

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, December 9, 2021

7:00 PM

Virtual Meeting

A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF MINUTES

1. Approval of minutes from the Zoning Board of Appeals meeting on November 18, 2021

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #21-12-15: 1400 & 1401 Harrison St/300, 432, 510, 511 & 600 E. Paterson St/1421, 1500, 1807 & 1819 N Pitcher St. Graphic Packaging International, LLC is requesting a dimensional variance from Chapter 50-7.2, to authorize an additional 198 off-street parking spaces which will allow a total of 723 off-street parking spaces for the company's Kalamazoo campus.

E. DISCUSSION/ACTION ITEMS

1. ZBA #21-12-16: 508 Harrison St/660 Gull Rd. River Caddis Development LLC, is requesting a six-month extension to the variances granted by the Zoning Board of Appeals on December 10, 2020 (the extension will make the variances valid until June 10, 2022).

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
November 18, 2021 - 7:00 p.m.**

This meeting is being conducted electronically pursuant to the Open Meetings Act MCL 15.263 (2) and MCL 15.263a 1(b).

Members Present: Matt Lager, City of Kalamazoo, MI; Jeff Carroll, City of Kalamazoo; Christine Doane, City of Kalamazoo; Chris Flach, City of Portage, MI; Remi Harrington, City of Kalamazoo, MI; Beth van den Hombergh, City of Kalamazoo

Members Absent: None

City Staff: Pete Eldridge, Assistant City Planner; Charles Bear, Assistant City Attorney; Shelby Donaldson, Recording Secretary

Chair Lager called the meeting to order at 7:12 p.m.

Chair Lager noted the meeting was being streamed live on Facebook and the City's You Tube channel.

Mr. Eldridge did a roll call of the members present for the meeting.

MINUTES:

Chair Lager asked if there were any changes to the original agenda and Mr. Eldridge stated there were none.

Chair Lager asked if there were any changes to the minutes of October 14, 2021 and there were none.

Ms. van den Hombergh moved to approve the minutes of October 14, 2021 as submitted, seconded by Mr. Carroll.

Minutes were approved by voice vote unanimously.

NEW BUSINESS:

PUBLIC HEARINGS: Chair Lager summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures. For each request, the secretary will read the application into the public record. The applicant or their representative will have 10 minutes to present their comments, followed by public comments received via phone will be aired for the panelist and

audience. The public can call in to 269-226-6573 to leave comments for any of the property on the agenda then the public hearing will be closed on that request. The Board would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you hear is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance.

Ms. Doane read the application into the record:

ZBA #21-11-14: 509 W. Vine St./722 Locust St./802, 816, 824 and 832 S. Westnedge Ave. Parcel #: 06-21-284-001, 06-21-280-008, 06-21-284-103, 06-21-289-101, 06-21-289-002, and 06-21-289-204: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the City of Kalamazoo for 509 W. Vine St./722 Locust St./802, 816, 824 and 832 S. Westnedge Ave. More specifically for the tenant spaces of 505, 507, 509 and 804 W Vine and for 816, 824 and 832 S Westnedge Ave, which are situated in the Commercial - Neighborhood District (CN-1). The applicant is requesting a variance from Chapter 7, Section 7.2 G to authorize projecting signs no larger than sixteen square feet for each of the previous tenant spaces, where the CC District projecting signs (mounted perpendicularly to the building wall) are not permitted.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were notices of public hearing sent, and five responses were received.

Mr. Eldridge presented for the city of Kalamazoo and city staff shared the screen. He explained the portion that needed to be read and the only portion that needed to be voted on was the last few lines of the application to clarify in the notices how the city arrived at the dimensional variance for projecting signs.

He reiterated this started at the beginning of the summer and was initiated through the Foundation for Excellence to come up with ways to support local businesses, and that filtered down to the Vine neighborhood and their neighborhood plan which talked about having projecting signs. He explained that while the neighborhood activator and the intern worked with the business owners, the city was drafting sign regulation amendments to present to the city commission, get those reviewed and approved, and then allow the projecting sign program to proceed in the Fall. At a point they realized that there were too many amendments not only to the sign regulations, but also to many of the zoning regulations that needed to be bundled together, and that won't happen until Spring of 2022, but the only way to keep the project moving forward was to bring it to the zoning board.

He mentioned the connection to the Imagine Vine plan and the involvement of the FFE. The screen share showed pictures of what was done on Portage Street, between Washington and Stockbridge between late 2014 and 2015. There are three projecting signs there now on each side of the road, which is outside of the downtown area but the current ordinance only allows for projecting signs within the downtown area. He mentioned the land bank worked with those business owners in the Washington Square area, at the time, to bring about the variance request.

Another slide was presented showing the changes to the ordinance since the current ordinance is limiting as far as the four zone districts where projecting signs are allowed. He said when Chapter 50 is updated they will have to define what a projecting sign is and put in the parameters that go with that projecting sign. He pointed out that these signs will be authorized for seven businesses and there is a slight variation between the business and parcel addresses because there is more than one tenant space on some of the parcels.

Another slide was presented that showed three of the parcels on South Westnedge Ave., three that are clustered on Vine near South Westnedge and the last one is on the parcel for 722 Locust but is located at 804 W Vine St, which is O'Duffy's Pub.

The last slide presented showed shots of the façade of the buildings and the areas where the projecting signs will be place. The businesses that will participate are Heirloom Arts, The Barbershop at Vine, Sway Salon, O'Duffy's Pub, Crow's Nest, Puffin Stuff and Martini's Pizza. He spoke of the positive public feedback from Steve Walsh with the Vine Neighborhood Association. The business owners, except for Martini's, all signed a letter of support, but an email from Rich Munda for Martini's is also included

Mr. Eldridge also touched on the review criteria for a dimensional variance and stated this variance needs to be treated like any other request before the board. The first criteria is special circumstances or conditions, which was laid out in the staff report. He stated that part of the difficulty is, like the Washington Square area, the placement of the buildings, which is set against the property line which doesn't allow for the use of freestanding signs and can only work with the wall sign allowance. He also stated that since Westnedge is a high traffic area, customers need to see the signage prior to coming up on the building fronts so they can react in advance to find parking and it would be helpful to have O'Duffy's signage be visible on Locust. The second criteria is that the special circumstances are not because of the actions of the applicant. He stated the city laid out a plan of how this was going to be carried out throughout the year and had staff working with those business owners to get them to the sign design phase and put those out for bid however, the ordinance amendments work proved to be more intensive than expected, and that is the special circumstance that brings this before the zoning board. The third criteria is that the literal interpretation enforcement of the terms and visions of the ordinance would deprive the applicant of the rights commonly enjoyed by others in the same zone district. He said this is difficult to prove because of the way it's worded since none of the businesses in the CN-1 commercial neighborhood zone have projecting signs but the ordinance amendments will correct that. He also mentioned that this is a neighborhood node and it reflects similar character to downtown having zero setbacks, the storefront windows and the high level of pedestrian traffic. The fourth criteria states the granting of the variance is the minimum action that will make possible the land and structure that's not contrary to the public interest. He explained that the installation of the projecting signs won't be contrary to the public interest because it is the minimum action that will allow this program to move forward and the only physical difference is that instead of running horizontal to the building façade, they will be perpendicular and project outward over the sidewalk. The fifth criteria is the granting of the variance will not adversely affect adjacent land. He said there is no noted impact as far as the signs projecting over the sidewalk and they will have the minimum sidewalk clearance of 8 feet, so they will be well above the sidewalk. Criteria number six is that the variance will be generally consistent with the purposed and intent of the ordinance. He stated the new signs will comply with new regulations that will be put in place and the variance will no longer be needed in the spring of next year.

He concluded that the staff recommendation is to approve the dimensional variance for Chapter 7, Section 7.2 G to authorize projecting signs for each of the seven locations and asked for questions.

Mr. Carroll said he didn't notice a height requirement and that eight feet seemed low for a tall guy and Mr. Eldridge said this height is just over the sidewalk, further the ordinance doesn't allow for roof mounted signs so projecting signs have to be mounted to the façade of the building so they can be easily seen. He also pointed out they are generally small so they will look like what is in the Washington Square area.

Chair Lager asked for comments from the public and there were none.

There were no other comments/questions from the board but Ms. Harrington wanted to go on record saying that she felt money should be used for the sidewalks.

Chair Lager closed the public hearing.

FINDING OF FACT

Ms. van den Hombergh moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 509 W Vine St./722 Locust St./802, 816, 824 and 832 S Westnedge Ave. shall include all information included in the notice of public hearing dated November 3, 2021
- 2.) 310 notices of public hearing were sent, two responses were received and are part of the record.
- 3.) A public hearing was held before the board and public comments were accepted. A letter of support was received from the Vine Neighborhood Association, business owners, and an email was received from Rich Munda of Martini's restaurant
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, and the two letters and one email of support.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Mr. Eldridge, representing the city, spoke to the Vine projecting signs project for seven businesses in the Vine neighborhood. It's easier for pedestrians and motorists to identify shops before they're upon them. Mr. Eldridge reviewed the dimensional requirements for the variance. Chair Lager added that there is an attempt from the city to amend the projecting sign ordinances and if it passes in the Spring as anticipated, these signs would be permitted by right.

Mr. Carroll seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Ms. Doane moved to approve the application for a variance from Chapter 7, Section 7.2 G, to authorize projecting signs for each of the following tenant spaces: 505, 507, 509 and 804 W Vine St./816, 824, and 832 S Westnedge Ave. located in the Vine Neighborhood Commercial District, for each of the following businesses: Heirloom Arts, The Barbershop at Vine, Sway Salon, O'Duffy's Pub, Crow's Nest, Puffin Stuff and Martini's Pizza and seconded by Ms. van den Hombergh.

Discussion:

Chair Lager said this is the second projecting sign variance request that has come before the board, the other being Nonla Burger on S Burdick. He said they should use the same rationale used in that case because the central business district properties have the right to put up the projecting signs in the core neighborhoods and the zero setback businesses have it especially hard. He added that special circumstances are not caused by the businesses and this is the minimal thing that can be done to allow them to have signage that is useful and since there is an ordinance amendment coming, he believes all businesses will eventually have this right and it's practical to allow this to proceed since there has been some investment in getting to and amendment and putting it together with the Vine business owners so he will be in favor.

The motion approved by roll call vote unanimously.

OTHER BUSINESS:

There were no other agenda items.

Mr. Eldridge added the next meeting will be December 9, 2021.

ADJOURNMENT:

The meeting was adjourned at 7:28 p.m.

Submitted By _____ Date _____
Recording Secretary

Reviewed By _____ Date _____
City Staff

Approved By _____ Date _____



Zoning Board of Appeals Staff Report

Date: **12/9/2021**

Item: **D.1.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner
Prepared by: Pete Eldridge, AICP, Assistant City Planner

DATE: December 9, 2021

SUBJECT: ZBA #21-12-15: 1400 & 1401 Harrison St/300, 432, 510, 511 & 600 E. Paterson St/1421, 1500, 1807 & 1819 N Pitcher St. Graphic Packaging International, LLC is requesting a dimensional variance from Chapter 50-7.2, to authorize an additional 198 off-street parking spaces which will allow a total of 723 off-street parking spaces for the company's Kalamazoo campus.

BACKGROUND:

Graphic Packaging International, LLC continues to improve parcels within its Kalamazoo campus as part of the \$600 million investment in new recycled fiber processing equipment. The improvements needed to accommodate the new equipment and the increased level of production will also impact the off-street parking.

Graphic Packaging International, LLC has been working with staff over the last couple months to refine the campus master plan and establish the maximum parking needed based on peak demand. The campus will have approximately 92,000 square feet of office space in addition to the manufacturing facilities. Per the square footage of office space, the calculated off-street parking for this use is 306 parking spaces. The manufacturing facilities are based on the largest shift. The calculated total is 171 parking spaces for the largest shift. The total number of off-street parking spaces may be increased by 10% above the calculated maximum, which allows for an additional 48 parking spaces. The grand total of permitted off-street parking is 525 parking spaces.

The company has articulated the difficulty operating with less than 723 total parking spaces. The reason for this parking demand is the overlap of shift workers. The manufacturing facilities run 24 hours a day and the incoming shift workers must be able to step in and relieve the outgoing shift worker in the facility. This results in the overlap of shift workers and parking facilities needing to cover two shifts at the same time. Due to the scale of the facility, the shift workers come and go from several large operational areas. In addition, this number of shift workers also includes outside contractors working on-site as construction continues on the expansion.

The dimensional variance of 198 additional parking spaces will cover this overlap of shift workers at the site daily. This is a 38% increase above the permitted number of off-street parking spaces of 525.

STRATEGIC VISION ALIGNMENT:



Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.



Environmental Responsibility - A green and healthy City.

Strategic Goal, Master Plan 2025 and Northside Plan Alignment:

The proposed application aligns with the Strategic Plan in regard to the Economic Vitality goal as Graphic Packaging International, LLC will create more local job opportunities with this expansion and this facility will remain a viable production facility for years to come. Additionally, the Environmental Responsibility goal is important to mention, as the company reduced the overall planned parking for the campus by almost 100 parking spaces from the original plan. This will result in a reduction in paved surfaces on the campus and reduction in stormwater management.

The Future Land Use Map identifies the parcels within the campus as industrial, which support the facility expansion underway. The 2018 Northside Neighborhood Plan makes references connecting residents with jobs and this expansion will involve a significant number of new hires.

COMMUNITY ENGAGEMENT:

Inform – the community will be made aware of the project.

Appropriate Depth of Engagement:

Public hearing notices were mailed out to surrounding property owners within 300 feet of the campus parcels on November 24, 2021. The Northside Association for Community Development was also sent a copy of the public hearing notice.

Engagement/Communication Tools:

Letters mailed

FINDINGS:

Review Criteria:

1. That there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

The special circumstances are the significant size of this manufacturing operation with multiple buildings, warehouses, vehicle and trailer parking lots. The expansive campus is approximately 100 acres. Importantly, the 24-hour production schedule requires overlap between shift workers as there is hand-off between shifts to keep machines running.

2. That there are special circumstances which are not the result of the actions of the applicant or titleholder of the land.

The manufacturing facilities of Graphic Packaging International, LLC operates 24-hours a day with multiple shifts of workers. There is a strong demand for recycled paper fiber products. This facility will be able to produce 44% of the recycled paperboard in North America when the expansion is complete. The demand for parking is further increased by the contract workers on the campus who also work in shifts 24-hours a day.

3. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

The off-street parking requirements are designed to provide sufficient parking for residential, commercial and manufacturing uses. However, the parking standard for manufacturing states one parking space per two employees on the largest shift, which may not be sufficient to cover the demands for the large scale, 24-hour manufacturing occurring on this campus. The City staff will be reviewing these parking standards in future to determine if these standards should be changed.

4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

The staff has been working with Graphic Packaging International, LLC to establish the true parking total necessary for the campus. The off-street parking variance of 198 spaces is the minimum needed to cover the overlap in shift workers.

5. That the granting of the variance will not adversely affect adjacent land in a material way.

This request will have no negative impact on adjacent properties. First, this is off-street parking, so all parking lot improvements will be on private property. Second, the sites being developed for additional parking will each be required to go through the site plan review. Screening, landscaping and other site development

requirements will be reviewed through this process. Lastly, with the parking proposed, this will avoid overflow parking demands that might push parking into the residential neighborhood.

6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

The granting of this variance will be consistent with the purpose of the Zoning Ordinance to provide sufficient parking for residential, commercial and manufacturing uses. The intent of providing parking facilities to match the demand created by the use is much more complex for this situation with the overlap in shifts of workers. The 198 off-street parking spaces are the minimum needed after analysis of the salaried and hourly workers in addition to the contract workers on-site daily.

7. Where the requested dimensional variance involves required landscaping, the Zoning Board of Appeals may grant a variance upon the following additional criteria: 1) existing landscaping, screening or wetlands intended to be preserved meets the intent of this section; 2) the landscape design proposed by the applicant meets the intent of this section; 3) there is a steep change in topography that would limit the benefits of required landscaping; 4) the proposed building and parking lot placement is setback well beyond the minimum required; 5) the abutting or adjacent land is developed or will be developed in the near future with a use other than residential; and 6) similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

Not Applicable

RECOMMENDATION:

Staff recommends the Zoning Board of Appeals approve the dimensional variance for 198 off-street parking spaces.



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

November 24, 2021

**RE: ZBA #21-12-15
1400 & 1401 Harrison St/300, 432, 510, 511 & 600 E. Paterson St/
1421, 1500, 1807& 1819 N Pitcher St.**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Graphic Packaging International, LLC for 1400 & 1401 Harrison St/300, 432, 510, 511 & 600 E. Paterson St/1421, 1500, 1807& 1819 N Pitcher St, which are situated in the Live Work-1 (LW-1), Manufacturing – Limited (M-1), and Manufacturing – General (M-2).

Graphic Packaging International LLC is requesting a dimensional variance from Chapter 50-7.2, to authorize an additional 198 off-street parking spaces which will allow a total of 723 off-street parking spaces for the company's Kalamazoo campus.

Please note that this request will not change the zoning classification of the properties. This is a request for variance only regarding the item described above.

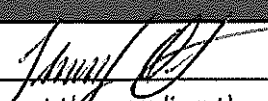
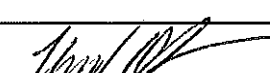
The meeting will be held on Thursday, December 9, 2021, 2021 at 7 p.m. Due to COVID-19 this public meeting will be held electronically and streamed live on the [City's Facebook page](#) and [YouTube Channel](#). Check www.kalamazoocity.org for details on providing public comments. To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

Peter C. Eldridge, AICP

Assistant City Planner

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION			
Name: Tom Olstad		Mailing Address: 1500 N. Pitcher St.	
City: Kalamazoo	State: MI	ZIP Code: 49007	
Phone: 269-383-5215	Email: tom.olstad@graphicpkg.com	Preferred Contact: ☒ Email ☐ Phone	
PROPERTY OWNER INFORMATION			
If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.			
Name: Graphic Packaging		Mailing Address: 1500 N. Pitcher St.	
City: Kalamazoo	State: MI	ZIP Code: 49007	
Phone: 269-383-5215	Email: tom.olstad@graphicpkg.com	Preferred Contact: ☒ Email ☐ Phone	
PROPERTY INFORMATION			
Property Address(s): 1500 N. Pitcher St., 1421 N. Pitcher St., 1401 Harrison St.,			
Parcel Identification Number(s): 08-10-452-002, 08-10-455-002, 08-10-485-002		Zone District (kalamazoocity.org/maps): 0	
TYPE OF REQUEST			
☒ Dimensional Variance from Chapter(s) _____, Section(s) _____		☐ Appeal of an Administrative Decision	
☐ Use Variance to allow _____ 723 spaces for shift overlap		☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____	
		☐ Temporary Use Approval	
Reason for Request: Graphic Packaging's machine operations require employees to be present at all times, meaning the first shift may not be relieved from their position until the next shift employee comes to take their position. In terms of parking, both shifts will need to park within this time frame. Furthermore, Graphic Packaging is currently constructing the new K2 facility that will increase the employee count, production, and efficiency. With this new plant being constructed, additional parking will be needed to accommodate more employees and contractors.			
ATTACHMENTS			
☒ \$ 375 Fee		☒ Type Plan detailing variance request, plat, site plan, sketch plan can all be used.	
☐ Review Sheet for Request Type		☐ Optional: Photos of property, architecture plans, etc.	
Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support			
SIGNATURE			
Signature of Applicant: 		Date: 9/10/2021	
Signature of Owner (if different than applicant): 		Date: 9/10/2021	



November 19, 2021

Peter Eldridge
Assistant City Planner
Community Planning & Economic Development – Planning Division
City of Kalamazoo
245 North Rose Street, Suite 100
Kalamazoo, MI 49007

RE: Graphic Packaging Parking Variance

Dear Peter,

Graphic Packaging is requesting a parking variance that will put them 198 spaces over allowable parking per the city ordinance. The calculations for allowable and requested parking are summarized below:

Allowable Industrial Parking = $341/2 = 171$ spaces

Allowable Commercial Parking = $91,761 \text{ SF of office space} / 300 = 306$ spaces

Allowable Parking = 477 spaces

Plus 10% Allowance Beyond Required Amount: 48 spaces

TOTAL ALLOWED OFF STREET PARKING: 525 spaces

Requested Parking = 723 spaces

OVERAGE = $723 - 525 = 198$ spaces (38% over the maximum number of Off Street Parking Spaces)

Graphic Packaging's machine operations require employees to be present at all times, meaning the first shift will not be relieved from their position until the next shift employee comes to take their position. In terms of parking, both shifts will need to park within this time frame. Furthermore, Graphic Packaging is currently constructing the new K2 facility that will increase the employee count, production, and efficiency. With this new plant being constructed, additional parking will be needed to accommodate more employees and contractors. There's also concern that if adequate parking isn't provided on site, employees and contractors will be forced to park in adjacent residential neighborhoods. For these reasons, Graphic Packaging feels the parking overage is justified and has thus submitted this variance request to the city.

Sincerely,

Todd Hurley
Hurley & Stewart

Requested Parking Spaces			Employee Count		
LOT NAME	SPOT COUNT	updated		oncoming	offgoing
Ranch	26	26			
K2 Admin	160	160	Plant 9 days 7A-7P hourly	130	120
K1	30	0	Plant 9 Salaried days 7A - 5 P	60	5
Plant 9 North	202	202			
Plant 8	25	25	Kzoo Mill 7A-7P or 7A-3P hourly	146	87
Tin Warehouse Lot	66	40	Kzoo Mill Salaried 7A-5P	95	5
K3 exist	36	30			
Plant 5 Lot	78	30	Permanent Contractors 7A-3P	40	
Plant 9 South	142	142	Visitors 7A-3P	5	
SP Exist?	50	50	Trainees 7A-3P	20	10
Harrison St	18	18			
	833	723		496	227
					723 total onsite at once

	Hourly swing	Salary	Hourly 12s	Hourly Straight Days				
	Mon	Mon	Mon	Mon	Hourly	Salary	Total	
12:00	73	5	14		87	5	92	12:00
1:00	73	5	14		87	5	92	1:00
2:00	73	5	14		87	5	92	2:00
3:00	73	5	14		87	5	92	3:00
4:00	73	5	14		87	5	92	4:00
5:00	73	95	14		87	95	182	5:00
6:00	73	95	14		87	95	182	6:00
7:00	73	95	14	59	146	95	241	7:00
8:00	73	95	14	59	146	95	241	8:00
9:00	73	95	14	59	146	95	241	9:00
10:00	73	95	14	59	146	95	241	10:00
11:00	73	95	14	59	146	95	241	11:00
12:00	73	95	14	59	146	95	241	12:00
1:00	73	95	14	59	146	95	241	1:00
2:00	73	95	14	59	146	95	241	2:00
3:00	73	95	14	59	146	95	241	3:00
4:00	73	95	14		87	95	182	4:00
5:00	73	95	14		87	95	182	5:00
6:00	73	95	14		87	95	182	6:00
7:00	73	5	14		87	5	92	7:00
8:00	73	5	14		87	5	92	8:00
9:00	73	5	14		87	5	92	9:00
10:00	73	5	14		87	5	92	10:00
11:00	73	5	14		87	5	92	11:00

Hourly swing	Salary	Hourly 12s	Hourly Straight Days				
Sat/Sun	Sat/Sun	Sat/Sun	Sat/Sun	Hourly	Salary	Total	
73	5	14	21	108	5	113	12:00
73	5	14	21	108	5	113	1:00
73	5	14	21	108	5	113	2:00
73	5	14	21	108	5	113	3:00
73	5	14	21	108	5	113	4:00
73	15	14	21	108	15	123	5:00
73	15	14	21	108	15	123	6:00
73	15	14	21	108	15	123	7:00
73	15	14	21	108	15	123	8:00
73	15	14	21	108	15	123	9:00
73	15	14	21	108	15	123	10:00
73	15	14	21	108	15	123	11:00
73	15	14	21	108	15	123	12:00
73	15	14	21	108	15	123	1:00
73	15	14	21	108	15	123	2:00
73	15	14	21	108	15	123	3:00
73	15	14		87	15	102	4:00
73	15	14		87	15	102	5:00
73	15	14		87	15	102	6:00
73	5	14		87	5	92	7:00
73	5	14		87	5	92	8:00
73	5	14		87	5	92	9:00
73	5	14		87	5	92	10:00
73	5	14		87	5	92	11:00



ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

Specific Project Details (may also provide on a separate sheet):

Review Criteria for Dimensional Variances

ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?



Community Planning & Economic Development

245 N. Rose Street, Suite 100 • Kalamazoo, MI 49007

(269) 337-8026 • www.kalamazoocity.org

Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

Will the granting of the variance negatively affect adjacent land?

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Does the landscaping proposed by the applicant meet the intent of this section?



Community Planning & Economic Development

245 N. Rose Street, Suite 100 • Kalamazoo, MI 49007

(269) 337-8026 • www.kalamazoocity.org

Are there steep changes in topography that would limit the benefits of landscaping?

Are the proposed building and parking lot locations setback beyond the required setback?

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?



Zoning Board of Appeals Staff Report

Date: **12/9/2021**

Item: **E.1.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner
Prepared by: Pete Eldridge, AICP, Assistant City Planner

DATE: December 9, 2021

SUBJECT: ZBA #21-12-16: 508 Harrison St/660 Gull Rd. River Caddis Development LLC, is requesting a six-month extension to the variances granted by the Zoning Board of Appeals on December 10, 2020 (the extension will make the variances valid until June 10, 2022).

BACKGROUND:

River Caddis Development, LLC has been working with the City of Kalamazoo Brownfield Redevelopment Authority (BRA) on this site since 2018. The developer is proposing a mixed-use project with multiple buildings. The bulk of the site is the development of two four-story buildings containing a total of 222 mixed income residential units and one amenity building consisting of leasing office and tenant amenities such as a fitness center and outdoor patio. The site will have 232 off-street parking spaces, which complies with the City's parking requirements. The second part of the project is two commercial buildings on Harrison Street.

On December 10, 2020, the Zoning Board of Appeals granted one use variance and two dimensional variances for this project. The developer had planned to finance the project via 9% Low Income Housing Tax Credits (LIHTC) and direct financing from Michigan State Housing Development Authority (MSHDA). However, there were COVID-19 pandemic delays in the application process timeline which resulted in many projects being submitted at the same time for funding. This project did not receive the 9% LIHTC, which resulted in a redesign of the project financing and application for a 4% LIHTC. The approval of the financing pieces for the project are coming together, but the variances granted are only valid for one year from the date of approval.

River Caddis Development LLC, was advised by staff of the clause in the Zoning Ordinance which allows for ZBA to grant a six (6) month extension of the variances for good cause shown.

STRATEGIC VISION ALIGNMENT:



Complete Neighborhoods - residential areas that support the full range of people's daily needs

Strategic Vision and Master Plan 2025 Alignment:

The Strategic Vision Goal of 'Complete Neighborhoods' is supported as this project will add affordable units at set percentages of area median income which will result in more availability of different housing types. The Master Plan 2025 Future Land Use Map identifies this property as 'Commercial Node' which promotes a walkable mixed-use area where housing, retail, restaurant and offices are permitted.

COMMUNITY ENGAGEMENT:

Community engagement was not required for the review of this request. The Zoning Ordinance provides the Zoning Board of Appeals with the authority to approve a six (6) month extension if good cause is shown for the delay in the project.

FINDINGS:

The staff reviewed the request and found that the delays were not caused by the applicant. The applicant has been working diligently to secure financing and move forward with the project.

RECOMMENDATION:

Staff recommends the approval of a six-month time extension for the variances approved on December 10, 2020

Via Email

November 10, 2021

City of Kalamazoo
Community Planning & Economic Development (CPED) - Planning Division
245 North Rose Street, Suite 100
Kalamazoo, MI 49007
Attn: Peter C. Eldridge, AICP
Assistant City Planner
Email: eldridgep@kalamazoocity.org

***Re: Request for Extension to Variance Granted Pursuant to ZBA #20-12-26
508 Harrison Street and 660 Gull Road
Parcel #06-15-295-100 and #06-15-287-030 (the "Property")***

Dear Peter,

As you know, this firm represents River Caddis Development, LLC and Standard Communities (together, the "Developer") in connection with the potential purchase of the referenced Property and the construction of a 222-unit, mixed-income apartment community with commercial, public and recreational elements (the "Project"). On December 10, 2020, the Zoning Board of Appeals (the "ZBA") granted certain variances to the Developer that were necessary to construct the Project, as more particularly described in ZBA Case #20-12-26 (the "Variances"). Pursuant to Section 8.1(E)(9) of the City of Kalamazoo's zoning ordinance (the "Ordinance"), the Variances expire after a period of one (1) year from the date of approval, which in this case would be December 10, 2021. However, Section 8.1(E)(10) of the Ordinance permits the ZBA to grant a six (6) month extension to a variance for good cause shown. By this letter, the Developer hereby requests a six (6) month extension to the Variances pursuant to Section 8.1(E)(10) of the City of Kalamazoo's zoning ordinance.

The Developer originally intended to finance the development and construction of the Project using both 9% and 4% low-income housing tax credits ("LIHTC"), as well as direct financing from the Michigan State Housing Development Authority ("MSHDA"). Due to the COVID-19 pandemic, MSHDA's competitive application round for 9% LIHTC was delayed for the full calendar year of 2020 and then held in early 2021, which resulted in a significant backlog of applicants and an extremely competitive funding round. Unfortunately, the Project was not

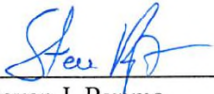
awarded 9% LIHTC in the first competitive funding round of 2021. Therefore, the Developer decided to pivot and finance the Project in its entirety utilizing 4% LIHTC and MSHDA direct financing. This required the Developer to spend much of the Spring and Summer of 2021 reformulating its development and operating proformas, adjusting construction and development budgets, and submitting new financing and LIHTC applications to MSHDA.

The Developer submitted its 4% LIHTC application to MSHDA on July 30th, 2021. MSHDA completed its initial review of the application in early September 2021, and provided comments and questions to be addressed by the development team. The development team was able to address most of the information requests raised by MSHDA, with the lone outstanding item being an amendment to the Brownfield Plan, which was submitted to the City of Kalamazoo Brownfield Redevelopment Authority and approved on October 21, 2021. Now, the Developer is working with MSHDA to complete its application package such that MSHDA will be in a position to grant full financing and LIHTC approval for the project either in November or December of 2021.

We appreciate the continued patience and cooperation that the City has shown to the Developer as we collectively work through the challenges and delays we have encountered with this Project. The Developer remains committed and confident that this Project is viable and that after construction it will prove to be a transformational project for the River's Edge area of the City and a valuable resource to meet the City's affordable housing needs.

Very truly yours,

HONIGMAN LLP

By: 
Steven J. Rypma

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
August 13, 2020 - 7:00 p.m.**

This meeting was held as an electronic meeting under the authority of Executive Order 2020-15 issued by Governor Gretchen Whitmer.

Members Present: Matt Lager, Dick Skalski, Chris Flach, Christina Doane, Jeff Carroll

Members Absent: Beth van den Hombergh

City Staff: Pete Eldridge, Assistant City Planner; Clyde Robinson, City Attorney; Deanna Benthin, Recording Secretary

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

Chair Lager noted the meeting was being streamed live on Facebook and the City's You Tube channel.

Mr. Eldridge stated the public had the ability to call in for audio and the public could call in to 269-226-6573 to leave comments for any of the properties on the agenda.

MINUTES:

Mr. Carroll, moved to approve the minutes of July 9th, 2020 as submitted, seconded by Ms. Doane.

Motion approved by voice vote unanimously.

NEW BUSINESS:

PUBLIC HEARINGS: Chair Lager summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures. For each request, the secretary will read the application into the public record. The applicant or their representative will have 10 minutes to present their comments, followed by public comments received via phone will be aired for the panelist and audience. Then the public hearing would be closed on the request. The Board would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you here is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is now closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance.

Ms. Doane read the application for 1705 Lay Boulevard, Parcel #06-26-201-009:

ZBA #20-08-15: 1705 Lay Boulevard: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Daniel Edlund owner of 1705 Lay Boulevard, which is situated in Zone RS-5 Residential – Single Dwelling District. The applicant is requesting a use variance from Chapter 4, Section 4.1, to utilize this residential structure as a duplex due to the floor plan and prior use of the structure as a duplex years ago. However, the RS-5 Zone does not permit duplexes.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were seventy-seven notices of public hearing sent and zero responses were received.

Daniel Edlund, owner of the property stated he purchased the property approximately eighty days ago with the intent to fix it up, the unit has a kitchen upstairs and downstairs, with locking doors upstairs and downstairs. The previous owners didn't clarify it as a two unit when he purchased it, but it appears to be one. Mr. Edlund grew up in Kalamazoo, he lives in California now, but has purchased ten or eleven homes in Kalamazoo to renovate. This house will have hard wood floors, refinished interior, new vanities, new kitchens, bathrooms, and is laid out as two single bedroom units. This is not zoned as a duplex, but he owns another house on Lay Blvd. that is a duplex.

Chair Lager commented from the photographs it looks like a two unit and asked if the units are separately metered. Mr. Edlund stated no, they are not, to add a new meter is too expensive in his opinion, but he'll be putting in another furnace. Chair Lager asked for clarification on the doors and layout. Mr. Edlund clarified the layout and commented the interior doors are locking doors for use as a duplex.

Mr. Carroll asked if there were other duplexes in the area. Mr. Eldridge stated yes, there are four other duplexes and eight single units in that block of Cameron Street and Fulford Street.

Mr. Eldridge clarified the zoning requirements changed in the 1960's to more limited uses allowed in certain zone districts. Mr. Flach commented some duplexes have been there more than 80 years. Mr. Eldridge commented this property had been vacant since July 2006, and removed from the rental registration, prior it was a two unit in the early 1990's.

Mr. Edlund stated there's a need for single units now and has ample parking for at least four cars. Mr. Flach asked if it would be reasonable to return it to a single-family house. Mr. Edlund commented it could be if a kitchen was removed, but the entry way layout would be awkward and hard to fix. Mr. Eldridge commented it was built as a single-family home then changed over.

Mr. Eldridge commented there is a garage on the property with a dedicated driveway, with off street parking. There are other rentals on the block. It's a small lot, 44' x 100' deep lot, with four other duplexes on the block. He spoke to the zoning in the area, it's near a transition area where the zoning changes to a commercial neighborhood zone. It's been registered as a duplex since the 1980's.

There were no comments from the public.
Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Skalski moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1705 Lay Boulevard shall include all information included in the notice of public hearing dated July 28, 2020.
- 2.) Seventy-seven notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Daniel Edlund of 520 Walnut Street proposed this property to be used as a duplex, he purchased it approximately eighty days ago. He was born and raised in Kalamazoo and recently returned from California, the home will have hard wood floors, painting, staining, new bathrooms, each unit has its own lockable entrances, there are other duplexes on the street, prior to 2006 when the property became vacant it was used as a duplex.

Mr. Flach seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Ms. Doane moved to approve the application, seconded by Mr. Flach.

Mr. Flach stated he was in favor, it's been vacant, it's been used as a duplex, and there's a need in the area for more units.

Ms. Doane stated there'd be a minimal impact to the neighbors.

Mr. Skalski stated he agreed, it was used as a duplex prior.

Motion approved by roll call vote unanimously.

Ms. Doane read the application for 810 Ray Avenue, Parcel #06-15-244-034:

ZBA #20-08-16: 810 Ray Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Nickson Kinyele owner of 810 Ray Avenue, which is situated in Zone RMU (Subarea 5), Residential – Mixed Use District. The applicant is requesting a use variance from Chapter 3, Section 3.7-1, to utilize the property for used car sales, which is not in alignment with Subarea 5 of the Riverfront Overlay for the RMU District. This Subarea does not permit any automotive-related businesses or vehicles sales. Subarea 5 is intended for parks and open space due to significant flooding along this portion of the river.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were twenty-nine notices of public hearing sent and zero responses were received.

Nickson Kinyele, the applicant for the variance stated he wants to use the property for a used car dealership. It has four garage doors with parking spaces, asphalt and more parking in the rear. An area to tow cars and area to work on, near to an Auto Parts Store and a Muffler Store. It's his first time buying a building and he didn't know to check on the limitations of building first. Mr. Kinyele shared a drawing of his proposal of what his plan was to keep the flood out, a concrete wall under two feet in height to block the wall with a support. He discussed the parking for eight cars and customers parking. He would have offices, a bathroom, a hoist, a bay for fixing cars, with a total of six cars to be stored inside with two entrances. He discussed the layouts for cars out front. With 4,500 sq. ft. area in the rear.

Chair Lager asked if the rear lot is paved. Mr. Kinyele stated it is not concrete, but the front side is paved.

Mr. Carroll questioned if Mr. Kinyele had all the licenses to sell automobiles. Mr. Kinyele stated he must have a building first, and then he can apply for the licenses.

Mr. Flach questioned Mr. Kinyele about the flooding. Mr. Kinyele clarified his drawings to answer Mr. Flach's question.

Mr. Eldridge commented the front property line runs on an angle. The bigger issue is the zoning, the property has sat idle because it's in the residential mixed-use zone district, it's classified under the Subarea 5, put in place in 2009 when rezoned, due to flooding in the area, the entire street floods. It was intentionally zoned for allowances in Subarea 5, the intent is to be used for park areas and open space along the Kalamazoo River, existing homes can remain and shall be deemed conforming land uses, but new principal and accessory structures shall apply with all applicable design standards. Basically, if you wanted to put on an addition or a garage; it would have to be elevated to keep the floor level out of the flood plain. All these properties are within the 100-year flood plain area. Subarea 5 further states if an existing industrial or commercial use terminates or is abandoned or relocates out of Subarea 5, no industrial or commercial use shall occupy any part of such property, it's very specific language built into the ordinance to preclude commercial and industrial uses from moving back into the area when and if the buildings are vacated. This was built in 1966 for an auto service garage and fleet repair, it's an auto service garage, this project if approved would then go through site plan review; it would be looked at by the site plan review committee. The use of the building,

upgrades, parking, etc. The ordinance is very specific to the buildings in the area, there are less than a handful of residential structures or fewer buildings occupied.

Chair Lager asked if any variances had been granted. Mr. Eldridge stated not the only variance asked for was for a garage and it was denied.

Mr. Flach asked what the City wants. Mr. Eldridge stated the owner should have kept the use going, now it's under the uses in the clauses, now the City wants it to go to open spaces. There are no legal businesses there now. Mr. Flach asked how long the building has been vacant. Mr. Eldridge stated approximately eight years from looking at the history.

Mr. Skalski asked if any taxes are being assessed and about other uses for the property. Mr. Eldridge stated yes. Libraries, museums, Kalamazoo Public Substations, and parks are all permitted. This came about because of environmental concerns, and development along the river and along by the river.

Mr. Carroll asked if the City works with any Conservancy groups to help residents with their properties. Mr. Eldridge clarified the existing uses could continue to be used, but once they ceased, they just couldn't return. The contaminants going into the river are trying to be reduced in this subarea.

There were no comments from the public.
Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 810 Ray Avenue shall include all information included in the notice of public hearing dated July 28, 2020.
- 2.) Twenty-nine notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter, documents shared on screen by the applicant.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Mr. Kinyele spoke on behalf of the request, the property is well suited for car sales due to ample front and rear parking and four bay garage, there are two nearby auto parts stores to compliment his car sales, he has a flood water

mitigation plan, detailed zoning language attempts to prevent continued development or modification of existing structures now that the use of the property has ceased by approximately eight years the city's intention for the property is to become open space or green space in order to address environmental concerns.

Mr. Skalski seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Ms. Doane moved to approve the application, seconded by Mr. Carroll.

Mr. Carroll stated he wanted to vote yes, but the City is against the request.

Mr. Flach commented the property is making it impossible to sell.

Motion denied by roll call vote unanimously.

No: Carroll, Skalski, Doane, Flach, Lager

Ms. Doane read the application for 3401 Nazareth Road, Parcel #06-01-407-001:

ZBA #20-08-17: 3401 Nazareth Road: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the Southwest Michigan Land Conservancy owner of the Bow in the Clouds Preserve at 3401 Nazareth Road which is located in Zone RS-5, Residential – Signal Dwelling District. The applicant is requesting a variance from the Natural Features Protection Ordinance, Chapter 50, Section 50-6.2 H, to authorize the development of trails in the preserve which will encroach into the protected slopes which have a grade greater than 20%.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were thirty-nine notices of public hearing sent and zero responses were received.

Mitch Lettow, the applicant for the variance is the Stewardship Director for the Southwest Michigan Land Conservancy. Ken Peregon was present from OCBA Architects; he stated this property was a donation of land from the Congregation of St. Joseph with the hope to make it accessible to the public. It's about 57 acres, with streams, wetlands, forests, there's parking, free to the public, they want access to as many people as they can with a goal for better access for the physically impaired. In 2011 there was vandalism, to the manhole covers from the city sewers had blockage and sewage got into the wetlands, they realized the need for maintenance vehicles to gain access. The applicant brought up a map and showed the property layout and spoke about the city and township boundaries. Mr. Lettow spoke to the 2019 Phase One plan and the new trail accessibility they are planning. There are about five natural features they must be sensitive to those features; they must meet the NFP requirements. He spoke to the buffer along the creek, a vacuum truck could use to get to manhole covers. He discussed the stream buffer, a wetland buffer, there's also woodlands present on site, The NFP allows an applicant to remove a small amount for a development (12 to 20 trees). The one standard they

can't meet in the NFP, is the standard of slope on the trail must go down. With the topography of the site, they can't meet the plan without it. Mr. Lettow stated he sits on the NFPA Board but didn't vote in the last meeting.

Ken Peregon stated to make the trail accessible to the physically and visually impaired people they need to meet a lot of standards, and they can't avoid all the slopes, it needs to be relatively flat.

Mr. Carroll questioned if they had to move dirt. Mr. Peregon replied yes. Mr. Carroll questioned if he was doing this work for the city to gain access to the manholes or primarily for access for all people. Mr. Peregon stated the grading is for access for all people. The location of the trail is driven for city access for the manholes, it's a combination. This preserve is a natural park for the city and township but is open to the public.

Jamie McCarthy, the liaison for the NFP Board from the City, spoke to the recommendation from the NFP Review Board, overall, the Board looked closely at this, variances or relief are in Kalamazoo Township, they took into account several factors. Ms. McCarthy clarified the intent of the NFP overlay standards is to protect the natural features including the water quality. They need good access for cleaning out sanitary sewers, there was very minimal tree removal, the grading plan wasn't very severe, there's no new structures being built, the impervious surface isn't being changed, the trail ways are crushed gravel. They want the public to enjoy the natural features. The Board recommended the variances be granted within the City's area. To get back to the manholes and for people to get back to the wetland areas. The report found that the applicant requested the minimum relief required. It would not cause any substantial detriment to the slopes themselves; it'd be gradual grading and the applicant would be required to then plant and do some slope stabilization. It's a balanced application.

Mr. Carroll asked what percentage of the trail system the variance is for. Mr. Lettow stated in the city's area it would be approximately 100' to 150' of impacted area. Wheelchairs would be able to access this trail. Mr. Lettow clarified the path and area being affected, and where the truck would access the manhole areas.

Mr. Eldridge commented the preserve expands into Kalamazoo Township and in the 300' boundary area they notified a total of 39 additional properties to which he had received no responses from. On the environmental side the city now has an NFP features ordinance, but they have made other ordinance amendments to allow for gravel parking in certain circumstances. They did have a variance in 2014 from an asphalt parking lot to have a gravel parking lot. He spoke to the trail locations that would accommodate the trucks for the manhole maintenance.

Ms. McCarthy stated one individual from Congregation of St Joseph spoke in favor of the request at her Board meeting.

There were no comments from the public.
Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Flach moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 3401 Nazareth Road shall include all information included in the notice of public hearing dated July 28, 2020.
- 2.) Thirty-nine notices of public hearing were sent, and zero responses were received.
- 3.) A public hearing was held before the board and public comments were accepted.
- 4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.
- 5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Mitch Lettow stated the property was donated to the Land Conservatory to be made more open to the public, it's open 365 days a year, the goal was to make the property more accessible, to improve the property by making the trails accessible, it's a joint venture with the City to also allow appropriate vehicles access to fix sewer lines. There are five natural features the applicant needs to be aware of in the NFP, the trails are in compliance for all but one, the grading, in order to allow all people to use the trails there needs to be some change to the grading, the applicant noted this is a natural place for a park and will positively impact the neighborhood, will potentially raise property values. Mr. Carroll clarified what the percentage of the trail is non-conforming, and if wheelchairs would be able to navigate the trail. Jamie McCarthy, the City Liaison to the NFP Board mentioned the Board looked favorably upon this, and it's important to have access to the sewer manholes, and working closely with other conservancy groups, there will be no negative impact on the wild life, the trail itself only has approximately 100 feet of non-conforming trails. Staff noted that the Conservatory is not only within the City but is in Kalamazoo Township, notices were sent and had no negative feedback. The trails need trucks to accommodate the maintenance of the trails.

Ms. Doane seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Ms. Doane moved to approve the application, seconded by Mr. Carroll.

Mr. Carroll stated he'd be in support of the request.

Motion approved by roll call vote unanimously.

OTHER BUSINESS:

ADJOURNMENT:

The meeting was adjourned at 8:41 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair

DRAFT



Community Planning and Economic Development

245 N. Rose Street, Suite 100
Kalamazoo, MI 49007
PH: (269) 337-8044
FAX (269) 337-8429
www.kalamazoocity.org

Rivercaddis Development
Attn.: Kevin T. McGraw
1038 Trowbridge Rd.
East Lansing, MI 48823

December 14, 2020

**Re: ZBA #20-12-26:
508 Harrison Street and 660 Gull Road
Parcel #06-15-295-100 and #06-15-287-030**

Dear Mr. McGraw:

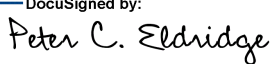
At the meeting of the Zoning Board of Appeals on Thursday, December 10, 2020, the Board granted the following variances:

- 1) A use variance from Chapter 4, Section 4.2 Q.3, for residential units on the ground floor in the proposed apartment complex where retail or other commercial floor space is required on the ground floor in this zone district
- 2) A dimensional variance from Chapter 3, Section 3.7 Table RF-O.1, to reduce the lot area per dwelling unit from 1,500 square feet to 1,234 square feet for 222 dwelling units,
- 3) A dimensional variance from Chapter 3, Section 3.7 Table RF-0.1, to allow up to a 30-foot setback from the required 0 to 10-foot front build-to requirement for the primary building façade.

Please note that unless specified by the Board, all variances granted shall become null and void if not exercised within one (1) year of the date of granting. Additionally, Site Plan Review approval will be required before the issuance of permits for this project.

If you have any questions, please contact me in the Community Planning and Economic Development Department at (269) 337-8806.

Sincerely,
ZONING BOARD OF APPEALS

DocuSigned by:

0A9D738FBA2F4A5...

Peter C. Eldridge, AICP
Assistant City Planner

C: Danielle Rhodes, Byce & Associates, Inc., 487 Portage St., Kalamazoo MI 49007
Property File



Zoning Board of Appeals (ZBA) Application Form

Community Planning & Development Department

415 Stockbridge

Kalamazoo, MI 49001

Phone: 269-337-8026

www.kalamazoocity.org

Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Development Department at least four (4) weeks prior to the Zoning Board of Appeals meeting.

Applicant: Name Byce & Associates, Inc.
Address 487 Portage Street
City, State, Zip Kalamazoo, Michigan 49007
Phone 269-381-6170 Cell 906-280-3552 (Contact Danielle Rhodes)
Fax 269-381-6176 Email danielle.rhodes@byce.com

Owner: Name River Caddis Development, LLC
Address 1038 Trowbridge Road
City, State, Zip East Lansing, Michigan 48823
Phone 517-703-2132 Cell _____
Fax 269-337-7843 Email kmgraw@rivercaddis.com

(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)

Property Information

Street or Street Address 508 Harrison St (PIN 06-15-295-101) and 660 Gull Rd (PIN 06-15-287-030)

This property is located between E Willard/ E Ransom street and E North street, on the

☐ north ☐ south ☒ east ☐ west side of the street.

CCN# 06-15-295-101 Zone CMU (3/4 Property) & RMU (1/4 Property)

Type of Request

☐ Interpretation of Chapter(s) _____ Sections(s) _____

Paragraph(s) _____ of the City of Kalamazoo Zoning Ordinance.

☒ Use Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See Requirements List.)

☒ Dimensional Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See Requirements List.)

☐ Appeal of an Administrative Decision

Description 1) Use Variance to allow ground floor residential dwelling units, 2) Dimensional variance to allow reduction in to applicable dwelling unit density requirements and 3) Dimensional Variance to 0-10 ft build zone requirement

Attachments

- ☐ \$ _____ Fee
☐ Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
☐ Sketch plan of the property in questions (2 copies)
☐ Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Signature of Applicant _____

Date 11-12-20

Signature of Owner (if different than applicant) _____

Date 11-12-2020

November 16, 2020

City of Kalamazoo Zoning Board of Appeals
c/o: Peter C. Eldridge, Zoning Administrator
Community Planning & Development Department
415 E Stockbridge Avenue
Kalamazoo, Michigan 49001
Phone: (269) 337-8806



RE: River Caddis River's Edge Development
508 Harrison Street, Kalamazoo, MI 49007
Variance Request to the Zoning Board of Appeals

B/A Project No: 17100255

Dear Zoning Board of Appeals –

Byce & Associates, Inc. submits this letter on behalf of River Caddis Development and the City of Kalamazoo Redevelopment Authority, as reference to the submitted *Application Request to the Zoning Board of Appeals*, pertaining to the planned MSHDA Housing Development, proposed on the parcels addressed at 508 Harrison Street and 660 Gull Road, within the current City of Kalamazoo's CMU Commercial Mixed-Use and RMU Residential base Zoning Districts. Development properties also reside within sub area 4, Southwest Commercial sub area, of the Riverfront Overlay District and within the City's Natural Features Protection Overlay District with relative standards applicable to subject development.

The proposed multi-phase, mixed-use commercial and residential development includes a market balanced combination of residential and commercial building structures, believed to be consistent with the spirit and intent of the City of Kalamazoo Master Plan and applicable Master Plan Zoning District Standards. Proposed Phase 1 Residential Developments are planned to reside within future Live-Work 2 Zoning District and Phase 2 Commercial Developments, spanning Harrison Street corridor, are planned to reside in the City's future Node District. Refer to attached plan C220, illustrating proposed pre and post development zoning district divisions.

Proposed Phase 1 Construction includes two (2) four-story residential apartment buildings (Building A and Building B) and one (1) commercial building consisting of leasing office and tenant amenity spaces such as fitness center and outdoor terraced patio (Building C). Adjacent Building C resides proposed outdoor amenity areas including a Children's play area, with linked pedestrian ways connecting development to existing Riverfront multi-use trailway system. Each Residential structure, to be constructed along parcels front property line, proposes **111** housing units, totaling for **222**

MSHDA apartments. Phase 2 construction includes commercial focus buildings to be developed along Harrison Street corridor to achieve the urban edge desired by the City's planning staff and future Node Zoning District.

We kindly request that the City ZBA exercise their reasonable flexibility in granting approval of three (3) necessary variances to support the proposed development, including the following:

- 1. Use Variance from Chapter 4, Section 4.2 Q.3,** to allow residential dwelling units on the ground floor level where retail or other commercial floor space is required on the ground floor level in CMU Commercial Mixed-Use District.

The applicant requests a Use Variance from *Chapter 4 – Use Regulations* of the *City of Kalamazoo Ordinance*, proposing residential dwelling units to consume all first floor area of the two (2) proposed MSHDA residential apartment structures (Building A and Building B).

Although we understand and appreciate the intent of not having residential units at grade in commercial districts along main thoroughfares, the market reality for urban infill, mixed-use developments, reflects far less demand for commercial lease space at par with the area of a single residential floor plate. The proposed first floor residential apartments will be raised approximately 3 ft in elevation above that of adjacent right of way streets and sidewalks for enhanced resident privacy and residential units will not be limited in accessibility from exterior grade, or public right-of-way.

Furthermore, it is our interpretation, per coordination with City Planning Staff, that Zoning Ordinance Amendments are planned in the future that would eliminate the restriction for ground level residential dwelling units in commercial districts. We feel the River's Edge Development, proposing residential focus structures with first floor residential units residing within the overall mixed-use type development, is consistent with direction of City Master Planning efforts, and future ordinance intent for Live-Work 2 Zoning district.

- 2. Dimensional Variance from Chapter 3, Section 3.7 Table RF-O.1;** requiring a minimum 1,500 square foot of lot area per dwelling unit in Subarea 4 of the Riverfront Overlay district.

While the proposed development does satisfy applicable dwelling unit density requirements for the RMU base Zoning District, which according to Chapter 5, Section 5.1, Table 5.1-1 Residential District Standards, requires 1,210 SF lot area per dwelling unit for RMU Zoning District; it is not able to satisfy the more stringent of applicable dimensional requirements for Dwelling Unit Density, summarized as follows:

- Chapter 5, Section 5.2, Table 5.2-1 Commercial and Manufacturing District Standards requiring 1,800 SF lot area per dwelling unit for CMU Zoning District
- Chapter 3, Section 3.7, Table RF-O.1 Riverfront Overlay District Dimensional standards requiring minimum 1,500 SF lot area per dwelling unit and maximum 5,000 SF lot area per dwelling unit in RF-O 4 sub area of Riverfront Overlay District.

The entire development parcel consists of 315,407 SF of property to be further divided into two primary development parcels; one intending to be commercial developments within the City's future Node zoning district and the other to consist of proposed Phase 1 developments shown on plans as Buildings A, B and C with relative site developments. These properties,

with relative proposed unit densities based on 222 total proposed apartment units, are summarized as follows:

Phase 1 Residential Development Parcel (Live-Work)	273,833 sf
Dwelling Unit Density	1,233.5 sf / dwelling unit
Phase 2 Commercial Development Parcel (Node)	41,574 sf
Total Development Parcel (Phase 1 +Phase 2)	315,407 sf
Dwelling Unit Density	1,420 sf / dwelling unit

For further reference in proposed Phase 1 and Phase 2 development parcel division refer to Sheet C240 Parcel Division Map

We request ZBA approval of **1,420** square foot of lot area per dwelling unit, for 222 total proposed residential units, when calculated as part of entire development parcel OR **1,233.5** square foot of lot area per dwelling unit when calculated using Phase 1 development parcel only. This is only 80 sf per unit away from achieving the minimum required dimensional standard applicable to Subarea 4 of the Riverfront Overlay District of 1,500 square feet when calculated as part of overall development parcel. While our proposed unit density is a larger margin away from achieving minimum requirement in the CMU district of 1,800 SF, it is our understanding that the City intends to improve this standard in the future to make their Commercial districts more developer friendly. We feel the proposed deviation from this dimensional standard maintains the City Master Planning intent, which would apply future Live Work 2 Zoning Standards, with no lot density requirement per dwelling unit, to subject parcel for Phase 1 residential developments.

3. Dimensional Variance from Chapter 3, Section 3.7 Table RF-0.1 requiring street facing primary building façade to be within a minimum 0 and maximum 10 ft setback from property line.

We request ZBA approval to deviate from the requirement for buildings to be constructed within 0 to 10 ft of front property line, or right of way, also referred to as within the 0-10 ft build to zone. We request relief to this requirement, requesting approval to Construct proposed Residential Building A and Building B as illustrated in Drawing C210 Enlarged Site Plan, summarized as follows:

- Proposed Building A achieves compliance with roughly 14 linear feet of its total 286.2 linear feet front building façade, equating to approximately 5% of front building façade residing within the 0-10 ft build to zone. The remainder of the building proposes to range between 1 ft to 30 ft beyond the 0-10 ft build to zone with worst case scenario occurring at center of building where gull road roundabout and relative curvilinear property line deviate away from linear building façade.
- Proposed Building B achieves compliance with roughly 17% (48.9 ft) of its total 286.2 linear foot front building façade. The remainder of the building proposes to range between 5 and 25 ft beyond the 0-10 ft build to zone requirement in the Riverfront Overlay District. Building B is challenged less by curvilinear property line but primarily impacted by a 14 ft jut away from building in property line at location of existing Heat Treat property (660 Gull Road).

We feel we have met this standard to the maximum extent feasible with consideration to multiple property line, easement and utility constraints preventing full compliance with this standard, and additional design considerations, summarized as follows:

- Constructing building within City desired 0-10 ft build zone at subject location is not viewed favorably due to traffic speeds and volumes at peak hours.
- Proposed building is four stories high, thus we recommend allowing increase from maximum 10 ft separation from property line to eliminate potential for building façade to interfere with vehicle sight distances.
- Existing utility easements project onto subject property preventing construction within 0 to 10 foot desired setback zone at select areas.
- Property lines are curvilinear and inconsistent throughout, thus making it impossible to achieve the 0-10 ft distance requirement for entire length of building façade under proposed design intent. Re-directing design intent would challenge project feasibility.
- Proposed residential building structures span nearly 300 ft linear lengths along curvilinear property line, non-linear curved portions of property line deviate away from building thus increasing beyond the allowable 10 ft separation
- Constructing directly on property line (0 ft setback) would not adequately provide room for footing construction with consideration to adjacent traffic, streetscape features and utilities.

Pursuant to the *City of Kalamazoo Zoning Ordinance Article 8.3 E. 4 a) and b)*, please also consider the following comments to the Ordinance variance review standards set forth, in your deliberations:

- 1) *The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant for all practical purposes from using the property for a permitted use identified in §4.1 Use Table, which is a right commonly enjoyed by other land in the same zone district.*

Comment: Proposed development is commercial mixed-use type, consistent with spirit of City Ordinance per CMU district, and has been developed in conjunction with City Planning Staff and related expectations for redevelopment of property at 508 Harrison Street.

- 2) *There is unnecessary hardship based on special circumstances or conditions that are peculiar to the land or structure for which the use variance is sought that is not applicable to other land or structures in the same zone district.*

Comment: There are special conditions of proposed development that require approval of proposed residential development, to include first floor residential dwelling units.

There are special circumstances of property, including location of floodplain, railroad setbacks and other property restrictions that are not applicable to other land in same zone district.

- 3) *The special circumstances are not the result of the actions of the applicant.*

Comment: Special conditions are not the result of the applicant, or current titleholder of the land, which is the City of Kalamazoo.

- 4) *The granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.*

Comment: The City's support of the requested variances would be consistent with variances granted to similar developments within CMU district and would be consistent with spirit of Master Plan Zoning Ordinance.

5) *The granting of the variance will not adversely affect adjacent land in a material way.*

Comment: Granting of the requested variances, thus facilitating redevelopment of property at 508 Harrison Street, would be beneficial to adjacent land and surrounding stakeholders; allowing construction of high demand, affordable and work force housing.

6) *The granting of the variance will be generally consistent with the purposes and intent of this ordinance.*

Comment: Proposed development supports City ordinance objectives Riverfront Development, including but not limited to; *1) to encourage redevelopment of areas adjacent to the riverfront in an urbanist style and to strengthen connections to and from the remainder of the City 2) to create a balanced and integrated transportation system that relies less on automobiles and more on bus transit, biking, and walking, and to create a mix of land uses and intensities that support that balanced transportation system, 3) to encourage patterns of development that support a mix of living, working, and recreational activities close to one another and 4) create a high degree of connectivity with multiple circulation routes, friendlier pedestrian environment and primary buildings close to the street.*

We kindly request that the ZBA approve the submitted Variance Request Application, authorizing the proposed Rivers Edge Development to proceed with Phase 1 Developments, as proposed. We are confident the planned developments will contribute beneficially to the local community and surrounding stake holders while maintaining the intent of the City of Kalamazoo Ordinance requirements for Riverfront Overlay and Commercial Mixed-Use Districts with consideration to future Master Planning objectives for Node and Live-Work zoning districts.

Sincerely,

BYCE & ASSOCIATES, INC.



Danielle M Rhodes
Civil Engineer

Attachments:

- Zoning Board of Appeals (ZBA) Application Form
- Fee (\$375)
- Conceptual Site Plans

cc: Kevin T. McGraw, RiverCaddis Development
Christina Anderson, City of Kalamazoo

SITE DATA:

ZONING DISTRICT: CMU COMMERCIAL MIXED USE

RMU RESIDENTIAL MIXED USE

RF-O 4 SUB-AREA 4 OF RIVERFRONT OVERLAY

NFP OVERLAY DISTRICT

BROWNFIELD RE-DEVELOPMENT PROPERTY

DIMENSIONAL STANDARDS - CMU:

FRONT YARD SETBACK: N/A

REAR SETBACK: N/A OR 15 FT IF ABUTTING R

SIDE SETBACK: N/A OR 15 FT IF ABUTTING R

MAX. BUILDING HEIGHT: 50 FT

MAX. IMPERVIOUS COVER: 65%

MIN. LOT AREA/DWELLING UNIT: 1,800 SF

DIMENSIONAL STANDARDS - RMU:

FRONT YARD SETBACK: N/A

REAR SETBACK: 25 FT

SIDE SETBACK: 15 FT

MAX. BUILDING HEIGHT: 6 STORIES

MAX. IMPERVIOUS COVER: 60%

MIN. LOT AREA/DWELLING UNIT: 1,210 SF

MIN. OUTDOOR AREA/DWELLING UNIT: 50 SF

DIMENSIONAL STANDARDS - RO-4

STREET-FACING FACADE: 0-10 FT

REAR SETBACK: 10 FT

SIDE SETBACK: N/A

MIN./MAX. BUILDING HEIGHT: 20-50 FT

LOT AREA/DWELLING UNIT: 1500-5000 FT

SITE AREAS:

ENTIRE DEVELOPMENT PROPERTY (PHASE 1 & 2):

315,407 SF

(7.24 ACRE)

LOT AREA PER DWELLING UNIT: 1,420 SF

BUILDING COVER (A-C, PHASE 2): 54,697 SF (17%)

PAVEMENT COVER: 109,760 SF (35%)

SEMI-IPERVIOUS COVER (COUNTED AT HALF):

1,917 SF (0.60%)

TOTAL IMPERVIOUS COVER: 166,450 (53%)

PHASE 1 DEVELOPMENT AREAS (FUTURE LIVE-WORK 2):

273,833 SF

(6.29 ACRE)

LOT AREA PER DWELLING UNIT: 1,233 SF

BUILDING COVER (A-C): 45,186 SF (16%)

PAVEMENT COVER: 99,470 SF (36%)

SEMI-IPERVIOUS PAVERS (COUNTED AT HALF):

1,917 SF (0.70%)

TOTAL IMPERVIOUS COVER: 146,574 SF (53%)

PHASE 2 DEVELOPMENT AREAS (FUTURE NODE DISTRICT):

41,574 SF

(0.95ACRE)

PAVEMENT COVER: 4,784 SF (12%)

TOTAL IMPERVIOUS COVER: 4,784 SF (12%)

PHASE 2 FUTURE DEVELOPMENT AREAS:

BUILDING COVER: 9,567 SF (23%)

PAVEMENT COVER: 9,803 SF (24%)

TOTAL PHASE 2 IMPERV. COVER: 19,370 SF (47%)

OFF-STREET PARKING REQUIREMENTS:

PRIVATE DEVELOPMENT:

RESIDENTIAL BUILDING A (91 APTS): 111

RESIDENTIAL BUILDING B (91 APTS): 111

COMMERCIAL BUILDING C (3000 SF): 10

TOTAL MIN. REQUIRED PARKING: 232

OFF-STREET PARKING PROPOSED:

RESIDENT PARKING: 222

GUEST PARKING: 0

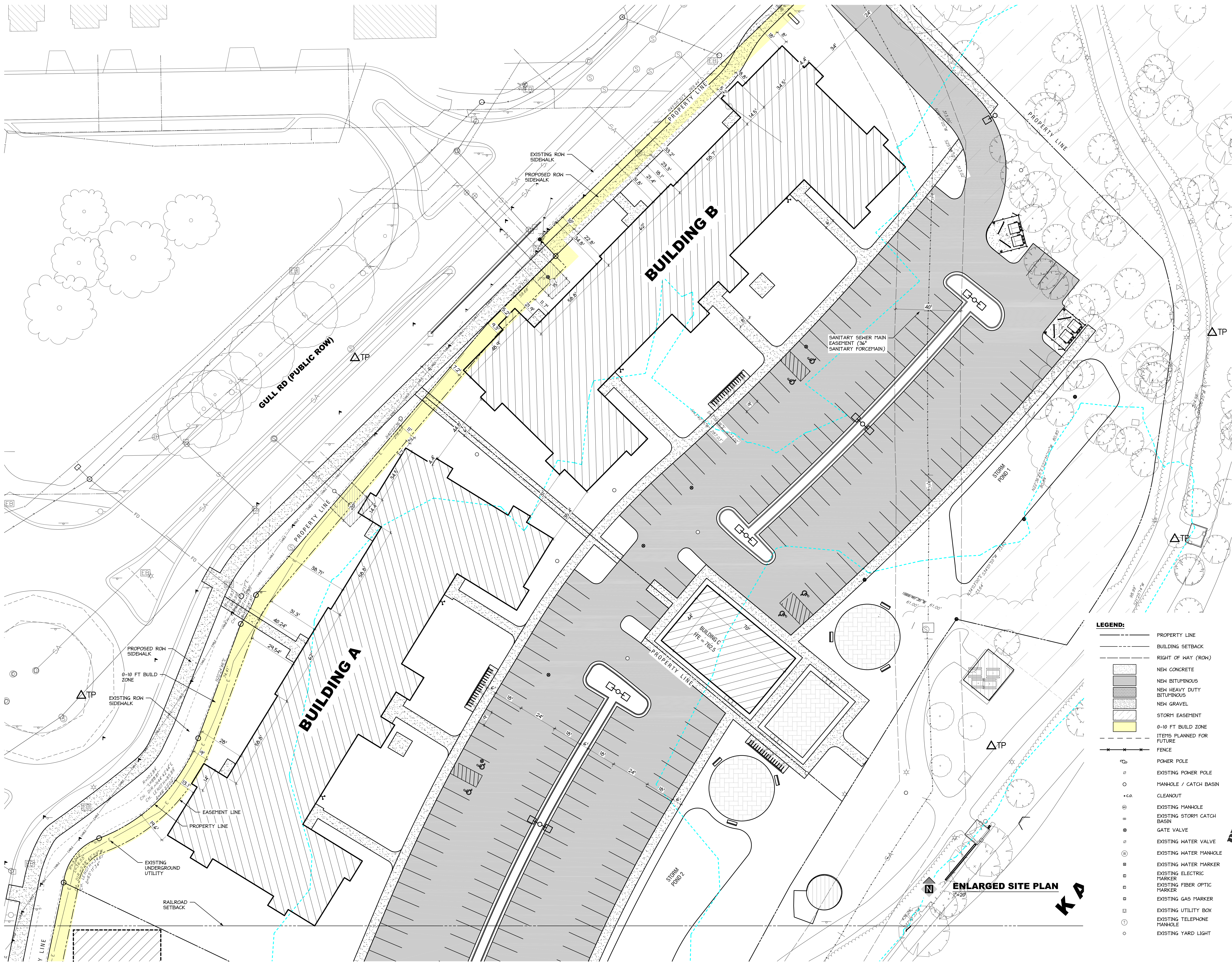
LEASING: 10

TOTAL PROPOSED PARKING: 232

FUTURE PARKING PROPOSED:

COMMERCIAL FUTURE PARKING: 28

\\BYCE-MSA\Projects\17100255 River's Edge Redevelopment (RiverCaddis)\Drawings\035-C200.dwg last saved 11-16-2020
Plotfile Mon, 11-16-2020 at 15:17pm by mrobinson



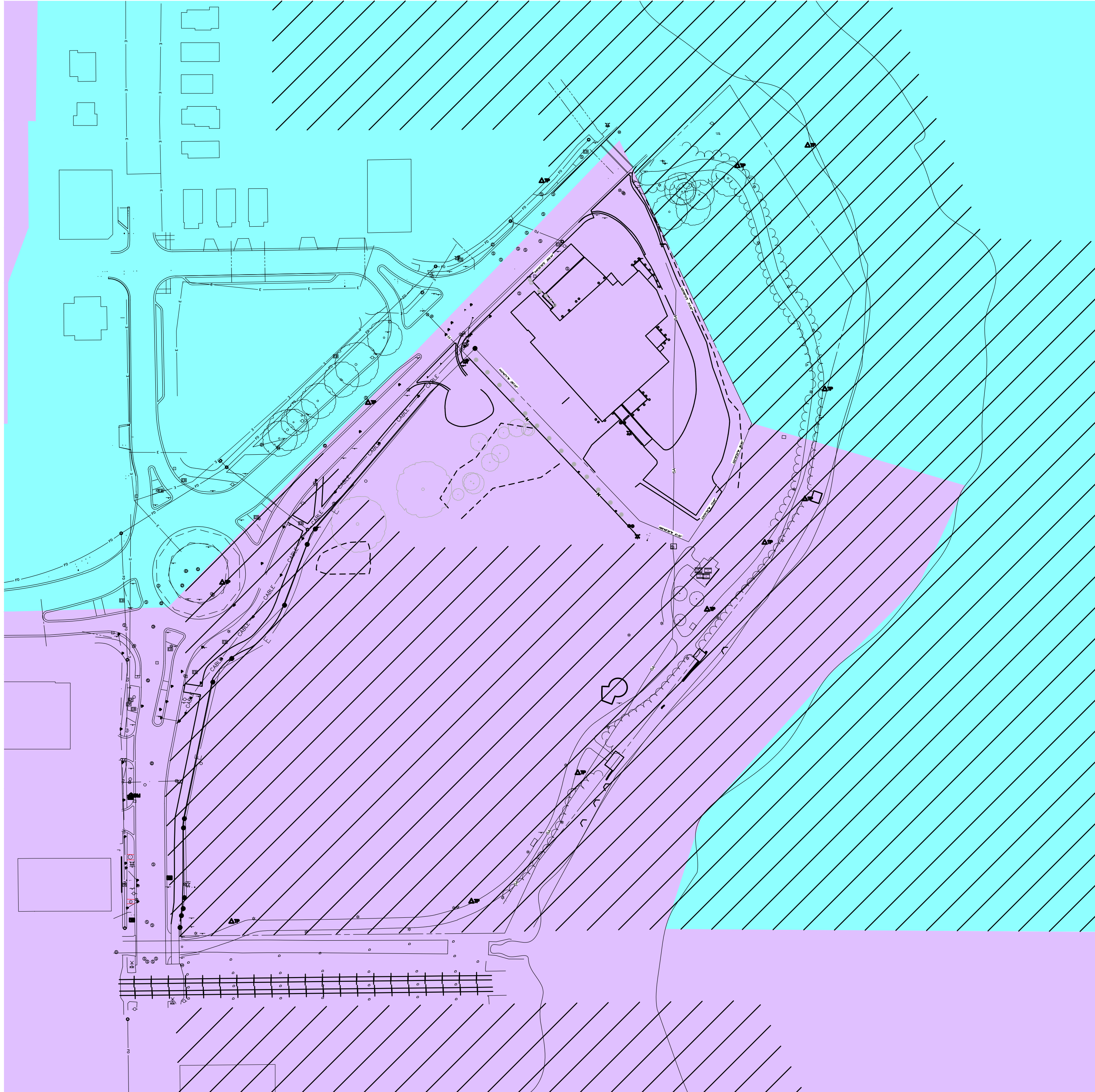
Phase 1:
River's Edge Development
508 Harrison Street · Kalamazoo, Michigan

PRELIMINARY
NOT FOR CONSTRUCTION

11-14-2020 ZBA VARIANCE REQUEST
ENLARGED SITE PLAN

17100255
C210

\\BYCE-MSA\Projects\1700255 River's Edge Redevelopment (RiverCaddis)\Drawings\055-C220.dwg last saved 11-16-2029
Plotted Mon, 11-16-2029 at 1:55pm by mrobinson



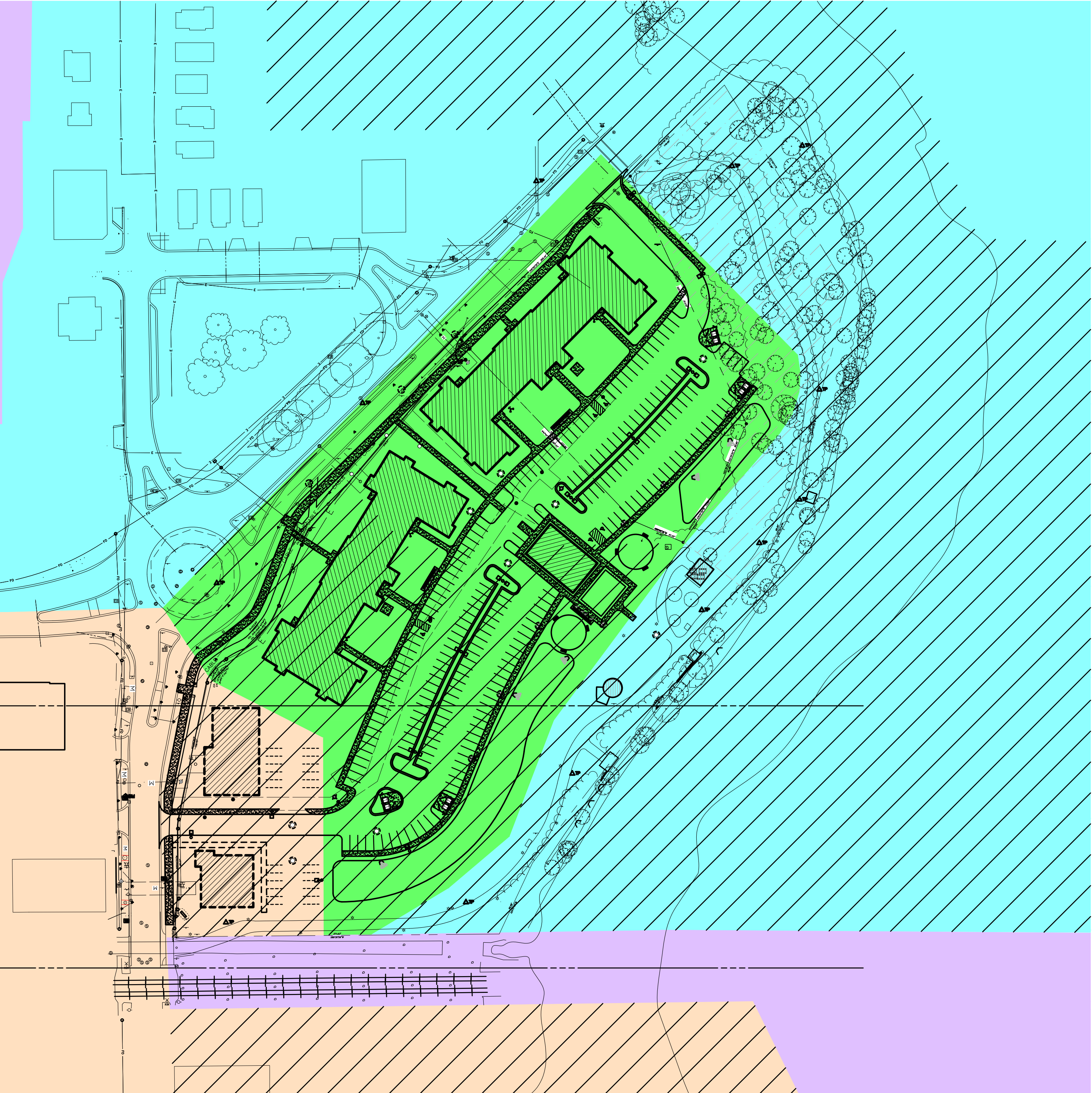
PRE DEVELOPMENT ZONING MAP
1"=80'



ZONING PLANS
1"=80'

ZONING LEGEND:

- RMU
- CMU
- LIVE-WORK
- NODE
- RF-O 4



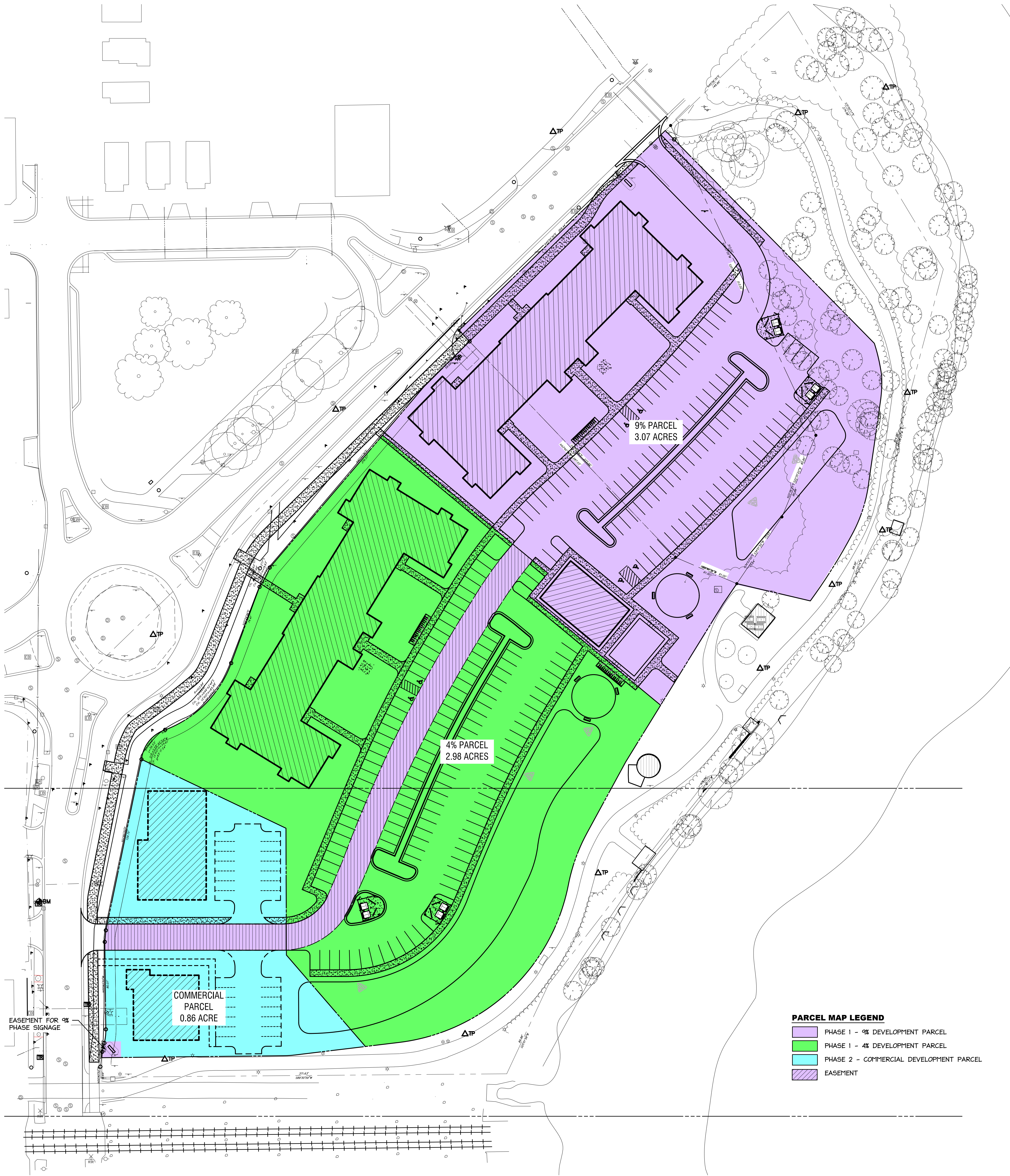
POST DEVELOPMENT ZONING MAP
1"=80'

PRELIMINARY
NOT FOR CONSTRUCTION
11-16-2029 ZIA VARIANCE REQUEST
ZONING MAPS

17100255
C220

Phase 1:
River's Edge Development
508 Harrison Street · Kalamazoo, Michigan

\\BYCE-MSA\Projects\17100255 River's Edge Redevelopment (RiverCaddis\Drawings\035-C240.dwg last saved 11-16-2029
Plotted Mon, 11-16-2029 at 1:56pm by maddison.horan



PARCEL MAP
1"=40'

PARCEL MAP LEGEND

- PHASE 1 - 9% DEVELOPMENT PARCEL
- PHASE 1 - 4% DEVELOPMENT PARCEL
- PHASE 2 - COMMERCIAL DEVELOPMENT PARCEL
- EASEMENT



Zoning Board of Appeals Staff Report

TO: City of Kalamazoo Zoning Board of Appeals

FROM: Pete Eldridge, AICP, Assistant City Planner

DATE: December 10, 2020

SUBJECT: ZBA #20-12-26: 508 Harrison Street and 660 Gull Road. River Caddis Development, LLC is requesting:

- 1) a use variance from Chapter 4, Section 4.2 Q.3, for residential units on the ground floor in the proposed apartment complex where retail or other commercial floor space is required on the ground floor in Commercial Mixed Use (CMU),
- 2) a dimensional variance from Chapter 3, Section 3.7 Table RF-O.1, to reduce the lot area per dwelling unit from 1,500 square feet to 1,234 square feet to allow for 222 dwelling units
- 3) a dimensional variance from Chapter 3, Section 3.7 Table RF-0.1, to allow a range between 5 and 30 feet from the required 0 to 10-foot front build-to requirement for the primary building façade.

BACKGROUND

The properties are located in Zone CMU, Subarea 4 of the River Front Overlay, and Natural Features Protection (NFP). The Zoning Board of Appeals granted variance relief for residential uses on the ground floor in CMU and for off-street parking for a prior mixed-use project on this property on June 14, 2018. These variances expired. River Caddis Development intends for this project to be a mix of affordable and market rate housing. They applied for Low Income Housing Tax Credits (LIHTC) from the State but were not successful in 2018. It is their plan to reapply for the February round of review for LIHTC. They have significantly revised their plan, which is why there are different variance requests than before.

River Caddis Development is proposing a mixed-use project with multiple buildings. The bulk of the site is the development of two four-story buildings containing a total of 222 affordable residential units and one amenity building consisting of leasing office and tenant amenities such as a fitness center and outdoor patio. The site will have 232 off-street parking spaces, which complies with the City's parking requirements. The second part of the project is two commercial buildings on Harrison Street with a parking lot.

There is not a current Site Plan Review approved for this project. Based on the outcome of this Zoning Board of Appeals meeting, Site Plan Review is scheduled for later this month.

The Master Plan 2025 Future Land Use Map identifies this property as 'Commercial Node' which promotes a walkable mixed-use area where housing, retail, restaurant and office are permitted. The Strategic Vision Goal of 'Complete Neighborhoods' is supported as this project will add affordable units at set percentages of area median income which will result in more availability of different housing types.

VARIANCE CONSIDERATIONS

- 1) The ground floor residential units, this use variance will allow more flexibility to the developer to place commercial space where appropriate and create more barrier free residential units on the ground floor.
- 2) The lot area per dwelling unit, the applicant is requesting a variance of 266 square feet per dwelling unit to reach the density of 1,234 square feet per unit. Adequate off-street parking is being provided. This slight reduction in dwelling unit density is similar to other recent projects where more affordable small and midsize units are being created as compared with larger apartment layouts. This is similar to the project on the northwest corner of the roundabout which also received a variance to increase density. Lastly, it is anticipated that these parcels will be rezoned to Live Work-2 which does not include a lot area requirement for residential units.
- 3) Allowing a range between 5 and 30 feet from the zero to 10-foot built to requirement, this site has challenges with a 15-foot-wide utility easement that runs through a portion of the private property along the street frontage of Gull Road. Additionally, the curvilinear front property line complicates building placement, and the planned building has recessed areas along the façade. The developer was able to place a portion of each building within the 0 to 10 build-to zone making this request the minimum necessary to make this LIHTC project work on this site.

RECOMMENDATION:

Staff supports the granting of the use variance as residential units on the ground floor level is appropriate at this location. The two dimensional variances are also appropriate given the planned rezoning and irregular front property line along Gull Road respectively.