

Agenda

Natural Features Protection

Review Board



City of Kalamazoo

Tuesday, January 23, 2024

4:00 PM

City Commission Chambers at City Hall - 241 W. South Street

A. CALL TO ORDER/ROLL CALL

1. Excuse Absent Members
(Action: Motion to Excuse Absent Members)

B. ADOPTION OF AGENDA

(Action: Motion to approve the agenda)

C. APPROVAL OF MINUTES

1. Approval of the minutes from the Natural Features Protection Review Board meeting on November 28, 2023
(Action: Motion to approve the minutes from the Natural Features Protection Review Board meeting on November 28, 2023)

D. PUBLIC COMMENTS

E. BOARD MEMBER COMMENTS

F. NEW BUSINESS

1. Approval of the NFP Site Plan for the Project Located at 4120 South Sprinkle Road conditioned upon approval by the Zoning Administrator and Stormwater Engineer
(Action: Motion to Approve NFP Site Plan for the Project located at 4120 South Sprinkle Road conditioned upon approval by the Zoning Administrator and Stormwater Engineer)
2. Board Election
(Action: Motion to Elect Director Kyle Martin as Chairperson & Director Erin Fuller Vice-Chairperson)

3. The February Regular NFP Meeting Date has been updated from Tuesday, February 27th to Wednesday, February 21st to not coincide with Election Day.
(Action: Motion to approve moving the February Regular meeting of the NFP Board from February 27th, 2024 to February 21st, 2024 to not conflict with election day)

G. UNFINISHED BUSINESS

H. STAFF REPORTS AND UPDATES

I. COMMUNICATIONS AND ANNOUNCEMENTS

J. ADJOURNMENT



Minutes
Natural Features Protection Review Board
November 28, 2023
Regular Meeting

Held at City Hall, Commission Chambers

4:00 p.m.

A. Call to Order - Chair Cole-Wick called the meeting to order at 4:00 p.m.

B. Members absent: Frederickson, Fuller

Motion to excuse absent members made by Director Lettow, supported by Director Glasser, motion passed unanimously.

C. Adoption of Agenda

Motion to adopt the agenda, with the correction of the date at the top, made by Director Glasser, supported by Director Martin, motion passed unanimously.

D. Approval of the Meeting Minutes

Director Lettow asked for clarification regarding the Cork Street project and the underlying reason for that project to come before the NFP Board. Mr. Bergstrom noted that they were not seeking a variance, but coming before the board for approval due to its location and proximity to the wetlands. They are not changing the footprint of the impervious surface. Director Glasser noted that it was also a change of land use for that property.

Motion to approve the minutes from the October 3, 2023 NFP Review Board Meeting made by Director Sylvester, supported by Director Martin, passed unanimously.

E. General Citizen Comments

There were no general citizen comments, either in person or by phone.

F. Board Comments

None.

G. New Business

1. **Recommendation to City Commission for the appointment of Tyler Bassett and Matthew Hollander to the NFP Review Board.**

Mr. Bergstrom shared the staff report. He noted that a number of applications were received for the Board. After reviewing the expertise areas that are leaving the Board and the qualifications of



the candidates, both Tyler Bassett and Matt Hollander were recommended based on their expertise in the MNFI Rare Species Review and Development area respectively.

Chair Cole-Wick stated that they also have an applicant on hold.

Director Lettow thanked Director Sylvester and Chair Cole-Wick for their work and expressed his appreciation. Chair Cole-Wick affirmed the value of the candidates for the Board.

Director Lettow motioned to approve the recommendation to City Commission for the appointment of Tyler Bassett and Matthew Hollander to the NFP Review Board, supported by Director Martin. Vote was taken by roll call and passed unanimously.

2. 2024 NFP Board Meeting Schedule

Chair Cole-Wick noted that the 2024 NFP Board Meeting Schedule was included in the packet. The Board schedule remains on the 4th Tuesday of each month, with the December meeting being held on the 3rd Tuesday.

This year's December meeting is currently scheduled for December 19.

The transition for the new members will be in January.

Director Glasser motioned to approve the 2024 NFP Board Meeting Schedule, supported by Director Martin. Vote was taken by roll call and passed unanimously.

H. Old Business

Mr. Bergstrom reminded the Board that Board transitions would happen soon.

I. Staff Updates

1. Board Liaison Transition Starting Q1 2024

Mr. Bergstrom reminded the Board that he would be leading the NFP Board meetings beginning in January. He has been with the Board since its inception in 2019, and stated that he is pleased to be able to assist in this manner. The Board affirmed Mr. Bergstrom in his new role.

J. Announcements

1. Joint Meeting (NFP, ZBA, PC Training) Reminder – December 12th

Chair Cole-Wick asked if new board members should attend this meeting. Mr. Bergstrom stated that he would discuss this with Ms. McCarthy and let Chair Cole-Wick and Director Sylvester know if they should attend. This meeting will be held from 6-8 p.m. in the Community Room. A calendar invite for this has been sent.



K. Adjourn Meeting

Chair Cole-Wick adjourned the meeting at 4:13 p.m.



NFP Review Board Staff Report

City of Kalamazoo

TO: The Natural Features Protection Review Board

FROM: Nolan Bergstrom, NFP Board Liaison

DATE: January 23, 2024

SUBJECT: Approval of the NFP Site Plan for the Project Located at 4120 South Sprinkle Road conditioned upon approval by the Zoning Administrator and Stormwater Engineer.

RECOMMENDATION:

It is recommended the Natural Features Protection (NFP) Review Board approve the NFP Site Plan application for 4120 South Sprinkle Road conditioned upon approval of the Landscaping plan by the Zoning Administrator and approval of the Stormwater Engineer.

BACKGROUND:

Currently, the subject property is owned by Green Ice, L.L.C. (Sweet Cut Grow) as a Cannabis Grow Facility located in Kalamazoo along South Sprinkle Road. The parcel is zoned M-1 (Industrial) zone district. The applicant is proposing to construct a new 20 ft x 24 ft, 480 sq. ft. accessory structure on-site to contain equipment for a Cannabis grow facility.

The project attended a pre-site plan meeting with the Site Plan Review Committee on November 29, 2023. The project will return for Full Site Plan Review on January 31, 2024. The project is seeking NFP approval to obtain full site plan approval and site permits. The project consists of construction of a new 20 ft x 24 ft, 480 sq. ft. accessory structure on-site to contain equipment for a Cannabis grow facility.

FINDINGS:

The applicant's design team evaluated the site to identify all protected natural features on the property. The site was placed in the NFP Overlay District due to slopes of greater than 20 percent, proximity to water, and having water on the western edge of the property. Natural Features are located west of primary structure and where the accessory structure will be located. These features are fenced off from the rest of the property. The applicant proposes no impact on any identified natural features.

Since the project is located within the NFP Overlay District, the site requires the following NFP Site Development Standards:

- Water Resources Standard – The Site is in proximity to Davis Creek and has water resources on-site. Water resources are not planned to be affected during the project.
- Wetland Standard – Any wetlands are outside the work area and will not be affected.
- Protected Tree Standard –
- Woodland Protection Standard – Woodlands are outside the work area and will not be effected.
- Natural Heritage Areas Standard – Rare species review was not required for this site.
- Plant Selection – within the NFP overlay district native plantings are required. Approval is conditioned upon review by the NFP Board and final Landscaping Plan approval by the Zoning Administrator.
- Stormwater Management – The size of the structure is adding minimal impervious surface coverage. Approval is conditioned upon review by the Stormwater Engineer.

After staff review, the plan appears to meet NFP standards and qualifies for conditional approval based upon the following:

- Approval of Landscaping plan by Zoning Administrator
- Approval of Stormwater Engineer

SUPPLEMENTAL SITE PLAN REVIEW APPLICATION FOR NATURAL FEATURES PROTECTION

**NFP SPR
REVIEWED FOR
COMPLETENESS**
01/03/2024

For projects located within the Natural Features Protection (NFP) Overlay District, separate site plan approval is required before the full site plan can be approved. This review is done either by the NFP Review Board or administratively by staff to verify conformance with NFP Overlay District zoning code ([Chapter 50, NFP](#)). The NFP Overlay District map can be found on the [City's GIS mapping website](#) (select "Planning & Zoning" layer and make sure "NFP Overlay" is clicked on).

The NFP Supplemental Application must be completed and submitted with the regular Site Plan Review Application and checklists. The NFP Review Board meets monthly to review and approve applications. City staff can assist in scheduling a project at an upcoming NFP Review Board meeting. While the review process offers some flexibility, projects often seek NFP approval between the Pre-Application meeting and regular Site Plan Review meeting.

Section I. Project & Applicant Information

All projects must complete Section I. If the project will not impact any natural features on the site, and does not trigger additional stormwater controls or treatment, applicants should sign and submit Section I only. Staff will review and determine if the application can be approved administratively.

Section II. Natural Features Checklist & Attachments

For projects proposing improvements or changes to the site that impact natural features, change grading, or involve work in or near NFP setbacks, Sections II and III must be completed. Section II identifies which natural features are present and standards apply. Section III will assist you in determining what documentation and additional plan sets are needed for a complete application. Once a complete application is submitted to the City, the project will be scheduled for the next available NFP Review Board meeting and an application fee of \$110 will apply.

QUESTIONS

Contact the NFP staff liaison with any questions about your NFP Supplemental Application at (269) 337-8789 or mccarthyja@kalamazoo-city.org.

SECTION I. PROJECT AND APPLICANT INFORMATION

Please provide all of the project and applicant information requested below. Include the date of your regular site plan review meeting, if one has been scheduled or already taken place.

APPLICANT NAME:	Green Ice, L.L.C. (Sweet Cut Grow)		
	(first)	(last)	
APPLICANT ADDRESS:	4120 South Sprinkle Road		
	(number)	(street name)	
	Kalamazoo	MI	49001
	(city)	(state)	(zip)
APPLICANT EMAIL:	markjauernek@gmail.com	PHONE:	269-341-1555
PARCEL ADDRESS/PIN:	06-36-444-001		
PROJECT DESCRIPTION:	New 20 ft x 24 ft, 480 sq. ft. accessory structure		
OWNER NAME: (if different)	Contact - Mark Jauernek		
	(first)	(last)	
HAS REGULAR SITE PLAN REVIEW MEETING OCCURRED?	☒ Yes ☐ No	DATE OF SITE PLAN REVIEW MEETING:	12/14/23

NFP APPLICATION REQUIRED?

Is the project limited to interior work <u>only</u> with no exterior ground changes or increase in impervious coverage?	
☐ YES	If YES , Sections II & III of this application are not needed. Sign below & submit only this page with your site plan review or permit application.
☒ NO	If NO , proceed to Sections II & III. Do NOT sign below.

By signing below, the applicant certifies that no natural features will be disturbed as part of this project.

Print name: _____

Signature: _____

Date: _____

SECTION II. NFP SITE PLAN CHECKLIST & ATTACHMENTS

Use the checklist to determine what documentation and addition plans sets must be prepared for this application. All plan sets, maps, and additional information must be attached to this application to be considered complete. If you checked “no” to certain NFP items in questions 1-7 in Section II, record “N/A” on the checklist.

REQUIRED: NFP SITE PLAN SET

All applications must include separate sheets in the plan set showing the following:

1. Existing conditions map showing an inventory of all protected natural features and any associated natural features setbacks with distances (use checklist below)
2. Future development plan overlaid onto the existing conditions and natural features inventory; indicate where and to what extent protected natural features will be disturbed, removed, altered, or impacted in any way and which natural features will be protected during and after construction

Future development plan must include:

- **Boundary with extent of re-grading**, construction, or site preparation activities
 - **All existing and new building footprints** (mark whether existing buildings will be removed or maintained)
 - **New and existing parking** surfaces or structures, sidewalks, trails, and other impervious or semi-impervious surfaces including decks, patios, viewing platforms, etc. (list proposed surface materials and whether existing surfaces will be maintained or removed)
 - **Proposed location of fencing and screening**, whether permanent, natural, or construction silt fencing and/or natural feature protection fencing (with specifications)
 - **Stormwater facilities** showing boundary of ground disturbance, grading or construction activities, if located near natural features
 - **New utilities** and/or relocation of existing utilities showing corridors that could impact natural features
3. Landscape plan detailing the minimum elements needed to meet zoning code requirements and all proposed additional landscaping elements or features (include table with species name)
 4. Any additional plans or tables detailing which natural features will be restored or replaced after construction, if required (e.g., riparian buffer installation or slope restoration plan may be required under certain circumstances when the ordinance allows changes within these protected areas)

WETLANDS	Present:	Included on page #:	Notes:
Mark existing wetland boundaries with notes about wetland conditions. <i>Attach a copy of EGLE permit or permit application for work impacting Part 303 wetlands regulated by the State.</i>	☒ Yes ☐ No	NF-1	No work No impact
WATER RESOURCES	Present:	Included on page #:	Notes:
Mark the location of all water resources on the parcel and those within 25 feet of the parcel boundaries. <i>Attach a copy of EGLE permit or permit application for work impacting Part 301 waters regulated by the State.</i>	☒ Yes ☐ No	NF-1	Davis Creek No impact
Show required setbacks with dimensions; describe existing or future ground cover within riparian setbacks.			
TREES	Present:	Included on page #:	Notes:
Mark the location of all “protected” trees that are proposed to be removed and those that will remain and require protection fencing.	☒ Yes ☐ No	NF-1 NF-2	No tree removal
Include a table with species name, size (DBH and height), and condition of “protected” trees that are proposed to be removed and list replacement tree information.			NA
Provide a note with justification for removal.			NA
WOODLANDS	Present:	Included on page #:	Notes:
Delineate the boundary of all woodlands on the parcel noting where woodlands likely extend onto adjacent parcels.	☒ Yes ☐ No	NF-1 NF-2	
Mark all areas of woodland that will be retained and removed (i.e., cleared).			No tree removal
Include a table or note with the required preservation ratio (based on existing woodland coverage), percentage proposed to be removed, and rationale for selecting area for removal.			NA
SLOPES	Present:	Included on page #:	Notes:
Provide a slope analysis that shows the boundaries of all “protected” slopes and mark the required setback(s).	☐ Yes ☒ No	NF-1	No slope changes
Include a note with co-existing feature that triggers “protected” slope status (e.g., wooded, within 500 ft of water resource).			NA

NATURAL HERITAGE AREAS	Present:	Included on page #:	Notes:
Is an MNFI* rare species review required? <i>Parcels can be pre-screened using the City's GIS website, click on the "Planning & Zoning" layer and "NFP Overlay" layer; then click on parcel and see MNFI status.</i>	☐ Yes ☒ No	NF-1 NF-2	N A
If an MNFI rare species review is required, attach the resulting report.			

*Michigan Natural Features Inventory (MNFI) Rare Species Reviews can be requested at:

<https://mnfi.anr.msu.edu/services/rare-species-reviews>

ACCEPTED DATA SOURCES & ANALYSIS

All data sources, analysis, and professionals are subject to approval by the City Planner according to Chapter 50-6.2. The following guidance may be useful when selecting a professional or methodology for inventorying natural features.

1. WETLANDS

- Wetland delineation report performed by a qualified consultant including a map denoting delineated boundary of all wetlands, OR
- Most recent US Fish & Wildlife Service's National Wetlands Inventory boundary (State of Michigan mapper: <https://www.michigan.gov/egle/about/organization/water-resources/wetlands/inventory-maps>)

2. PROTECTED TREE IDENTIFICATION

- May be performed by an qualified professional (including ISA Certified Arborist or similar); a full tree inventory is not required if all necessary information can be obtained and communicated using another survey, inventory, or site assessment methodology

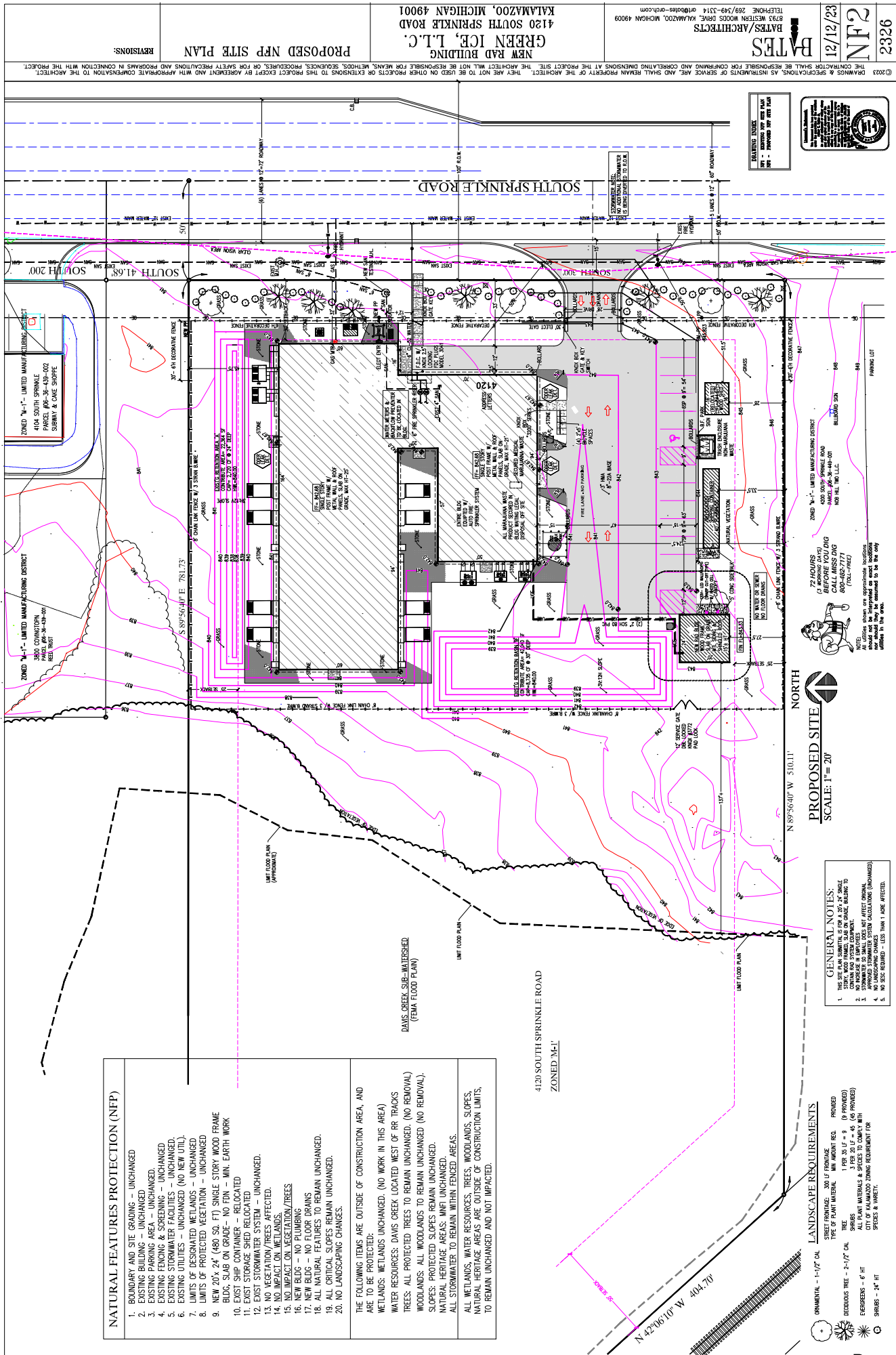
3. WOODLANDS

- A qualified professional, such as an ISA Certified Arborist, landscape architect, or license engineer may perform a desktop analysis or field survey to delineate woodlands
- When a variances is being requests to remove more woodland cover than is allowed under the preservation ration, the following is required
 - Woodland assessment report with determination that the Trees per Area (TPA) meets the NFP definition of a woodland and mapped delineation of woodland
 - Woodland assessment report with a determination that Basal Area is equivalent to the TPA in the NFP definition and meets definition of a woodland and mapped delineation of woodland
 - In addition to determination of whether stand of trees meets NFP definition of a woodland, assessment must include information on general species diversity,
 -

composition of species, any notable trees (either notable species or size), invasive species composition, and general health and age observations of tree stand

4. PROTECTED SLOPES

- Topographic survey performed in the field by a qualified consultant to delineate areas of a slope with grade of 20% or greater
- Desktop analysis performed using U.S. Geological Survey digital topographic maps, LIDAR, digital elevation map, or equivalent data showing 2' intervals or finer resolution, performed by a qualified consultant or engineer



2322

12/12/21

BATES
BATES/ARCHITECTS
7833 WESTERN WOODS DRIVE, KALAMAZOO, MICHIGAN 49009
TELEPHONE 269/349-3314 or bates@bates-arch.com

NEW RAD BUILDING
GREEN ICE, L.L.C.
4120 SOUTH SPRINKLE ROAD
KALAMAZOO, MICHIGAN 49001

PROPOSED NFP SITE PLAN
REVISIONS:



DATE: 12/12/21
BY: [Signature]
CHECKED: [Signature]
SCALE: 1" = 20'

NOTES:
1. ALL UTILITIES SHOWN ARE APPROXIMATE LOCATIONS.
2. NO UTILITIES SHOWN ARE GUARANTEED TO BE THE ONLY
UTILITIES IN THE AREA.

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