187.24 feet on Dartmouth. The property is L shaped. The existing building is nonconforming. Currently, the parking lot has been paved to the lot lines. There is a fence separating the parking areas and the adjacent single family homes. Parking is not striped. To the north are two single family homes; to the west, across Dartmouth, is a

1 gasoline filling station/convenience store; to the east is an auto repair shop and to the
2 south, across West Main, is a small grocery store.
3

4 Mr. Hudson said that regarding the required site plan review, there are no
5 exterior changes proposed to the building. Mr. Hudson discussed required setbacks, lot
6 width and required landscaping. He noted that parking lot landscaping is required,
7 which has not been shown on the site plan. He also said that the parking lot is
8 interconnected with the parking area for the building to the east (ie., no separation
9 between parking lots.). Mr. Hudson said no additional lighting is proposed for the
10 building or site.
11

12 Mr. Hudson then detailed the standards for special use approval, as contained in
13 Section 26.03C of the Zoning Ordinance and provided his remarks on each. With
14 regard to the proposed carryout restaurant's compatibility with adjacent uses, Mr.
15 Hudson noted that the existing parking is screened from adjacent residential uses, but
16 additional parking lot landscaping would be required. The Planning Commission may
17 want to consider requiring even more landscaping for buffering and screening purposes.
18 Mr. Hudson noted that the Planning Commission might consider that the adjacent
19 property to the east had a lawn in front of the structure. Regarding compatibility with
20 the Master Plan, Mr. Hudson said that this small scale commercial use fits with the
21 mixed use character of this corridor as shown in the Master Plan. Regarding the
22 availability of public services, Mr. Hudson said that the subject property is a long
23 established commercial use served by all necessary public utilities. Regarding traffic
24 impact, Mr. Hudson said that there may be an increase in traffic over the previous land
25 use located at this site, but he felt there would be improvements with parking removed
26 from the side street (along Dartmouth), as well as from the corner site clearance area.
27 He also said that pedestrian safety will also improve. He recommended defining the
28 driveway entrance off Dartmouth so as to better direct ingress/egress, with any
29 driveway being located at least 60 feet from the intersection. Mr. Hudson saw no
30 detrimental effects from the special use request and felt that while there were no
31 significant natural features on site, the proposal may improve the natural environment
32 by requiring the installation of additional landscaping.
33

34 Mr. Hudson then reviewed the standards for Site plan Approval as found in
35 Section 26.02 F of the Zoning Ordinance. Regarding the adequacy of the information
36 provided on the site plan, Mr. Hudson said that the proposal was to reuse this existing
37 structure for a carryout restaurant. Regarding site design characteristics, Mr. Hudson
38 said that the existing building is set back adequately from the adjacent single family
39 residences and that a screen fence separates the parking lot from the adjacent
40 residences. He also noted that the proposal will remove parking that crossed the
41 sidewalk on Dartmouth and the parking that was located between the building front and
42 West Main Street.
43

44 Regarding appearance, Mr. Hudson noted that no landscape plan had been
45 submitted. He also said that the applicant was requesting to reuse the existing,

1 nonconforming pole sign. Regarding compliance with zoning district standards, Mr.
2 Hudson noted that several nonconforming features were being eliminated or improved:
3 the use is permitted (with special use approval); parking spaces will be removed from
4 the public right of way and sidewalk areas; the proposed use requires less intense use of
5 the parking areas. Regarding preservation of natural areas, Mr. Hudson said that there
6 is no existing landscaping on site. Regarding privacy, Mr. Hudson said that the existing
7 fence provides reasonable visual and sound privacy. Regarding emergency vehicle
8 access, Mr. Hudson said that the Fire Inspector recommended removal of parking from
9 the south and west sides of the building. Regarding ingress and egress, Mr. Hudson said
10 that the Road Commission should be consulted regarding the driveway location on
11 Dartmouth, that ADA parking should have easy entry into the building and that areas
12 for delivery vehicle parking should be identified. Regarding pedestrian and vehicular
13 circulation, Mr. Hudson said that removal of parking along Dartmouth, requiring that a
14 driveway entrance be at least 60 feet from the intersection and better defining the
15 entrance on Dartmouth would improve both vehicular and pedestrian circulation.
16 Regarding drainage, Mr. Hudson said because no physical changes are proposed to the
17 building or parking lot, there are no issues unless there is an existing storm water issue
18 on site. He noted there were no concerns regarding soil erosion and sedimentation
19 control. He said no new lighting was proposed. He said that, in his opinion, there were
20 no concerns regarding public services and that the existing fence provides adequate
21 screening. He said there were no concerns regarding dangers from hazards or
22 characteristics of the soil. The applicant proposed developing the site as quickly as
23 possible and that the Planning Commission should consider coordination with adjacent
24 properties.

25
26 Mr. Hudson recommended that the Planning Commission consider all remarks
27 from the applicant and the public. He recommended that the Planning Commission
28 approve the site plan with the following conditions:

- 29
30 1. Signage – signage shall not be changed or installed without review by the
31 Township.
- 32 2. Driveway access shall be reviewed by the Road Commission and there
33 shall be no access to M-43 (West Main) without review and approval by
34 MDOT.
- 35 3. The sidewalks shall be maintained clear of parking at all times.
- 36 4. Any other conditions deemed necessary the Planning Commission.
- 37

38 Vice Chairman Dingemans asked the Planning Commission if there were questions.
39 Mr. Chapman asked if parking would be eliminated from the sidewalks. Mr. Hudson
40 confirmed that was the case. Mr. Cripps asked how many employees would be on site
41 during peak times; Mr. Cronkrite said four. He said that the delivery drivers will park at
42 the back or in an empty parking space.

43
44 Mr. Cripps said there was no scale on the site plan so it was hard to verify
45 dimensions on the site plan. Mr. Cripps asked for clarification on the highlighted area

1 shown on the north of the building. Mr. Cronkrite identified the area as concrete. There
2 was Planning Commission discussion about the width between the parking spaces and
3 the building; ADA compliance for the building; the dumpster location, which was not
4 shown on the site plan; and a requirement for landscape plans. Mr. Cronkrite said
5 Trigo's attorney checked with the Township in June 2015 regarding landscaping
6 requirements and continuing to park in the right of way. Mr. Nagler noted that parking
7 in the right of way is okay if not prohibited, but that the parking spaces cannot be
8 counted towards required parking. Mr. Cronkrite identified the proposed handicap
9 accessible parking space on the west side of the building. Mr. Leuty asked for
10 clarification on the dumpster location and how Trigo would further delineate the
11 driveway entrance on Dartmouth. Mr. Cripps asked for confirmation if lots 71 and 72
12 are part of the subject property and if the alley has been vacated.

13
14 Vice Chairman Dingemans opened the public hearing at 7:45 p.m.

15
16 Mike Deacon, Michael's Auto Service, owns the adjacent property. He said that
17 he purchased the easement from Dartmouth to his property. He allows Ziggy's (and
18 now Trigo's) to use the former alley area for ingress/egress. He also said that Ziggy's
19 owned the adjacent two single family homes, so when he sought approval to put parking
20 back in the area north of the former alley area, there was no protest. Ziggy installed
21 that additional parking about three years ago. Mr. Hudson said that he confirmed with
22 the assessor that Lots 71 and 72 were owned by Ziggy's and were part of the subject
23 property (for Trigo special use request).

24
25 Attorney Kaufman asked Mr. Deacon for clarification if Trigo can use the former
26 alley area for ingress/egress. Mr. Deacon said yes, as long as the easement is not
27 blocked. The Planning Commission discussed the ingress/egress easement area. Mr.
28 Deacon said he has already talked to Trigo about putting signs on the Pizza Hut building
29 advising the extent of Michael's Auto Service property and parking. He said that Pizza
30 Hut has been a good neighbor to his east and he expects that will continue when they
31 move west of this location. Mr. Cronkrite confirmed that Pizza Hut had agreed to the
32 request regarding parking lot signage.

33
34 There being no further comment, Vice Chairman Dingemans closed the public
35 hearing at 7:50 p.m.

36
37 Mr. Cripps said that this site is a perfect location for a monument sign. He felt
38 that there should be landscaping in front of the building with a monument sign, just as
39 already exists to the east at Michael's Auto Service. He said this is an opportunity to
40 apply Zoning Ordinance requirements to this site, as a starting point for the West Main
41 corridor. He also thought that a parking space on the west side of the building should be
42 eliminated, with the handicap space then being shifted north to the corner of the
43 building (west side of the building), which will allow access to the parking spot from the
44 driveway (not the street). He also feels that the sidewalk along Dartmouth should
45 extend from its current terminus to the north property line, so as to facilitate use and

1 access by the handicap parking spot. He recommends adding curb and lawn along
2 Dartmouth (ie. removing all existing asphalt), to the north property line. He also feels
3 that the Dartmouth driveway should be delineated by curbs or other means, so as to
4 narrow the ingress/egress to the site, thereby improving pedestrian and vehicular safety.
5 He feels that the installation of landscaping and the extension of the sidewalk will make
6 that area more aesthetically pleasing for the neighborhood.
7

8 Mr. Cripps then noted that 8 parking spaces are required with at least one being a
9 handicap space. Delivery drivers will also need a parking area. He said there are 10
10 spaces in the back, with 1 - 2 spaces next to the building. There is enough parking. Mr.
11 Cripps noted that the dumpster might be located on the south side of the alley area, near
12 the building, with parking shifting to the east to accommodate this revision. He is
13 recommending that the dumpster be located at the east side of the north end of the
14 building, out of the public view.
15

16 Mr. Cronkrite said he thinks accessing a dumpster in that location would be
17 difficult. Mr. Deacon said that there are overhead wires in that location and he is not
18 authorizing garbage trucks to use his property to access a dumpster at Pizza Hut. Mr.
19 Cripps noted that there has to be a dumpster located somewhere and it has to be
20 screened from view. There was general discussion on the various sizes and types of
21 garbage receptacles.
22

23 Mr. Cripps noted for the record that the site plan as submitted was unacceptable.
24 It was not complete and much required information was missing. He advised that the
25 Planning Commission needs a site plan that contains all required information in order
26 to review the site plan.
27

28 Mr. Cripps then said he had a concern about site drainage, noting that runoff now
29 ponds in the northeast corner of the parking lot. He tried to look through the fence to
30 see if the adjacent single family yards were negatively impacted, but could not see
31 through the fence. He noted that Michael's Auto is the high point and water on his site
32 is contained by curbing. Mr. Cripps feels that a catch basin needs to be installed on the
33 northeast corner of the subject property. He said that the Township ordinance requires
34 that all storm water be retained on site and there is evidence of ponding on the corner of
35 the lot. He reiterated that storm water from the subject property cannot encroach on
36 adjacent properties. Since this is a special use approval and the Planning Commission
37 can attach reasonable conditions to the approval, he feels that a catch basin or leaching
38 basin should be a condition of any approval. He said that if we had a site plan with a
39 drainage plan attached, the Planning Commission could better evaluate this situation,
40 but because no drainage plan was submitted, the Planning Commission will have to use
41 its best judgment.
42

43 The Planning Commission then discussed in more detail concerns on the
44 dumpster location and screening (including concrete pad); signage; landscaping plans
45 and installation; parking requirements; location of handicap parking space and access;

1 extending the sidewalk along Dartmouth and installing landscaping along Dartmouth;
2 demarcation of the Dartmouth driveway; hours of operation; landscaping in the front
3 area along West Main.
4

5 There being no further Planning Commission discussion, motion was made by
6 Mr. Cripps, seconded by Mr. Leuty to approve the special land use for Trigo Hospitality
7 for a carryout restaurant at 1930 W Main Street, zoned RM-2, with the following
8 conditions:
9

- 10 1. Add grass lawn and plantings from the south side (front) of the existing
11 building to the edge of the road along West Main Street;
- 12 2. Add grass lawn and plantings along the west side of the building, along the
13 Dartmouth Street property line, to the edge of the road.
- 14 3. Add grass lawn from the driveway's edge on Dartmouth to the north
15 property line of the subject property.
- 16 4. Add or extend the sidewalk along Dartmouth to the north property line of
17 the subject property.
- 18 5. Remove one parking space on the west side of the building so that the
19 remaining parking is accessible from the driveway.
- 20 6. Add a monument sign in front of the building, as approved by the
21 Township.
- 22 7. The Planning Commission requires the submittal of a surety bond or other
23 security before a Certificate of Occupancy can issue for the carryout
24 restaurant, in order to ensure compliance with the requirements of the
25 special use approval.
26

27 The Planning Commission had discussion on the motion. Vice Chairman Dingemans
28 recognized Mr. Cronkrite. Mr. Cronkrite said there is an overhead door on the west
29 side of the building that accesses Dartmouth. Mr. Deacon noted that he likes the
30 proposed green area along Dartmouth and cautioned that landscaping along West Main
31 must be salt tolerant, to handle snowplowing. There was Planning Commission
32 discussion regarding access to the door on the west side of the building. Mr. Nagler
33 suggested holding a 10 foot setback from the edge of Dartmouth Road. Mr. Cripps
34 amended his motion to revise condition 2 as stated below:
35

36 2. Add grass lawn and plantings along the west side of the building, along the
37 Dartmouth Street property line, to within ten feet of the edge of the road.
38

39 Mr. Leuty accepted the amendment to the motion.
40

41 The motion passed unanimously
42

43 There being no further Planning Commission discussion on the site plan, motion
44 was made by Mr. Cripps, seconded by Mr. Leuty to approve the site plan for Trigo
45 Hospitality for a carryout restaurant at 1930 W Main Street, zoned RM-2, with the

1 following conditions:
2

- 3 1. The dumpster location is to be shown on the site plan and shall be
4 enclosed as required by the Township ordinances.
- 5 2. All revisions specified in the special use approval shall be reflected on the
6 site plan.
- 7 3. The revised site plan and landscape plan shall be submitted before a
8 Certificate of Occupancy (temporary or final) will be issued.
- 9 4. A resolution of the drainage issue shall be shown on the site plan and
10 should be located in the northeast corner of the site, so that all water
11 generated on the subject property is retained on the subject property.
12

13
14 There was Planning Commission discussion on clarifying the dumpster requirement.
15

16 Mr. Cripps amended his motion to revise condition 1 to state as follows, with all
17 other conditions remaining the same:
18

- 19 1. The dumpster location is to be shown on the site plan and shall be enclosed as
20 required by the Township ordinances and shall be located west of the building.
21

22 Mr. Leuty accepted the amendment to the motion.
23

24 The motion, as revised, passed unanimously.
25
26

27 **ITEM 7 OLD BUSINESS**

28
29 None
30

31 **ITEM 8 NEW BUSINESS**

32
33 **8.a** Election of Chairperson.
34

35 Vice Chairman Dingemans said that with Chairman VanderKlok's retirement, a
36 new chairman was needed. Mr. Nagler noted that the Planning Commission bylaws
37 provide that in the Chairman's resignation, the Vice Chair will succeed as Chairman.
38 Vice Chairman Dingemans agreed to serve as chair until the end of the year, with the
39 caveat that he may be travelling for business at certain times.
40

41 Mr. Leuty nominated Mr. Cripps to serve as Vice Chairman. Mr. Nagler
42 supported the motion. The motion passed unanimously.
43

44 **8.b.** Liaison to Zoning Board of Appeals
45

1 Mr. Cripps moved that Mr. Nagler serve as the Planning Commission's
2 representative on the Zoning Board of Appeals. Mr. Chapman seconded the motion.
3 The motion passed unanimously.
4

5 **8.c.** Mr. Hudson said that the Planning Commission bylaws needed review. Attorney
6 Kaufman agreed to work on suggested revisions to Sections F and G of the bylaws.
7

8 **ITEM 9 OPEN DISCUSSION**
9

10 **9.a.** Correspondence Received.
11

12 Mr. Hudson said that the Planning Commission received notice from LARA – the
13 Mobile Home Commission – that the Township's new zoning ordinance was in
14 compliance with the requirements of the Mobile Home Act.
15

16 **9.b.** Planning Commission Members.
17

18 None
19

20 **9.c.** Members of the Audience
21

22 Bruce Snow, 3425 Douglas Avenue, addressed the Planning Commission. He
23 said he had recently purchased an old school/church and was returning it to a single
24 family home. It is a 1 acre property adjacent to a mobile home park and is zoned
25 commercial. The tax code is 401 – residential. He would like to get this property
26 rezoned to single family residential, so that he can get financing to renovate and
27 upgrade the building.
28

29 Mr. Hudson said this property is shown as MHP on the new zoning map. The
30 Planning Commission reviewed the zoning map and discussed if an error had been
31 made regarding Mr. Snow's property. The Planning Commission also discussed whether
32 this was a nonconforming use.
33

34 Diane Sower said she is a 50 plus year resident of the Township. When she
35 walked along Douglas there had been a business at that location at one time, with a sign
36 out front.
37

38 Mr. Snow said he wants this to be a home. His loan is on hold because the zoning
39 has to be residential.
40

41 **ITEM 10 REPORT OF TOWNSHIP BOARD REPRESENTATIVE**
42

43 Mr. Leuty advised that the new Zoning Ordinance was approved by the Township
44 Board on August 8 and that the CIP was approved as well. He advised that KABA was
45 relocating to Nazareth, just south of Gull Road and would henceforth serve Kalamazoo

1 Township and Comstock Township. He said that the Township Board was in
2 negotiations with the preferred superintendent candidate. He noted that the sidewalk
3 had been installed on the north side of Grand Prairie and announced that the Westwood
4 Fire Station 75th anniversary Open House would be held on 10/15.

5
6 **ITEM 11 REPORT OF ZONING BOARD OF APPEALS REPRESENTATIVE**

7
8 Mr. Nagler said that the ZBA had met to consider a variance for fence height for a
9 house on Nichols Road, which request was denied.

10
11 **ITEM 12 COMMENTS FROM PLANNING COMMISSION MEMBERS**

12
13 Mr. Chapman said he attended an MTA conference on zoning and planning
14 issues and found it very informative. He also attended a presentation on ADA
15 compliance for historic structures, which was held at the Ladies Library Association in
16 Kalamazoo. He asked that the contact list for Planning Commissioners be updated with
17 the new members' information.

18
19 Mr. Leuty welcomed the new Planning Commission members.

20
21 Mr. Cripps detailed his background as the owner of an excavation business,
22 working in the commercial and industrial fields. He said if there is a conflict, he will
23 recuse himself. He has served for many years on the ZBA.

24
25 Mr. Nagler introduced himself, noting that his background is that he was the City
26 Engineer for the City of Kalamazoo before his recent retirement.

27
28
29 **ITEM 13 REPORT OF PLANNER AND ZONING ADMINISTRATOR**

30
31 Mr. Hudson said he is preparing an analysis of the fee schedule for the Planning
32 Commission's review.

33
34 **ITEM 14 REPORT OF TOWNSHIP ATTORNEY**

35
36 None.

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ITEM 15 ADJOURNMENT

Mr. Nagler moved to adjourn the meeting, which motion was seconded by Mr. Cripps. The motion passed unanimously. The meeting was adjourned at 9:30 p.m.

**KALAMAZOO TOWNSHIP
PLANNING COMMISSION**

Robert Talbot, Secretary
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