

1 PAVILION TOWNSHIP

2  
3 PLANNING COMMISSION

4  
5 MINUTES OF MEETING HELD AUGUST 15, 2024

6  
7 A meeting of the Pavilion Township Planning Commission was held on Thursday,  
8 August 15, 2024, at the Pavilion Township Hall, beginning at 7:00 p.m.

9  
10 Members Present: Ed Cagney, Trustee  
11 Lynn Coville  
12 Dan Frizzo  
13 Abe Northup, Chair  
14 Paul Roberts  
15 Stan Strzalkowski

16  
17 Members Absent: Cori Van Doren

18  
19 Also present were Township Attorney Rob Thall, Planning Consultant Jodi Stefforia and  
20 approximately 11 other interested persons.

21  
22 **Call to Order**

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

24  
25 **Approval of Agenda**

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

29  
30 **Approval of Minutes**

31 The Planning Commission noted that the June 20, 2024 meeting minutes were not  
32 included in the meeting packet; therefore, no action was taken on this agenda item.

33  
34 **Correspondence**

35 None.

36  
37 **Citizen and Board Comments**

38 None.

39  
40 **KRG Acquisitions, LLC Rezoning Request (East O Avenue)**

41 Planning Commission turned to their first business item being the consideration of the  
42 request for rezoning of approximately 130 acres on the north side of O Avenue from I-2  
43 to R-5. Parcels 3911-06-151-021, 06-301-010 and 06-351-010.

44  
45 Northup introduced the request. Motion by Frizzo with support from Strzalkowski to  
46 open the public hearing; motion passed.

1 Stefforia stated that in her preparation for the meeting, she noted that the R-5 zoning  
2 district does not allow for single family homes. In that the applicant submitted a  
3 schematic reflecting single family home development on the property in a PUD setting,  
4 she asked Thall if the Planning Commission could consider a lesser zoning district such  
5 as R-4 without the applicant having to refile the rezoning application.  
6

7 Thall stated that the Planning Commission could consider a lesser district and make a  
8 recommendation for R-4 to the Township Board. The applicant could protest the  
9 recommendation at the Township Board meeting and ask for the R-5 district for all or  
10 part of the acreage.  
11

12 Stefforia proceeded to present her memo dated July 14, 2024 and incorporated herein  
13 by reference. She summarized the request noting that the Planning Commission cannot  
14 consider any proposed site plan as the applicant has not requested a conditional  
15 rezoning. If rezoned, any use that the ordinance allows in the subject zoning district  
16 could be allowed.  
17

18 The factors for rezoning were presented. First, whether the rezoning is consistent with  
19 the Master Plan. Stefforia stated that this area of the Township is master planned for  
20 industrial. However, the adjacent 53 acres were rezoned in 2020 to R-5 and Abbey 42  
21 apartments are presently under construction on that property. She noted that the 5 year  
22 master plan update is presently underway and changes to the future land use map in  
23 this area will be considered given these rezoning requests.  
24

25 Next, whether the use allowed in the requested R-5 are compatible with zones and uses  
26 in the area, multiple family is the allowed use and abuts to the south and west.  
27 Industrial zoning on agricultural land abuts to the north.  
28

29 Stefforia stated that water and sewer are available to service the property; the Road  
30 Commission of Kalamazoo County will likely require a traffic impact study before access  
31 to O Avenue via the existing drive serving the apartments is allowed. This may result in  
32 improvements to O Avenue such as decel and bypass lanes.  
33

34 Last, whether uses allowed in the R-5 would be equally or better suited to the area than  
35 uses allowed in I-2, it was noted that O Avenue is a narrow residential street with  
36 apartments abutting presently to the south and west.  
37

38 Howie Hehrer of JTB Homes representing the applicant was present. The project is a  
39 proposed middle income owner occupied housing development. The property is  
40 isolated given adjacent uses and natural features. He realized that R-5 does not allow  
41 for single family homes so would agree to rezoning to R-4 with the exception of the  
42 southern 20 acres where the current owner, Westwind Development, is planning to  
43 establish another phase of the Abbey 42 apartments.  
44

1 Stefforia and Hehrer concurred that R-4 zoning density is not too low for the project as  
2 proposed if developed as a PUD given the wetlands present that are included in the  
3 overall acreage.  
4

5 Thall stated that the proposed single family and townhomes do not need R-5 zoning.  
6

7 Hehrer stated that access will be off the existing O Avenue driveway. An emergency  
8 access will be established through the apartments with final determination by the Fire  
9 Department at the time of site plan review.  
10

11 One member of the public addressed the Planning Commission asking about access.  
12

13 The traffic impact study will dictate what is required for improvements to O Avenue and  
14 if a second access is required.  
15

16 Frizzo stated that we have to assume access will be from O Avenue and not Sprinkle  
17 Road given the rail lines, creek and wetlands.  
18

19 Motion by Strzalkowski with support from Roberts to close the public hearing; motion  
20 passed.  
21

22 Strzalkowski asked the Commissioners if they were concerned about the loss of  
23 industrial land and if this rezoning will continue to move industrial to the east as has  
24 been happening to the north of this site.  
25

26 Roberts stated that this land became industrial due to a Kalamazoo Foundation  
27 rezoning request. It had been agriculturally zoned before that. Industrial has been  
28 along N Avenue since the 1960s.  
29

30 Stefforia shared that the N Avenue and Sprinkle Road area is industrial in Comstock  
31 and Portage, too. The area is served by infrastructure including highway and rail.  
32

33 Frizzo opined that it makes sense with residential to the south and the tracks serving as  
34 a buffer to the north and east.  
35

36 Northup stated that industrial zoning was extended east on N Avenue earlier this year.  
37 He asked if there were any concerns about rezoning to R-4 instead of R-5.  
38

39 Strzalkowski stated that R-4 is appropriate as it allows for single family homes where R-  
40 5 does not.  
41

42 Cagney noted that the utilities are available.  
43

44 Roberts stated that R-4 here protects agricultural lands by consolidating these non-ag  
45 uses together in this area.  
46

1 Frizzo asked about recommending to R-4 given the R-5 application.  
2  
3 Thall advised that the Planning Commission may recommend R-4 and the applicant can  
4 object at the Township Board level.  
5  
6 Stefforia stated that if the applicant is going to object to the southern 20 acres being  
7 rezoned to R-4 instead of R-5, then he must provide a legal description of the area  
8 desired to be rezoned to R-5 and should also provide one for the balance of the  
9 property for R-4 zoning.  
10  
11 Motion by Strzalkowski with support from Coville to recommend to the Township Board  
12 that the entire property of the rezoning request be rezoned to R-4; motion passed.  
13  
14 **VDS Farms Migrant Worker Housing Special Exception Use and site plan review**  
15 **(East S Avenue at South 31<sup>st</sup> Street)**  
16 The Planning Commission took up the request of VDS Farms for special exception use  
17 approval to establish a new dwelling for migrant workers on the south side of East S  
18 Avenue at South 31<sup>st</sup> in the A-1 zoning district. Parcel 3911-34-101-016.  
19  
20 Motion by Cagney with support from Roberts to open the public hearing; motion  
21 passed.  
22  
23 Stefforia walked through the special exception use criteria as provided for in the July 15  
24 2024 report from the Zoning Administrator incorporated herein by reference.  
25  
26 Thall advised that the Planning Commission also consider the site plan in evaluating the  
27 special exception use. The two typically go hand-in-hand.  
28  
29 Strzalkowski handed out full-size copies of the site plan and building plans as well as a  
30 color photo of a similar building as to what is proposed.  
31  
32 Sebastian Jooste of VDS Farms addressed the Planning Commission. The old  
33 apartment buildings across the street will be removed when this building is completed.  
34 The Kalamazoo County Health Department is requiring the building on this parcel to  
35 achieve a mandated distance from the animals on the other parcel. He does have the  
36 well and septic permits from the Health Department as well as a driveway permit and  
37 will be closing driveways. It will be cleaner overall with less buildings and driveways.  
38 The occupants are not new workers, they are living in the older buildings presently that  
39 will be razed. As it is migrant worker housing the County Health Department inspects  
40 every six months. The housing can only be rented to migrant workers.  
41  
42 Roberts asked if the building will be similar to the building in the photo from a farm in  
43 Wakeshma Township.  
44

1 Jooste stated that it will be exactly the same plan. He received the plans from the  
2 Michigan Department of Agriculture. This building plan has been built around Michigan  
3 and the United States.  
4

5 In response to a comment from the audience, Thall advised that notice of public hearing  
6 was published and mailed to owners and occupants within 300 feet as required by  
7 statute.  
8

9 Six individuals addressed the Planning Commission with concerns about traffic,  
10 occupants of the building and lack of maintenance of the farm presently as it relates to  
11 tracking mud onto the street.  
12

13 Jooste responded to the comments stating that there is mud because the farm is under  
14 construction. Parking will be paved when the work is done. Improvements are coming.  
15 All the driveways will be paved within two years. If he spreads manure and does not  
16 work it in, he invited the public to call EGLE and file a complaint. His door is open to  
17 hear complaints about the farm, his phone number is posted on four different boards in  
18 front of the farm.  
19

20 Motion by Strzalkowski with support from Roberts to close the public hearing; motion  
21 passed.  
22

23 Thall advised that the Planning Commission can impose conditions if found necessary  
24 for the use to be acceptable. The applicant has stated that he is not increasing the  
25 number of residents in the building, he said he was going to pave the driveways in two  
26 years, some will be grass covered, and he will tear down the old buildings.  
27

28 Roberts stated that he lives the closest to the farm than anyone else in the room.  
29 Sometimes the road is blocked but it is safer for motorists. The farm drills the manure  
30 into the ground when it is applied, not left to sit. When he has had issues in the past  
31 with the former owner, he has gone and talked to him.  
32

33 Jooste stated that the railroad needs to approve the road fix because it will shut down  
34 the tracks while the work is underway. He is coordinating with the Road Commission on  
35 it.  
36

37 Roberts noted that this proposal puts all the workers in the same building where  
38 presently they are in several buildings.  
39

40 Jooste stated that construction of the dairy will be done by the end of August. The  
41 boarding house hopefully done this year and the shop next year. The driveways will be  
42 paved when the construction is done.  
43

44 Thall advised the Planning Commission to look at the standards of Section 6.83 as  
45 provide in the Zoning Administrator's report.  
46

1 Strzalkowski asked about the ordinance stating that the housing could only be for  
2 persons employed on the premises for seasonal crops.

3  
4 Thall stated that the Zoning Administrator could inspect to determine compliance.

5  
6 Frizzo then read the standards of a special use as found in Section 6.83. There was  
7 consensus that the housing would not adversely affect development in the Township or  
8 the master plan.

9  
10 The housing would not adversely affect the health and safety of residents or workers in  
11 the area or be detrimental to the use or development of adjacent properties in this  
12 agricultural area. Frizzo noted that traffic counts go up as a community grows. Stefforia  
13 noted that typically migrant workers do not have vehicles. Thall stated that the Planning  
14 Commission could condition approval on the number of workers living there, being 16  
15 as represented by the applicant. There was consensus that this standard is met.

16  
17 For the final standard, it was noted that there are not specific additional standards called  
18 out in the Zoning Ordinance for migrant worker housing. Northup asked if any  
19 conditions imposed had to be specific to this parcel and use or to the farm as a whole.  
20 Thall stated that if the operation is contiguous to the farm as a single operation, the  
21 Planning Commission could condition approval to the improvements to the other areas  
22 of the farm. Stefforia added that the use will have oversight by the County and State.

23  
24 Jooste stated that he already has well, septic and driveway permits.

25  
26 Stefforia shared that she researched the property values question in the past for  
27 another community and found that Assessors in West Michigan do not find that the  
28 presence of migrant worker housing impacts nearby property values negatively.

29  
30 Cagney stated that he feels the only stipulation should be to remove the existing  
31 buildings used for housing within six months of the new building being complete. It  
32 would not be fair to stipulate more than that such as paving the other driveways. The  
33 only issue before them is to review the new housing building with elimination of the old  
34 housing. This alone will be an improvement to the farm.

35  
36 Jooste added that he is working the Road Commission on closing driveways.

37  
38 Northup asked if there was further discussion.

39  
40 Thall advised that the options were to table, take action to deny the special use and site  
41 plan, approve, or approve with conditions.

42  
43 Roberts stated that since the new owner took over, he has not had any problems with  
44 the farm. It is regulated by the State of Michigan now at this size where the former  
45 owner was a small enough operation to not be regulated.

46

1 Northup stated that the challenge is that we are looking at something specific and  
2 hearing complaints about things not in our purview.

3  
4 Thall added that some of the complaints heard should be directed to the Road  
5 Commission.

6  
7 Jooste stated that it will be one person per room and no more than 16 people. State  
8 rules require each person to have a private room. Regulations do not let them stay for  
9 more than one year.

10  
11 Frizzo stated that he is leaning toward approval of the special use and site plan with  
12 condition that old apartment buildings be removed when this building is complete.

13  
14 Stefforia stated that the Zoning Administrator's report is incorrect. By definition this is  
15 not a boarding house. So a lot of the items pointed out as needing waivers for the site  
16 plan do not apply.

17  
18 Motion by Frizzo with support from Roberts to grant special exception use and site plan  
19 approval subject to the following:

- 20  
21 1. removal of the old residential buildings within six months of completion of the  
22 new building;  
23 2. garbage and waste receptacles be placed in an enclosure, kept clean and  
24 regularly emptied;  
25 3. building shall only be used for migrant worker housing;  
26 4. building may only be occupied when there is a current license for it from the  
27 Michigan Department of Agriculture which shall be submitted to the Township  
28 annually.

29  
30 **Discussion Item: Master Plan Update**

31 Given the lateness of the hour, it was agreed that the Master Plan Update would be  
32 discussed at a future meeting.

33  
34 **Any Other Business**

35 None.

36  
37 **Adjournment**

38 The meeting was adjourned at 8:42 p.m.

39  
40  
41 Prepared by: Jodi Stefforia, Planning Consultant

42 Minutes prepared: August 18, 2024

43 Minutes approved: \_\_\_\_\_, 2024