

Agenda

Natural Features Protection

Review Board



City of Kalamazoo

Thursday, February 29, 2024

4:00 PM

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

A. CALL TO ORDER/ROLL CALL

B. ADOPTION OF AGENDA

(Action: Motion to approve the agenda)

1. **(Action: Motion to approve agenda as presented)** Adoption of Agenda

C. APPROVAL OF MINUTES

1. **(Action: Motion to approve the January 23rd, 2024 Meeting minutes as presented)** Approval of the minutes from the Natural Features Protection Review Board meeting on January 23rd, 2024

D. PUBLIC COMMENTS

E. BOARD MEMBER COMMENTS

F. NEW BUSINESS

1. **(Action: Motion to approve the recommendation to the Zoning Board of Appeals to grant relief from the NFP Woodland and Slope Preservation standards)** Approval of a recommendation to the Zoning Board of Appeals to grant relief from the NFP Woodland Preservation Standard and Slope Standard for the Angling Road Realignment Project at 4100 Oakland Drive.
2. **(Action: Motion to approve a recommendation to the Zoning Board of Appeals to grant relief from the NFP Slope Standard)** Approval of a recommendation to the Zoning Board of Appeals to grant relief from the NFP Slope Standard for the addition of an upgraded pump house at 1609 Whites Road.

G. UNFINISHED BUSINESS**H. STAFF REPORTS AND UPDATES**

1. In 2024 staff will be compiling and tracking NFP project information to include in an annual report to NFP Board members at the end of each year.

I. COMMUNICATIONS AND ANNOUNCEMENTS

1. The Community Feedback Engagement Survey has been extended until March 1st.

J. ADJOURNMENT



Minutes
Natural Features Protection Review Board
January 23, 2024
Regular Meeting

Held at City Hall, Commission Chambers

4:00 p.m.

- A. Call to Order: Director Lettow called the meeting to order at 4:00 p.m.

Members absent: Robert Glasser

Motion to excuse absent members made by Director Martin, supported by Director Fuller, motion passed unanimously.

Director Lettow welcomed the new board members.

- B. Adoption of Agenda

Mr. Bergstrom stated that there is one amendment to New Business, Item 3: The February NFP Board meeting date will be rescheduled to February 29.

Motion to adopt the agenda as amended made by Director Fuller, supported by Director Fredrickson, motion passed unanimously.

- C. Approval of the Meeting Minutes

Motion to approve the minutes from the November 28, 2023 NFP Review Board Meeting made by Director Fredrickson, supported by Director Martin, passed unanimously.

- D. General Citizen Comments

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

- E. Board Comments

Director Lettow inquired about the status of the updated ordinance. Mr. Bergstrom stated that this is still in process, and he could send an updated PDF if desired.

- 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



Mr. Bergstrom shared the staff report. The property is owned by Green Ice, LLC, dba Sweet Cut Grow. This is a cannabis grow facility located in the Milwood Neighborhood. The parcel is zoned M-1, Industrial. The applicant is proposing to construct a new 20 by 24 feet (480 square feet) accessory structure on the site to contain equipment for the cannabis grow facility. The project attended a Pre-Site Plan review meeting on November 29, 2023 and plans to return to full Site Plan on January 31, 2024. They are seeking NFP Board approval to obtain the full Site Plan approval and site permits for this project.

The site is placed in the NFP Overlay District due to slopes of greater than 20%, proximity to Davis Creek, and the potential for hydrology on the site along the western edge of the property. The applicant proposes that there will be no impact to any of these natural features on site. To the rear of the structure, there is an entire area that is fenced off with no intent for development.

Since the project is located within the NFP district, the site requires the following site development standards.

1. Water Resources standard.
 - a. The site is in proximity to Davis Creek and has water resources on site. No water resources are planned to be affected during the project.
2. Wetland standards.
 - a. Any wetlands are outside of the work area and are not affected.
3. Woodland standards.
 - a. Any woodlands that may be protected are outside of the work area and will not be affected.
4. Rare species review was not required for this site.
5. Plant Standard.
 - a. Mr. Bergstrom noted that the agenda packet indicates a plant selection standard, but no planting are planned for this project. If there were plantings, they would need to meet the ordinance requirements for plantings.
6. Stormwater Management Standard
 - a. The applicant is working with the stormwater engineer on this site to ensure that any stormwater requirements are met.

After reviewing the proposed plans, the City staff recommendation is for conditional approval based upon the approval of the Zoning Administrator and the Stormwater Engineer.

Mr. Art Bates was present to represent the project. He affirmed that neither the wetlands nor the woodlands on the site have ever been entered. The Site Plan was approved by the previous owner, and it was resubmitted by the new owner which was also approved. The main building has occupancy. They are looking to build a 20 x 24 feet building - similar to a 2 car garage. It is a slab-on-grade with no foundation walls. He stated that the deepest hole that will be dug will only be 18-24" deep, and this will be used to run electrical to the building. It is within the fenced-in area. Mr. Bates stated that it is his understanding that they have been approved for stormwater. They are not taking out any bushes or trees, nor are they adding them. Grass will be planted if ground is disturbed.

Director Lettow asked for clarification of whether the applicant was seeking a variance or approval of the plan. Mr. Bergstrom stated that they are looking for NFP Board approval to move forward with the full Site Plan. The site has proposed minimum impacts, if any for natural features on site. As this is for a new structure, not an existing structure, it has come before the Board for approval.



Director Lettow asked why no landscaping plan was required. Mr. Bergstrom stated that he would check into the zoning and landscaping requirements. He affirmed that there aren't any landscaping requirements for the frontage. He stated that as an accessory structure, requirements may have already been met by the main structure.

Director Fuller asked how far the wetlands are from the new structure. Mr. Bates stated that this is 137 feet.

Director Lettow asked what the current condition of the property was. Mr. Bates stated that this is an accessory building separate from the main building. He referred to the drawings for the size and location of the main building.

Director Fuller asked about the planting list. It was confirmed that there are no plantings proposed. Mr. Bates stated that the plants on the list are existing and were previously approved at Site Plan.

Director Fuller motioned to Approve NFP Site Plan for the Project located at 4120 South Sprinkle Road conditioned upon approval by the Zoning Administrator and Stormwater Engineer, supported by Director Fredrickson. Vote was take by roll call and passed unanimously.

2. Board Election

Mr. Bergstrom stated that board elections occur within the first quarter of the year if they are needed. The new Chair and Vice-Chair would begin their roles at the next meeting.

Director Fredrickson motioned to Elect Director Kyle Martin as Chairperson and Director Erin Fuller as Vice-Chairperson, supported by Director Bassett. and passed unanimously.

3. The February Regular NFP Meeting Date has been updated from Tuesday, February 29th to Wednesday, February 21st to not coincide with Election Day.

Mr. Bergstrom stated that the February NFP Board meeting will be moved to not conflict with Election Day. February 21 was not available due to the Commission Chambers being unavailable. February 29th was available, and therefore, the February meeting will be shifted to the 29th. Mr. Bergstrom will make this change with the City Clerk's office for posting purposes.

Director Bassett motioned to approve moving the February Regular meeting of the NFP Board from February 27, 2024 to Thursday February 29, 2024 to not conflict with election day, supported by Director Fuller, passed unanimously.

G. Unfinished Business

None.



H. Staff Reports and Updates

1. Mr. Bergstrom welcomed the two new Board members and thanked them for serving on the NFP Board.
2. Imagine Kalamazoo Engagement Survey
 - Mr. Bergstrom stated that the City conducts a lot of engagement throughout the year. The City is currently asking for feedback from residents and board members to see how we can better engage with everyone in the city. The survey is available on the City's website and will be available through February 17.
3. Jamie McCarthy stated that at 5:00 p.m. this evening, the City's sustainability planner, Justin Gish will be giving a presentation at Shakespeare's Pub from 5-7 p.m. She invited the Board to attend.

I. Communications and Announcements

1. None.

J. Adjourn Meeting

Director Lettow adjourned the meeting at 4:23 p.m.



NFP Review Board Staff Report

City of Kalamazoo

TO: The Natural Features Protection Review Board

FROM: Nolan Bergstrom, NFP Board Liaison

DATE: February 29, 2024

SUBJECT: Approval of a recommendation to the Zoning Board of Appeals to grant relief from the NFP Woodland Preservation Standard and Slope Standard for the Angling Road Realignment Project at 4100 Oakland Drive.

RECOMMENDATION:

Considering the difficult grades of the property and existing non-perpendicular arrangement of Angling Road, staff recommend the variance from the woodland standard as represented on the Site Plan (11.1% or 0.214 acres of woodlands to be removed within the boundary delineated on the NFP plan set). Furthermore, the variance meets the intent of NFP which is to balance development, assess existing natural features and potential impacts, and develop with the least impact as possible.

BACKGROUND:

The project is located at the Southwestern corner of Oakland Drive and Angling Road where Oakwood Bible Church is located. The proposed project will realign Angling Road and make improvements to establish the intersection as a 4-way intersection. The project involves disturbance of protected slopes and removal of woodland. The property is zoned RS-5. No other significant redevelopment work is proposed for this project. The primary focus is on the road realignment.

FINDINGS:

The project is located within the NFP Overlay District. The applicant's design team evaluated the site to identify all protected natural features on the property. The primary feature is slope at the Northern edge of the parcel closest to Angling Road. The project identified both protected slopes (just over 20% grade) and woodlands on the property. The woodlands correspond to the slopes. The applicant Hurley & Stewart, LLC is requesting a variance from two NFP standards. The project submitted a full variance application to Community Planning & Economic

Development Department, and a hearing is scheduled before the ZBA on March 14, 2024.

After several meetings with staff, the applicant requests the following:

Dimensional Variance from the Slope Protection Standard:

- The NFP ordinance has a slope protection standard, which prohibits any disturbance to slopes of 20% grade with woodland cover and development within the slope setback.
- Working with the City of Kalamazoo Public Works departments, to realign Angling Road property, the corner of the property including slopes and woodlands to be impacted.
- The grading makes realigning angling road difficult without creating impacts to a portion of the existing slopes and woodlands near the intersection of Angling Road and Oakland Drive



ZONING BOARD OF APPEALS

NATURAL FEATURES PROTECTION REVIEW SHEET

Please Indicate the Nature Features and Requested Variances:

- ☐ Wetlands _____
- ☐ Water Resources _____
- ☐ Protected Trees & Replacements _____
- ☐ Woodlands _____
- ☐ Protected Slopes _____
- ☐ Natural Heritage Areas & Rare Species _____

General Information

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

Review Criteria for Natural Features Protection Variances

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

Are there reasons the parcel cannot be reasonably utilized for its zoned use without the requested relief?



Community Planning & Economic Development

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

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

Is the extent of relief requested the minimum action needed to permit reasonable utilization of the site?

How can you demonstrate that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the NFP Overlay District?

Is the requested relief balanced by the use of conservation and/or green development tools and actions, such as utilizing stormwater best management practices from the Michigan Low Impact Development Manual that promote infiltration, restoration or expansion of a natural feature on the site, or use of wild-type native plants or desired trees as detailed in Table 6.2-5, Replacement Tree List?

Additional Required Information:

Please attach appropriate documentation of the existing conditions on the site for all natural features where the applicant is seeking a variance from the NFP standards.

☐ **WETLANDS**

- 1) Include a map of existing wetland conditions and boundaries
- 2) Include a plan set showing future development plan overlayed with wetland boundaries and mark areas of potential wetland impacts

Either of these sources are acceptable as a wetlands determination:

- 1) Wetland delineation report performed by a qualified consultant including a map denoting delineated boundary of all wetlands, OR
- 2) Use the 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>)

☐ **WATER RESOURCES**

- 1) Include a map of existing water resources on the site (including lakes, rivers, streams, and surface waters not created primarily for stormwater treatment)
- 2) Include a plan set showing future development plan, water resources, and all applicable setbacks required in the NFP ordinance

☐ **PROTECTED TREES & REPLACEMENTS**

- 1) Include a map with existing trees that meet the protection criteria in the NFP ordinance
- 2) Mark on the plan set all protected trees that will remain during and after construction AND those that will be removed
- 3) Include a table listing the protected tree species, size, and condition AND list the replacement tree species that will be planted in place of removed trees after construction

☐ **WOODLANDS**

- 1) Include a map delineating existing woodland areas meeting the definition in the NFP ordinance
- 2) Include a plan set showing future development plan overlayed with woodland boundaries
- 3) Mark on map the square footage or acres of woodland that will be removed/cleared for construction; include a table or note comparing the amount that is permitted for removal in the NFP ordinance to the amount requested in the variance

Either of these sources are acceptable as a woodland delineation and assessment when performed by a qualified consultant:

- 1) Woodland assessment report with determination that the Trees per Area (TPA) meets the NFP definition of a woodland and mapped delineation of woodland
- 2) 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

3) In addition to determination of whether stand of trees meets NFP definition of a woodland, assessment should 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

☐ **PROTECTED SLOPES**

- 1) Include a map that delineates all existing areas on the parcel that meet the definition of “protected slope” in the NFP ordinance
- 2) Include a plan set showing future development plan overlayed with protected slopes; mark slope setbacks on the plan and areas of potential slope and setback impacts

Either of these sources are acceptable to determine slope protection status:

- 1) A topographic survey performed in the field by a qualified consultant to delineate areas of a slope with grade of 20% or greater
- 2) A 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

☐ **NATURAL HERITAGE AREAS & RARE SPECIES**

- 1) Check for any species considered to be rare, threatened or endangered per the State of Michigan, Federal Government or listed on the Michigan Natural Features Inventory (MNFI) Database.
- 2) Check for any remnant of a Natural Community listed on the MNFI Michigan's Natural Communities List.

ZONING BOARD OF APPEALS APPLICATION GUIDELINES

The Zoning Board of Appeals (ZBA) reviews applications for the following requests:

- **Dimensional Variance** - relief from physical or dimensional standards that apply to a lot or structure.
- **Use Variance** - relief from standards that apply to how a lot or structure is used
- **Administrative Appeals** - relief from decision related to zoning made by the CPED Staff
- **Interpretation of Ordinance** - request to confirm the precise meaning of the ordinance text
- **Temporary Use Approval** - approval of temporary use with a duration of more than 30 days

Staff

Pete Eldridge, Assistant City Planner, (269) 337-8806 or eldridgep@kalamazoocity.org

ZBA Application Process

Step 1: Pre-Application Meeting. Before completing the application, schedule a meeting with the Assistant City Planner. Applications will not be noted as complete if this meeting has not occurred first.

Step 2: Application. Please complete general application form and review sheet for specific type of request. Also include any supporting information, plan, or map. Applications are available in person at the Community Planning & Economic Development (CPED) Offices at 245 N Rose Street, Suite 100 or online at www.kalamazoocity.org/planningzoningforms.

Step 3: Application Fee. Fee Schedule available at www.kalamazoocity.org/cpdfeeschedule/file

Step 4: Completed Application. Please email application and information to eldridgep@kalamazoocity.org. The application can be mailed or drop off with the application fee at CPED offices (245 N Rose Street, Suite 100). Complete applications are due four (4) weeks before the scheduled meeting date.

Step 5: ZBA Schedule & Deadlines. ZBA meetings are held on the 2nd Thursday of each month at 7 pm. These meetings are virtual until further notice and can be watched on the [City's Facebook page](#) and [YouTube Channel](#). The list of meeting dates can be found at www.kalamazoocity.org/planning.

Step 6: Notice and Outreach. Reaching out to the neighborhood association (if one) and to adjacent property owners about your project is encouraged. Please see Public Participation Plan (www.imaginekalamazoo.com/plans) for information on community engagement.

Step 7: Required Attendance at Meeting. The applicant or representative of the applicant is required to attend the meeting.

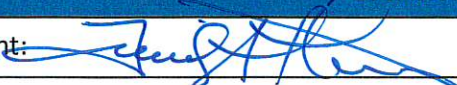


Community Planning & Economic Development

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ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION			
Name: Timothy Stewart - Hurley & Stewart		Mailing Address: 2800 S. 11th Street	
City: Kalamazoo	State: MI	ZIP Code: 49009	
Phone: 269.552.4960	Email: tstewart@hurleystewart.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: Oakland Finance Company, LLC		Mailing Address: 100 W. Michigan Ave., Suite 300	
City: Kalamazoo	State: MI	ZIP Code: 49007	
Phone: 269.553.6924	Email: melliston@greenleafcompanies.com	Preferred Contact: ☒ Email ☐ Phone	
PROPERTY INFORMATION			
Property Address(s): 4100 Oakland Drive			
Parcel Identification Number(s): 06-32-423-001		Zone District (kalamazoo-city.org/maps):	
TYPE OF REQUEST			
☒ Dimensional Variance from Chapter(s) <u>50</u> , Section(s) <u>6.2</u>		☐ Appeal of an Administrative Decision	
☐ Use Variance to allow _____		☐ Interpretation of Zoning Ordinance, Chapter(s) <u>50</u> , Section(s) _____	
		☐ Temporary Use Approval	
Reason for Request: Realignment of Angling Road will require disturbance of slopes within 500 feet of a water source.			
ATTACHMENTS			
☐ \$ <u>300</u> 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: <u>2/12/24</u>	
Signature of Owner (if different than applicant):		Date:	

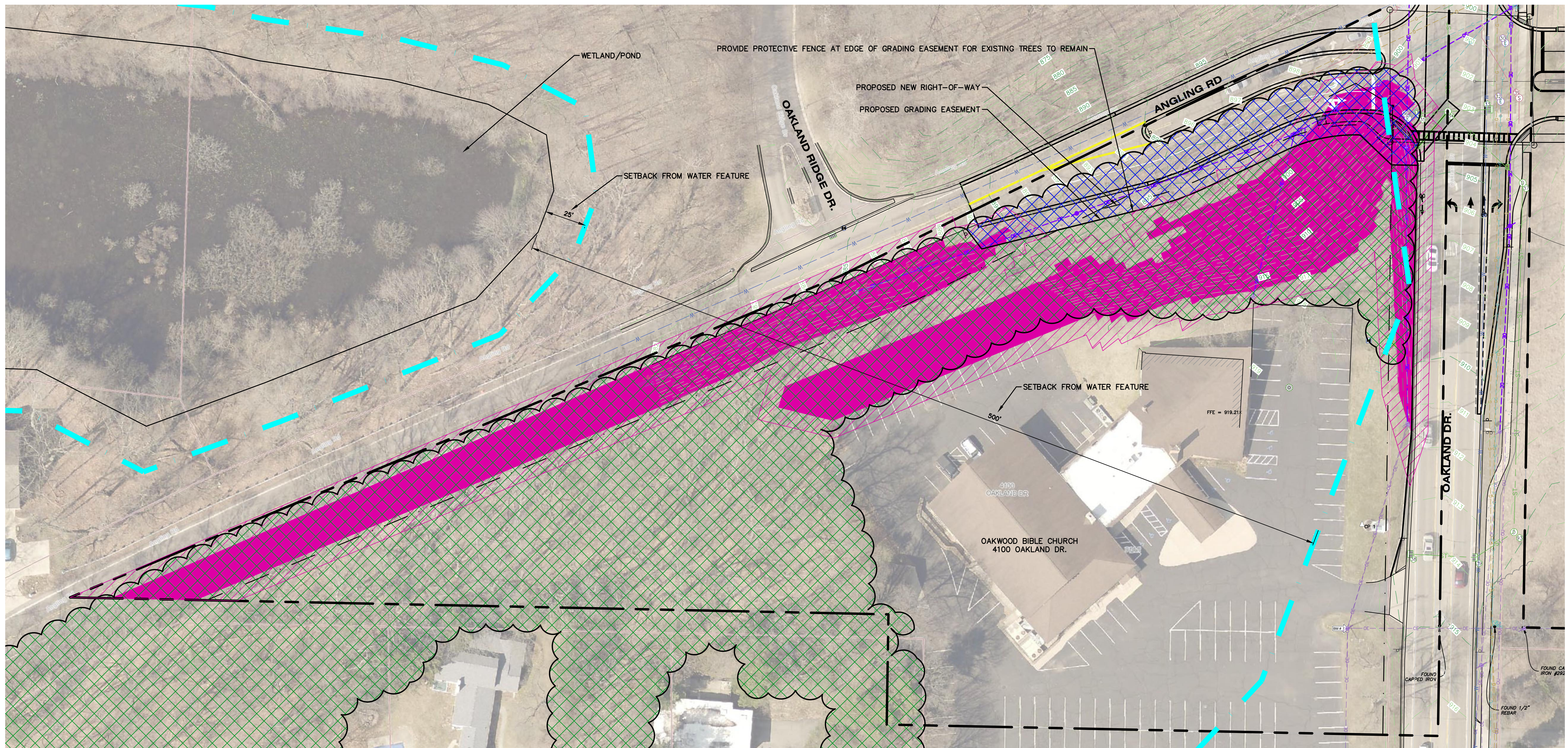
LEGEND

-  GREATER THAN 20% SLOPE
 20% SLOPE SETBACK
 EXISTING WOODLANDS
 PROPOSED WOODLAND REMOVAL

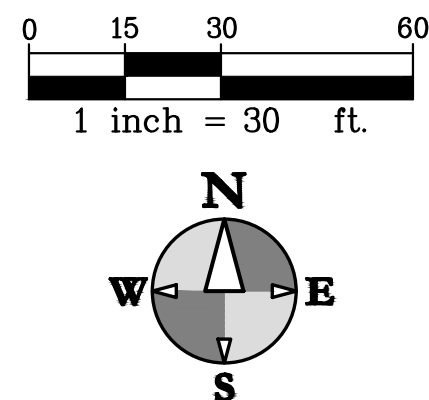
WOODLAND STATS

63.7% OF EXISTING 3.04 ACRES SITE IS IN WOODLAND.
11.1% OF WOODLAND TO BE REMOVED.

50% OF SITE WOODLANDS REQUIRE PRESERVATION. 88.9% OF WOODLANDS PROPOSED TO BE PRESERVED.



**Know what's below.
Call before you dig.**



hurley & stewart, llc
2800 s. 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com



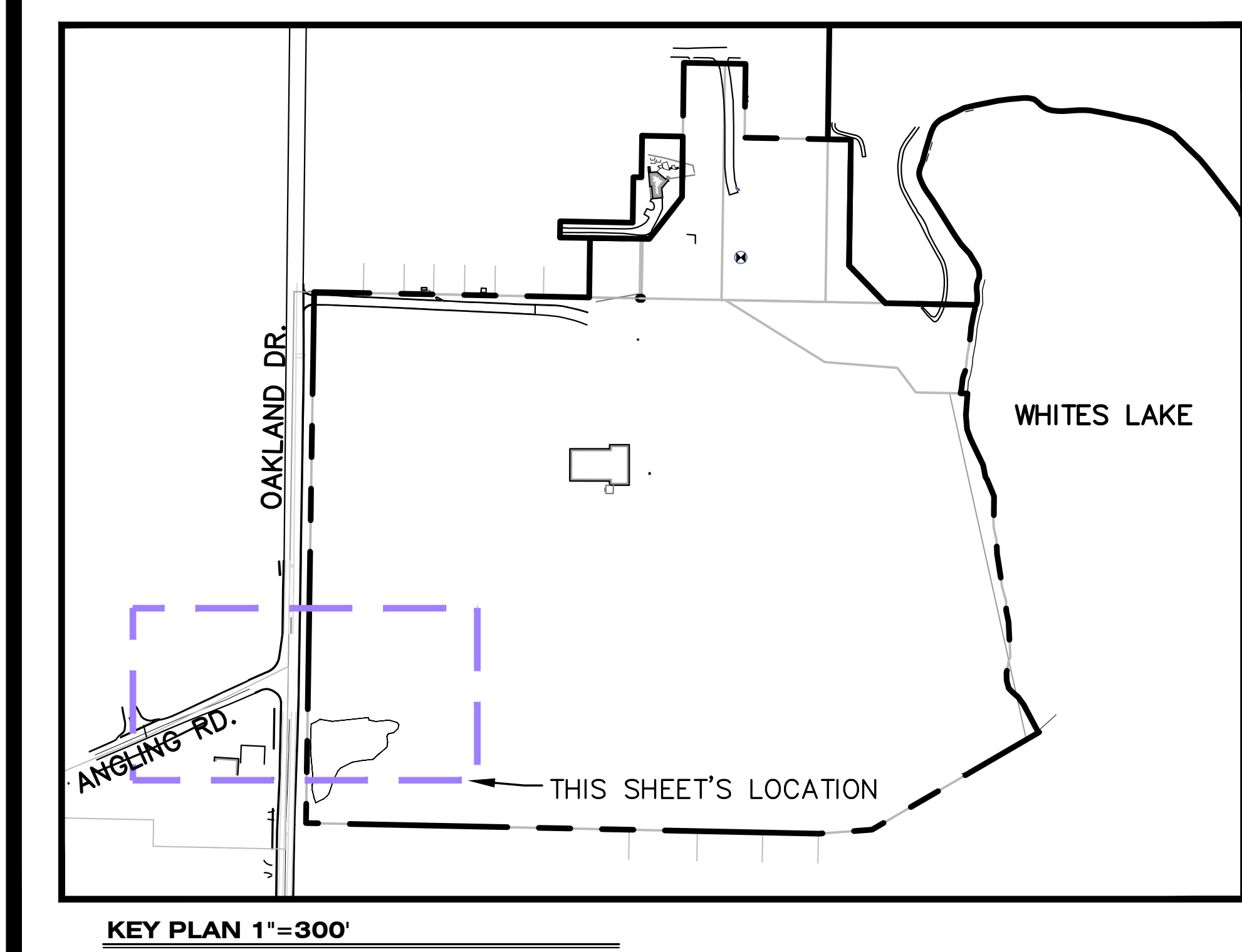
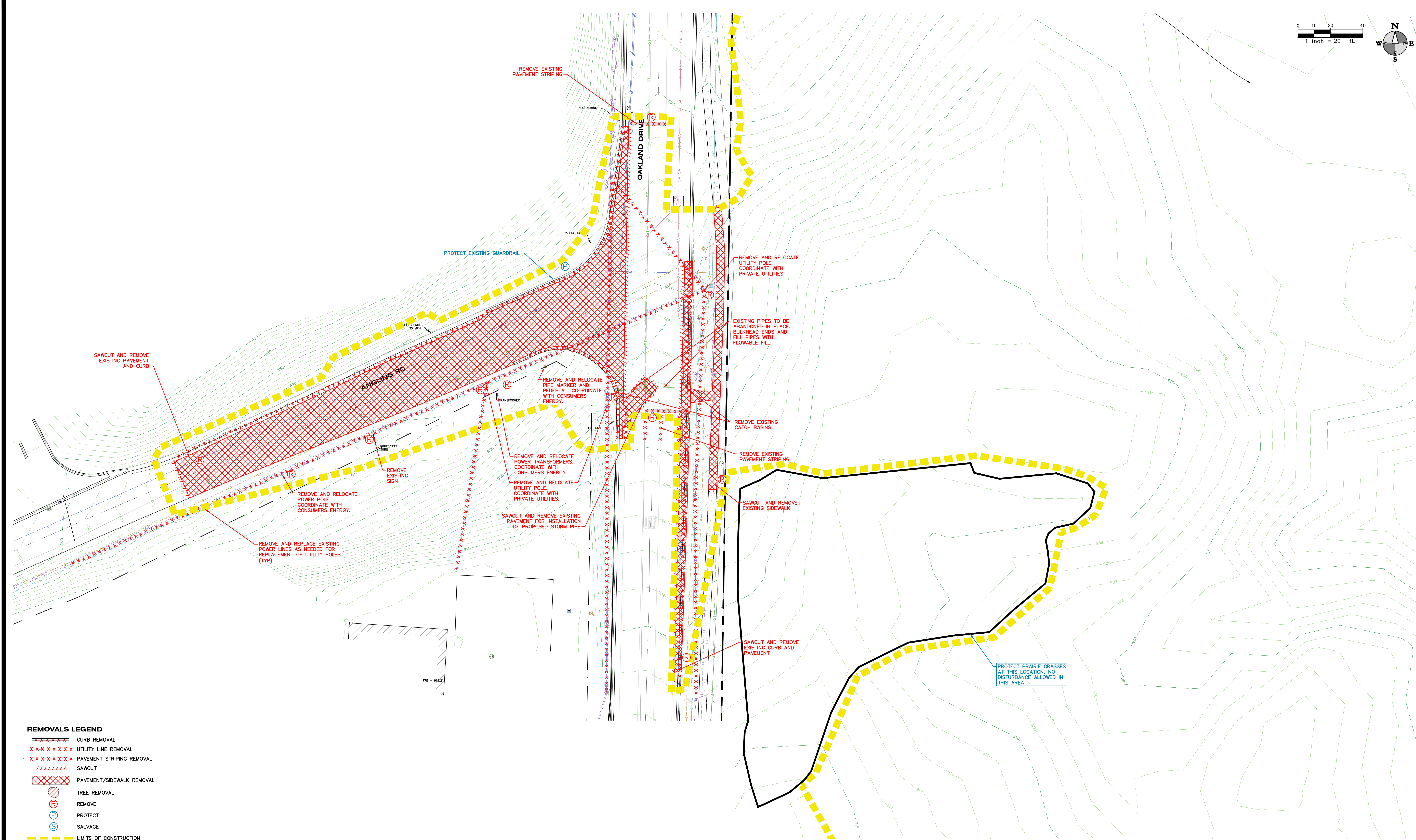
ISSUED FOR/REVISIONS:		9/15/23
1	NPF REVIEW	
2		
3		
4		

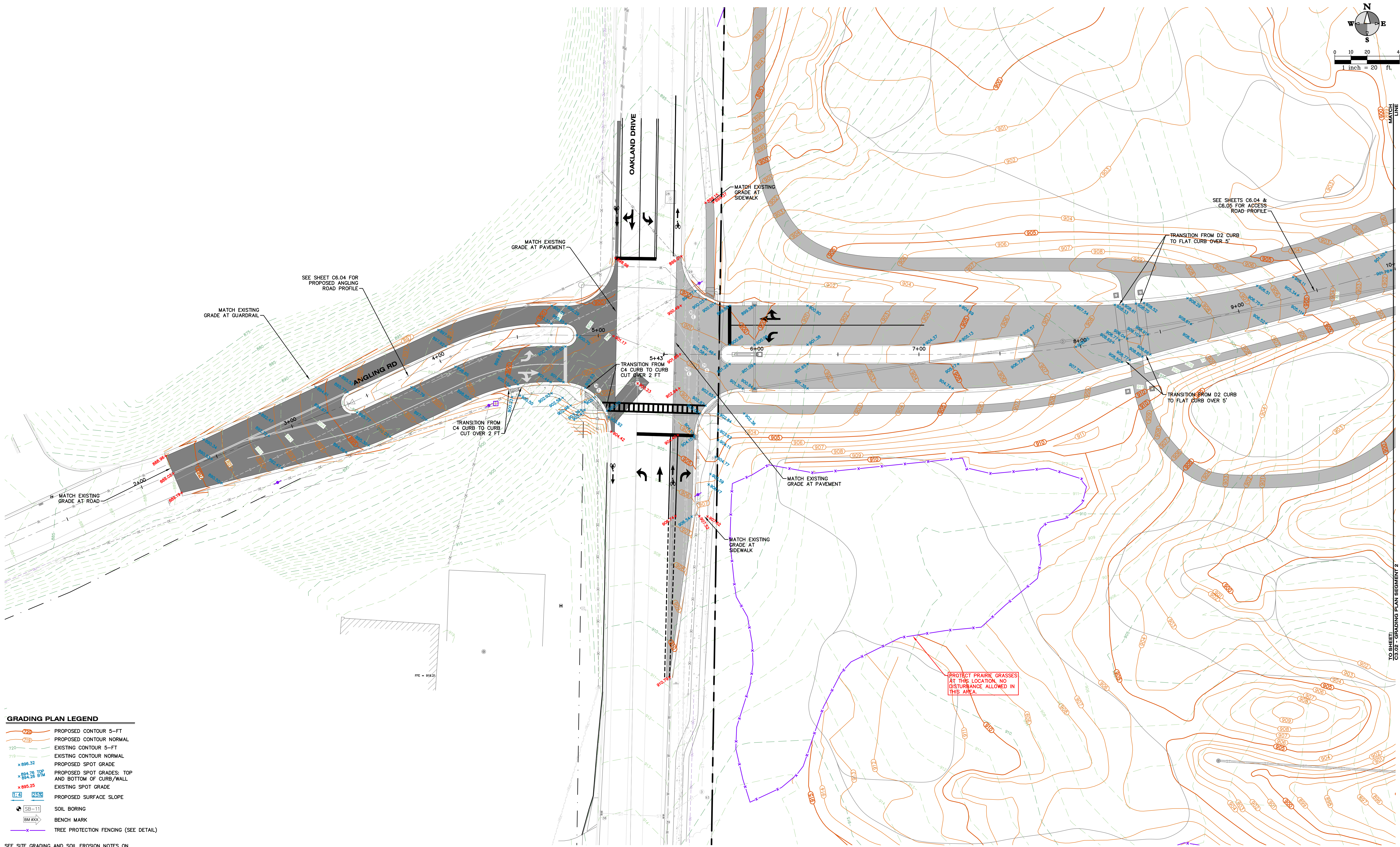
Sheet Title: **NFP INVENTORY AND IMPACTS**

Project: **OAKWOOD BIBLE CHURCH -4100 OAKLAND DR.**

Client: **KALAMAZOO COUNTRY CLUB**

09/15/23
Sheet
C1.0

[illegible]



- GRADING PLAN LEGEND**
- 720 PROPOSED CONTOUR 5'-FT
 - 715 PROPOSED CONTOUR NORMAL
 - 710 EXISTING CONTOUR 5'-FT
 - 705 EXISTING CONTOUR NORMAL
 - x 696.32 PROPOSED SPOT GRADE
 - x 694.75 TOP AND BOTTOM OF CURB/WALL
 - x 694.28 B.T.W.
 - x 695.25 EXISTING SPOT GRADE
 - 1:4 2:5% PROPOSED SURFACE SLOPE
 - SB-11 SOIL BORING
 - BM XXX BENCH MARK
 - x TREE PROTECTION FENCING (SEE DETAIL)

SEE SITE GRADING AND SOIL EROSION NOTES ON SHEET C3.00 - OVERALL GRADING & SESC PLAN

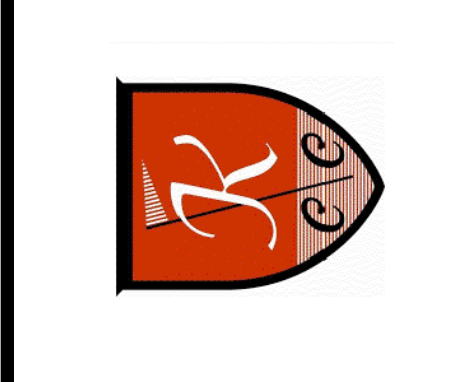
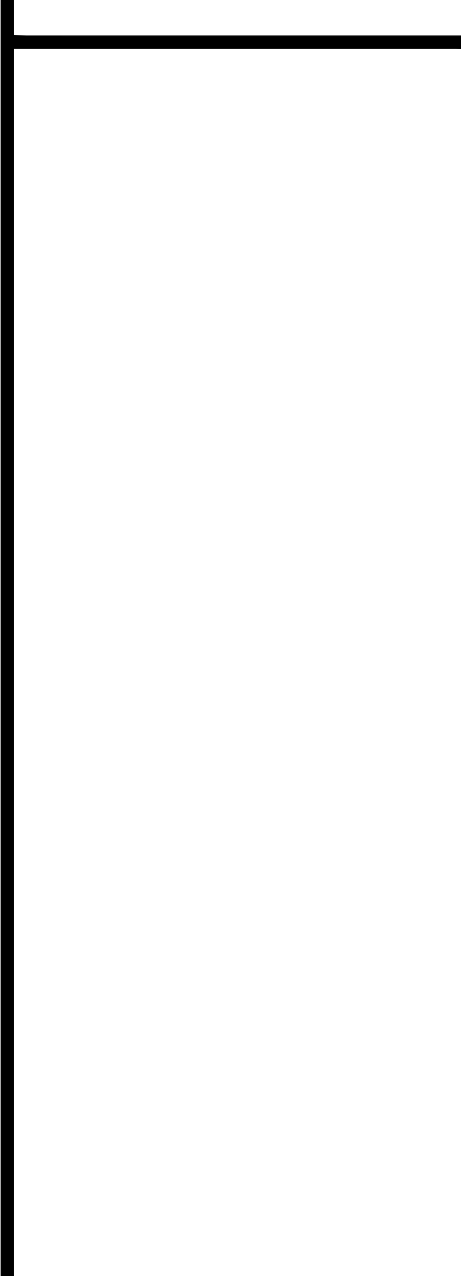
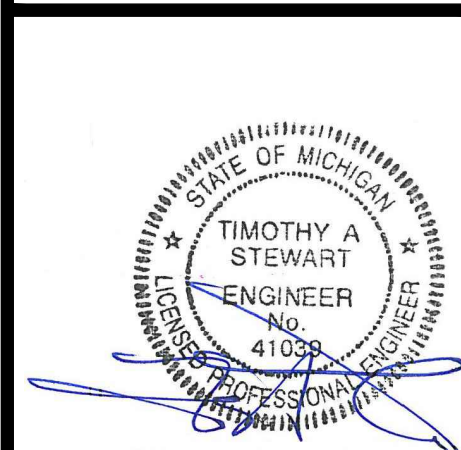


KEY PLAN 1"=300'

PLANNING ARCHITECTURE INTERIOR DESIGN PURCHASING

ARCHITECT & INTERIORS
CHAMBERS
301 MISSION BLVD
SUITE 2202
BALTIMORE, MD 21230
PHONE: (410) 727-4535
FAX: (410) 727-1172

hurley & stewart
hurley & stewart, llc
2800 s. 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com



KALAMAZOO COUNTRY CLUB
1609 Whites Rd, Kalamazoo, MI 49008

CONSTRUCTION DOCUMENTS

DATE	ISSUE
08/31/2023	PERMIT RESUBMIT
06/30/2023	POOL PERMIT
06/13/2023	SITE RESUBMIT
12/23/2022	PERMIT

Date : 08/31/2023

Job No.: 21-124

Sheet Title
Grading Plan - C3.01
Grading Plan
SEGMENT 1

Sheet Number

811 Know what's below. Call before you dig.

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.

FIELD WORK PERFORMED BY:
HURLEY & STEWART, LLC

NOTICE OF A PUBLIC HEARING
BY THE NATURAL FEATURES PROTECTION (NFP) REVIEW BOARD

February 12, 2024

You are receiving this letter because you live or own property within 300' of a project being reviewed by the NFP Review Board. The Board is reviewing a request for a variance from Chapter 50 Zoning Ordinance for a project located within the Natural Features Protection Overlay District. You can view the Overlay District map at www.kalamazoocity.org/maps.

The NFP Board will review the variance request on Tuesday, February 29 at or after 4:00 p.m. The meeting will be held in-person at City Hall (241 W. South Street). This meeting is a public hearing and comment will be taken in-person.

The variance is being requested for the property located at 4100 Oakland Drive. The project involves the realignment of Angling Road intersection with Oakland Drive. We are requesting relief from the NFP slope standards because the project will impact a portion of the protected slopes and slope setbacks on the property.

The Zoning Board of Appeals (ZBA) is the official body that reviews and makes decisions on all variance requests; the NFP Board provides the ZBA with a recommendation for properties in the NFP Overlay District. We anticipate appearing before the ZBA at the meeting taking place on Thursday, March 14th. The City will provide notice to you by mail prior to the ZBA public hearing.

A copy of the site plan for this project can be viewed at Hurley & Stewart, LLC, 2800 S. 11th Street, Kalamazoo, MI 49009 Monday-Friday between the hours of 8 am – 5 pm.

For project questions, please contact:

Timothy Stewart
Hurley & Stewart, LLC
(269) 492-3770
tstewart@hurleystewart.com

For NFP Review Board questions, please contact:

Nolan Bergstrom, Community Planner and NFP Board Liaison
City of Kalamazoo
(269) 337-8045
bergstromn@kalamazoocity.org

INTER-OFFICEMEMO

To: Natural Features Review Board

From: Nolan Bergstrom, Staff Liaison

Date: February 23, 2024

Subject: 4100 Oakland Drive Variance Application

RECOMMENDATION

It is recommended the Natural Features Protection (NFP) Review Board recommend approval to the Zoning Board of Appeals (ZBA) for relieve requested through this application. The variance request successfully demonstrates a hardship in meeting the full requirements of the NFP standards for woodland protection and slope protection.

BACKGROUND

The project is located at the Southwestern corner of Oakland Drive and Angling Road. The proposed project will realign Angling Road and make improvements to establish the intersection as a 4-way light controlled intersection. The project involves disturbance of protected slopes and removal of woodland. The property is zoned RS-5. No other significant redevelopment work is proposed for this project. The primary focus is on the road realignment.

The project is located within the NFP Overlay District. The primary feature is slope at the Northern edge of the parcel closest to Angling Road. The project identified both protected slopes (just over 20% grade) and woodlands on the property. The woodlands correspond to the slopes. The applicant Hurley & Stewart, LLC is requesting a variance from two NFP standards. The project submitted a full variance application to Community Planning & Economic Development Department, and a hearing is scheduled before the ZBA on March 14, 2024.

After several meetings with staff, the applicant is requesting the following:

Dimensional Variance from the Slope Protection Standard:

- The NFP ordinance has a slope protection standard, which prohibits any disturbance to slopes of 20% grade with woodland cover and development within the slope setback.
- Working with the City of Kalamazoo Public Works departments, to realign Angling Road property, the corner of the property including slopes and woodlands to be impacted.
- The grading makes realigning angling road difficult without creating impacts to a portion of the existing slopes and woodlands near the intersection of Angling Road and Oakland Drive

STAFF RECOMMENDATION: Considering the project is a permitted and reasonable use of the property, which helps create a safer intersection by the addition of pedestrian amenities and taking into consideration the requirements of the Public Works department, staff recommend the variance from the slope standard as represented currently on the site plan (permitting impact of 0.74 acres of slope and 0.58 acres of associated slope setbacks).

Variance from the Woodland Protection Standard:

- 63.7% (1.93 acres) of 3.04-acre site contains woodlands.
- The NFP ordinance has a woodland protection standard, whereby sites with 50-75% woodland coverage must preserve 50% of the area of woodlands on the site.
- The woodland preservation requirement for this site would be preserved except for 11.1% as shown on the site plan. 88.9% of the woodlands proposed to be preserved.
- Woodland impacts would be limited to those areas identified on the NFP plan set.

STAFF RECOMMENDATION: Considering the difficult grades of the property and existing non-perpendicular arrangement of Angling Road, staff recommend the variance from the woodland standard as represented on the Site Plan (11.1% or 0.214 acres of woodlands to be removed within the boundary delineated on the NFP plan set). Furthermore, the variance meets the intent of NFP which is to balance development, assess existing natural features and potential impacts, and develop with the least impact as possible.

ATTACHMENTS

Variance Application
Variance NFP Sheets
NFP Plan Set



NFP Review Board Staff Report

City of Kalamazoo

TO: The Natural Features Protection Review Board

FROM: Nolan Bergstrom, NFP Board Liaison

DATE: February 29, 2024

SUBJECT: **Approval of a recommendation to the Zoning Board of Appeals to grant relief from the NFP Slope Standard for the addition of an upgraded pump house at 1609 Whites Road.**

RECOMMENDATION:

Considering the project has yet to go before the site plan review committee and will be required to return to the NFP Board during that process and this is a reasonable use of the property and limits the impact to existing protected trees and critical root zones, staff recommend the variance from the slope standard.

BACKGROUND:

The project is located at 1609 Whites Road, the existing Kalamazoo Country Club site. The proposed project will relocate and upgrade to a pump house with more capacity to serve future development. The project involves disturbance of protected slopes along the Southwestern corner of the property near Whites Lake. The property is zoned RS-5. No other significant redevelopment work is proposed for this project currently and the project has yet to start the Site Plan Review process. The variance is required to start the site plan process.

FINDINGS:

The applicant's design team evaluated the site to identify potential impacts to natural features and assessed alternative locations for the pump house.

The project is located within the NFP Overlay District. The primary feature is adjacency to a hydrologic feature (Whites Lake) and slopes greater than 20%. The project also identified protected trees near Whites Lake. The applicant CD-1909, LLC is requesting a variance from the NFP slope standard. The project submitted a full variance application to Community Planning &

Economic Development Department, and a hearing is scheduled before the ZBA on March 14, 2024.

After several meetings with staff, the applicant requests the following:

Dimensional Variance from the Slope Protection Standard:

- The NFP ordinance has a slope protection standard, which prohibits any disturbance to slopes of 20% grade or slope setbacks and the critical root zones of protected trees as identified in the NFP Ordinance.
- The current pump house does not have the capacity to meet the needs of future development for the site and irrigation needs.
- The proposed location for the new pump house is within a protected slope area. Locating the pump house here mitigates the impacts to protected trees and critical root zones closer to Whites Lake.



**Current Golf
Holes (Yellow)**

**Future Golf
Holes (Pink)**

**Proposed new
pump station**

Whites Lake

NFP Slope/Woodland





White Oak 26"
White Oak 43"
White Oak 36"

Scarlet Oak 12"
Scarlet Oak 17"

Proposed Pump
Station Area

Red Oak 28"
Red Oak 28"

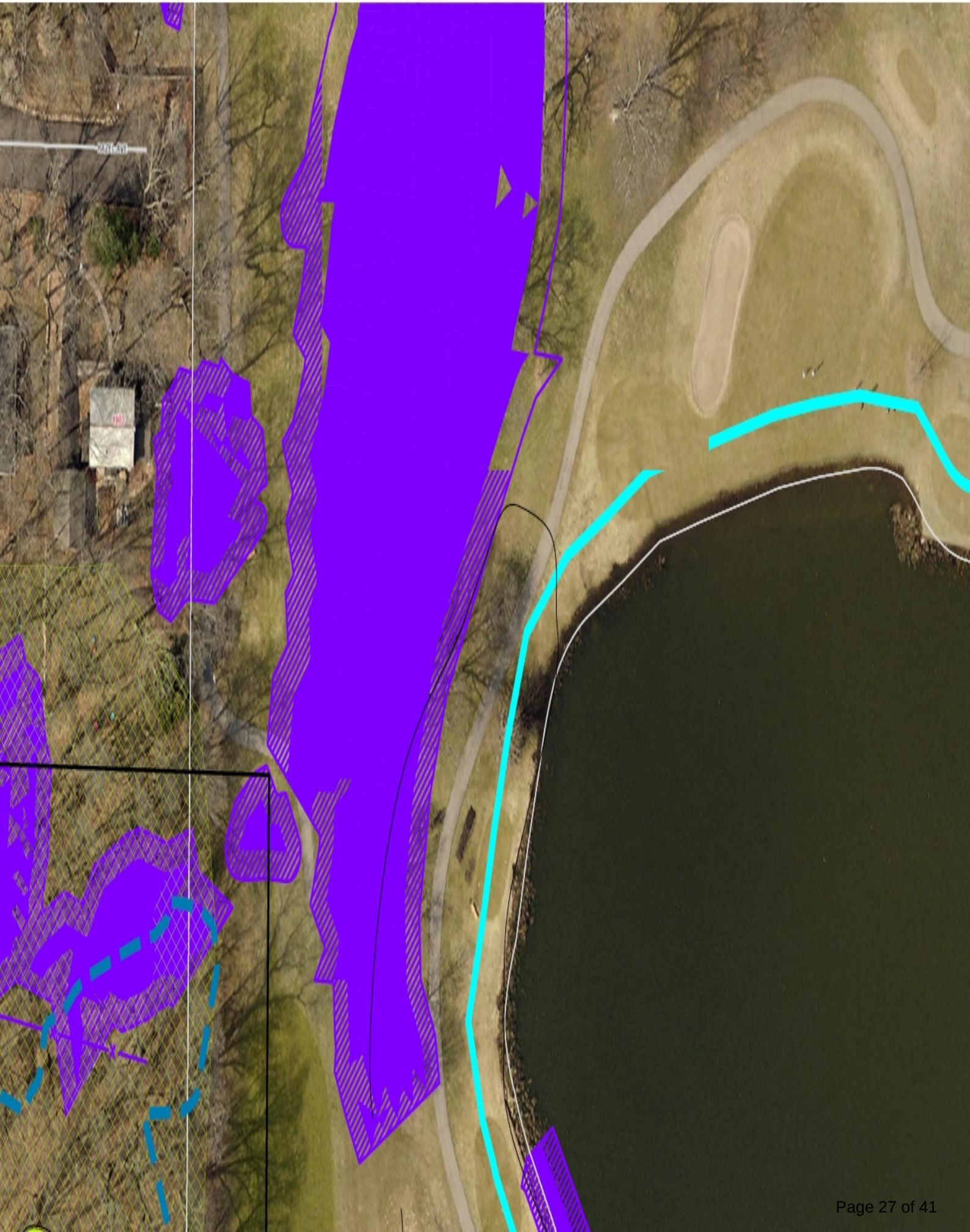
Red Oak 50"

Dawn Redwood 8"

White Oak 40"

White Oak 37"

Swamp White Oak 8"
White Oak 21"



SUPPLEMENTAL SITE PLAN REVIEW APPLICATION FOR NATURAL FEATURES PROTECTION

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) 337-8045 or development@kalamazoocity.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:	(first) (last)		
APPLICANT ADDRESS:	(number) (street name)		
	(city)	(state)	(zip)
APPLICANT EMAIL:		PHONE:	()
PARCEL ADDRESS/PIN:			
PROJECT DESCRIPTION:			
OWNER NAME: (if different)	(first) (last)		
HAS REGULAR SITE PLAN REVIEW MEETING OCCURRED?	☐ Yes ☐ No	DATE OF SITE PLAN REVIEW MEETING:	

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 additional 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		
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		
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		
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.			
Provide a note with justification for removal.			
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		
Mark all areas of woodland that will be retained and removed (i.e., cleared).			
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.			
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		
Include a note with co-existing feature that triggers “protected” slope status (e.g., wooded, within 500 ft of water resource).			

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			
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







NOTICE OF A PUBLIC HEARING
BY THE NATURAL FEATURES PROTECTION (NFP) REVIEW BOARD

February 12, 2024

You are receiving this letter because you live or own property within 300' of a project being reviewed by the NFP Review Board. The Board is reviewing a request for a variance from Chapter 50 Zoning Ordinance for a project located within the Natural Features Protection Overlay District. You can view the Overlay District map at www.kalamazoocity.org/maps.

The NFP Board will review the variance request on Tuesday, February 29 at or after 4:00 p.m. The meeting will be held in-person at City Hall (241 W. South Street). This meeting is a public hearing and comment will be taken in-person.

The variance is being requested for the property located at 1609 Whites Road. The project involves the construction of a new golf course irrigation pump house. We are requesting relief from the NFP slope standards because the project will impact a portion of the protected slopes and slope setbacks on the property.

The Zoning Board of Appeals (ZBA) is the official body that reviews and makes decisions on all variance requests; the NFP Board provides the ZBA with a recommendation for properties in the NFP Overlay District. We anticipate appearing before the ZBA at the meeting taking place on Thursday, March 14th. The City will provide notice to you by mail prior to the ZBA public hearing.

A copy of the site plan for this project can be viewed at Hurley & Stewart, 2800 S. 11th Street, Kalamazoo, MI 49009 Monday-Friday between the hours of 8 am – 5 pm.

For project questions, please contact:

Timothy Stewart
Hurley & Stewart, LLC
(269) 492-3770
tstewart@hurleystewart.com

For NFP Review Board questions, please contact:

Nolan Bergstrom, Community Planner and NFP Board Liaison
City of Kalamazoo
(269) 337-8045
bergstromn@kalamazoocity.org



White Oak 26"
White Oak 43"
White Oak 36"

Scarlet Oak 12"
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Proposed Pump
Station Area

Red Oak 28"
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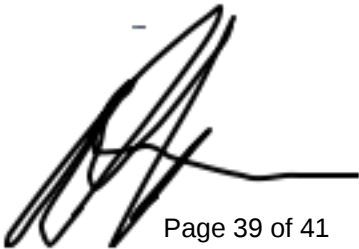
Red Oak 50"

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Page 39 of 41

Zoning Board of Appeals Application



Submitted on	13 February 2024, 12:40PM
Receipt number	36
Related form version	14

Introduction

Have you scheduled a pre-application meeting?	Yes
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Applicant Information

Name	Gerald Henn
Organization (if applicable)	Kalamazoo Country Club
Email Address	jj@mibacking.com
Phone Number	2695694688
Address	1609 Whites Rd, Kalamazoo, MI 49008, USA Map (42.2550333, -85.6059397)
Preferred Contact Method	Email
Are you the property owner?	Yes

Property and Application Details

Property Address	1609 Whites Rd, Kalamazoo, MI 49008, USA Map (42.2550333, -85.6059397)
Parcel Identification Number	06-33-112-001
Zone District	RS-5
Type of Request	Natural Features Protection
Application Fee	\$300.00
Project Description & Reason for Request	On an NFP parcel, building will require disturbance of slopes within 500 feet of a water source; alternatively, potentially disturbance of protected trees.

Natural Features Protection Review Criteria

Please indicate the relevant natural features and the requested variances	Water Resources Protected Trees and Tree Replacements Protected Slopes
What variances are you requesting from the requirements for these natural features?	Building a 20' x 30' building on a slope more than 20%, within 500 feet of a water source.
Are there reasons the parcel cannot be reasonably utilized for its zoned use without the requested relief?	Yes, this building is necessary for the zoned use, and there are constraints on where this building can be located.
Is the extent of relief requested the minimum action needed to permit reasonable utilization of the site?	Yes.
How can you demonstrate that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the NFP Overlay District?	The proposed location is the least impactful to the public good and was chosen solely using the intent and purpose of the NFP.
Is the requested relief balanced by the use of conservation and/or green development tools and actions, such as utilizing stormwater best management practices from the Michigan Low Impact Development Manual that promote infiltration, restoration or expansion of a natural feature on the site, or use of wild-type native plants or desired trees as detailed in Table 6.2-5, Replacement Tree List?	Yes.

Supporting Documents

Supporting Documents	Pump station with Trees.png KCC CRZ and slope with locations.pdf
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Submit

Your Signature



[Link to signature](#)