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PAVILION TOWNSHIP
PLANNING COMMISSION

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MINUTES OF MEETING HELD MARCH 21, 2024

A meeting of the Pavilion Township Planning Commission was held on Thursday, March 21, 2024 at the Pavilion Township Hall, beginning at 7:00 p.m.

Members Present: Lynn Coville
Abe Northup, Chair
Paul Roberts
Stan Strzalkowski
Cori VanDoren

Members Absent: Ed Cagney, Trustee
Dan Frizzo

Also present was Planning Consultant Jodi Stefforia, Township Attorney Rob Thall, and seven other interested persons.

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Call to Order

Chair Northup called the meeting to order at 7:00 p.m.

Approval of Agenda

The Chair asked if there were any additions or deletions to the agenda. There were none. Motion by Strzalkowski with support by Roberts to approve the agenda; motion passed.

Approval of Minutes

The Planning Commission reviewed the minutes of the January 18, 2024 meeting. There were no changes. Motion by VanDoren with support of Strzalkowski to approve the minutes as presented; motion passed.

Correspondence

There was no correspondence.

Citizen and Board Comments

None.

Public Hearing: N Avenue rezoning request (Ram Capital, LLC)

The Planning Commission took up the request of Ram Capital, LLC to rezone an 8-acre ON Avenue parcel between from A-1, Agriculture to R-6, Mobile Home Park and rezoning of part of a N Avenue parcel from R-6, Mobile Home Park to C-2, Commercial, General.

Motion by Strzalkowski with support from Roberts to open the public hearing; motion passed.

Consultant Stefforia presented her memo dated March 21, 2024 and it is incorporated herein by reference.

Stefforia stated that the larger 8-acre parcel proposed for rezoning to R-6, Mobile Home Park has no address but has frontage on East ON Avenue. The N Avenue parcel with a portion proposed

1 to be rezoned to C-2, Commercial, General is also without an address but is immediately east of
2 the Pavilion Estates Mobile Home Park in the 6800 block of East N Avenue. The two parcels are
3 commonly owned.
4

5 Land abutting north of the N Avenue parcel is zoned AGR, Agriculture-Residential (Comstock
6 Township). North of the ON Avenue parcel is C-2, Commercial zoning. West of the ON parcel
7 is a vacant R-6, Mobile Home Park zoned parcel. To the east along N Avenue is C-2, Commercial
8 zoning; east along ON Avenue is A-1, Agriculture zoning. South across ON Avenue is farmland
9 zoned A-1, Agriculture.
10

11 It is not appropriate to consider any specific development proposal at the time of the rezoning
12 public hearing unless a conditional rezoning request has been made. That is not the case with
13 this rezoning proposal. The Planning Commission should study all the uses allowed in the C-2,
14 Commercial, General district in making a recommendation on the proposed rezoning to the
15 Township Board. However, Mobile Home Park is on the only use allowed in the R-6, Mobile Home
16 Park District.
17

18 Stefforia added that East N Avenue is a county primary road. The adjacent mobile home park is
19 served with sewer via a pump station and force main sending sewage to the west. Water is
20 available. The East ON Avenue parcel would be developed with the adjacent parcel. East ON
21 Avenue is a county local road. Powerlines bisect the parcels
22

23 If the part of the East N Avenue parcel proposed for rezoning to C-2 is to be subdivided out as a
24 separate parcel, it will need to be enlarged more than the 100 feet by 217 feet as the ordinance
25 requires a minimum lot size of 21,780 square feet in the C-2 exclusive of public street right of
26 way. The area identified for rezoning to C-2, and the parcel, extends to the centerline of East N
27 Avenue. A public hearing has been scheduled for the March 21 Planning Commission meeting.
28

29 The factors to consider in evaluating a rezoning request were presented.
30

31 The first factor requires consideration of the Master Plan and if the requested rezoning is
32 consistent with the policies and uses proposed for this area on the Future Land Use Map. Stefforia
33 stated that the Future Land Use Map identifies commercial along N Avenue and then Medium
34 Density Residential extending south to ON Avenue.
35

36 Next, whether all of the uses allowed in the C-2 and R-6 would be compatible with uses and
37 zoning in the surrounding area was considered. The uses and zoning in the area was shared.
38

39 Next, whether any public services or facilities would be adversely impacted by development under
40 the C-2 or R-6 was considered. N Avenue is a county primary road. A driveway permit and
41 possibly a traffic impact study will be required by the Road Commission of Kalamazoo County
42 before any development of the land may occur. Typically, this is addressed at the time a site plan
43 is prepared. It will be up to the Fire Marshal and Road Commission if access to East ON Avenue
44 will be allowed and/or required if the property develops as a mobile home park. Possibly, the
45 Michigan Mobile Home Commission will dictate the access arrangements. It is unclear if public
46 sewer can serve the property; that is a determination of the Township Engineer. Public water
47 serves the property.
48
49
50

1 Last, whether the uses allowed in the C-2 and R-6 are equally or better suited to this area of the
2 Township than the uses allowed in A-1 was considered. Stefforia that these properties abut an
3 existing mobile home park and that there is already commercial development along East N
4 Avenue.

5
6 Upon conclusion of the public hearing and deliberation, the Planning Commission may make a
7 recommendation to the Township Board on the request or may table the matter for further study.
8

9 Greg Dilone, on behalf of the applicant, addressed the Planning Commission. He is working
10 with the owner who did not realize the 8-acre parcel was not zoned R-6 when he purchased the
11 adjacent R-6 parcel. He feels rezoning to R-6 fits the area and adjacent land use. The C-2
12 rezoning along N Avenue also fits the corridor.
13

14 Strzalkowski noted that the proposed parcel to be rezoned to C-2 does not meet the ordinance
15 minimum requirements.
16

17 Jason Raleigh, engineer for the owner, addressed the Planning Commission. He missed the
18 ordinance provision that excludes right of way from the area of a parcel. He will extend the
19 parcel depth to meet the minimum requirement of 21,780 square feet.
20

21 Dilone said the rezone is appropriate for the area given the industrial development in the area
22 and need for affordable housing. The adjacent mobile home park is 90% occupied
23 demonstrating demand.
24

25 Northup asked Attorney Thall if they could go forward with the rezoning to C-2 for the parcel that
26 would not meet the minimum requirements.
27

28 Thall opined that they cannot consider that part of the application this evening. The applicant
29 would need to reapply for the area to be rezoned to C-2. But the Planning Commission can
30 move ahead with the 8-acre parcel requested for R-6 zoning.
31

32 Strzalkowski stated he is concerned about the 8-acre parcel and if rezoned fully it would not
33 leave a buffer to the east.
34

35 Thall stated that he is not sure if the Mobile Home Commission Act allows the township to
36 impose a buffer on a mobile home park as part of the site plan review process. It may be better
37 to rezone less than the 8-acres and leave a buffer that way.
38

39 Stefforia stated that the ordinance requires a 50-foot setback from right of way, side and rear lot
40 lines.
41

42 Strzalkowski asked how the Planning Commission should handle the C-2 request.
43

44 Thall recommended that the applicant withdraw that part of the request and reapply. The
45 Planning Commission cannot expand the area without a new application and fee.
46

47 Northup asked Dilone his preference.
48

49 Dilone stated that he would like to move forward with the R-6 request; he withdrew the request
50 to rezone the N Avenue portion to C-2. He asked if buffering could be addressed at the time of
51 site plan review.

1 Thall stated that site plan review will be by the State.
2
3 Roberts stated that the 8-acre parcel will have to be combined with the adjacent acreage to be
4 developed for mobile homes due to the 10-acre minimum requirement for a park.
5
6 Strzalkowski stated the Section J of the R-6 mobile home park regulations requires site plan
7 review of a preliminary plan by the township including the location and description of all
8 screening to be retained or established.
9
10 Thall restated that he was unsure if the Mobile Home Commission would require a buffer. The
11 50-foot setback could be adequate with retention of trees. The Planning Commission will get a
12 look at the site plan during the process.
13
14 An audience member asked about access.
15
16 Stefforia stated that we are not aware of the requirements of the State yet or those of the Fire
17 Department.
18
19 Raleigh stated that if 50 feet is maintained on the east, ON Avenue access will be shifted to the
20 west.
21
22 Stefforia noted that the ZBA would likely waive the 50-foot setback to the west given the similar
23 adjacent land use.
24
25 Dilone stated that they will work with the 50-foot setback from the east.
26
27 An audience member addressed the Planning Commission.
28
29 Northup asked if the rezoning was consistent with the Master Plan.
30
31 Stefforia stated that it is consistent. She shared an image of the Future Land Use Map which
32 calls for Medium Density Residential south of N Avenue to South 29th Street.
33
34 Motion by Roberts with support from Strzalkowski to open the public hearing; motion passed.
35
36 Thall noted that the adjacent vacant acreage already zoned R-6 could be developed as a mobile
37 home park without Planning Commission input.
38
39 Northup asked for a motion.
40
41 Thall advised that the Planning Commission makes a recommendation to the Township Board.
42 The Board has the final authority on rezoning requests.
43
44 Stefforia asked Raleigh how the property will be served with sewer.
45
46 Raleigh shared that he has had conversations with the Township Supervisor and the Engineer.
47 He is aware of a nearby industrial developer that received a grant to extend sewer in N Avenue.
48 It will be designed to extend east of this site. Cost sharing is to be determined.
49
50 Strzalkowski asked about public water.
51

1 Stefforia read from the ordinance that each mobile home has to be within 500 feet of a hydrant.
2 The water main will be looped internally.

3
4 Raleigh stated that he is in conversation with the City of Kalamazoo regarding the water main
5 extension.

6
7 Motion by Roberts with support from Coville to recommend to the Township Board that the 8-
8 acre parcel be rezoned from A-1 to R-6; motion passed with Strzalkowski voting in opposition.

9
10 **Any Other Business**

11 Strzalkowski stated that he drafted a 2023 annual report that will be distributed at the next
12 meeting.

13
14 Stefforia presented a draft work plan for consideration. The items to tackle, in no particular order,
15 include the 5 year Master Plan review, migrant labor housing text, biodigesters, solar/battery
16 energy storage and rezoning properties to the Scotts Mixed Use zoning district.

17
18 She stated that the Master Plan was adopted in March 2019. Timing is appropriate to review the
19 plan, particularly the goals and objectives and future land use map, to determine if amendments
20 are warranted or appropriate. She will send a pdf copy of the adopted Master Plan around for
21 review. She suggested that as future work items, the document be reviewed section by section.

22
23 Roberts asked if a short term rental ordinance should be considered.

24
25 Thall stated that there will likely be legislation introduced addressing the land use. It is likely that
26 a community will not be able to ban short term rentals but may be able to limit them. Until we
27 know what the legislation looks like he recommends we wait so that lawful nonconforming uses
28 are not created.

29
30 Regarding migrant labor housing, it was Zoning Administrator Hamilton that requested the issue
31 be studied and zoning provisions established. Roberts stated that it is the farm on S Avenue that
32 is interested in the housing.

33
34 Thall will look into biodigesters to see what the township can regulate.

35
36 Strzalkowski shared that he watched a recent webinar on the renewable energy legislation of
37 2023.

38
39 Thall added that the State is going to give local governments that administer a compatible
40 ordinance a one-time payment. The State feels it is preferable to have local units review the
41 projects rather than the Michigan Public Service Commission.

42
43 Stefforia stated that she has a solid draft that is with Thall's office for review. We are waiting,
44 however, for some State interpretation of the gray areas with the legislation.

45
46 Thall suggested that we revisit the topic this summer.

47
48 Strzalkowski asked if the township has any authority over oil and gas wells and drilling activity.

49
50 Thall responded in the negative.

51

1 **Adjournment**
2 The meeting was adjourned at 8:19 p.m.
3
4 Prepared by: Jodi Stefforia, Planning Consultant
5 Minutes prepared: March 29, 2024
6 Minutes approved: _____, 2024