

Agenda

Zoning Board of Appeals

City of Kalamazoo



Thursday, January 13, 2022

7:00 PM

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. APPROVAL OF MINUTES

1. Approval of minutes from the Zoning Board of Appeals meeting on December 9, 2021

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #22-01-01: 114 and 120 Burr Oak Street. Kalamazoo Neighborhood Housing Services (KNHS) is requesting a dimensional variance from Appendix A, Chapter 5, Section 5.1-1, to authorize a variance of 2,635 square feet of lot area to allow for the division of two lots into three lots, which total 9,365 square feet whereas the Zoning Ordinance requires 12,000 square feet for three buildable lots.
2. ZBA #22-01-03: 3406 Stadium Drive. TestHere.com has set-up a mobile COVID-19 testing site and is seeking: 1) a variance from Appendix A, Chapter 4, Section 4.3 J7, to allow for the outdoor temporary service use to operate on the west side of the building in the parking lot for a period of six months (until July 16, 2022), and 2) A dimensional variance from Chapter 4, Section 4.3 J15, to authorize 90 square feet of signage on the trailer, where temporary uses are limited to an eight square foot sign.
3. ZBA #22-01-02: 1616 E. Main Street/629 and 637 Edwin Avenue. Kalamazoo County Land Bank is requesting a dimensional variance from Chapter 50, Article 50 – 5.6, of 12% from the maximum impervious cover to allow the development project to have 87% impervious cover for the proposed mixed use development project, where 75% is the maximum for this lot type.

E. DISCUSSION/ACTION ITEMS

1. ZBA #22-01-04: Rules of Procedure Amendments. Changes to the Zoning Board of Appeals Rules of Procedure for public comment.

F. REPORTS

1. 2022 ZBA Meeting Schedule

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
December 9, 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; Remi Harrington, City of Kalamazoo, MI; Beth van den Hombergh, City of Kalamazoo, Jeremy Terpening, City of Kalamazoo

Members Absent: Chris Flach

City Staff: Bobby Durkee, Assistant City Planner I; Charles Bear, Assistant City Attorney; Shelby Donaldson, 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. Durkee 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. Durkee stated there were none.

Chair Lager asked if there were any changes to the minutes of November 18, 2021 and there were none.

Ms. van den Hombergh moved to approve the minutes of November 18, 2021 as submitted, seconded by Mr. Terpening.

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 for into the record:

ZBA #21-12-15 Parcel #: An application for a variance of the 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, and 1819 N. Pitcher St, which is situated in the Live Work-1 (LW-1), Manufacturing-Limited (M-1), and Manufacturing -General (M-2). The applicant 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. There were notices of public hearing sent and responses were received.

Gregg Lanternier, Engineering Manager for Graphic Packaging mill side, spoke on behalf of the company. He explained how they had reviewed the requirements based on the expansions along with the current number of employees on site each day and the manufacturing being a continuous process (employees can't leave their workstations until they are relieved by their oncoming partner). This overlap means they have two employees onsite for every job, especially at the 7 o'clock shift change. He stated that counting those employees, contractors, and other staff, they thought originally 833 parking spaces would be needed but they were able to reduce the count to 723. He also stated their main purpose is to reduce the impact on the neighborhood and not have employees parking in the streets and having to move their cars. They would like to reduce the congestion on the public roadways. Tom Olstad, the mill manager at this Graphics Packaging site, and Todd Hurley and Eric Barkovich, from Hurley-Stewart, were present as well to lend their support.

Chair Lager said that as he drove around the site, there didn't appear to be any alternate street parking and asked if there was any. Mr. Lanternier replied that there is very little on street parking and people were already parking on Prouty and other side streets but it's very difficult trying to get them into the lot. Chair Lager asked if the spillover would be onto the residential streets to which Mr. Lanternier stated if the variance isn't approved then yes.

Chair Lager asked for questions from the board.

Chair Lager asked Mr. Durkee if there were any staff comments and Mr. Durkee replied yes.

Mr. Durkee stated Graphics Packaging has been working with the planning staff to understand the parking demands of the expansion that's happening. They have assembled a campus parking plan,

which was provided in the staff report. It identified sites, vehicle and trailer parking lots. He stated that some special circumstances pertaining to this request involve the significant size of the facility, their 24-hour production schedule and adding to the employees there are the contractors and other staffing parking demands. The off-street parking regulations of Chapter 50 are designed to provide sufficient parking for typical commercial and manufacturing uses. The significant size and multiple shifts and ongoing construction create a situation that fall outside of the scope of regulations. Staff will be reviewing these parking standards to determine if the standards need to be changed within the zoning ordinance. The 198 off-street parking spaces is the minimum needed to cover the overlapping shifts of workers and represents a 38% increase over the permitted maximum by the zoning ordinance. The parking variance will also help ensure there is no overflow into the area neighborhood to the west and it should be noted that the new proposed parking lots will go thru the site plan review process which will review the compliance and dimensional standards and that a lot of the existing parking lots have been through that process but there will be some new ones or an amendment to cover that.

Mr. Durkee also stated as far as the strategic plan aligning with the Master Plan and the Northside neighborhood goals, this project aligns with the economic vitality goals of the strategic plan, as Graphics Packaging will create more local job opportunities with this expansion, and it will remain a viable production facility for years to come. He said it also aligns with the environmental responsibilities of the strategic plan as Graphics Packaging and the overall campus plan is almost 100 parking spaces less than what is in the original plan which results in a reduction of paved surface and reduced stormwater flows. The future land use plans designates these parcels as industrial and the 2018 Northside neighborhood plan makes reference to connecting residence with jobs and this expansion will result in a significant number of new jobs. Staff recommends the zoning board of appeals approve the variance for the 198 parking spaces and he asked if there were questions and there were none.

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

Chair Lager closed the public hearing.

FINDING OF FACT

Mr. Carroll moved the Finding of Fact as follows:

- 1.) The Finding of Fact for 1400 & 1401 Harrison St/300, 432, 510, 511, & 600 E Paterson St/1421, 1500, 1807, 1819 N Pitcher St shall include all information included in the notice of public hearing dated November 24, 2021.
- 2.) 132 notices of public hearing were sent, zero responses were received and are part of the record.
- 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 in the packet provided by staff and there were no other documents received.
- 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:

Greg Lanternier, Tom Olstad, Todd Hurley, and Eric Barkovich spoke on behalf or in support of the application which stems from parking that overlaps during the shift change. The request aligns with the Master Plan 2025 and the 2018 Northside Neighborhood plan. Permitted off-street parking currently stands at 525 parking spaces and 198 additional spaces is the minimum required based on the applicant and city review, which is a 38% increase.

Mr. Terpening 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 dimensional variance from Chapter 50-7.2 to authorize and additional 198 off-street parking spaces, which would allow 723 off-street parking spaces for the company's Kalamazoo campus for Graphic Packaging LLC. and seconded by Mr. Carroll.

Discussion:

Mr. Carroll said he will be in favor to avoid affecting the residential neighborhood to the west. He added that it seems like a reasonable request.

Chair Lager said he would also be in favor due to the special circumstances that are unique to Graphic Packaging site are due to the size and the scope of the operation and agreed with Mr. Carroll that not granting the variance would have a negative impact on the residence.

Ms. Harrington said she will also be in favor.

The motion approved by roll call vote unanimously.

DISCUSSION/ACTION ITEMS:

Chair Lager read the case into the record:

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).

Kevin McGraw spoke on behalf of River Caddis. He said about one year ago the board granted three variances, one to allow residential on the first floor, lot area per dwelling unit variance and one for building setbacks. He stated the reason for the setback variance was because the two properties turn a corner and there are floodplain issues with this site. He stated that they are now dealing with a trifecta: the floodplain, extremely contaminated soil and they had to buy the property

next door which also had contaminated soil. COVID-19 hit as well and MSHDA put all the approvals and hearings off and when they reconvened, there was a lot of applicants for the 9% awards and Detroit got all of them. He said they changed and went to 4% and should be approved before the end of December. He stated they are in the loan committee for the final and they brought in Standard Companies LLC, which is in the top 10 in the country for affordable housing. 222 units, two buildings, 111 units each. They also have some live-work units as well. He said they're close but they need the extension and they should break ground in the spring or summer. He then asked if there were any questions.

Chair Lager asked if the board had any questions and there were none.

Mr. Durkee read the staff comments. He stated River Caddis has been working with the city since 2018 on this Brownfield Authority development project. He stated River Caddis approached the staff and spoke of the difficulty launching a project within the one-year time frame of the approved variances from December 10, 2020. The project involves two-four story buildings with 222 mixed use income residential units with amenities for those units. There will be a total of 232 parking spaces and a second phase to involve two commercial buildings along Harrison St. The staff provided River Caddis Development information on the six-month extension that the ZBA may authorize for good cause/show. He said River Caddis has outlined the hurdles they faced during the past year in the letter provided in the agenda packet, a review doesn't require a public hearing and the board has the right to grant the variance for good cause and there is no finding of fact. He stated the staff recommends approval of the extension of the variance originally approved on December 10, 2020. He asked for questions.

Chair Lager asked the board if there were any questions and there were none.

Ms. Doane made a motion to approve the request for a six-month extension of the variances granted by the Zoning Board of Appeals for 508 Harrison St/660 Gull Rd from December 10, 2020 extended until June 10, 2022 for River Caddis Development LLC.

The motion was seconded by Mr. Terpening.

Discussion:

Ms. Harrington asked if there was a limit to how many extensions one could ask for and Mr. Durkee said although he didn't have the ordinance in front of him, he was confident that only one six-month extension can be granted once application for site plan review is received.

Chair Lager said he would be in favor with the standard being good cause shown as far as working with MSHDA and knowing the financing through them can take longer.

The motion was granted by roll call vote unanimously.

OTHER BUSINESS:

There were no other agenda items.

ADJOURNMENT:

The meeting was adjourned at 7:27 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair

DRAFT



Zoning Board of Appeals Staff Report

Date: **1/13/2022**

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: January 13, 2022

SUBJECT: ZBA #22-01-01: 114 and 120 Burr Oak Street. Kalamazoo Neighborhood Housing Services (KNHS) is requesting a dimensional variance from Appendix A, Chapter 5, Section 5.1-1, to authorize a variance of 2,635 square feet of lot area to allow for the division of two lots into three lots, which total 9,365 square feet whereas the Zoning Ordinance requires 12,000 square feet for three buildable lots.

BACKGROUND:

Both properties have been owned by KNHS since 2017. The dwelling on 114 Burr Oak Street was demolished in the Fall of 2021. The dwelling on 120 Burr Oak Street has been deemed a vacant, blighted structure and plans are being made for demolition. KNHS is proposing to construct three dwellings on three lots, where there are currently two wide, but shallow lots. The lot width required in the Residential – Multi Dwelling District (RM-36) is 33 feet. Each of the three proposed lots will have 37 feet of lot width. The lot area required in RM-36 is 4,000 square feet. The proposed lots will have between 3,078 and 3,135 square feet.

The Vine Neighborhood overall has a wide range of lot sizes that function with residential structures. In this section of the Vine Neighborhood there are similar, smaller-than-code-requires lot sizes. Directly to the north is Fellows Avenue where the residential lot sizes range from 2,700 square feet to 4,800 square feet. In the 800 and 900 blocks of S. Rose Street, the lot sizes range from 2,744 square feet to 5,700 square feet. The 200 and 300 blocks of Burr Oak Street range in lot size from 1,800 square feet to 7,800 square feet. This same pattern of nonconforming lot sizes is also found on Houston Place, Wall Street, and other blocks in the immediate area of the Vine Neighborhood. One reason for the shallow lots in this area is the street network; there are several narrow court or mews style streets that interrupt the typical block and lot pattern, resulting in shallow lots.

This area was recently rezoned from a commercial district to a residential district to support housing and an increase in density in this area.

STRATEGIC VISION ALIGNMENT:



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

Strategic Goal, Master Plan 2025 and Neighborhood Plan Impact:

This request touches on the Strategic Plan Goal of Complete Neighborhoods by adding additional housing units to the available housing stock. It aligns with the Future Land Use Map of the Master Plan which designates the properties as Neighborhood Edge. This category allows for low and medium density residential uses. Additionally, the Imagine Vine Neighborhood Plan supports home ownership programs and increasing available dwelling units.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement

The applicant is reaching out to adjacent property owners regarding the proposed project and the Vine Neighborhood Association.

The city sent letters to all property owners within 300 feet on December 23, 2021.

Engagement/Communication Tools:

Letters mailed to property owners.

FINDINGS:

The staff has made the following findings regarding this request:

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 lots in this section of Vine are shallower than the typical Vine lot. This is due to the existing street network, which includes many court streets that disrupt a typical block/lot pattern. Fellows Avenue, directly to the north of these lots, is one example

of this type of street. The result of this unique street network is shallower lots than found in an uninterrupted (by a court street) block. The court streets were historically created to increase the opportunities for housing in this area.

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

The shallow lots that meet minimum lot width, but not lot area are common in this section of the Vine neighborhood. This is a result of the historical street network and block/lot pattern, which was treated to increase the number of housing units in this area, close to employment and Downtown.

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 provisions of the ordinance would allow for only two buildable lots where smaller lot sizes developed with homes are common within this section of the Vine Neighborhood.

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.

This is the minimum action that will make possible the dividing of the lots. This will not be contrary to public interest as all other development requirements will be met for the construction of the dwellings and the lot size is consistent with other developed lots in the area.

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

The granting of dimensional variance will not adversely impact adjacent lands - many of the adjacent lots are developed with residential structures and are of similar lot size. KNHS has already reached out to the property owners to the east and west of these lots on Burr Oak Street and did not receive any concerns from the neighbors.

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

The granting of this dimensional variance will be consistent with the development pattern and varied lot sizes of this area. Many residential lots in this part of the Vine Neighborhood are of similar size. In many blocks, this is due to the court streets that interrupt a standard block/lot pattern, creating lots that are more shallow than other areas within the Vine Neighborhood.

RECOMMENDATION:

Staff recommends the granting of the dimensional variance of 2,635 square feet of lot area to allow for the division of two lots into three lots, which total 9,365 square feet, due to the proposed lot sizes being consistent with the existing development pattern in the area.



Community Planning and Economic Development

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

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NOTICE OF PUBLIC HEARING

December 23, 2021

**RE: ZBA #22-01-01
114 and 120 Burr Oak Street
Parcel #06-22-196-001 and 06-22-195-004**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Kalamazoo Neighborhood Housing Services for 114 and 120 Burr Oak Street in the Residential – Multi Dwelling District (RM-36).

The applicant is requesting a dimensional variance from Appendix A, Chapter 5, Section 5.1, of 2,635 square feet to authorize the dividing of two lots into three buildable lots. Each proposed lot will be between 3,078 and 3,135 square feet, where 4,000 square feet is the stated buildable lot size for this zone district.

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

The meeting will be held on Thursday, January 13, 2022 at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

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



Community Planning & Economic Development

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ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: KNHS		Mailing Address: 1219 S. Rose St
City: Kalamazoo	State: MI	ZIP Code: 49001
Phone: 269 385-2916	Email: mattm@knhs.org	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
<i>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.</i>		
Name:		Mailing Address:
City:	State:	ZIP Code:
Phone:	Email:	Preferred Contact: ☐ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): 114 Burr Oak PIN: 06-22-196-001 ; 120 Burr Oak PIN: 06-22-195-004		
Parcel Identification Number(s): see above		Zone District (kalamazoo-city.org/maps): RM 36
TYPE OF REQUEST		
☒ Dimensional Variance from Chapter(s) <u>5</u> , Section(s) <u>5.1</u>		
☐ Appeal of an Administrative Decision		
☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____		
☐ Temporary Use Approval		
☐ Use Variance to allow _____		
Reason for Request:		
ATTACHMENTS		
☐ \$ _____ 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: 12-13-21
Signature of Owner (if different than applicant):		Date:

ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

KNHS Home Ownership Services is an active partner working to bring new family homes to neighborhoods which have been without new construction for decades. With permission from the Zoning Board of Appeals for a Dimensional Variance, KNHS plans to create three (3) NEW BUILD single-family homes by utilizing two (2) of KNHS' currently owned lots on Burr Oak St in 2022. *114 Burr Oak (48.42 ft frontage and 81 ft depth) AND 120 Burr Oak (66 ft frontage and 82.5 ft depth)

Zone RM-36 allows for a 4000 sq ft minimum. The frontage totals for the 2 lots would allow for sufficient frontage for 3 lots (114.42 feet in total), approximately 38 feet of frontage for each. Where the lot areas fall short is with the total square feet, which then requires the dimensional variance. The 2 existing lots together are 9,365 sq feet and if divided into 3 lots, each parcel would equal between 3078 and 3135 sq feet. See below for examples of lots smaller than the 4,000sq ft minimum located in the Vine Neighborhood and Zone RM-36

Andrew Falkenberg, City Assessor is aware of the proposal to split the 2 lots and agrees having the three-way split take place before year-end 2021 would prevent additional hold ups. Surveys and legal descriptions have been ordered. There is great benefit to be able to maximize the use of the proposed 2 lot spaces to accommodate 3 New Kalamazoo Attainable Home Partnership homes for low-income Kalamazoo families.

Thank-you for your consideration on this request.

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?

Fellows Ave runs directly behind this area of Burr Oak St. making these lots typically shorter in depth than other areas.

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?

Not applicable.

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

The local new property owners at 110 Burr Oak and 124 Burr Oak have been informed of the plans to create 3 lots and have expressed no concerns.



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

Not applicable.

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

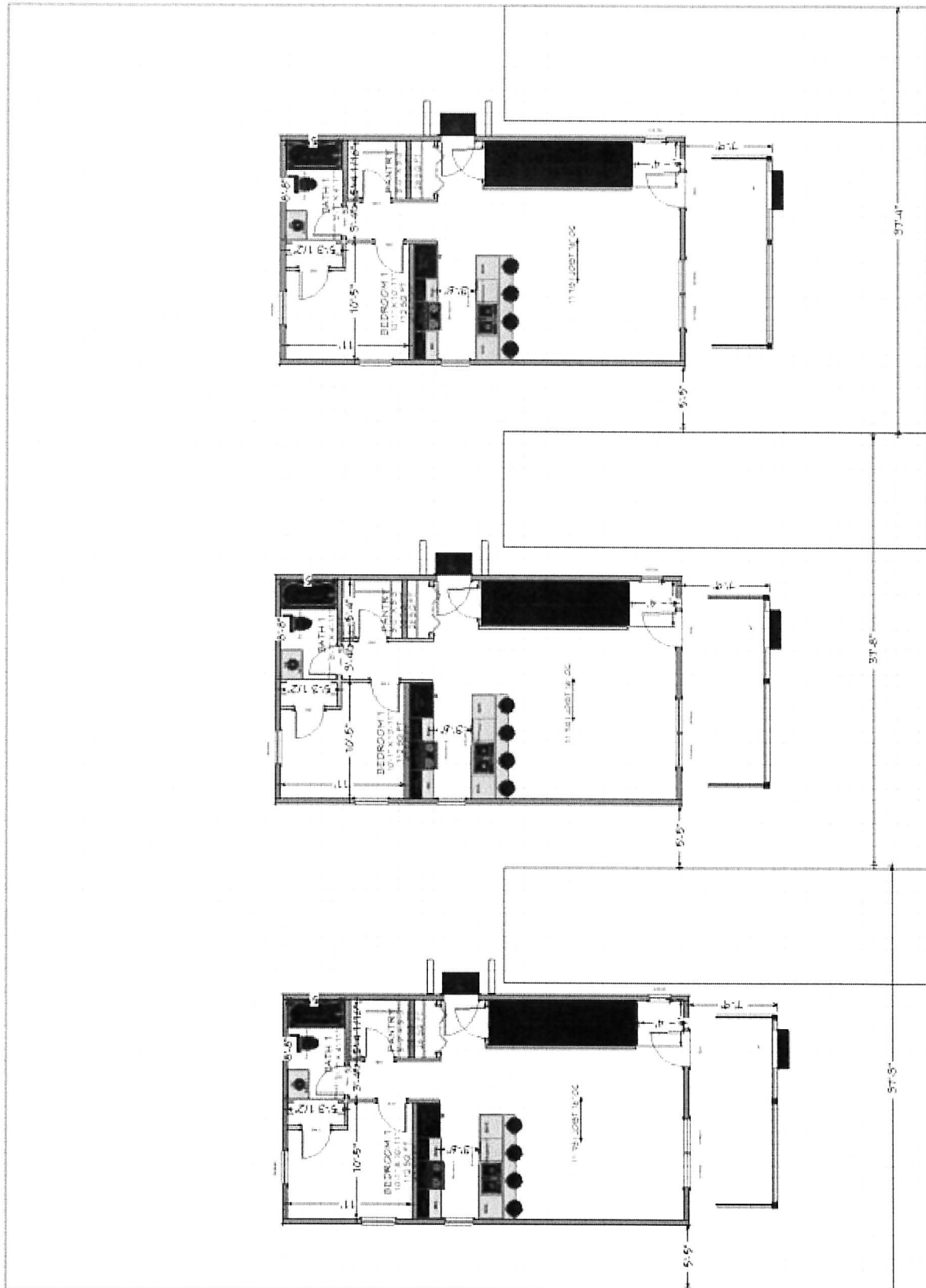
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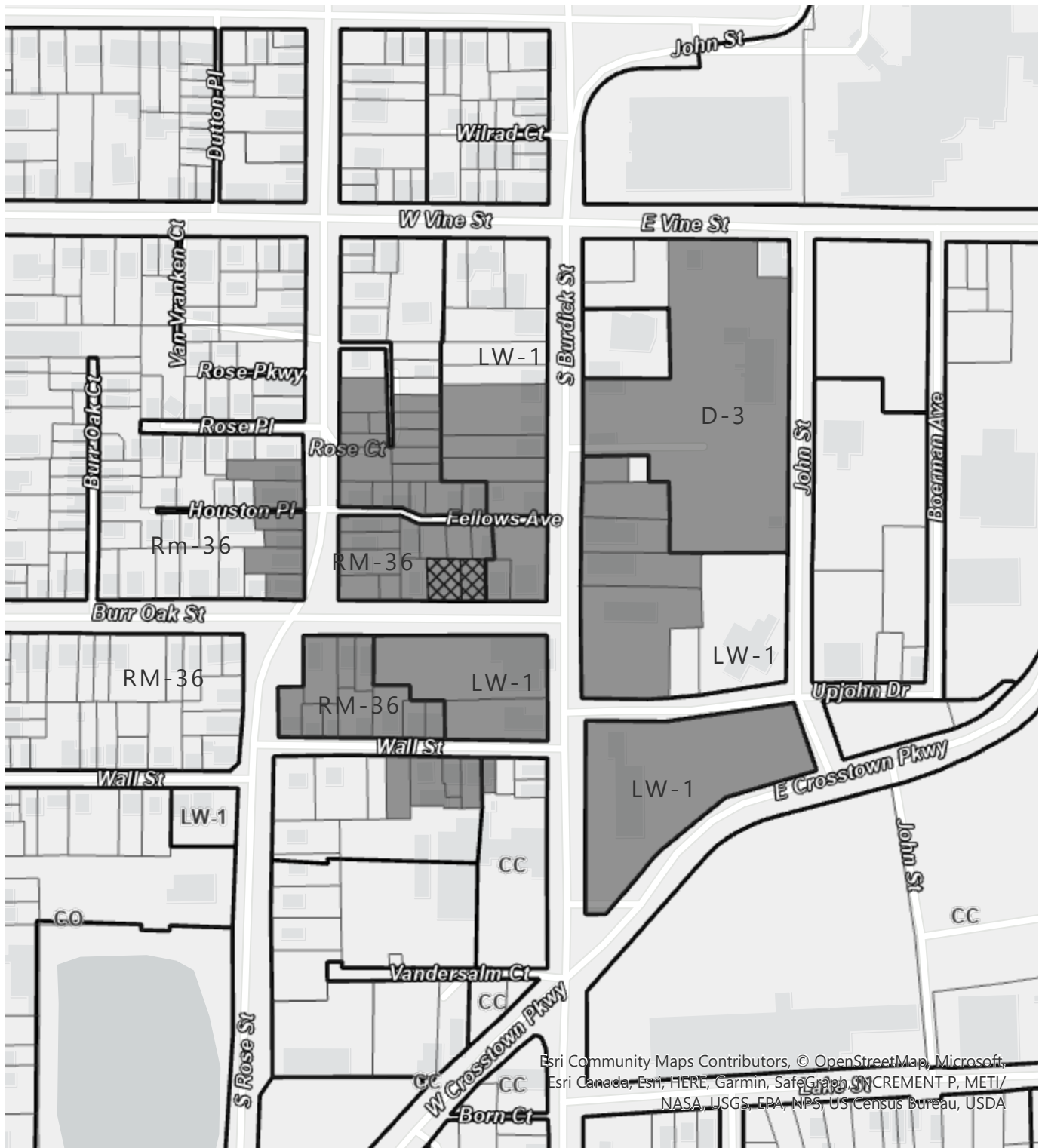
Are there abutting lands developed or could be developed in the near future with a use other than residential?

None expected at this time. Immediate surrounding structures are all residential.

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

Not applicable.





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Parcels within 300' Mailing Radius 114 & 120 Burr Oak St

-  Subject Property
-  Property within 300' Mailing Radius
-  Other Property
-  Zoning District Boundary



0 110 220 440 ft



Zoning Board of Appeals Staff Report

Date: **1/13/2022**

Item: **D.2.**

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: January 13, 2022

SUBJECT: ZBA #22-01-03: 3406 Stadium Drive. TestHere.com has set-up a mobile COVID-19 testing site and is seeking: 1) a variance from Appendix A, Chapter 4, Section 4.3 J7, to allow for the outdoor temporary service use to operate on the west side of the building in the parking lot for a period of six months (until July 16, 2022), and 2) A dimensional variance from Chapter 4, Section 4.3 J15, to authorize 90 square feet of signage on the trailer, where temporary uses are limited to an eight square foot sign.

BACKGROUND:

Testhere.com is a company that has set-up mobile COVID-19 testing facilities in cities across the country. These mobile testing facilities augment testing available in the area at clinics and hospitals. The mobile testing facility at 3406 Stadium Drive was set-up on December 16, 2021 under the 30-day administrative approval for a temporary use. However, the company is seeking a variance to approve this temporary use for six months due to the ongoing demand for COVID-19 testing services. The six-month approval would conclude on July 16, 2022.

The company is also seeking a dimensional variance for the graphics on the trailer. The mobile testing trailer brought to the Stadium Drive site is the same as others deployed with the business name and services offered displayed on the trailer. Temporary uses are limited to an eight square foot sandwich board sign. However, with the higher traffic speed on stadium drive and the placement of the trailer approximately 80 feet north of the sidewalk along Stadium Drive, the signage does help users find the mobile testing facility.

STRATEGIC VISION ALIGNMENT:



Safe Community- Creating a safe environment for living, working, and playing

Strategic Goal and Master Plan 2025 Impact:

This application touches on the Safe Community goal of the Strategic Plan. Throughout the pandemic, nonprofit organizations, businesses and families have needed to seek out testing

services. This mobile testing facility provides yet another option for our community. The Future Land Use Map of the Master Plan identifies this property as commercial and the existing zoning is Commercial - Community (CC). This is an appropriate location to consider extending the time allowed for a temporary use.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement:

The City has sent letters to all property owners within 300 feet of the property.

Engagement/Communication Tools:

Letters mailed to property owners

FINDINGS:

The staff has made the following findings:

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 circumstance for the six-month approval is the ongoing COVID-19 pandemic. This six month time period is looked at favorably by staff given the commercial zoning of this area of Stadium Drive.

The special circumstance for the additional signage is the placement of the trailer toward the back of the parking lot to allow for the customer drive-thru lane with enough depth to eliminate concerns of vehicle stacking extending on to Stadium Drive. Secondly, the traffic speed on Stadium Drive with the trailer placement makes the permitted eight square foot sign insufficient.

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

This mobile testing facility has been set-up in our community to assist with the continued rise in COVID-19 cases.

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 CC District allows for this use, if it were developed in a permanent structure. Given the uncertainty of the duration of the COVID-19 pandemic and the need for testing facilities right now, construction of a permanent structure does not make sense.

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.

This is the minimum action that will allow the continued use of the mobile testing facility on this site.

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

The adjacent properties are commercially zoned and commercially developed. The mobile testing facility will not adversely impact adjacent properties. The placement of the testing vehicle in a large parking lot, set back from the front property line, will support the queueing of cars and the circulation of traffic around it.

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

The granting of the variance will allow for this temporary use to remain for six months. This is consistent with the intent of the ordinance as medical testing is a permitted use in the CC District.

RECOMMENDATION:

Staff recommends the granting of the time extension to July 16, 2022 and the additional signage on the trailer to allow for better identification of the mobile testing facility.



Community Planning and Economic Development

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FAX (269) 337-8429

www.kalamazoocity.org

NOTICE OF PUBLIC HEARING

December 23, 2021

**RE: ZBA #22-01-03
3406 Stadium Drive
Parcel #06-30-241-012**

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by TestHere.com for 3406 Stadium Drive in the Commercial – Community District (CC).

The applicant is requesting the following:

- 1) A variance from Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary service use (mobile COVID-19 testing facility) to operate on the west side of the building in the parking lot at this location for a period of six months (until July 16, 2022);
- 2) A dimensional variance from Chapter 4, Section 4.3, J 15, to authorize 90 square feet of signage on the trailer, where temporary uses are limited to an eight square foot sign.

Please note that this request will not change the zoning classification of the property. This is a request for variances only regarding the items described above.

The meeting will be held on Thursday, January 13, 2022 at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

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



Community Planning & Economic Development

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

(269) 337-8026 • www.kalamazoo-city.org

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: TestHere.com		Mailing Address: 428 E Centre Ave
City: Portage	State: MI	ZIP Code: 49002
Phone: 269-998-2881	Email: talanda@testhere.com	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
<i>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.</i>		
Name: EFS Stadium Properties, LLC		Mailing Address: 200 W Michigan Ave, Suite 201
City: Kalamazoo	State: MI	ZIP Code: 49007
Phone: 269-383-5775	Email:	Preferred Contact: ☐ Email ☒ Phone
PROPERTY INFORMATION		
Property Address(s): 3400-3406 Stadium Drive, Kalamazoo, MI 49008		
Parcel Identification Number(s): 06-30-231-005		Zone District (kalamazoo-city.org/maps):
TYPE OF REQUEST		
☐ Dimensional Variance from Chapter(s) _____, Section(s) _____		
☐ Use Variance to allow _____		
☐ Appeal of an Administrative Decision		
☐ Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____		
☒ Temporary Use Approval		
Reason for Request: See attachments		
ATTACHMENTS		
☐ \$ _____ 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: <i>Talanda E. Smith</i>		Date: 12-16-21
Signature of Owner (if different than applicant): <i>BT ACTION PARTIAL</i>		Date: 12-16-21



ZONING BOARD OF APPEALS

TEMPORARY USE PERMIT REVIEW SHEET

General Information

Specific project details on temporary use (may also provide on a separate sheet):

We are operating a drive-thru COVID testing site for community health screening.

What is the specific timeframe for which you are requesting a temporary use approval?

We request a period of 6 months for this temporary use.

Is the property located in one of the following districts: Commercial, Manufacturing, Parking, or Institutional Campus District, or located in a Residential Zone containing a permitted non-residential use?

Commercial District



What is the permitted primary use of the property? Commercial

Will the temporary use be outside of the right-of-way? No

Will the temporary use be on an asphalt or concrete surface? Asphalt

Will there be adequate off-street parking for the primary use and no impact on traffic flow through the site with the addition of this temporary use (no more than 20% of the required off-street parking spaces may be occupied by temporary use)?

There is adequate off-street parking. As a drive-thru model, cars will have sufficient room to line up without any disturbance to traffic.

Will there be tents or other types of temporary structures as part of the temporary use?

40' mobile rv office will be parked on the northwest corner of the open lot, for authorized staff use only.

What sort of signage is proposed, if any, with this temporary use?

A-Frame signs in the parking lot. Possible use of kite signs. RV Office is wrapped.



FIRSTCALL PPE
Where Safety Comes First!
833-775-0773 • www.firstcallppe.com

December 2, 2021

Community Planning & Economic Development
245 North Rose Street, Suite 100
Kalamazoo, MI 49007

Ref: Temporary Use Permit Application for Mobile COVID-19 Testing Site

Dear Planning Board:

Due to overwhelming demand from the Kalamazoo community and based on our effective and efficient COVID-19 Testing expertise, we propose to open a fully compliant Mobile COVID-19 testing site at 3406 Stadium Drive. We have already spoke with the landlord and are ready to sign a 6 month lease, pending board approval for temporary use.

Our easy to use and full-service website www.testthere.com allows for patients to review pertinent COVID-19 testing data and schedule for their appointment on-line through either cash-pay or insurance.

We are currently operating testing centers in Louisiana, Virginia, and New Jersey and have tested over 180,000 patients this year. We possess all necessary federal and state licenses and certificates to provide the test offered. We also carry all the necessary insurances.

Our Standard Operating Procedure (provided as an attachment) focuses on a drive-through testing model that focuses on site-safety and the ability to test a large group from their cars.

Our Programs and Test Sites focus on safety, customer service, education and full transparency with only the best medical and clinical partners. First Call is fully complaint with the mandatory reporting requirements of the CDC and provide real time reporting of all test results to both the Patient and the State in a fully HIPAA compliant protocol.



TESTING PROGRAMS OFFERED

10-Minute Rapid Antigen & PCR Molecular Testing. First Call has obtained their Clinical Laboratory Improvements Amendments (CLIA) Certificate of Waiver # 31D2204390 to Provide Point of Care testing for the Corona Virus and all known variants, including the new Omicron strain. All of our tests are administered by a trained Testing Technicians.

Reviewing your 13 guidelines in the application package, we feel we are fully compliant which each point. On-site, we will have the following:

20-foot Mobile Office Trailer with necessary supplies
Honda Portable 7KW Portable Generator
Portable Lavatory (Handicap Accessible)
Hand Wash Station
Traffic Control Measures (Signage and Road Cones)

The site will be staffed by up-to 4 personnel daily. Will would like to operate the site 7 days a well from 08:00am until 07:00pm. The public will not be entering the office trailer and will remain in their cars for the testing process. For further guidance, please see our SOP.

In closing, please let us know if you have any questions or you would like more information.

Respectfully,

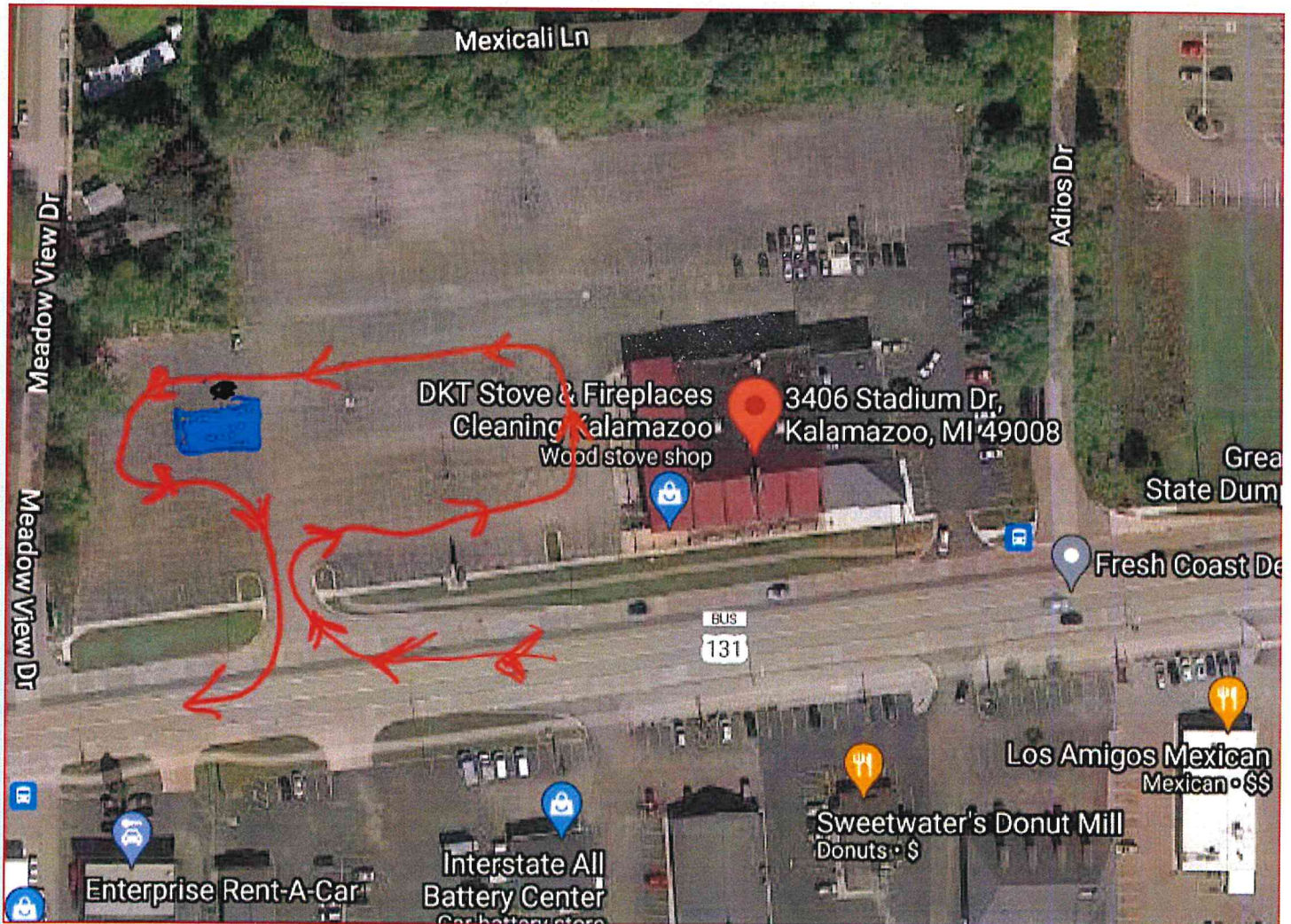
A handwritten signature in black ink, appearing to read "D. Wickersham".

David L. Wickersham
Owner

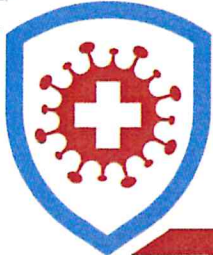
Cc: Autumn Pullen, Chief Administration Officer, First Call PPE
Talanda Sykes, Kalamazoo Site Manager, TestHere.com

PROPOSED SITE

**3406 Stadium Drive
 KALAMAZOO, MI**







TESTHERE

.COM

COVID-19 TESTING

NO LONG WAITS ... 10 MINUTE RESULTS! DRIVE THRU TESTING

KEEPING YOU AND YOUR CO-WORKERS SAFE WITH ON-SITE RAPID & PCR TESTING





POWERED BY FIRSTCALL

TESTHERE

.COM

COVID-19 TESTING

KEEPING YOU AND YOUR COMMUNITY SAFE
WITH ON-SITE RAPID & PCR TESTING

NEED TO GET TESTED FOR COVID-19?

WE ARE YOUR FULL-SERVICE TESTING SOLUTION!

CONVENIENT & SIMPLE

Looking to travel, return to school, or go back to work? Are you a business owner who wants regular employee testing? Reserve a spot at our facility for your group needs, or better yet, have us come to your location to test **on-site**. Our medical professionals and staff can handle any size company, any amount of tests. Let our business help you take care of your business!

TESTING OPTIONS

Our testing services are fast, safe and secure. Get the peace of mind needed to keep your business, school, or lifestyle running. We offer:



Rapid Antigen Tests

Results in 10 minutes



PCR Tests

Accepted for medical
& travel needs



Rapid Antibody Test

Results in 15 minutes

FAST RESULTS AVAILABLE

Rapid tests give results in **10-15 minutes!** Thanks to local lab collaboration, we are able to offer our PCR tests with the option of **next-day** or **same-day** results! We are happy to help find the best solution for you!





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Parcels within 300' Mailing Radius

3406 Stadium Dr

-  Subject Property
-  Property within 300' Mailing Radius
-  Other Property
-  Zoning District Boundary



0 110 220 440 ft



Zoning Board of Appeals Staff Report

Date: **1/13/2022**

Item: **D.3.**

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: January 13, 2022

SUBJECT: ZBA #22-01-02: 1616 E. Main Street/629 and 637 Edwin Avenue. Kalamazoo County Land Bank is requesting a dimensional variance from Chapter 50, Article 50 – 5.6, of 12% from the maximum impervious cover to allow the development project to have 87% impervious cover for the proposed mixed use development project, where 75% is the maximum for this lot type.

BACKGROUND:

The Kalamazoo County Land Bank Authority (KCLBA) has purchased properties in the Eastside Neighborhood over the last several years to create multiple infill development sites. This has been planned jointly with the Kalamazoo Eastside Neighborhood Association (KENA). This project is one of those infill sites which involves three parcels. It is directly adjacent to the small plaza park created called Eastside Square Plaza at the corner of E. Main Street and Edwin Avenue.

The KCLBA obtained 560 and 600 Phelps Avenue in addition to the three parcels identified for this request. The goal was to utilize all the parcels for this infill development project. However, an easement was identified on 600 Phelps Avenue which covers the entire parcel. The adjacent property owner was contacted but will not agree to modify the easement, which means no construction can occur on this property and no ingress or egress across the property either. The KCLBA has since removed 560 and 600 Phelps from the project. This change in the project layout has resulted in a reduction in land area for the project and an unusually shaped development site with the sharp angle of the 1616 E. Main Street frontage, narrow southern end of the site at 629 Edwin Avenue, and ingress/egress limited to Edwin Street. All development requirements will be met except for the impervious coverage, which will be over by 12%.

The infill development project proposed will include approximately 2,500 square feet of commercial space facing E. Main Street and a total of twelve apartments.

STRATEGIC VISION ALIGNMENT:



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

Strategic Goal, Master Plan 2025 and Neighborhood Plan Impacts:

The project aligns with the Complete Neighborhood Goal of the Strategic plan by adding available housing units, adding commercial space which creates economic opportunities and providing needed services to the neighborhood through this new commercial space. The project also aligns with the Master Plan as the development is within a designated Neighborhood Node. The project, in conjunction with the Eastside Square Plaza, promotes walkability in the neighborhood and will provide housing, space for neighborhood businesses as well as tie in with the outdoor amenities of the park on the corner.

The project has been planned with KENA and aligns with the Imagine Eastside Neighborhood Plan as it creates additional housing, will result in new commercial space on E. Main Street and creates a neighborhood space that will bring people together.

COMMUNITY ENGAGEMENT:

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

Appropriate Depth of Engagement:

The KCLBA has planned this project with KENA through a series of neighborhood meetings. The City has mailed out letters for the public hearing to all property owners within 300 feet of the project site.

Engagement/Communication Tools:

In person meeting and mailings

FINDINGS:

The staff has made the following findings regarding this request:

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 infill project involves multiple parcels pieced together to create the project site. The unusual shape of the project site and the sharp angle of the frontage along E. Main Street create development challenges. Additionally, a recently discovered easement scuttled the ability to add two parcels on Phelps Avenue.

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

This is an infill project which must fit within the available parcels and be designed around the business to the west (East Main Food & Beverage) and a residence along Edwin Avenue.

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 literal application of the ordinance would cause a reduction in impervious cover which would scale back the building and parking lot. The KCLBA owns additional parcels adjacent to this site but is unable to incorporate these into the project due to an existing easement.

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.

This action will be the minimum action which will make this infill project possible. All other site development requirements will be met.

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

The granting of the variance has been thoughtfully considered and public meetings held within the neighborhood to facilitate the design. Screening will be installed to provide a barrier between the parking lot and the residence on Edwin Avenue.

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

The granting of the variance will be consistent with the intent of the ordinance. The project will bring both commercial space and new dwelling units to this block.

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 for this dimensional variance request

RECOMMENDATION:

Staff recommend approval of the dimensional variance to authorize 87% impervious cover for this project due to the unusual shape of the infill project site.



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

December 23, 2021

RE: ZBA #22-01-02
1616 E Main Street/629 and 637 Edwin Avenue
Parcel #06-14-261-003, 06-14-261-006 and 06-14-261-004

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the Kalamazoo County Land Bank for 1616 E Main Street/629 and 637 Edwin Avenue in the Live Work -1 District (LW-1).

The applicant is requesting a dimensional variance from Chapter 50, Article 50 – 5.6, of 12% from the maximum impervious cover to allow the development project to have 87% impervious cover for the proposed mixed use development project where 75% is the maximum for this lot type.

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

The meeting will be held on Thursday, January 13, 2022 at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

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: Kalamazoo County Land Bank Authority		Mailing Address: 1523 Riverview Drive
City: Kalamazoo	State: MI	ZIP Code: 49004
Phone: 269-216-4124	Email: theresa.cotyoneil@kalamazoolandbank.org	Preferred Contact: ☒ Email ☐ Phone
PROPERTY OWNER INFORMATION		
<i>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.</i>		
Name: Kalamazoo County Land Bank Authority		Mailing Address: 1523 Riverview Drive
City: Kalamazoo	State: MI	ZIP Code: 49004
Phone: 269-216-4124	Email: theresa.cotyoneil@kalamazoolandbank.org	Preferred Contact: ☒ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s): 1616 East Main Street, 637 Edwin Avenue, 629 Edwin Avenue		
Parcel Identification Number(s): see attached		Zone District (kalamazoo-city.org/maps): LW-1
TYPE OF REQUEST		
☒ Dimensional Variance from Chapter(s) 50, Section(s) 5.6 - Lot Type Standards - Flex ☐ Use Variance to allow _____ ☐ Appeal of an Administrative Decision ☐ Interpretation of Zoning Ordinance, Chapter(s) 50, Section(s) _____ ☐ Temporary Use Approval		
Reason for Request: please see attached narrative		
ATTACHMENTS		
☒ \$ 300.00 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: <i>Theresa Cotyoneil</i>		Date: 12/16/21
Signature of Owner (if different than applicant):		Date:

ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

Please see attached plans for additional property information. The Kalamazoo County Land Bank Authority (KCLBA) owns several properties in the Eastside Neighborhood and are planning on multiple urban and residential infill projects on these properties. The KCLBA is requesting a dimensional variance from the Live-Work 1 zoning opening space requirements. Due to the issues summarized below and in the attached plans, the East Main Commercial Corridor project has 87% impervious cover, which is 12% over the LW-1 Zone of 75% maximum impervious cover.

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?

Yes, due to the properties owned by KCLBA, there are multiple lots being pieced together as a commercial and residential condominium property. East Main Street is at a sharp angle to these properties, so 1616 East Main Street is an oddly shaped property. 629 Edwin Avenue is land locked and does not have access to any public street.

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?

KCLBA also owns 600 Phelps Avenue and 560 Phelps Avenue and had originally intended to include these properties in the overall proposed condominium development. It has been discovered though that the Owners at 1614 East Main Street possess a blanket ingress/egress access easement over all of 600 Phelps Avenue. There are currently two (2) Owners of 1614 East Main Street (land contract sale) and neither will sign any waivers to vacate this easement as they use this property for delivery truck access on to their property. Therefore, no improvements can be made to this property that could impede their access through the site. If 600 Phelps Avenue cannot be included in the proposed improvements, there is no way to connect 560 Phelps into the project either because there are no physical connections between that property and the other properties.

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

This would be the first infill project in the area with the new Live Work-1 zoning ordinance, so at this time, there are no other property owners to compare. But, the Live Work-1 properties within the Eastside Neighborhood are all very small, oddly shaped lots due to the angle of East Main through the neighborhood. In order to create the commercial/residential properties on this small lots, multiple lots will need to be obtained combined in order to create enough space for all of the parking and open space requirements. Individual lots will not be able to meet the current ordinance standards.

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?

Yes. There is an existing new pocket plaza at the southeast corner of East Main Street and Edwin Avenue that is not included in this project, but is adjacent to the project. This new plaza allows for adjacent accessible open space to this project.

Will the granting of the variance negatively affect adjacent land?

No, the granting of the variance will positively affect the adjacent land with the infill improvements to the property instead of their current vacant and blighted condition. Screen fencing will be installed along all residentially zoned properties and landscaping will be added per Ordinance standards.

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

Yes, the granting of this variance will allow these properties to be developed to meet all other Zoning Ordinance requirements. This project also meets the current Future Land Use Plan for development.

Additional Criteria for Variance Requests for Required Landscaping

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

Yes, screen fencing will be installed along all residentially zoned properties and landscaping will be installed per Ordinance standards.

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

Yes.

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

No, there are only a few feet of topographical change throughout the properties.

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

No.

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

KCLBA owns 600 Phelps Avenue and 560 Phelps Avenue that could be developed other than residential, but cannot currently develop the land due to existing access easements on the land with other adjacent property owners. KCLBA also owns 627 Edwin Avenue. While this property is zoned LW-1, the KCLBA and the Kalamazoo Eastside Neighborhood Association (KENA) would like this property residentially developed. There is an existing house to the north at 633 Edwin Avenue. If 627 Edwin is developed into anything other than residential, the existing house at 633 Edwin Avenue will become a "residential island".

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

The entire south side of the proposed project properties will already be screened from the residential neighborhood per the Ordinance.



O'BOYLE, COWELL,
BLALOCK & ASSOCIATES, INC.

350 E. Michigan Avenue, Suite 415
Kalamazoo, Michigan 49007

124 Fulton Street E., Suite 6B
Grand Rapids, MI 49503

T (269) 381-3357
F (269) 381-2944

ocba.com

16 December 2021

Peter Eldridge, Assistant City Planner
City of Kalamazoo – Community Planning & Economic Development Division
245 North Rose Street, Suite #100
Kalamazoo, Michigan 39007

Re: East Main Commercial Corridor Project – Dimensional Variance Request
Kalamazoo, Michigan

Dear Pete,

The Kalamazoo County Land Bank Authority, (KCLBA) is applying for a Dimensional Variance from the City of Kalamazoo's Zoning Board of Appeals for the open space requirements in a Live-Work 1 zoned property.

The KCLBA had purchased and pieced together properties in the Eastside Neighborhood in order to create multiple urban infill projects as part of their revitalization plans for the neighborhood. On the south side of East Main Street between Phelps Avenue and Edwin Avenue, the KCLBA had purchased eight (8) properties that were adjacent to each other for potential infill projects. In 2019, with the help of Inform Architects and OCBA Landscape Architects, KCLBA held multiple community input sessions and design charrettes with the Kalamazoo Eastside Neighborhood Association (KENA) to gather input from the neighbors and business owners in the area surrounding these properties. From those meetings, a master plan was created to help guide the future work. This master plan included commercial buildings for small businesses, new residential units, and a pocket plaza park. In 2021, the Eastside Square Plaza was installed with new landscaping, seating, and local artwork at 1628 East Main Street.

KCLBA partnered with Inform Architects and OCBA Landscape Architects again in 2021 to move forward with the designs for two additional projects. The first project is located on the north side of East Main Street at 1601 East Main Street. This project will consist of a commercial space in the front of the building and residential units along the west and north sides of the building. The second project is located on the south side of East Main Street and was comprised of properties at 1616 East Main Street, 637 Edwin Avenue, 629 Edwin Avenue, 600 Phelps Avenue, and 560 Phelps Avenue. KCLBA also owns the property at 627 Edwin Avenue, but this is to remain as a future single family residential project per the requests of KENA and the neighborhood.

In early 2021, topographic survey data was obtained for all of the properties listed above in order to start the design process for these projects. As part of the topographic survey and title work research, several previously unknown easements were discovered on multiple properties within the southern project limits. One of the easements, owned by Consumer's Energy, has recently been vacated and released back to the KCLBA. Unfortunately during this research, it was discovered that there was a blanket ingress/egress access easement on the 600 Phelps Avenue property. This easement is owned by the property to the north, 1614 East Main Street. KCLBA and their legal consultants have approached the 1614 East Main Street property owners about releasing the blanket ingress/egress access easement on



600 Phelps Avenue, but the property owners have refused the request. Because the easement is a blanket easement that covers the entire property, no new construction can be completed on this property that would inhibit or hamper any access through the entire property for the easement owners.

Since this easement discovery, OCBA Landscape Architects and Inform Architects have reviewed other options to keep this project moving forward. If 600 Phelps Avenue property and 560 Phelps Avenue property (not physically adjacent to any other KCLBA owned properties) were removed from the proposed project area, this would leave the 1616 East Main Street, 637 Edwin Avenue, and 629 Edwin Avenue properties for the project. The design team created multiple design concepts to fit all of the neighborhood desired and zoning ordinance required project elements (commercial space, residential spaces, parking, etc.) into the remaining properties. The final conceptual design has been submitted with this dimensional variance request.

Per the City of Kalamazoo's Zoning Ordinance, twenty (20) parking spaces are required in the Live Work 1 zoned properties for the twelve (12) proposed residential units and eight (8) parking spaces for the proposed commercial space. The Zoning Ordinance also allows for 20% of these parking spaces to be counted as on-street parking spaces, so for this project four (4) parking spaces will be located on-street. The remaining sixteen (16) parking spaces, plus the proposed dumpster enclosure space, can all fit to the south of the proposed commercial and residential building space.

These properties are oddly shaped partly due to the severely angled shape of 1616 East Main Street (due to the angle of East Main Street to the property) and the landlocked property at 629 Edwin Avenue. Site access is only available/allowed at the 637 Edwin Avenue due to the Live Work 1 "Flex Lot" standards (see attached table). The required access locations and oddly shaped properties create complications with creating safe parking spaces and drive aisles that also meet Kalamazoo Public Safety standards for emergency access.

Due to the existing property shapes and required access locations, the resulting building and parking lot layout creates a deficiency in the zoning ordinance's open space requirements. For Live Work 1 zoned properties, there is a maximum of 75% impervious cover allowed for the project. At this time, the overall building and parking lot layout creates a maximum 87% impervious cover or a 12% overage from the zoning ordinance standards. The KCBLA is requesting a dimensional variance for the 12% overage from the Live Work 1 zoning ordinance requirements.

The Kalamazoo County Land Bank Authority and the design team appreciate the opportunity to review and discuss this project with the City of Kalamazoo Planning staff and the Zoning Board of Appeals board members.

Sincerely,

O'BOYLE, COWELL, BLALOCK & ASSOCIATES, INC.

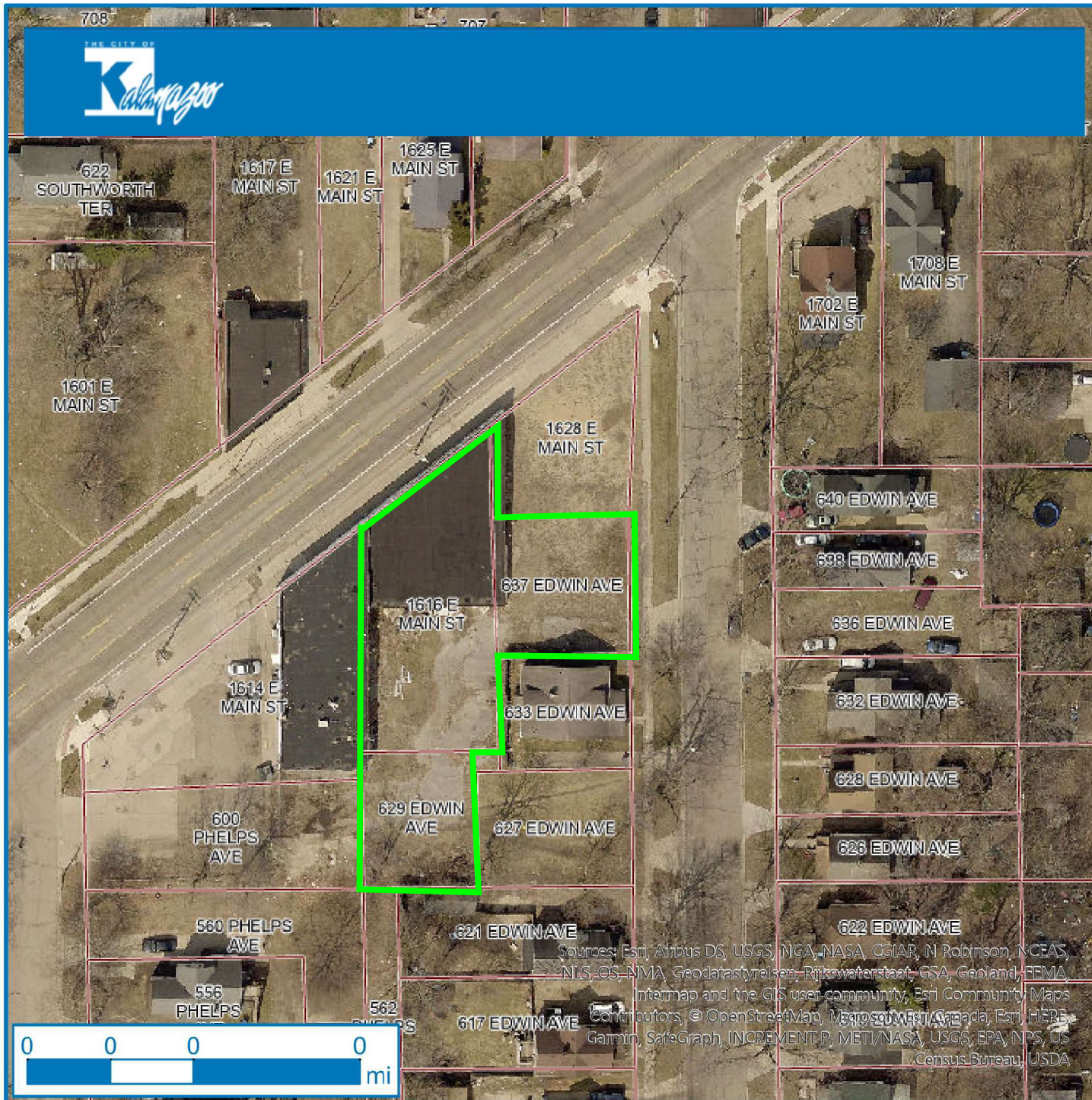


Rachel Hughes-Nilsson, PLA, ASLA
Associate

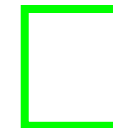
Cc: T. Coty O'Neil, KCLBA
S. Hassevoort, Inform Architects

EMCC Building AB			
Heading	Item	Required	Proposed
Street Frontage			
	Multiple Principal Buildings permitted	Yes	No
	Front lot line coverage (min) along East Main	70%	100%
	Occupation of Corner	YES	Not Applicable
	Front Built-to Zone	0-10'	0
	Corner Build-to Zone	0-10'	Not Applicable
	ROW encroachment	OK	Yes
Lot Area			
	Side yard setback	0	0
	Rear yard setback - residential adjacent	10'	10'
	Rear yard setback - commercial adjacent	0	0
Height			
	Height	1-3 stories	2-3 stories
	Ground floor height	12-24'	14'
	Upper floor height	9-14'	10'
Uses			
	Ground floor use at East Main		Commercial
	Ground floor use at Edwin		Residential
	Upper Floors		Residential
Lot Coverage			

	Impervious surface (max)	75%	87%
	Semi-impervious surface	15%	0%
Parking, loading and access			
	Parking location	Rear yard	Rear yard
	Loading and service location	Rear side	Rear side
	Driveway location		Side street
Street-facing facades			
	Transparency (min) ground floor at East Main Storefront	70%	70%
	Transparency (min) upper floors at East Main	20%	21%
Entrance			
	Location	Front façade	Front façade
	Entrance treatment	Storefront, stoop	Storefront
	Entrances on street-facing façade	1 / 60'	2 / 80'-6"
	Other façade entrances	Yes	Yes
Roof Type			
	Tower	Permitted	No
	Spire	Not Permitted	No



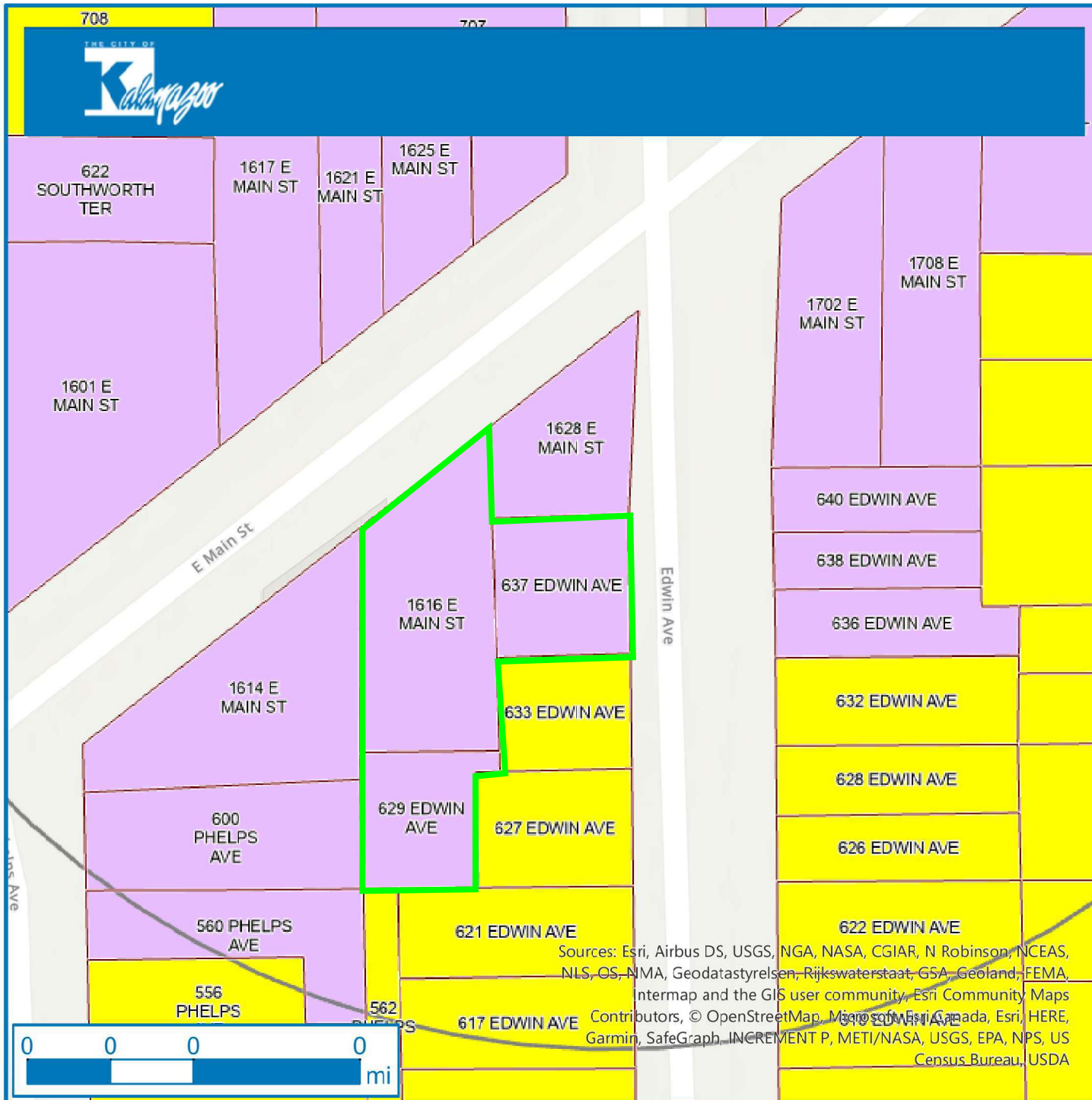
LEGEND



KCLBA properties
included in
variance request



City of Kalamazoo,
12/9/2021



LEGEND

Parcel Boundary

City Boundary

Future Land Use

Node

Neighborhood Edge Zone

R-1 Residential Zone

KCLBA properties included in variance request



City of Kalamazoo,
12/9/2021



LEGEND

Zoning

- LW-1 LW-1
- RD-19 RD-19
- RS-5 RS-5

- KCLBA Properties not included in the variance request
- KCLBA Properties included in the variance request



City of Kalamazoo,
12/9/2021



1616 E Main Street property looking west at existing convenience store property 1614 E Main Street



637 Edwin Avenue property looking south at existing residential property 633 Edwin Avenue.



629 Edwin Avenue looking east at existing residential property at 627 Edwin Avenue



1616 E. Main Street looking south at 629 Edwin Avenue



1628 E Main Street looking west at 1616 E Main Street

KALAMAZOO COUNTY LAND BANK AUTHORITY EAST MAIN COMMERCIAL CORRIDOR BUILDINGS A + B

KALAMAZOO, MICHIGAN

OWNER/CLIENT:

KALAMAZOO COUNTY LAND BANK AUTHORITY
1523 RIVERVIEW DRIVE
KALAMAZOO, MICHIGAN 49004
269-216-9667 TELE

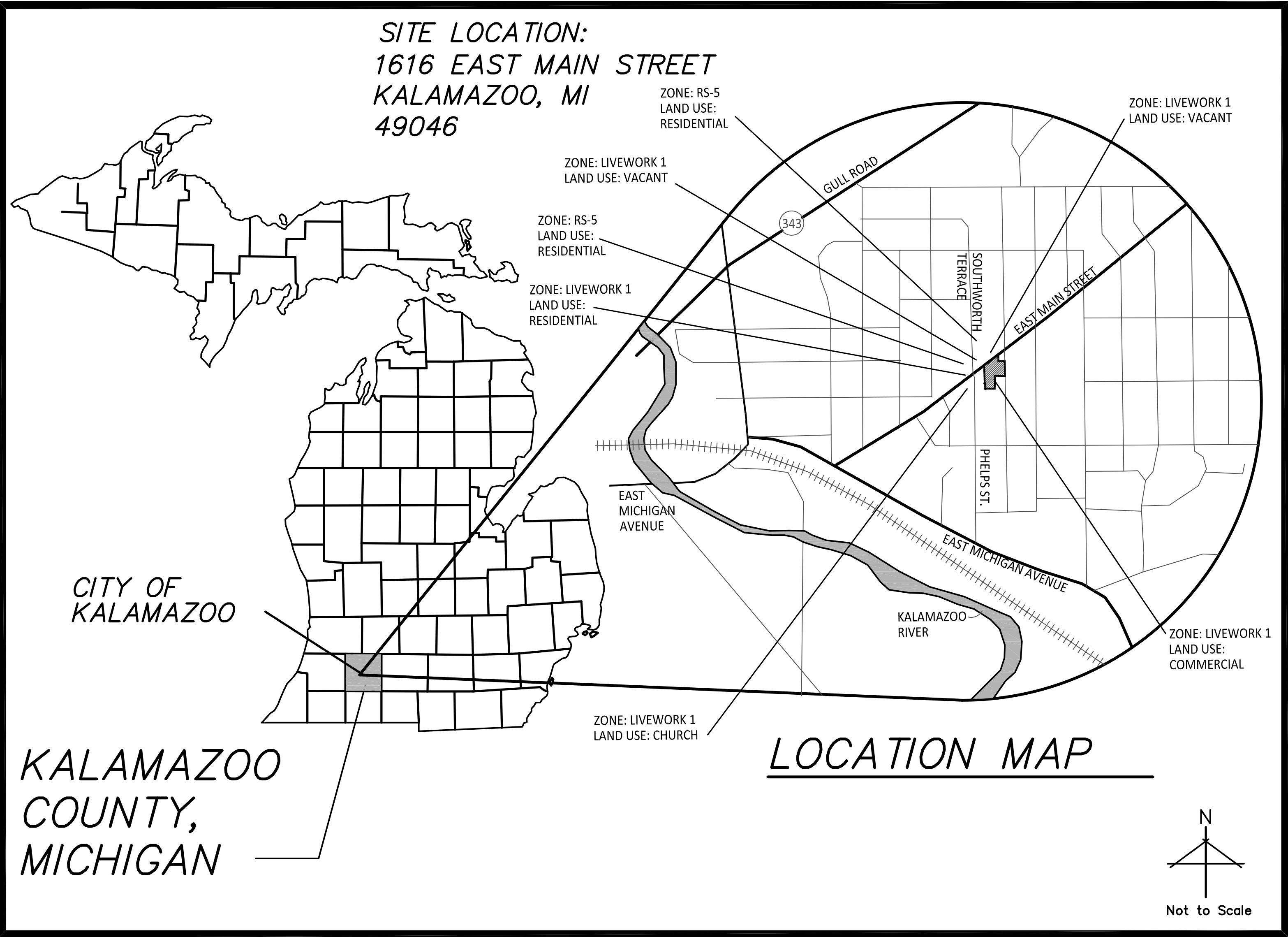
ARCHITECT:

INFORM ARCHITECTURE
401 EAST MICHIGAN AVENUE, SUITE 100
KALAMAZOO, MICHIGAN 49007
269-270-3331 TELE

LANDSCAPE ARCHITECT:

O'BOYLE COWELL BLALOCK
& ASSOCIATES, INC.
350 EAST MICHIGAN AVENUE, SUITE #415
KALAMAZOO, MICHIGAN 49007
269-381-3357 TELE
269-381-2944 FAX

LOCATION MAP



SHEET INDEX

NO.	
CO.0	COVER SHEET
CO.1	TOPOGRAPHIC SURVEY
C1.0	DEMOLITION PLAN
C2.0	LAYOUT PLAN
L1.0	LANDSCAPE PLAN

SITE PLAN REVIEW NOTES

1. Project Address: 1616 East Main Street, Kalamazoo, Michigan 49048.
2. Property Identification Number: 06-14-261-003
3. Proposed Use : Mixed Use - Commercial and Residential
4. Property Owner: Kalamazoo County Land Bank Authority
5. Project Zoning: LW-1, Live Work 1
6. Legal Description: See attached list.
7. Front Yard Setback: 0'-0" Rear Yard Setback: 10'-0" Side Yard Setback: 0'-0"
8. Existing Off Street Parking Spaces: 0 spaces
9. Parking Spaces Required: Twenty (20) parking spaces
10. Proposed Off-Street Parking Spaces : Sixteen (16) parking spaces
11. Proposed On-Street Parking Spaces: Four (4) parking spaces (20% of required total)
12. Gross Overall Site Area: 18,701 sf (0.43 acres)
13. Gross Area of Earth Change: 18,701 sf (0.43 acres)
14. Gross Area of Building: 5,714 sf (0.13 acres)
15. Existing Impervious Area: 12,307 sf (0.28 acres)
16. Proposed Impervious Area : 16,279 sf (0.37 acres)
17. Existing Area of Open Space : 6394 sf (0.15 acres)
18. Proposed Area of Open Space: 2,422 sf (0.06 acres)
19. Parcel is not located within a National or Local Historic Register District.
20. Number of Residential Units by Type: Twelve (12)
21. This project site is located in the Eastside Neighborhood
22. This project is located within 10-Year Time of Capture Wellhead Protection Zoning.
23. This project is identified as "Neighborhood Edge" and "Neighborhood Node" on the 2025 Future Land Use Plan.

- NOTES:
- 1) Except where other wise indicated on the plans or in the proposal and supplemental specifications or special provisions contained herein, all materials and workmanship shall be in accordance with Michigan Department of Transportation Standard Specifications for Construction, 1996 Edition.
 - 2) Call Miss Dig, 1-800-482-7171 three working days, excluding Saturday, Sunday and holidays, before starting your project.

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ZBA SUBMITTAL	12/16/21

Project:

East Main
Commercial
Corridor

Kalamazoo, Michigan

Sheet Title

1616 East Main St.
Cover Sheet

Job No.

Sheet No.

21906

C0.0

PROJECT ADDRESS:
**EAST MAIN PARK
POCKET PARK**
KALAMAZOO, MI 49048

**KALAMAZOO
COUNTY LAND
BANK AUTHORITY**
1523 RIVERVIEW DRIVE, SUITE A
KALAMAZOO, MI 49004

3. ADDITIONAL TOPOGRAPHIC
SURVEY ADDED
ACE 12/13/2021

2. ADDED PARCEL
DIMENSIONS.
ADS 12/17/2020

1. ADDED PARCEL LINES.
ACE 12/16/2020

REVISIONS

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DATE: NOVEMBER 25, 2020

SCALE: AS NOTED

DRAWN BY: ACE

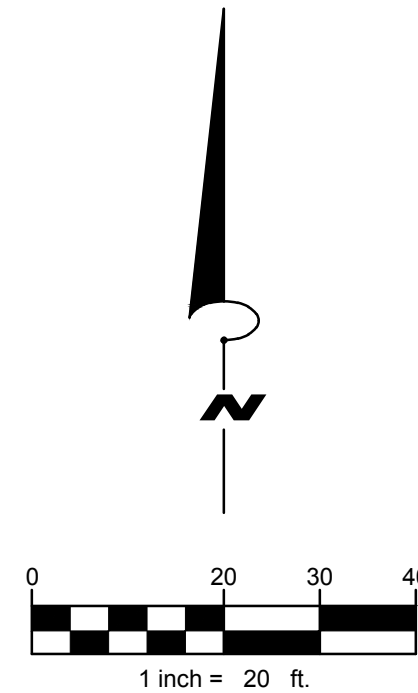
CHECKED BY: GDH

**BOUNDARY AND
TOPOGRAPHIC
SURVEY**

JOB NO. 204340

1 OF 1

**BOUNDARY AND TOPOGRAPHIC SURVEY
IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 2 SOUTH,
RANGE 11 WEST, CITY OF KALAMAZOO, KALAMAZOO COUNTY, MICHIGAN**



SURVEY AREA VICINITY MAP
1" = 100'

**LEGAL DESCRIPTION PER EXHIBIT "A",
COMMITMENT FOR TITLE INSURANCE PREPARED BY
CHICAGO TITLE OF MICHIGAN, INC., COMMITMENT
NO. 391131102NBU, COMMITMENT DATE
SEPTEMBER 25, 2020:**

THE SOUTH 53 FEET OF LOTS 1 AND 2, LOT 3, LOT 4 EXCEPT THE SOUTH 44 FEET THEREOF; LOT 5 EXCEPT THE NORTH 11 FEET OF THE EAST 66 FEET OF LOT 5, AND THE WEST 15.84 FEET OF LOTS 6 AND 7, OF JOHN DEN BLYEKER'S SUB., ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 5 OF PLATS, PAGE 12, KALAMAZOO COUNTY RECORDS.

ALSO, PART OF THE NORTHEAST QUARTER OF SECTION 14, TOWN 2 SOUTH, RANGE 11 WEST, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING ON THE WEST LINE OF HAZARDS SUBDIVISION OF SECTION 14, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 5 OF PLATS, PAGE 21, KALAMAZOO COUNTY RECORDS; AT ITS INTERSECTION WITH THE NORTH LINE OF EAST MAIN STREET; THENCE NORTH 94.6 FEET ALONG SAID WEST LINE; THENCE WEST 114 FEET TO THE EAST LINE OF SOUTHWORTH TERRACE; THENCE SOUTH 186 FEET ALONG THE EAST LINE OF SOUTHWORTH TERRACE TO THE NORTH LINE OF EAST MAIN STREET; THENCE NORTHEASTERLY 143.6 FEET ALONG THE NORTH LINE OF EAST MAIN STREET TO THE WEST LINE OF SAID HAZARDS SUBDIVISION OF SECTION 14 TO THE POINT OF BEGINNING.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD, OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.

THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING IN MICHIGAN.

CURB INLET INFORMATION

CI 1	RIM = 849.43'		
12" CMP	N55°E	846.86'	
12" CAST IRON	VERTICAL	846.79'	
CI 2	RIM = 850.71'		
6" CLAY	S18°W	847.82'	
16" CLAY	VERTICAL	846.26'	

SANITARY SEWER INFORMATION

SAMH 1	RIM = 851.08'		
8" CLAY	NORTH	842.60'	
8" CLAY	N60°E	842.59'	
8" CLAY	S60°W	842.57'	
SAMH 2	RIM = 851.74'		
BOTTOM	846.04'		
FILLED WITH DIRT (ABANDONED?)			
SAMH 3	RIM = 853.40'		
8" CLAY	NORTH	844.66'	
8" CLAY	SOUTH	844.66'	

LEGEND

- | | |
|-------------------------------------|------------------------------|
| ○ = SET 1/2" REBAR W/ CAP ID #43068 | ⊙ = MANHOLE |
| ▷ = SET MAG NAIL | ⊙ = SANITARY MANHOLE |
| ○ = SET CHISELED MARKING | ○ = GREEN PAINT |
| ● = FOUND IRON (AS NOTED) | ⊓ = CURB INLET |
| ▷ = FOUND MAG NAIL | ⊓ = PAY PHONE (DISCONNECTED) |
| ⊙ = UTILITY POLE | ⊙ = SIGN |
| ⊙ = GUY WIRE | ● = POST |
| ⊙ = ELECTRIC METER | ⊙ = SPOT ELEVATION |
| ⊙ = RED PAINT | ⊙ = CHERRY |
| ⊙ = TELEPHONE MARKER POST | ⊙ = CONIFEROUS TREE |
| ⊙ = TELEPHONE PEDESTAL | ⊙ = CEDAR |
| ⊙ = COMMUNICATION CLOSET | ⊙ = DEAD |
| ⊙ = COMMUNICATION CABINET | ⊙ = DECIDUOUS TREE |
| ⊙ = COMMUNICATION VAULT | ⊙ = LOCUST |
| ⊙ = ORANGE PAINT | ⊙ = MAPLE |
| ⊙ = GAS VALVE | ⊙ = MULBERRY CLUSTER |
| ⊙ = GAS MARKER POST | ⊙ = OAK |
| ⊙ = YELLOW PAINT | ⊙ = TRIPLE LOCUST |
| ⊙ = WATER VALVE | ⊙ = TRIPLE MULBERRY |
| ⊙ = WATER SHUTOFF | ⊙ = TREE |
| ⊙ = WATER METER | ⊙ = TREE CLUSTER |
| ⊙ = WATER SPIGOT | ⊙ = TWIN MAPLE |
| ⊙ = BLUE PAINT | ⊙ = WALNUT |

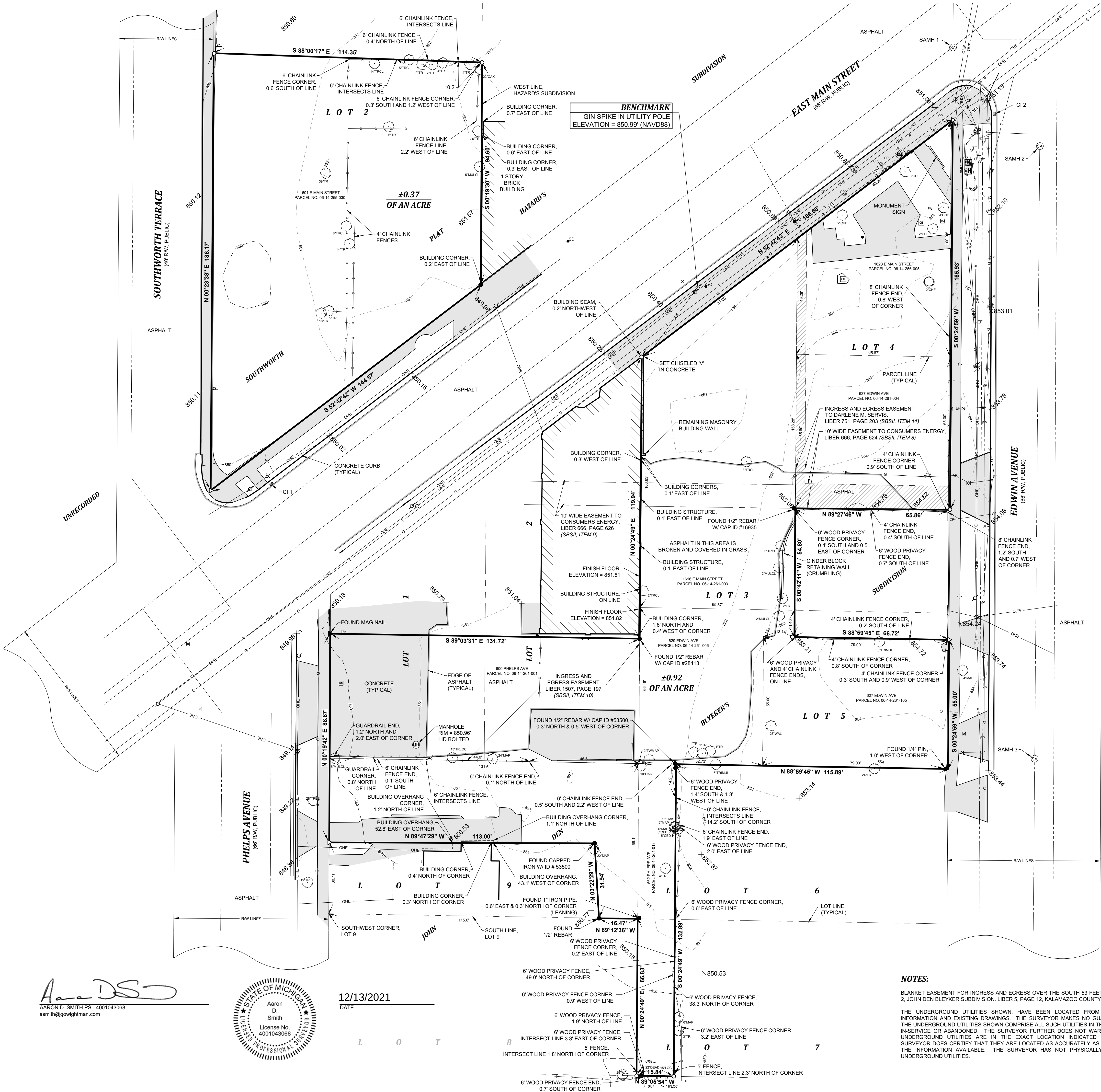
NAVD88 = NORTH AMERICAN VERTICAL DATUM OF 1988

- | | |
|-----------|---|
| — OHE — | = OVERHEAD UTILITY LINES |
| — E — | = APPROXIMATE BURIED ELECTRIC LOCATION |
| — — — — — | = APPROXIMATE SANITARY SEWER LOCATION |
| — — — — — | = APPROXIMATE WATER LOCATION |
| — G — | = APPROXIMATE BURIED GAS LOCATION |
| — T — | = APPROXIMATE BURIED TELEPHONE LOCATION |

NOTES:

BLANKET EASEMENT FOR INGRESS AND EGRESS OVER THE SOUTH 53 FEET OF LOTS 1 AND 2, JOHN DEN BLYEKER SUBDIVISION, LIBER 5, PAGE 12, KALAMAZOO COUNTY RECORDS.

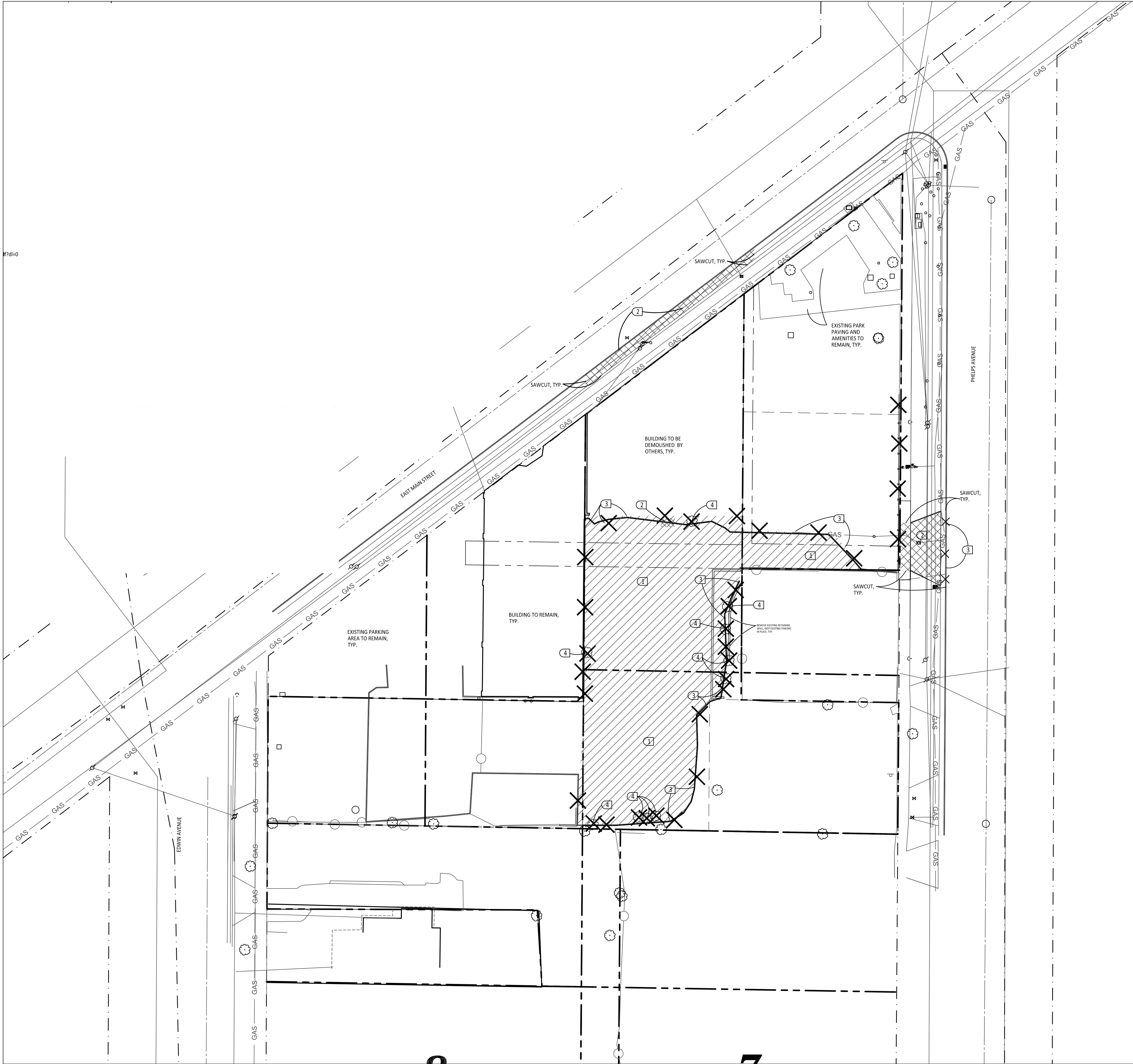
THE UNDERGROUND UTILITIES SHOWN, HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.



Aaron D. Smith
AARON D. SMITH PS - 4001043068
asmith@gowightman.com



12/13/2021
DATE



DEMOLITION NOTES:

- 1. SURVEY OF EXISTING CONDITIONS PROVIDED BY WIGHTMAN & ASSOCIATES, INC., 433 EAST RANSOM STREET, KALAMAZOO, MICHIGAN 49007, (269)327-3532
- 2. VERIFY LOCATIONS OF ALL BELOW GRADE UTILITIES PRIOR TO BEGINNING WORK. 72 HOURS BEFORE YOU DIG CALL "MISS DIG" AT 1-800-482-7171.
- 3. PROTECT ALL TREES & EXISTING FEATURES TO REMAIN AS SPECIFIED.
- 4. REFER TO LAYOUT PLAN FOR LIMITS OF WORK.
- 5. DISCREPANCIES BETWEEN SITE AND PLANS SHOULD BE REPORTED TO THE PROJECT MANAGER IMMEDIATELY.
- 6. ALL AREAS OF TREE CLEARING SHALL BE STAKED FOR ARCHITECT'S APPROVAL PRIOR TO CLEARING.
- 7. ALL TOPSOIL AND EXCESS FILL MATERIAL SHALL BE STOCKPILED ON SITE SEPARATELY FOR LATER RE-USE. LOCATE STOCKPILES IN AREAS AS DIRECTED BY CONSTRUCTION MANAGER AND PROTECT FROM EFFECTS OF EROSION.

DEMOLITION LEGEND:

SAWCUT AND REMOVE BITUMINOUS PAVEMENT AND BASE

SAWCUT AND REMOVE CONCRETE PAVING, INCLUDING BASE

REMOVE TREE

REMOVE EXISTING FENCE

REMOVE CONCRETE CURB & GUTTER

REMOVE MISCELLANEOUS FEATURE AS NOTED

LIMIT OF WORK

SITE DEMOLITION KEY

- 1 SAWCUT AND REMOVE EXISTING BITUMINOUS PAVING INCLUDING SUB-BASE.
- 2 SAWCUT AND REMOVE EXISTING CONCRETE PAVING INCLUDING SUB-BASE.
- 3 SAWCUT AND REMOVE EXISTING CURB (AND GUTTER).
- 4 REMOVE EXISTING TREE INCLUDING ALL ROOT SYSTEMS.
- 5 REMOVE EXISTING FENCING COMPLETELY (INCLUDING FOUNDATIONS).



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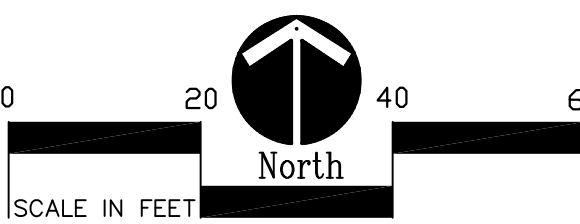
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ZBA SUBMITTAL	12/16/21

Project:

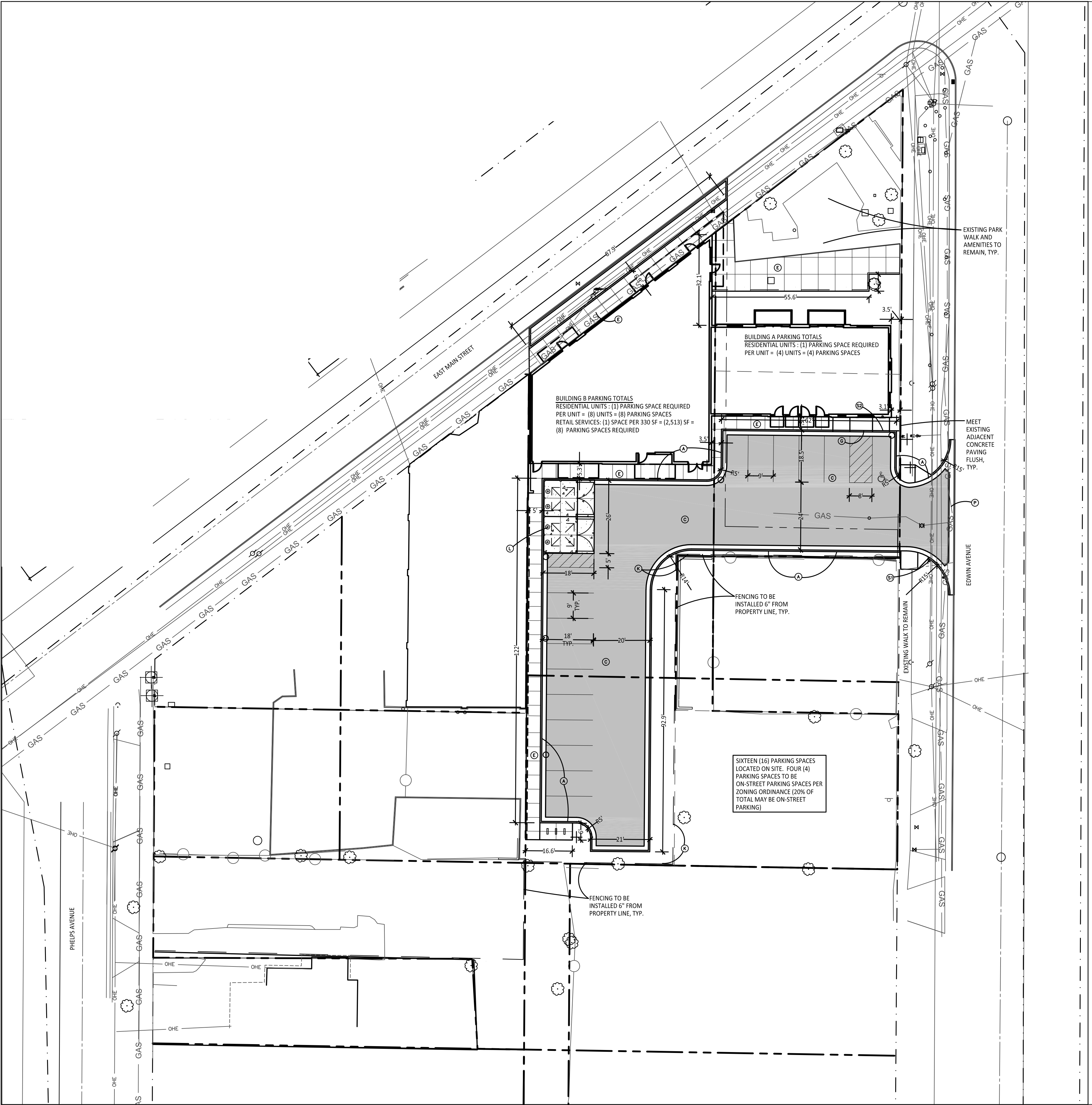
East Main
Commercial
Corridor

Kalamazoo, Michigan
Sheet Title
Demolition Plan



Job No. Sheet No.

21906 C1.0



LAYOUT NOTES:

- 1. SURVEY OF EXISTING CONDITIONS PROVIDED BY WIGHTMAN & ASSOCIATES, INC., 433 EAST RANSOM STREET, KALAMAZOO, MICHIGAN 49007 (269)327-3532
- 2. PAVEMENT DIMENSIONS AND RADII ARE TO EDGE OF PAVEMENT OR BACK OF CURB.
- 3. DISCREPANCIES BETWEEN SITE AND PLANS SHOULD BE REPORTED TO THE PROJECT MANAGER IMMEDIATELY.
- 4. VERIFY LOCATIONS OF ALL BELOW GRADE UTILITIES PRIOR TO BEGINNING WORK. 72 HOURS BEFORE YOU DIG CALL "MISS DIG" AT 1-800-482-7171.
- 5. PROVIDE BARRIER FREE PARKING SIGNS FOR ALL BARRIER FREE PARKING SPACES. ALL SIGNS TO COMPLY WITH THE MDT MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
- 6. SITE LAYOUT POINTS SHOULD BE ESTABLISHED AND PROTECTED FOR FUTURE SITE WORK.

BARRIER-FREE NOTES

BARRIER-FREE PARKING AND ACCESSIBLE ROUTE(S) MUST COMPLY WITH THE AMERICANS WITH DISABILITIES ACT AND MICHIGAN BARRIER-FREE CODE REQUIREMENTS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

- 1.50 (2%) MAXIMUM CROSS-SLOPE ON ACCESSIBLE ROUTE.
- NO CHANGES IN LEVEL GREATER THAN 1/2" ALONG ACCESSIBLE ROUTE.
- 1.20 (5%) MAXIMUM LONGITUDINAL SLOPE ON ACCESSIBLE ROUTE (EXCEPT WHERE RAMP ARE PROVIDED).
- 1.50 (2%) MAXIMUM SLOPE (IN ANY DIRECTION) IN B.F. PARKING AND ACCESS AISLES.

PROPOSED FEATURES LEGEND:

SYMBOL	DESCRIPTION	
	BITUMINOUS PAVING- HEAVY DUTY	
	BITUMINOUS PAVING- STANDARD DUTY	
	6" REINFORCED CONCRETE PAVING	
	PROPOSED CONCRETE CURB AND GUTTER	
	PROPOSED INTEGRAL WALK AND CURB	
	PAVEMENT FLUSH WITH BIT. PAVEMENT / BARRIER FREE RAMP - TYPE I	
	BARRIER FREE RAMP - TYPE II	
	6" WOOD SCREEN FENCE	
	LIMIT OF WORK	
KEY	DESCRIPTION	DETAIL
	CONCRETE CURB AND GUTTER	XX /CX.XX
	HEAVY DUTY BITUMINOUS PAVING	XX /CX.XX
	STANDARD DUTY BITUMINOUS PAVING	XX /CX.XX
	6" REINFORCED CONCRETE PAVING	XX /CX.XX
	CONCRETE WALK	XX /CX.XX
	BARRIER FREE RAMP TYPE I	XX /CX.XX
	BARRIER FREE RAMP TYPE II	XX /CX.XX
	INTEGRAL CONCRETE WALK AND CURB	XX /CX.XX
	STEEL GUARD POST	XX /CX.XX
	6" HIGH WOOD SCREEN FENCING	XX /CX.XX
	DOUBLE DUMPSTER LAYOUT	XX /CX.XX
	DUMPSTER SCREEN FENCING	XX /CX.XX
	BIKE RACK	XX /CX.XX
	CONCRETE VALLEY GUTTER	XX /CX.XX
	3" HIGH ORNAMENTAL METAL FENCING	XX /CX.XX
SIGNS		
	STOP SIGN	SEE SPECS.
	BARRIER FREE PARKING- VAN ACCESSIBLE	SEE SPECS.



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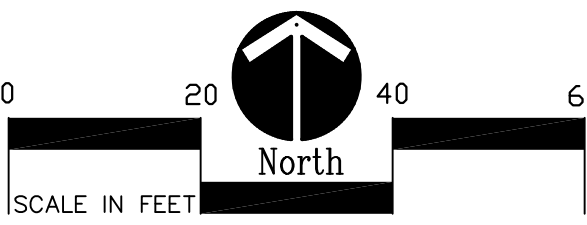
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Project:

East Main
Commercial
Corridor

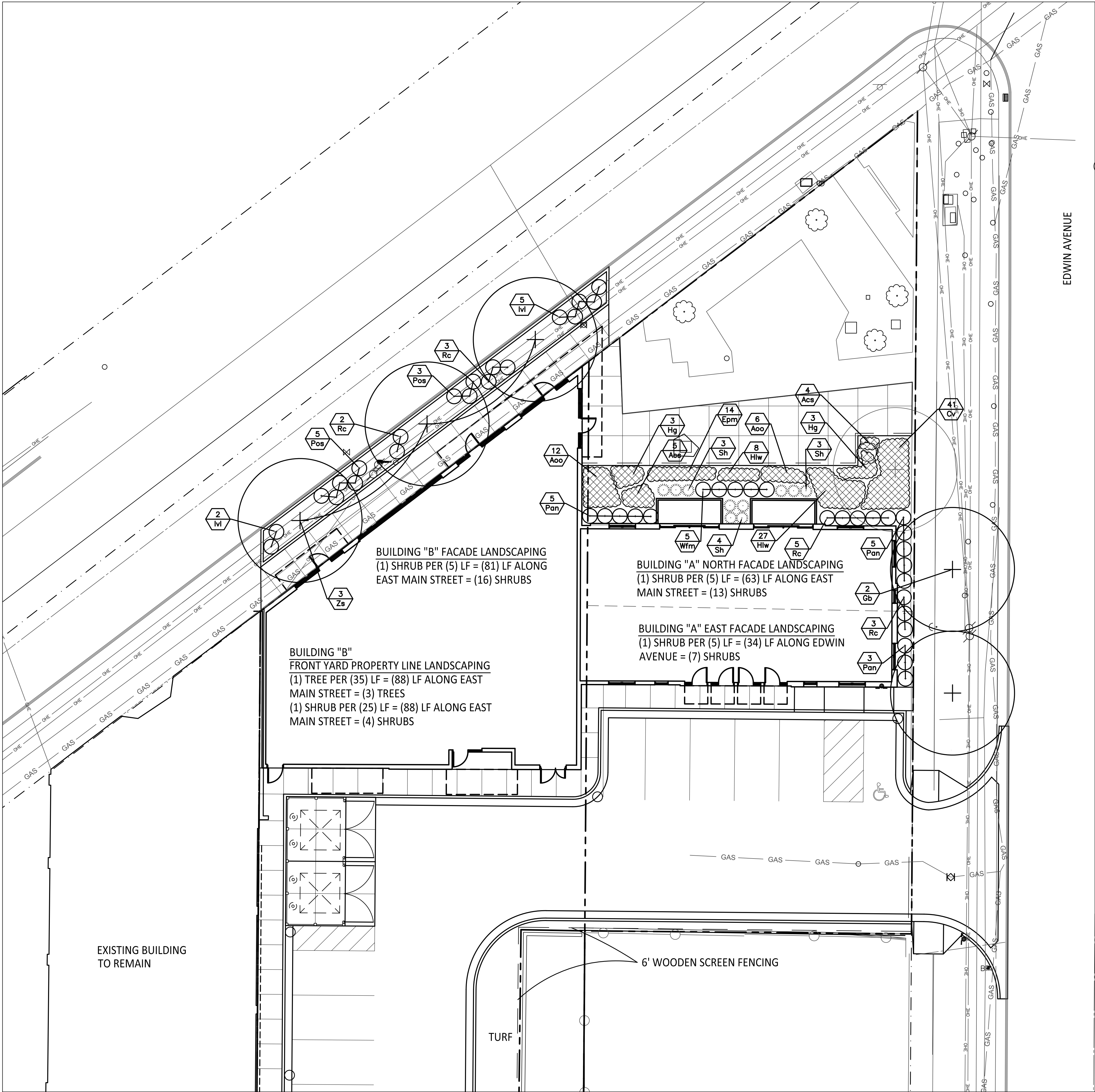
Kalamazoo, Michigan

Sheet Title
1616 East Main St.
Overall Layout Plan



Job No. Sheet No.

21906 C2.0



LANDSCAPE NOTES:

- 1. SURVEY OF EXISTING CONDITIONS PROVIDED BY WIGHTMAN & ASSOCIATES, INC., 433 EAST RANSOM STREET, KALAMAZOO, MICHIGAN 49007 (269)327-3532
- 2. CALL "MISS DIG" AND VERIFY ALL UNDERGROUND UTILITIES PRIOR TO BEGINNING WORK. 72 HOURS BEFORE YOU DIG CALL "MISS DIG" AT 1-800-482-7171. ANY UTILITIES DISTURBED BY CONSTRUCTION SHALL BE REPAIRED AT CONTRACTOR'S EXPENSE.
- 3. ANY DISCREPANCIES BETWEEN THESE PLANS AND ACTUAL FIELD CONDITIONS SHOULD BE REPORTED TO THE CONSTRUCTION MANAGER IMMEDIATELY FOR RESOLUTION.
- 4. IN AREAS OF NEW TURF PLACE 4" MINIMUM TOPSOIL, FINE GRADE & ESTABLISH TURF WITHIN SEED LIMIT LINES.
- 5. PLACE SHREDDED HARDWOOD MULCH TO A 3" DEPTH IN ALL TREE & SHRUB BEDS & TO A 2" DEPTH IN ALL GROUND COVER BEDS.
- 6. UNLESS OTHERWISE NOTED, TOPSOIL, FINE GRADE AND SEED ALL DISTURBED AREAS WITHIN THE SEEDING LIMIT SHOWN AND AREAS DISTURBED BY CONSTRUCTION.
- 7. REPAIR AND RESTORE ANY DAMAGE OUTSIDE OF LIMIT OF WORK LINE TO ORIGINAL CONDITION.
- 8. SEE SHEET CX.XX FOR PLANT LISTS.
- 9. SEE SHEET LX.XX SEEDING PLAN FOR LIMIT OF SEEDING.
- 10. PROTECT ALL TREES AND EXISTING FEATURES TO REMAIN AS SPECIFIED.
- 11. ALL TOPSOIL AND EXCESS FILL MATERIAL SHALL BE STOCKPILED ON SITE SEPARATELY FOR LATER RE-USE. LOCATE STOCKPILES IN AREAS AS DIRECTED BY CONSTRUCTION MANAGER AND PROTECT FROM EFFECTS OF EROSION.
- 12. ALL NURSERY STOCK SHALL BE TRUE TO TYPE AND NAME. ALL STOCK SHALL BE FIRST CLASS QUALITY WITH WELL DEVELOPED BRANCH SYSTEMS AND VIGOROUS HEALTHY ROOT SYSTEMS. ALL STOCK SHALL BE WELL FORMED AND THE TRUNKS OF TREES SHALL BE UNIFORM AND STRAIGHT.
- 13. LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR IRRIGATION SCHEDULING FOR THE ENTIRE MAINTENANCE PERIOD UNLESS OTHERWISE NOTED.
- 15. SEE IRRIGATION PLANS SHEETS IRR. FOR DETAILED IRRIGATION DESIGN.
- 16. CONTRACTOR RESPONSIBLE TO LOCATE SITE LIGHTING SERVICES. CONTRACTOR RESPONSIBLE TO NOTIFY CONSTRUCTION MANAGER IF DAMAGE TO LIGHTING ELECTRICAL DISTRIBUTION OCCURS.
- 17. ALL AREAS OF TREE CLEARING SHALL BE STAKED FOR ARCHITECTS APPROVAL PRIOR TO CLEARING.
- 18. UNLESS OTHERWISE SPECIFIED, ALL PERENNIALS, GRASSES AND GROUNDCOVERS SHALL BE GROWN IN THEIR CONTAINER FOR ONE YEAR PRIOR TO INSTALLATION.

BUILDING "A"
FRONT YARD PROPERTY LINE
LANDSCAPING
(1) TREE PER (35) LF = (65) LF ALONG
EDWIN AVENUE = (2) TREES
(1) SHRUB PER (25) LF = (65) LF
ALONG EDWIN AVENUE = (3) SHRUBS

PROPOSED FEATURES LEGEND:

SYMBOL	DESCRIPTION	DETAIL
	PROPOSED DECIDUOUS TREE	XX / CX.XX
	PROPOSED EVERGREEN TREE	XX / CX.XX
	PROPOSED SHRUB	XX / CX.XX
	PROPOSED GRASSES	XX / CX.XX
	PROPOSED GROUNDCOVER AND/OR PERENNIALS	XX / CX.XX
	PROPOSED STONE MULCH	XX / CX.XX
	PROPOSED BED LINE/ METAL EDGING	XX / CX.XX
	LIMIT OF WORK	
	PROPERTY LINE	
	ENLARGEMENT LIMIT LINE	
	PLANT TAG- REFERS TO TYPE AND NUMBER OF PLANTINGS TO BE PROVIDED AND MAINTAINED BY CONTRACTOR.	



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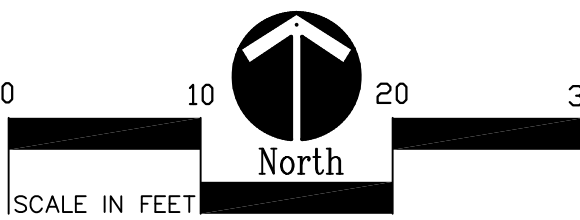
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PRE-SPR	09-03-21
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Project:

East Main
Commercial
Corridor

Kalamazoo, Michigan

Sheet Title
1616 East Main St.
Landscape Plan



Job No. Sheet No.

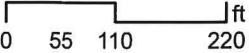
21906 L1.0



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Parcels within 300' Mailing Radius 1616 E Main/629&637 Edwin Ave

-  Subject Property
-  Property within 300' Mailing Radius
-  Other Property
-  Zoning District Boundary





Zoning Board of Appeals Staff Report

Date: **1/13/2022**

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: January 13, 2022

SUBJECT: ZBA #22-01-04: Rules of Procedure Amendments. Changes to the Zoning Board of Appeals Rules of Procedure for public comment.

BACKGROUND:

At the City Commission meeting on December 20, 2021, the Commission approved several amendments to the City Commission Rules. The City Commission Rules not only govern the City Commission but also establish uniform rules for advisory boards and commissions in subsection 12. The Zoning Board of Appeals Rules of Procedure were reviewed and found to have inconsistencies with the new amendments.

The amendments proposed to the Zoning Board of Appeals Rules of Procedure will remove the inconsistency related to public comment. The specific amount of time allotted for public comment has been removed from the text of the Rules of Procedure. This allows the time allotted per person for public comment at all City meetings to be the same as directed by the City Commission's Rules.

STRATEGIC VISION ALIGNMENT:



Good Governance- Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a way that is sustainable over the long term.

Strategic Goal Impact:

The updates to the Rules of Procedure expand inclusiveness and demonstrate responsiveness to the changes in conducting public meetings.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – the community will be made aware of the project.

Appropriate Depth of Engagement:

The Rules of Procedure amendments are required to be voted on by the Zoning Board of Appeals membership.

Engagement/Communication Tools:

Public Notice of the Zoning Board of Appeals meeting on January 13, 2002 has been circulated.

FINDINGS:

RECOMMENDATION:

It is recommended that the Zoning Board of Appeals approve the amendments to the Rules of Procedure.

ZONING BOARD OF APPEALS RULES OF PROCEDURE

ARTICLE I NAME

The name of this board is the City of Kalamazoo Zoning Board of Appeals ("ZBA")

ARTICLE II ENABLING AUTHORITY

The Zoning Board of Appeals was established by the City of Kalamazoo, as authorized by the Michigan Zoning Enabling Act – MCL §125.3101 et seq ("Enabling Act"), under the City of Kalamazoo Code of Ordinances, Appendix A – Zoning Ordinance, §11.3 ("Zoning Ordinance").

ARTICLE III PURPOSE, OBJECTIVES AND DUTIES

Section 3.0. The purpose of ZBA is to hear and decide questions that arise in the administration of the Zoning Ordinance as outlined in §11.3 and under the Enabling Act.

Section 3.1. The powers and duties of ZBA are further enumerated under §8.3E-Variances and §8.3G-Appeals of Administrative Decisions.

ARTICLE IV MEMBERSHIP

Section 4.0. *Members:* ZBA board members are appointed by the City Commission following the recommendation of ZBA and shall consist of six (6) regular members and two (2) alternate members. In recommending membership to ZBA the board shall endeavor to ensure the membership represents a cross-section of the community regarding gender, race, or neighborhood composition, a member has experience or interest in the subject matters that routinely come before ZBA and several points of view are represented.

Section 4.1. *Term:* Members serve for three-year terms and may not serve for more than two consecutive terms, excluding fulfilling the unexpired term of a former member.

Section 4.2. *Residency:* Members shall be residents of the City of Kalamazoo and serve without compensation.

Section 4.3. *Vacancy:* If a vacancy occurs among the members of ZBA by reason of death, resignation, disability, or otherwise, the board shall follow the same procedure for filling the remaining term of such member as an original appointment.

Section 4.4. *Absences:* A member who is absent for more than 50% of the regular meetings of ZBA over a six-month period is considered to have resigned as a member. ZBA shall submit as soon as practicable for City Commission approval the name of the individual it recommends to fill the remaining term of that absent member.

ARTICLE V OFFICERS

Section 5.0. *Officers:* The officers of ZBA shall consist of a Chair, Vice-Chair, and Secretary, elected by ZBA at its annual meeting. Officers shall serve for a period of one year and may be reelected.

Section 5.1. *Recording Secretary*: An staff employee of the Community Development and Planning Department shall serve as Recording Secretary of ZBA, but shall not have a vote in matters before the Board. In the absence of the Recording Secretary from any meeting, the officer presiding shall designate an Acting Recording Secretary to serve for the meeting in question.

Section 5.2. *Duties of Officers*:

- a) Chair
 - 1) To preside at all meetings of ZBA.
 - 2) To call Special Meetings in accordance with these Rules of Procedure.
 - 3) To see that all actions of ZBA are properly taken.
 - 4) To decide points of order and procedure subject to these rules and with the guidance of Robert's Rules of Order (as revised).
 - 5) To sign all documents and letters on behalf of ZBA.
- b) Vice-Chair
 - 1) During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and responsibilities of the Chairperson.
- c) Secretary
 - 1) To present to ZBA all such business as shall properly and legally come before it.
 - 2) To inform ZBA of all correspondence relating to business of ZBA and to attend to such correspondence.
 - 3) To conduct the election of officers at ZBA's Annual Meeting.
 - 4) To conduct a special election for the appointment of any officer to fill a vacancy, in accordance with these Rules of Procedure.
 - 5) During the absence, disability or disqualification of the Chair and Vice-Chair, the Secretary shall exercise or perform all the duties and responsibilities of the Chair.
- d) Recording Secretary
 - 1) To take and keep the Minutes of all meetings of ZBA.
 - 2) To give or serve all notices required by law or these Rules of Procedure.
 - 3) To prepare the Agenda for all meetings of ZBA.
 - 4) To be custodian of ZBA's records.

Section 5.3. *Vacancies*: If any vacancy occurs among the ZBA officers before the term of that officer expires, ZBA shall hold an election at the next regularly scheduled meeting, or as soon as practicable, in the same manner as an election for full-term officers. The officer will serve the unexpired term of the office in which the vacancy occurred.

ARTICLE VI MEETINGS

Section 6.0. *Regular Meetings*: ZBA shall conduct regular meetings in City Hall at 7:00 p.m. on the Second Thursday of each month. At each meeting, ZBA shall consider all matters properly noticed and brought before it. A regular meeting may be canceled if there are no matters for consideration; or may be rescheduled by ZBA at a prior meeting or by a majority of the ZBA members with sufficient public notice of the meeting change. If a quorum of ZBA members is not present at the regular meeting, the meeting shall be rescheduled to the next regularly scheduled meeting.

Section 6.1. *Annual Meeting*: The Annual Meeting of ZBA shall be the first regular meeting in February each year. The election officers for the ensuing year shall occur along with such other business as scheduled before ZBA.

Section 6.2. *Special Meetings*: Special meetings of ZBA shall be held at a time and place as designated and called by the Chair, or by a concurring vote of a majority of ZBA members, which vote may be obtained by telephone as reflected in the minutes of the special meeting. The notice of the special meeting shall include the purpose for which it is held; ZBA may not conduct business beyond that purpose. The notice of the special meeting shall comply with the Open Meetings Act and posted at least 18 hours before the scheduled hearing time.

Section 6.3. *Quorum*: At any meeting of ZBA, four members of ZBA shall constitute a quorum. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date. If only four members are present the applicant of the matter pending before ZBA shall have the option to delay the public hearing until the next regularly scheduled meeting.

Section 6.4. *Voting*: At all meetings of ZBA, each member attending is entitled to cast one vote. Voting on all matters upon which ZBA is required to act under the Zoning Ordinance or Enabling Act, shall be by roll call. All other action shall be by voice vote, except when a majority of the members present prefers a roll call or ballot vote.

Section 6.5. *Disclosure*: If any member of ZBA has a real or apparent conflict of interest in a matter then before ZBA, that member shall disclose the conflict of interest and is disqualified from participating in the discussion or voting upon the matter. The Recording Secretary shall record in the minutes that the member did not participate in or cast a vote in that matter. A conflict of interest shall include, without limitation the following situations or relationships:

- a) The member, or his/her immediate family, his/her partner, or an entity in which the member has family or business ties has a financial or beneficial interest.
- b) The member has an ownership interest in the property or owns property adjacent to property that is before ZBA.
- c) The member is the employer or employee of the applicant or agent for the applicant and has a direct financial or beneficial interest in the outcome.

Section 6.6. *Conduct of Meetings*: All meetings of ZBA are open to the public. The order of Business at meetings shall be as follows:

- a) Call to Order
- b) Communications and Announcements
- c) Approve of the Minutes of the Previous Meetings
- d) Public Hearings
- e) Old Business
- f) New Business
- g) Adjournment

No board member or other person shall speak until duly recognized by the chair, and he or she shall immediately cease speaking if ruled out of order. Speakers other than members, after being recognized, shall commence by identifying themselves by name and address. The applicant shall have ten (10) minutes to present the reasons for the requested variance or other action that is before ZBA. ~~Each individual who wishes to respond to the application shall have four (4) minutes to present his or her comments.~~ **Members of the public shall then be permitted to speak pursuant to these Rules of Procedure and the City Commission Rules pertaining to advisory boards and commissions.** The chair has the option to grant additional time to the applicant or individual considering the particular circumstances involved in the matter under consideration. However, the chair may limit public comment and audience participation to the factors that ZBA must consider for the item under consideration to maintain the order of the meeting,

Section 6.7. *Adjourned Meeting:* ZBA may adjourn a regular or special meeting if all business cannot be disposed of on that date. No further public notice is required for such meeting if the time and place of its resumption is stated at the time of adjournment and is not subsequently changed.

Section 6.8. *Parliamentary Authority:* The rules contained in the current edition of Robert's Rules of Order Newly Revised shall guide the ZBA; however parliamentary procedure shall be flexible and may be adjusted in the Chair's discretion to best serve the needs of the ZBA. Nevertheless, no procedure shall be adopted that is inconsistent with the Rules of the ZBA.

ARTICLE VI APPEALS OF ADMINISTRATIVE DECISIONS

Section 7.0. *Appeals:* In addition to all other matters properly brought before ZBA, ZBA shall hear and decide appeals from, and review any order, decision, determination, or interpretation made by the City Planner or other city administrative official in the administration or enforcement of the Zoning Ordinance. The appropriate city staff shall appear in person to present information to ZBA when the work has been started before the appeal was brought to ZBA.

Section 7.1. *Time:* All written appeals from any order, decision, determination or interpretation made by the City Planner or the above city administrative official shall be made within thirty (30) days of the date of the order, decision, determination or interpretation.

Section 7.2. *Record on Appeal:* Upon receipt of the written appeal, the City Planner or the city official whose order, decision, determination or interpretation is being appealed shall transmit the written appeal and all papers, documents and other materials relating the issues involved in the appeal.

Section 7.3. *Schedule of Hearings:* The scheduling of the appeal shall occur at the next regularly scheduled meeting that complies with the written notice requirements regarding the substance and timing of the notice under the Zoning Ordinance.

Section 7.4. *Findings of Fact:* Following the hearing of any appeal ZBA shall make a finding of fact upon which it shall base its decision. A finding of fact shall consist of the facts and circumstances relied upon by ZBA in its determination of an appeal, and shall be based upon the evidence presented to ZBA.

Section 7.5. *Decision:* ZBA may affirm, partly affirm, modify or reverse the order, decision, determination or interpretation of the City Planner or the city official. Competent, material and substantial evidence on the record that the order, decision, determination or interpretation failed to comply with either the procedural or substantive requirements of the Zoning Ordinance, state law or federal or state constitutions is required before ZBA can, by the concurring vote of the majority of ZBA members, reverse or modify that order, decision, determination or interpretation. ZBA may impose conditions that ensure the requirements and purposes of the Zoning Ordinance are followed on any affirmative decision. If ZBA does not render its decision on the date of the hearing, after all the evidence is presented, it shall make that decision by the next regularly scheduled meeting.

ARTICLE VIII POST DETERMINATIONS

Section 8.0. *Conditions of variances:* Unless otherwise specified by ZBA all variances granted shall become null and void if not exercised within one year from the date of granting. Further all variances approved by ZBA are granted in accordance with any site plan, documents or other information submitted to ZBA at the hearing for consideration.

Section 8.1. *Reconsideration*: Following any decision adopted by ZBA, a member who either voted with the prevailing side or did not vote may make a Motion to Reconsider may at any time during the same meeting, or within ten (10) days after the meeting. The member making a Motion to Reconsider after the meeting shall submit the motion in writing with the stated reasons to support the motion; and that shall further deliver the motion to the recording secretary, city staff providing primary administrative support to ZBA and the other ZBA members who were present at the meeting. Any member may second the motion, and if motion is made after the meeting the second shall also be in writing and delivered in the same manner as the motion. The decision on the motion shall occur at the next regularly scheduled meeting. No decision shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered. The applicant, or aggrieved person who originally appealed to ZBA, shall be given notice if a Motion to Reconsider is made and filed.

Section 8.2. *Rehearing – Change of Circumstances/Newly Discovered Evidence*: Any person whose request for a variance was not approved, or whose appeal was not granted may submit a written request for a rehearing based on a change in circumstances or the discovery of new evidence (not available or known at prior hearing due to no fault of that person) which facts accompany the request. In order for ZBA to grant a rehearing it must first determine, based on the evidence presented at the public hearing that a change in circumstances occurred or that new evidence does exist. ZBA shall consider the request for rehearing at the next regularly scheduled meeting that will comply with the notice requirements for a public hearing.

ARTICLE IX MISCELLANEOUS

Section 9.0. *City Staff Support*: To better carry out ZBA's duties and responsibilities under the Zoning Ordinance, the City Planner shall appoint employees of the city's Community Planning and **Economic** Development Department to provide administrative support and professional advice to ZBA, including one acting as the Recording Secretary. The City Attorney's Office shall also act as legal consultant to ZBA.

Section. 9.1. *Amendment*: These Rules of Procedure may be amended at any meeting of ZBA provided that the proposed amendment is delivered to each member in writing at least five (5) days before that meeting.

Drafted by Assistant City Attorney John Kneas: July 16, 2017

Approved by the Zoning Board of Appeals: August 10, 2017

Implemented: November 9, 2017

Draft Amendments: January 5, 2022

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PURPOSE:

Pursuant to Section 8(a) of the Kalamazoo City Charter, this policy establishes rules for conducting meetings of the City Commission; and establishes protocol in the absence of the Mayor and Vice Mayor or a Commissioner.

SCOPE:

The following rules are applicable to all City Commission meetings. Rule No. 12 establishes policies, which shall be applicable to boards and commissions of the City.

1. MEETINGS

The City Commission shall establish and publish a schedule of regular meetings that are to be held throughout the calendar year prior to January 1 of each year. Regular Business meetings of the City Commission shall be at 7 o'clock p.m. the first and third Monday evening of each month, except as otherwise provided for in the annual schedule of regular meetings.

In the event of a natural or man-made *force majeure*, the Mayor (or Vice Mayor in the absence of the Mayor) after consultation with the City Manager, may cancel a scheduled Regular Business, Special, or Committee of the Whole meeting. The City Commission shall act to amend the schedule of meetings to reflect the cancellation and reasons therefore at its next Regular Business meeting.

The City Commission may adopt rules governing the orderly conduct of meetings while permitting the electronic attendance and participation of the public during the meeting.

2. CALLING SPECIAL MEETINGS; EMERGENCY MEETINGS

- a. Notice of any special meeting called by either the Mayor or by two other Commissioners shall be posted by the City Clerk at least 18 hours in advance of the holding of the meeting and each Commissioner shall be notified of such meeting at least 12 hours before the holding thereof. (Such notice may be given by telephone or email to a phone number or email address indicated by each Commissioner as the one to be used for such purposes.) Such notice shall indicate the purpose or purposes for which the special meeting is called.
- b. The City Commission may meet in emergency sessions without posting of notice in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the Commissioners decide that delay would be detrimental to efforts to

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lessen or respond to the threat. If an emergency public meeting is held without compliance with the 18-hour posted notice requirement, paper copies of the public notice for the emergency meeting shall be available to the public at the emergency meeting. Such paper notice shall include the specific explanation of the reasons that the 18-hour posted notice requirement could not be met. Within 48 hours of after the emergency special meeting, notice of the emergency meeting and its explanation shall be posted on the City's internet website and correspondence shall be sent to the board of county commissioners by the City Clerk that an emergency public meeting with less than 18 hours public notice has taken place. In the absence of the City Clerk, the Commissioner presiding shall designate someone to keep the minutes of such emergency session.

3. AGENDA FOR REGULAR BUSINESS MEETINGS

The agenda for Regular Business meetings shall be as follows: Call to Order/Roll Call, Opening Ceremony, Adoption of Formal Agenda, Communications, Public Hearings, Consent Agenda (any and all items of business for which a separate roll call vote is not required), Regular Agenda (final reading of ordinances or any other matter for which a separate roll call vote is required), Reports and Legislation (City Clerk's Report, City Attorney's Report, City Manager's Report, Miscellaneous Reports), Unfinished Business, Policy Items, New Business, Public Comments, Commissioner Comments, Closed Session, Adjournment. A Consent Agenda Item may be moved to the Regular Agenda for individual discussion and action at the request of any Commissioner, or by anyone present in person or by electronic means at the meeting.

4. ORDER OF BUSINESS FOR SPECIAL MEETINGS & MEETINGS OF THE COMMITTEE OF THE WHOLE

a. Special Business Meetings shall be used for the purpose of discussing and taking action on items that require immediate consideration between Regular Business Meetings. a. The order of business for Special Business Meetings shall be as follows: Call to Order/Roll Call, Communications, Public Comments, Discussion Topics/Action Items, Commissioner Comments, Adjournment.

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b. The order of business for Committee of the Whole Meetings shall be Call to Order/Roll Call, Communications, Public Comments, Special Agenda Items (matters recommended for decision), Committee of the Whole (information and discussion of items on upcoming City Commission regular business meeting agendas), Work Session (presentation and discussion of study topics and community issues), Commissioner Comments, and Adjournment. This rule shall not be construed to prohibit the addition, removal, or relocation of items on the upcoming City Commission meeting agenda.

c. The agenda for Committee of the Whole Meetings shall be set by the City Manager in consultation with the Commission and/or Administrative Committee and consist of matters that may come before the City Commission at future Regular Business meetings, study topics, information on community issues and matters requiring immediate action.

d. Committee of the Whole Meetings shall be chaired by the Mayor or in his or her absence by the Vice Mayor. Parliamentary procedures will be governed by Robert's Rules of Order for Informal Consideration. In considering any matter coming before the Committee of the Whole, such may be amended, postponed until a certain time or postponed indefinitely. Minutes will be kept and approved in the course of usual business of the City Commission.

e. Public Comment at Special Business Meetings and Committee of the Whole Meetings is limited to the matters being considered by the City Commission at that particular meeting. Comments by individual speakers are limited to two minutes.

5. PROCESS FOR MAKING MOTIONS

- a. All motions shall be reduced to writing by the Clerk and shall be re-stated by the maker, if necessary, for that purpose.
- b. No motion shall be discussed until it has been seconded and then restated by the chair of the meeting.

6. PUBLIC COMMENTS

No Commissioner or other person shall speak until duly recognized by the chair, and he or she shall immediately cease speaking if ruled out of order. Speakers other than Commissioners, after being recognized, shall commence by identifying themselves-and

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indicating whether they reside in the City of Kalamazoo. Comments by members of the public at Regular Business meetings shall be limited to three minutes for each speaker unless the time is extended by the chair or by vote of the Commission. Members of the public who are physically present at the meeting shall be permitted to speak to all items on the agenda for action by the City Commission, except those votes setting a public hearing or votes on secondary motions to the main motion, except the motion to postpone indefinitely.

7. CITIZEN PROPOSALS

All written proposals by residents of the City of Kalamazoo seeking City Commission action on matters not currently being considered shall be filed with the City Clerk and shall be included in a City Clerk's agenda report within 21 days of receipt.

8. PARLIMENTARY PROCEDURE

- a. When a question is under debate, no motion shall be in order except the following, which have precedence in the order in which they are arranged from first to last:

to adjourn,
to recess,
to call the previous question,
to lay on the table,
to postpone indefinitely or to a time certain,
to commit or refer,
to substitute or amend.

A substitute motion adopted shall be deemed to dispose of the main motion. Motions to adjourn, call for the previous question, or to lay on the table shall be decided without debate. Public comments shall be allowed only on motions to postpone indefinitely.

- b. A motion to call the previous question must be seconded, is not debatable, and requires a 2/3 vote of the members present and voting to pass. If passed, its effect shall be put to an end to all debate and require an immediate vote upon the question under debate.
- c. Any member of the Commission may call for a roll call vote upon all questions which will admit thereof. A roll call shall be taken on all resolutions and appropriations of funds. A separate roll call vote shall be required to approve the City's annual budget.

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- d. The order of voting shall be rotated at each meeting so that no Commissioner votes first on every roll call.
- e. A motion to reconsider may be made at any time during the same meeting or at the first Regular Business meeting held thereafter. The motion may be made only by a member who either voted with the prevailing side or did not vote. It may be seconded by any member. No questions shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

9. ADOPTION OF ORDINANCES

It shall be the policy of the City Commission that, except for emergency measures adopted pursuant to Charter Section 13, all ordinances presented for first reading shall be held for final consideration and adoption by a separate roll call vote until the next Regular Business meeting. A material amendment to a proposed ordinance shall preclude adoption of the ordinance at the same meeting at which it was amended.

10. MEETING AGENDA GUIDELINES

- a.
- b. The following matters shall appear on the Regular Agenda portion of Regular Business meetings of the City Commission:

- Consideration and approval of the City budget;
- Consideration and approval of City-issued or City-guaranteed bonds;
- Consideration and adoption of City ordinances;
- Consideration of the acquisition or disposal of real property.

- c. The following matters shall appear on the Consent Agenda portion of Regular Business meetings of the City Commission:

- Acceptance of grants whose amount is \$25,000 or more, or whose acceptance requires approval by the City Commission. (Grants in the amount of less than \$25,000 may be accepted by the City Manager but shall be reported to the City Commission.)

11. ATTENDANCE BY PHONE/VIDEO

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Members of the City Commission who are absent from the City due to active military service shall be permitted to participate in Commission meetings by telephone or video conferencing, provided that a quorum of the City Commission is physically present at the time and place of the meeting. Commission members who desire to attend a meeting by telephone or video conference shall inform the City Manager or the designee of the City Manager at least 24 hours before the meeting so as to permit any necessary technology to be put in place to accommodate the participation of the member. City Commission members attending a meeting by telephone or video conferencing may fully participate in the meeting, including voting; however, a City Commission member shall not be permitted to participate in any closed session of the City Commission by telephone or video conferencing. A City Commission member participating by telephone or video conferencing is not permitted to chair the meeting.

12. ADVISORY BOARDS AND COMMISSIONS

Unless otherwise provided by statute, ordinance or resolution, or other special considerations apply, the following policies shall be applicable to the volunteer boards and commissions of the City:

- a. All terms of office for members of advisory boards and commissions will commence on April 1 and expire on March 31 and shall be for the term of years prescribed by the by laws of the particular advisory board or commission. All members of boards and commissions whose current terms expire on a date other than March 31 shall be extended until the March 31 following the current expiration date of their terms. New members shall officially take office at the next regular or special meeting of the board or commission.
- b. Appointments to all advisory boards and commissions shall be made by the City Commission. No member shall serve past the expiration date or his or her term unless the City Commission has, by a majority vote taken prior to the expiration of that member's term, approved that extended service for a specified length of time. In making appointment recommendations to the City Commission, boards and commissions should consider the following factors, and should document them on the nomination report form when presenting its recommendation:
 - i. Introducing new members to the advisory board process
 - ii. Ensuring that appointments represent a cross-section as to gender, race, neighborhood, etc. of the community.
 - iii. The experience and interest of applicants in the subject matter that would come before the advisory board.

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- iv. The desire to have several points of view represented.
- c. The applicant must file an application with the City Clerk prior to his or her appointment to provide adequate time for the City Commission and advisory board to review the application.
- d. The City Commission shall normally make appointments to advisory boards and commissions on the last, Regular Business Meeting of each month.
- e. No person shall be appointed to the same board or commission after having served for two full consecutive terms, but this rule shall not apply after the expiration of one-term (or the equivalent amount of time) of non-membership on that board or commission.
- f. A membership shall be deemed vacated if the member is absent from more than 50% of the regular meetings of the board or commission within any six-month period. The City Commission shall fill the vacancy by appointment, as promptly as possible.
- g. No later than two weeks after any meeting, the chair or secretary shall file with the City Clerk a draft of the minutes of that meeting and shall promptly file the approved minutes with the City Clerk.
- h. Each board or commission shall select its own methods of procedure and shall establish and publish a schedule of regular meetings that are to be held throughout the calendar year prior to January 1 of each year. Prior to March 1 of each year, every board and commission shall conduct an annual meeting to consider candidates for membership, shall review and approve the annual report for the previous year, and shall file the annual report once approved with the City Clerk.
- i. Special purpose committees established by the City Commission will be dissolved not later than the expiration of that Commission's term of office.
- j. All boards and commissions shall operate under the Open Meetings Act, and members of the public shall be afforded an opportunity to speak on any matter before the board or commission. All board and commission meeting agendas shall include a time for public comment on non-agenda items.
- k. Unless otherwise provided by statute, ordinance, or by the by-laws of a particular board or commission, or unless waived by a majority vote of the City Commission, no person shall serve on more than one board or commission at a time. All members of boards and commissions shall be residents of the City of Kalamazoo unless

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otherwise provided by statute, ordinance, or by the by-laws of a particular board or commission, in which case a majority of the members of such boards or commissions shall be City residents. The Economic Development Corporation of the City of Kalamazoo and the Brownfield Redevelopment Authority may have non-resident members who are employed by, or are affiliated with, business organizations, corporations or entities which have a significant economic impact on the City of Kalamazoo or are located within the City of Kalamazoo, provided that a majority of the members of the Economic Development Corporation Board of Directors must be City of Kalamazoo residents.

- l. Unless otherwise required by ordinance or statute, Commissioners who serve as liaisons to City Commission advisory boards and commissions shall not have voting privileges.
- m. Notwithstanding any rule or bylaw to the contrary, for all boards and commissions of the City, general public comments by individual speakers are limited to 3 minutes.

13. APPOINTMENT OF MAYOR PRO TEMPORE

The City Commissioner who is the immediate-past Vice Mayor is designated Mayor Pro Tempore. In the absence of the Mayor and Vice Mayor at the same City Commission meeting, the Mayor Pro Tempore shall chair the meeting and be addressed as Mayor Pro Tempore. This rule shall also govern any ceremonial or formal function on behalf of the City where the Mayor and Vice Mayor are both absent. (However, the Mayor Pro Tempore is not authorized to perform marriages.) In the event that a sitting City Commissioner does not qualify for designation as Mayor Pro tempore, such vacancy shall be filled by the City Commission from its members.

14. APPOINTMENT OF CITY COMMISSIONERS TO COMMITTEES AND SUBCOMMITTEES

- a. The following standing committees of the City Commission are established: the Administrative Committee; the Legislative Committee; and the Audit Committee. Within six weeks of the beginning of the Organizational Meeting required by Section 8 of the City Charter for each session of the City Commission, the City Commission shall approve the appointment of its members to standing committees.
- b. The Administrative Committee shall consist of the Mayor, Vice Mayor, and the Mayor Pro Tempore.

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- c. After the initial standing committee assignments are made, any changes in their membership must be approved by the City Commission.
- d. The Mayor, with the concurrence of a majority of the City Commission, may establish, make appointments to, and dissolve ad-hoc committees and sub-committees as necessary. Ad-hoc committees and subcommittees also may be established and dissolved by a majority vote of the City Commission.
- e. All ad-hoc committees, unless extended by the action of the next session of the City Commission at its Organizational Meeting or following the following Regular Business meeting, shall dissolve automatically at the adjournment *sine die* of the session of the City Commission which established the ad-hoc committee.

15. DISCLOSURE OF BOARD MEMBERSHIPS

The Mayor and Commissioners shall disclose their membership of all organizations, entities and clubs, regardless of whether they are voting members of board of such organization, entity or club. This requirement shall apply to membership of non-profit entities, as well as to voting membership on boards created by a governmental body or agency other than the City of Kalamazoo. Such disclosure shall be in writing and shall be filed annually by January 31 of each year with the City Clerk.

16. WAIVER OF CITY COMMISSION RULES

Any City Commission rule may be waived by a simple majority vote of the City Commission. The effect of a waiver is limited to the meeting wherein the waiver was granted.

17. AMENDING CITY COMMISSION RULES

Any City Commission rule may be amended by a majority vote of the City Commission.

18. APPLICABILITY OF RULES

These rules shall supersede any and all rules previously adopted by this Commission.

19. ROBERTS RULES OF ORDER

On all matters relative to the conduct of the Commission and the transaction of its business not covered by these rules, or the ordinances or Charter of the City, and the

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Commission shall be governed by Roberts Rules of Order, except as modified by these rules.

EFFECTIVE DATE: January 1, 2022

David F. Anderson, Mayor**SEE ALSO:**

Section 8(a) of the Kalamazoo City Charter; Resolution No. 77-145; Resolution No. 78-112; Resolution No. 91-50; Resolution No. 94-42; Resolution No. 94-60; Resolution No. 95-33; Resolution No. 96-58; Resolution No. 96-64; and Resolution No. 98-07.

HISTORY:

April 8, 1918	City Commission adopted Rules and Order of Business for City Commission.
April 19, 1954	City Commission adopted Resolution establishing rules and regulations for the conduct of the City Commission meetings. These rules established certain legal holidays and regular meeting time of the City Commission and the order of business and supersede the rules adopted in 1918.
March 12, 1956	City Commission adopted Resolution amending Rule 1 to permit the holding of the regular City Commission meeting, from time to time, at a time other than 8:00 p.m.
August 20, 1956	City Commission adopted Resolution amending Rule 3 to identify types of business under the City Clerk's Report; adding new Rule 12 to establish a policy to defer for two weeks the consideration of any application for a new liquor license or a change of persons so licensed; and adding Rule 13 establishing a policy that when any claim amounting to less than \$25.00 against the City has been referred to the City Attorney for investigation, said City Attorney shall have power to pay, deny or settle said claim without further report to said Commission.
February 8, 1965	City Commission adopted Resolution adding new Rule 14 to establish policy relating to city boards and Commissions.

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- June 24, 1968 City Commission adopted amendment to Rule 3 to include petitions under City Clerk's Report; amending Rule 5 to include citizen proposals to be left with City Clerk; amending Rule 6 to limit length of presentation by speakers other than City Commissioners adding new Rule 7 to provide citizen proposals to be submitted to City Clerk prior to Commission meeting; and, amending Rule 14 to authorize City Attorney power to pay, deny or settle claim less than \$300 and draw upon General Fund.
- February 16, 1970 City Commission adopted Resolution to amend Rule 1 to substitute Memorial Day and to include Veterans' Day; amending Rule 2 to change number of hours to notify Commissioners in advance of special meetings to 12; and amending Rule 13 to change number of weeks to hold a liquor license application to one week.
- March 7, 1977 City Commission adopted amendment to Rule 1 to convene regular meetings at 7:00 o'clock p.m.; amending Rule 2 to provide notice of special or emergency meetings; and, amending Rule 15b to extend advisory board member terms until appointments of successors.
- December 5, 1977 City Commission adopted Resolution No. 77-145 amending Rule 3 and Rule 6 concerning the order of business and citizen participation during meetings.
- July 17, 1978 City Commission adopted Resolution No. 78-112 amending Rule 3 to include City Attorney's Report under order of business.
- March 1, 1982 City Commission adopted amendment to Rule 2 to delete limitation of meeting to stated purposes; amending Rule 8 to change language; and amending Rule 15 to expand the scope of authority of the City Attorney for claims up to \$1,000.
- March 29, 1982 City Commission adopted amendment to Rule 3 to include public hearings, communications and petitions within City Clerk's Report and create Internal Auditor's Report and Legislative Report; eliminate existing Rule 5; amending Rule 9 to require 2/3 vote to call a question; amending Rule 11 to provide for reconsideration of a motion; adding Rule 12 to establish a policy for presentation of ordinance consideration; amending Rule 13 to include liquor license change of location for City Commission consideration; adding Rule 16 regarding Mayor Pro Tern; and adding Rule 17 to address majority vote requirements for disposal of city property.

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July 7, 1986	City Commission adopted new Rule 11 to include rotation of names on roll calls effective Monday, July 14, 1986.
April 6, 1987	City Commission adopted amendments to Rule 16 regarding the advisory board appointment process.
April 1, 1989	City Commission adopted Resolution No. 91-050 to provide membership on the Downtown Architecture & Urban Design Review Commission to allow employees or organizations participation in the Arcadia Creek Project.
February 21, 1994	City Commission adopted Resolution No. 94-42 to eliminate Rule 18 regarding the disposal of city real estate requiring a majority vote of the City Commission and sales being offered for first reading before final action taken by the City Commission.
March 28, 1994	City Commission adopted Resolution No. 94-60 amending Rule 16(k) to provide non-city residents to serve on the EDC.
February 27, 1995	City Commission adopted Resolution No. 95-33 amending Rule No. 15 to increase the City Attorney's scope of authority to settle claims against the City to \$2,500.00.
July 15, 1996	City Commission adopted Resolution No. 96-58 amending Rule 1, Rule 3, and Rule 14 to provide for the establishment of bi-weekly study sessions effective August 1, 1996.
August 19, 1996	City Commission adopted Resolution No. 96-64 which revised Rule No. 3 regarding the order of business for City Commission work sessions. This amendment to the policy was effective August 19, 1996.
January 20, 1998	City Commission adopted Resolution No. 98-07 which revised City Commission Rules 1 and 5 regarding the scheduling and frequencies of work sessions and to make rule language gender neutral.
January 3, 2000	City Commission approved changes which revised Rule No. 3 regarding the order of business for City Commission business meetings to incorporate the use of a Consent Agenda; and, the call to order/roll call and opening ceremony for work sessions to be identical to business meetings.

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- October 28, 2002 City Commission approved changes to Rule No. 16 sections (b), (e), (g), U), and (k) dealing with Advisory Boards and Commissions. The changes to section (b) required City Commission approval for service beyond a member's appointed term. The extension must be for a specified time period. Also, this section mandated the use of the nomination report form for all appointments and re-appointments. The change to section (e) increased the amount of time a person must sit-off a board after serving two consecutive full terms from one *year* to one *term*. The change to section (g) required the chair or secretary of the board to submit meeting minutes to the City Clerk within two weeks of the meeting, in draft form if necessary. Section U) was amended to require the board and commission meeting agendas to include a time for citizen comments on non-agenda items. The changes to section (k) disallowed service on more than one advisory board at a time, unless waived by a majority vote of the city commission. Also, the listing of boards which enjoy an exception to the general residency requirement was replaced with a blanket statement that made city residency a requirement for all boards unless otherwise provided by statute, ordinance, or the bylaws of the board. The Economic Development Corporation and Brownfield Redevelopment Authority's residency exceptions were retained.
- November 17, 2003 The City Commission approved changes to rule #1 changing the frequency of its meetings from every Monday evening to the first, third, and fifth Mondays of the month. The changes also included a provision specifically naming the fifth Monday as a time when work sessions and special meetings could be scheduled.
- January 5, 2004 The City Commission approved amended and restated rules. The amended rules included the following structural changes: rule 1 (a) was added requiring the publication of the Commission's annual meeting schedule by January 1st of each year; the order of business for work sessions, formerly part of rule # 3, was made rule #4; rules 4-6 were renumbered to be rules 5-7 respectively; rule #7 was renumbered to be rule #5(b); rules 8-12 regarding parliamentary procedure were combined into one rule (#8); rules 13-18 were renumbered to be rules 9-14; rule 12(a) was added regarding the responsibilities of City Commission Advisory Board Liaisons; rule #15 was added regarding Commissioner involvement on ad-hoc committees and community boards, commissions and committees; rule #16 was added specifying a majority vote of the Commission to waive City Commission Rules; rule #17 was added specifying a majority vote of the Commission to amend the City Commission Rules; and rule #19 was

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renumbered to be rule #18. In terms of substantive changes, rule #3 was amended to remove references to specific items eligible to be on the Consent Agenda in favor of a more general statement; the new rule #4 was amended to provide two opportunities for citizen comments at special meetings and work sessions; the new rule #6 was amended to allow citizen comments on Regular Agenda items and items of Unfinished Business prior to the Commission voting thereon; the new rule #11 was amended to authorize the City Attorney to settle claims against the city for up to \$10,000 (formerly \$2,500); and the new rule #13 was amended to restate and clarify the appointment of the Mayor Pro-Tern.

June 13, 2005 Rule #3 was amended to create Committee of the Whole meetings.

June 19, 2006 The City Commission approved revisions to Rules 1, 3, 4, 6-9, 12, 14, and 15.

December 17, 2007 Rule #3 was amended to eliminate "Citizens Comments on Non-Agenda Items" from the Regular Business Meeting agenda. Rule #6 was amended to remove the words "or discussion" from the last sentence immediately after the phrase, "Citizens shall be permitted to speak to all items on the agenda for action ..."

September 21, 2015 Rule #1 amended to reflect City Charter amendment requiring only two regular meetings a month and to set forth the meeting cancellation procedure in the event of a natural or man-made circumstance precludes meeting. Rule #2 amended to permit email notification of special and emergency meetings and to reflect changes in the Open Meetings Act regarding special meetings. Rule #4 amended to reflect the scope of actions permitted at a Neighborhood Meeting. Rule #6 amended to remove optional 30 minute restriction on Citizen Comment portion of meeting and to clarify that Citizen Comment is not permitted on certain parliamentary and procedural matters. Rule #7 amended to correct typographical error. Rule #8 amended to bring nomenclature into conformity with Roberts Rules of Order. Rule #9 amended to reflect that a material amendment to a proposed ordinance precludes adoption of the ordinance at the same meeting. Rule #10 amended to reflect City Charter amendment changing the frequency of regular meetings and to authorize the City Manager to accept grants of less than \$25,000. Rule # 11 amended to permit attendance of City Commission members by phone or video and reflect that the authority of the City Attorney to resolve claims against the City has been moved to Policy 10.8. Rule #13 amended to correct formatting

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and spelling errors. Rule #15 amended to broaden the obligation of City Commission members to disclose membership in private organizations.

March 31, 2020 Resolution 20-22 amended Rules 1, 3, 6, and 11 to allow the City Commission to meet remotely, and members of the public to participate remotely, during the COVID-19 pandemic.

January 19, 2021 Resolution 21-12 created Rule #4A, which set the parameters and order of business for Committee of the Whole (CoW) meetings as a pilot meeting format. This new meeting format combined aspects of the special meeting, work session and existing Committee of the Whole meeting as described Rule #4, paragraph 3. Resolution 21-12 created a July 31, 2021 sunset for the new CoW format and amended the 2021 annual meeting schedule to add CoW meetings on the first and third Mondays of the month at 5:00 p.m., immediately prior to the already scheduled regular business meetings.

July 19, 2021 Resolution 21-41 extended Rule #4A through December 31, 2021 and amended the 2021 annual meeting schedule to add Committee of the Whole meeting dates from August through the end of the year.

Zoning Board of Appeals 2022 Meeting Schedule

<u>Application Deadline:</u>	<u>Meeting Date:</u>
December 16, 2021	January 13, 2022
January 13, 2022	February 10, 2022
February 10, 2022	March 10, 2022
March 17, 2022	April 14, 2022
April 14, 2022	May 12, 2022
May 12, 2022	June 9, 2022
June 16, 2022	July 14, 2022
July 14, 2022	August 11, 2022
August 11, 2022	September 8, 2022
September 15, 2022	October 13, 2022
October 13, 2022	November 10, 2022
November 10, 2022	December 8, 2022
December 15, 2022	January 12, 2023

Note: The meeting dates shown above are for regularly scheduled monthly Zoning Board of Appeals meetings. However, special meetings may also be requested. Board members will be contacted in advance of such special meetings via telephone or email.