



1 **PLANNING COMMISSION WORKSHOP MEETING, March 14, 2023**

2
3 **CALL TO ORDER/ROLL CALL**

4 Chairperson Corfman called the meeting to order at 5:00 p.m. and Secretary Loeks called the roll. The
5 following Commissioners were present: Chair Corfman, Vice Chair Davis, Secretary Loeks,
6 Commissioners Roberts, Eavey, and Matson. Also present was Zoning Administrator Lovely, Recording
7 Secretary Kerr, and four interested persons. Commissioner Buckham was absent.

8
9 **PUBLIC COMMENTS**

10 Jack Gesmundo of American Village Builders introduced Josh Appelgren, a new member of his team
11 who may be attending upcoming meetings.

12
13 **ADOPTION OF MEETING AGENDA**

14 Chair Corfman reviewed the agenda. Motion by Loeks, seconded by Matson, motion carried, to adopt
15 the agenda as presented.

16
17 **APPROVAL OF MEETING MINUTES – February 28, 2023, Regular Meeting Minutes**

18 Motion by Davis, seconded by Loeks, motion carried, to approve the February 28, 2023, regular
19 meeting minutes, as presented.

20
21 **NEW BUSINESS**

22 Review Draft Ordinance Amendments

23 Request: Review and consideration of draft ordinance amendments for Standalone Accessory
24 Buildings, Front Yard Sport Courts, Land Divisions, and the Site Plan Review Table.

25 *Section 36-4.1.1.B. Accessory building and structures*

26 Mr. Lovely reported that comments from the February 15, 2023, Riparian Ordinance Listening Session
27 summary are 80% complete and will be ready for review which addresses accessory buildings on non-
28 riparian lots.

29 *Section 36-2.2 Add Definition*

30 Sports Court means an outdoor pervious or impervious surface court (not including parking lots)
31 designed for athletic purposes (i.e., basketball court, tennis court, pickleball court, soccer field, etc.)
32 surrounded by fencing, on a standalone pad, and/or on a field, including associated equipment such as
33 basketball hoop, nets, etc.

34 *Section 36-4.1.2 Use Standards for Accessory Uses, Buildings and Structures*

35 A. One front yard accessory building and/or sport court is permitted on non-riparian parcels in the
36 in the A, RC, R-1, R-1A and R-2 zones if the following standards can be met.

37 i. The accessory building and/or sport courts, together, may not exceed 2% of the front yard building
38 envelope or 900 square feet, which is greater.

39 ii. The accessory building and/or sport courts must be setback twice the required front yard setback
40 for the district where it is located.

41 C. Special Exception Use

42 An otherwise permissible front yard accessory building or sport court that does not comply with the
43 applicable size or coverage requirements may be permitted as a special exception use if approved
44 by the Planning Commission.

45 ii. The accessory building and/or sport court is setback at least twice the required front yard
46 setback for the zoning district in which it is located.

47 iii. The accessory building and/or sport court shall not have a material adverse impact on
48 surrounding properties.

49 Discussion:

50 Mr. Matson noted the difference in wording as the definition states Sports and other places it refers to
51 Sport, the same is true with Court/Courts.

52 Mr. Lovely explained how he came up with 900 SF, as that is what is allowed for a front yard accessory
53 building and proposed modification to the code for both sport courts and accessory buildings to state “2%
54 or whichever is greater”, explaining that anything larger would require a special exception use. The
55 percentage can and should be further analyzed.

56 Ms. Roberts pointed out that the definition of Sports Court requires fencing, and for a sport court that
57 is typically 10 – 12 feet in height. Fencing in the front yard is limited to 4 feet and enforcement has proven
58 to be problematic and high fences in the front yard objectionable. A recent solution was to require a
59 retractable fence when the court is in use and enforcement is almost impossible. A consensus was
60 reached to remove fencing from the definition and if requested must meet the fencing standards.

61 Mr. Eavey questioned if there can be a building and a sport court. Mr. Lovely explained that there can;
62 however, the total cannot exceed 2% of the front yard building envelope. The percentage will be reviewed,
63 as that could be very sizeable on a large lot.

64 *Amendment to Section 36-5.1 (Add 36-5.1.5, 6, 7) Limitations on all Land and Structures*

65 5. Lot frontage along a public or approved private road may be reduced to a minimum of 86-feet if the
66 lot complies with other district standards and contains sufficient land area and surrounding infrastructure
67 to develop the land as a subdivision or commercial development in the future. This judgment is to be made
68 at the Zoning Administrator’s discretion.

69 6. Lot frontage along a public road or approved private road containing greater than 86-feet of frontage
70 but marginally less than the minimum required frontage in accordance with the district standards may be
71 reduced by a maximum of 1.5% in the R-1A, R-2, R-3 R-4, and R-5 districts. The frontage may be reduced
72 by a maximum of 2 percent in the A and R-1 districts. Lot frontage reductions may not be applied to
73 multiple family developments in the R-4 district.

74 7. The depth to width ratio of each parcel created by a permitted land division or combination for a flag
75 shaped lot shall be calculated as a weighted average of each portion of the lot, or the long strip of land
76 providing access to the flag portion of the lot shall be excluded so long as the access portion of the land is
77 a minimum of 86-feet wide and does not exceed 1,000 feet in length. Flag shaped lots shall have a front
78 setback perpendicular to the path of travel of the access portion of the property.

79 Discussion:

80 Mr. Lovely explained that the Land Division Act does not require frontage, nor does it explain how to
81 calculate the width to depth ratio. He provided a memo from Attorney Homier regarding authority of local
82 governments to adopt land division ordinances as it relates to frontages, access, and lot depth to width
83 ratios. The proposed changes are an attempt to make land more usable, ensure healthy growth, and
84 maintain a minimum lot area. In the past, there has been an effort to disallow flag shaped lots; however,
85 there are currently large parcels that are unbuildable due to the Township Ordinance. Discussion ensued
86 that the proposed 86-feet frontage should apply only to existing parcels and not used to create new ones.
87 The issue is driveway cuts, which is the decision of the Road Commission of Kalamazoo County (RCKC)
88 and land division applications must include an Access Determination Letter. Ms. Roberts stressed that
89 although the determination letter is provided, it also states that it does not guarantee that a driveway permit
90 will be issued. Mr. Corfman emphasized the need for dimensional requirements for fire truck access.

91 Item #5 Confirm maximum dwelling units.

92 Item #6. Remove reference to 86-feet since the reduction would not be applicable to that frontage.

93 Item #7. Add language that the flag portion of the parcel must meet the minimum lot area.

94
95 *Section 36-6.1.1 Site Plan Review and Administrative Sketch Plan Review*

96 B. ii. Expansion Modification to Existing Site. This section allows for administrative approval of
97 “Cumulative expansion over what was approved of 500 SF or less or 10% of the gross floor area, whichever
98 is greater, to the building subject to review.” The current ordinance states lesser and the proposed
99 amendment for discussion replaces “lesser” with “greater”. These are changes that do not have a major
100 impact on the overall development. Mr. Lovely explained that recently he tried to review a site modification
101 that did not fit into that category or the alternative category outlined in Section B.i of the table which calls
102 for “cumulative expansion over what was approved of 500 SF or more than 10% of the gross floor area,
103 whichever is greater to the building subject to review” to be reviewed by the Planning Commission. The

104 subject building was approximately 50,000 SF. If an 1,800 SF expansion was proposed, this would not fall
105 into either category and leaves to question whether this should be reviewed by the Planning Commission
106 or the Zoning Administrator. The proposed modification would have clearly indicated to the Zoning
107 Administrator that this is handled administratively. Commissioners agreed with the intent of the current
108 ordinance, explaining the historical reasoning for that limitation and that there is no definition for
109 administrative review and what departments are involved in that process. Is the administrative review as
110 in-depth as what the Planning Commission would provide? Mr. Lovely explained that in his past
111 experience, he reviewed site plans for the majority of commercial developments administratively and
112 understands the review process thoroughly from a municipal perspective. Current administrative reviews
113 are referred to as "Sketch Plan Reviews" completed with the assistance of other staff as needed for each
114 individual application. There is no suggestion to remove the Planning Commission from the review process,
115 simply a desire to clarify this section for future projects. No action taken.

116
117 Traffic Calming and Parking/Drive Aisle Setbacks

118 Request: Discuss traffic calming measures and whether these measures could potentially be beneficial
119 to the area. Confirm intent of Section 36-5.7.5.D

120 Mr. Lovely stated that when reviewing the Applegate Pointe Phase 3 development a Board Member
121 expressed concern about how it is creating a "cut through" for traffic from 12th Street to Texas Drive and
122 questioned if the Township requires traffic calming. Some traffic calming devices would be:

- 123 • Narrowing lanes
- 124 • Adding median island
- 125 • Forcing road curves
- 126 • Roundabouts
- 127 • High back curbs
- 128 • Speed bumps

129 Commissioners felt that optional standards for traffic calming should be listed/codified but up to the
130 discretion of the Planning Commission on a case-by-case basis. Mr. Lovely indicated that he will put this
131 on the list of potential ordinance updates for when time allows. There are other amendments that the Board
132 has prioritized needing to come first.

133
134 36-5.7-5.D Drive Aisle Setbacks

135 No parking space or parallel drive aisle shall be closer than five feet from the front, side, or rear property
136 line. In the O-1, C-1, C-2, C-3, and C-4 zoning districts, no parking space or parallel drive aisle shall be
137 closer than ten feet from any existing public road, with this strip utilized for perimeter landscaping and for
138 sidewalks where such facilities are not permitted in the public right-of-way.

139 Mr. Lovey requested an interpretation and if the first sentence is applicable to all zoning districts.

140 The first sentence applies to all zoning districts; however, in the O-1, C-1, C-2, C-3, and C-4 districts
141 ten feet of separation is required.

142
143 Entryway Requirements - Section 36-5.9.6

144 Request: Review and discussion of Section 36-5.9.6 to confirm intent of Entryway Standards as it
145 relates to Plats and Site Condominiums.

146 A developer is questioning if the common space element that defines the entry and perimeter is
147 relevant to plats? The Ordinance requires a common open space element that defines the entry into the
148 condominium within the distance below based on the entryway type. Furthermore, there shall be a
149 perimeter common open space element of 50' in width (100 for an Open Space Overlay district) around
150 the perimeter of the development area along primary (letter avenue or number street) or secondary roads.

151 Historically developers would split lots off the front of the parcel they intended to develop selling off
152 these parcels outside of the plat. The intent was to stop that practice and help preserve the character and
153 rural feel of the township that residents expressed is important. It should be applied to both condominiums
154 and plats but since a plat does not require a common open element, it would not be applicable.

157 Draft General Ordinance Amendments to Chapter 6: Building and Building Regulations

158 Request: Review and discuss draft amendments for buildings and building regulation in lieu of adopting
159 entire International Property Maintenance Code (IPMC).

160 The strategic plan calls for the Planning Department to review the International Property Maintenance
161 Code (IPMC). The motivation for adoption of the Code was addressed under the Lawn
162 Maintenance/Noxious Weed Ordinance adopted in July 2021. Mr. Lovely explained that the IPMC is
163 exceptionally large, and he did not feel it should be adopted in its entirety and provided targeted areas.
164 Consensus was reached to have Superintendent Wilson involved in the review.
165

166 **OLD BUSINESS**

167 There was no old business.

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169

170 **COMMISSIONER COMMENTS**

171 Commissioners discussed the RCKC policy for removal of fallen trees/limbs in the right-of-way resulting
172 from the recent ice storm and residents' option for removal of the debris.

173 Mr. Davis reminded everyone of the Open House on March 22, 2023, for Superintendent Erick Wilson.

174 Mr. Lovely stated that the Township Board accepted the CBD, Sign, and other various amendments to
175 the ordinance with no changes during the first reading at the March 13, 2023, Regular Meeting and that
176 the Township Board will consider adoption at the March 27, 2023, Regular Meeting. The next major
177 ordinance for review is Site Condominiums while we also continue to progress with the Riparian Ordinance.
178

179 **PUBLIC COMMENT**

180 There were no comments.

181

182 **ADJOURNMENT**

183 Motion by Matson, seconded by Davis, motion carried, to adjourn the meeting. The meeting was
184 adjourned at approximately 6:56 p.m.

185

186 Submitted: March 21, 2023

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188

189 Recording Secretary Kerr

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