

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
August 9, 2021
FINAL

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

Members Present: Gregory Milliken, Chair; Sakhi Vyas, Vice Chair; David Burgess; Mariah Phelps; Michael Harrison; Jennifer Swan; Sharda Chambers

Members Excused: Brian Pittelko; James Pitts

City Staff: Pete Eldridge, Assistant City Planner; Beth Cheeseman, Executive Administrative Assistant; Don Hepler, Senior Systems Analyst; Neal Conway, Communications Coordinator; Chris Praedel, City Commissioner; Clyde Robinson, City Attorney; Jack Urban, City Commission Liaison

Public present: Abbey Thompson, Matt Hollander

A. CALL TO ORDER/ROLL CALL

Commissioner Milliken called the meeting to order at 7:01 p.m.

Planner Eldridge proceeded with roll call and determined that the aforementioned members were present.

B. ADOPTION OF FORMAL AGENDA

Commissioner Swan, seconded by Commissioner Burgess, moved approval of the August 9, 2021 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Commissioner Burgess, seconded by Commissioner Harrison, moved approval of the July 1, 2021 minutes as presented. With a voice vote, the motion carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

Planner Eldridge noted there was a revised meeting schedule included in the packet. He also stated that Commissioners should plan on a virtual meeting for September, most likely for October, possibly all the way to December.

Chair Milliken announced the process for people to call and leave comments to be played for the Public Hearings or non-agenda Citizen Comments.

E. PUBLIC HEARINGS

1. P.C. #2021.11: 4221 S. Westnedge Ave. Request for a special use permit for an animal kennel in the Commercial – Community District (CC)

Planner Eldridge presented the staff report. He shared that the building is currently an 1800 square foot hair salon. There are approximately 12-15 parking spaces. The Kzoo Cat Café and Rescue has been located at 1128 W. Michigan Avenue. At that particular site, the Cat Café is occupying roughly 1000 square feet and sharing 18-19 parking spaces with another tenant. The new site would give the visibility of street frontage on Westnedge and would have ample parking. Planner Eldridge showed pictures and maps of the area. The area consists of commercial businesses which transitions into residential uses. The Future Land Use map remains commercial and residential. Planner Eldridge said that the type of use proposed aligns with commercial uses allowed. Animal related services allowed are pet stores, pet grooming, and veterinary clinics. He shared that anything with an overnight stay triggers an animal kennel classification and would need a special use permit. Planner Eldridge indicated that the Kzoo Cat Café and Rescue touches on the Strategic Vision goal of Economic Vitality. Planner Eldridge reported that notices were sent on July 23. Received and included in the packet were two emails of support. One email of opposition was received. That person had concerns over parking and snow plowing. The applicant, Ms. Abbey Thompson, did her own outreach with letters to the neighbors explaining the special use permit. Planner Eldridge reviewed the rationale for staff recommendation. The use is compatible with surrounding businesses. There won't be any outdoor business activity related to café or cat adoption. The business has had no complaints on parking issues or odor. There are no special requirements of an animal kennel except that in commercial zones it has to have a special use permit. The building requires very few alterations needed to fit the proposed use. Planner Eldridge mentioned that because it is an animal shelter, it is subject to the guidelines of the Michigan Department of Agriculture. Ms. Thompson operates with a license from them, and they conduct periodic inspections. Planner Eldridge stated that road capacity is adequate. Access for emergency vehicles, ingress and egress drives are all pre-existing. Because this is a change of use, it will be required to go through site plan review. Staff recommendation is to approve this special use permit.

Commissioner Burgess asked if they granted the special use permit, would they be able to add dogs at a later date. Planner Eldridge stated that would be outside the bounds of what is being discussed and approved, so they would need to come to the Planning Commission and ask for another special use permit.

Planner Eldridge confirmed for Commissioner Milliken that this is required to go through site plan review for a change of use.

Ms. Abbey Thompson, applicant, stated that the business opened in 2017 and they have outgrown their current location. They just did their 781st adoption in 4 years. She reported that community support has been amazing. She explained for Commissioners that there is an entrance fee and then people can come visit with the cats. They have a Keurig and pre-packaged snacks. Ms. Thompson said their Cat Cafe is adoption focused. She said they would never bring dogs in. They get cats from foster homes, so they know their temperament. Ms. Thompson said it is a calm environment - good for humans and good for the cats. She said they do a lot of fund raising. They are able to take on cases that some other rescues can't. Ms. Thompson said they have built up a good network on the rescue side. They help with spaying and neutering and education. The Cat Café and Rescue currently leases space and they have been looking for their forever home. Ms. Thompson said they wouldn't have to do major changes to this property to make sure the cats stay inside and safe. She said there is no noise, and the cats don't go outside. Volunteers scoop litter and feed the cats. Ms. Thompson confirmed that they are a licensed shelter and follow Michigan Department of Agriculture guidelines and have yearly inspections.

Commissioner Phelps was curious if Ms. Thompson thought there would be an impact on the business due to relocating from a walkable campus area. Ms. Thompson said the board talked about that. She said they realized that even though they were close to campus, the majority still drove to the cafe. Ms. Thompson said the current location makes it hard for people to find them. She believes that people will still drive to get to them and with a more visible location, she thinks business will increase.

Commissioner Milliken opened the public comment portion of the public hearing.

There were no messages.

Commissioner Milliken noted the correspondence they received and then closed the public comment portion of the public hearing.

Commissioner Milliken noted that none of the parking spots are lined, and there is no ADA parking. Planner Eldridge said that will be addressed in the site plan process.

Commissioner Vyas, seconded by Commissioner Swan, moved to approve the request for a special use permit for an animal kennel in the Commercial – Community District (CC).

Commissioner Phelps thought this was a great concept. She was glad to see this business has stayed in Kalamazoo and that Ms. Thompson was going through this process.

Commissioner Chambers felt that being on Westnedge will help the business connect with families. She thought there may be an opportunity for more volunteers as well. Commissioner Chambers said she was in full support and can't wait to see them grow.

Commissioner Burgess stated that as they reviewed the requirements of the ordinance, he saw nothing to keep him from approving the request. It seems appropriate and similar to already allowed uses.

Commissioner Milliken said he was looking forward to seeing continued growth and redevelopment of this stretch of Westnedge.

Roll call vote was taken and passed unanimously.

2. P.C. #2021.12: 333 E Alcott Avenue. Request to rezone 6.6 acres of a parcel from Manufacturing – Limited District (M1) to Residential – Multi Dwelling District (RM24)

Planner Eldridge gave the staff report. He mentioned a 2018 request for a housing project in a slighter smaller area of this site. The paper industry occupied this stretch of Portage Creek for last century and extensive occurred. The BRA is now marketing this area as an office and health care park. They are trying to bring in new businesses and services that Edison can use. The Family Health Center, Kalamazoo County Health Department, and the offices of the Michigan Department of Health & Human Services are nearby. A lot of good, thoughtful development has occurred there. Planner Eldridge mentioned there is a plan to have a trail system to run through the site and the existing gravel trail will be relocated.

Hollander Development Corporation is seeking this rezoning to allow for the development of 48 apartments on this property. The site is 6.64 acres of the former paper mill property. Planner Eldridge shared pictures and maps of the property. The area's use is residential in nature, but current zoning shows it as

Manufacturing because of the prior use of the site. Planner Eldridge stated that Manufacturing zoning no longer fits the direction of development for this Brownfield property. The Future Land Use map shows this property falls in the Neighborhood Edge category. He said this would be a fitting category given the fact that it is a chunk of property located between lesser intense residential uses and more intense office and healthcare uses. There are 48 apartments proposed. Twelve of those apartments would be supportive housing units proposed for individuals recovering from substance abuse disorders and 36 apartments would be for workforce housing. The project aligns with the Master Plan, The Edison Neighborhood plan and the Strategic Vision goals of Environmental Responsibility and Complete Neighborhoods. Notices were sent on July 23 to surrounding property owners. Hollander Development Corporation sent letters to residents and they also met with the Edison Neighborhood Association. The Neighborhood Association provided a letter in support of the project. Planner Eldridge said he included the 2018 meeting minutes for Commissioners to see what occurred previously and to read the comments. He said the biggest difference is the number of supportive housing units. While the 2018 request was for all supportive housing units, this request is a mix with just 12 supportive housing units and 36 regular units. The project from 2018 may not have been the best balance for the neighborhood. Now the developer is back with a different version of the project.

Planner Eldridge reviewed the rationale for staff recommendation. The project aligns with the Strategic Vision, Master Plan, the Future Land Use map, and the Edison Neighborhood Plan goals. There are changed conditions as this area is no longer dominated by industrial uses. There is a community need for additional housing. It is a good transitional use between lower intensity residential and more intensive commercial uses. The services brought to this site for Edison Neighborhood will play a role for the people occupying the apartments. Staff recommendation is to recommend approval of the rezoning to the City Commission.

Commissioner Vyas questioned stormwater management and flood management because this area of the city is prone to heavy flooding. She wondered how a new development would impact these issues for the area. Planner Eldridge said that the development is responsible for retaining storage of its stormwater. They will need a system to manage runoff from buildings and parking and retain it – whether underground or in surface retention ponds.

Commissioner Harrison asked what community engagement was put in the second time around. Planner Eldridge said the staff sent the usual notice letters and put an ad in the Gazette. Mr. Hollander has been working with the Edison Neighborhood Association.

Commissioner Milliken asked for an explanation of RM-24 and why it is the appropriate choice for this request. Planner Eldridge explained that it was based on density of the units. In multi-dwelling zone districts, there is RM-15, RM-24, and RM-36 which is low density, medium density, and high density. This area didn't fit a high density category (ex: a high rise apartment building). Commissioner Milliken clarified that meant approximately 24 units to the acre with low, medium, or high density standards that vary by gradient.

Mr. Matt Hollander, President, Hollander Development Corporation, said they specialize in multi-family new construction, rehab, historic renovations and green construction. He gave examples of the Creamery in the Edison Neighborhood and a project in Manistee, Michigan. Mr. Hollander said the project they brought before the Planning Commission in 2018 didn't move forward in large part because of community opposition. The project they are currently proposing is a 48 unit apartment complex with four buildings of 12 units. All units will be 2-3 bedrooms. They've found Kalamazoo has a great need for 2+ bedroom units for families. Mr. Hollander spoke about the restricted covenant area west of the walking path. No one is

allowed to build anything there in perpetuity. He said they requested RM-24 instead of RM-15 because they still don't understand the full context of limitations of the restricted covenant area. They want to make sure they have adequate room for green space and stormwater management. Mr. Hollander said the affordable housing units will be rented at 60% AMI according to MSHDA. The two-bedroom units (using 2021 numbers) rent for \$1,045 utilities included. Three-bedroom units would rent for \$1,207 utilities included. Income restrictions for units like that are \$32,520-\$61,320 for households of 1-8+ people. Mr. Hollander said they plan to replicate Andy's Place in Jackson, MI. Andy's Place is a pilot project of MSHDA under a program called Recovery Housing. It is exclusively for individuals and families with heads of households in recovery for substance use disorders. At Andy's Place, there are facilities on site for people to meet with recovery coaches, group therapy sessions, AA, NA meetings, non-clinical wraparound services for the supportive housing. Mr. Hollander said they plan to place the recovery housing on the south part of the site for easy access to the Health Center and other supports and services in the area. He said that Integrated Services was prepped to be their service partner on the recovery housing portion of the project. Mr. Hollander also believes it is a good location for regular workforce housing.

Mr. Hollander spoke about the restrictive covenant area. He said the flood zone is restricted to the creek itself. That portion of the creek is substantially below grade. A big volume of space will remain there to make sure creek doesn't overflow its banks. Mr. Hollander said they decided on developing a larger parcel to ensure adequate room on site for green space and stormwater retention. He said they also decided to remove the coal ash buried on the northeastern portion of the site. Mr. Hollander said their goal is to submit a LIHTC application in April 2022. If they are successful in getting tax credits, they would spend Fall 2022 finishing design work and permitting. Close on financing and start construction on February 2023; then open the project in summer of 2024. He said they sent letters to households and invited people to two neighborhood input sessions. The Zoom codes were included in the letters. Mr. Hollander said they didn't have participation in those sessions. He also said they met with the Neighborhood Association at three meetings.

Commissioner Harrison asked about their timeline if don't get approved for LIHTC. Mr. Hollander said if they didn't receive LIHTC for April, they would re-apply for Oct 1st. If they were unsuccessful two times in a row, they would abandon the project.

Commissioner Chambers said that last time some members were concerned about safety and drug issues. With programs like this, drugs will come because people have a hard time being clean. She said this is a rougher neighborhood with different obstacles creating challenges to make it safe for the residents. Commissioner Chambers wondered what their plan was for safety if the project comes to pass. Mr. Hollander said they intend to have 24-hour security at the recovery housing building to protect residents and monitor what is coming in and out of the building. He said that all the conversations with treatment professionals said it doesn't matter where they put the development. The recovery process will succeed or fail because of their choices – not influences around them. Mr. Hollander said the treatment professionals were supportive because of connectivity of resources around the area. He reported that Andy's Place hasn't had one police call since they've been open. Mr. Hollander said the individuals referred to live in the 12 apartments will have already gotten off of substances and have done some therapy. These will be people who have succeeded to a certain extent. He said there will be systems in place to deal with minor relapses. If people give up, they won't live there anymore. Mr. Hollander said they are working with same security team that Andy's Place has as far as designing processes and procedures.

Commissioner Chambers asked if Andy's House is set in a comparable neighborhood as this property. Mr. Hollander didn't know comparison of crime statistics. Commissioner Chambers asked if the other housing would stay separate from the sober living housing. She wondered if there was a process for letting people

know who they are staying nearby. Mr. Hollander said it is intended to be a family development. People will be in recovery and not actively in the throes of addiction. The housing won't be treated differently, except providing extra supports to the recovery housing.

Planner Eldridge stated that Commissioner Vyas asked about stormwater management. He wondered if Mr. Hollander could talk about meetings with the BRA and about contamination. Mr. Hollander said they worked with the BRA in 2018 and a civil engineer. Based on fill and environmental reports, there were no significant engineering challenges with stormwater management.

Commissioner Vyas shared that one reason she asked is because this parcel is covered by the NFP Overlay. That is different from what they had seen in 2018. She reported that they've had more significant flooding in last three years.

Planner Eldridge explained that the NFP is an additional step. When this project goes through site plan review, there will be an NFP review as well. Mr. Hollander said these concerns sound like site plan considerations. He reminded Planning Commissioners that the Creamery was another BRA development. The Creamery is on track to achieve LEED Platinum in part because of stormwater management incorporated into the building design. Mr. Hollander said they are fully supportive of NFP.

Commissioner Burgess wondered if the goal for this project was to be LEED Certified. Mr. Hollander said the goal is either LEED or Enterprise Green Communities Certification. He said that everything they do is third party certified under LEED or Enterprise Green Communities. A portion of the project may or may not be certified under Passive House Institute Certification which is a more difficult certification to achieve.

Commissioner Harrison asked about any additional outreach planned since they didn't have participation in their meetings. Mr. Hollander said they are committed to doing additional community outreach. They plan to host a charrette with the Neighborhood Association.

Commissioner Burgess said he was glad to hear of more outreach planned. Changes in the plan since 2018 have addressed a lot of concerns, but he thought a lack of participation might be Covid related.

Commissioner Milliken opened public comment portion of the public hearing.

Commissioner Milliken pointed out that they received some correspondence in their packets including a letter from the Neighborhood Association.

Ms. Christina Allen expressed concerns that pollution from apartment buildings will run down to the river. She also expressed concern that the complex would make the bus route more congested and dangerous for kids. Ms. Allen cited her work taking people to and from a methadone clinic. From listening to these people and by their own admission, that is not something they will want in the middle of a residential neighborhood with children walking to and from school and waiting for a bus. She suggested using property on Stockbridge for this development.

Commissioner Milliken closed the public comment portion of the public hearing.

Commissioner Vyas asked if M-1 has different flood management requirements than the RM district. Planner Eldridge said that from the standpoint of development, M-1 allows more impervious cover than the RM district.

Commissioner Milliken reminded Planning Commissioners that it is a rezoning request, not an approval of a particular project. They are to consider all the potential uses in RM-24.

Commissioner Burgess, seconded by Commissioner Swan, moved to recommend approval to the City Commission to rezone 6.6 acres of 333 E. Alcott from Manufacturing – Limited District (M1) to Residential – Multi Dwelling District (RM24).

Commissioner Burgess thought it was wonderful to talk about bringing a Brownfield site back into use. Even better to bring it back as housing. He felt the transition is appropriate. In general, it is moving in the right direction. Commissioner Burgess said it was appropriate per the Master Plan and was adding something needed and vital to the community in terms of affordable housing.

Commissioner Vyas added that she is nervous about adding large structures to parts of our City that struggle with storm management. She was heartened that any project here will have to go through an NFP review. She is hopeful that whatever project ends up there will serve the neighbors and adhere to NFP protections.

Commissioner Harrison thanked Mr. Hollander for reaching out to the community and being persistent with the project. He thought it was a great opportunity for redevelopment. The letters they received said they supported the redevelopment. Commissioner Harrison felt it would be in their best interest to support them in that endeavor.

Commissioner Milliken reviewed the challenges of the 2018 case. He said there were a lot of comments – in support and in opposition, but they were about a specific use and not the rezoning. Commissioner Milliken felt the efforts to reach out, the letter of support from the Neighborhood Association, and the fact there was only one phone call with concerns showed a change in opinion and the efforts the applicant made to address concerns. He commended the applicant on the changes. It gave him more confidence moving forward with the rezoning. Commissioner Milliken said the rezoning request was consistent with the Master Plan, standards in the zoning ordinance, and the Neighborhood Plan.

Roll call was taken and the motion passed. Commissioners Milliken, Vyas, Burgess, Phelps, Harrison, and Swan voted yes. Commissioner Chambers voted no.

F. DISCUSSION/ACTION ITEMS:

None.

G. REPORT:

1. City Planner's Report

Planner Eldridge talked about the Westnedge and Park Street public feedback sessions for traffic calming techniques. He announced the in-person events at Galilee Baptist Church, Walnut & Park Café, and the Lunchtime Live event. People can go to the Imagine Kalamazoo website to provide comments.

Planner Eldridge said they were working on a sign ordinance update and the draft was available on the Imagine Kalamazoo website. There was an outreach effort done with businesses and Neighborhood

organizations. He shared that there was another upcoming outreach effort which would include a presentation on the changes to the sign regulations. It would most likely be presented to the Planning Commission in September or October.

Planner Eldridge announced that the City Commission was expected to vote on NFP Phase 2 the following Monday.

H. CITIZENS' COMMENTS (Regarding non-agenda items)

None.

I. CITY COMMISSION LIAISON COMMENTS

City Commissioner Urban said he was glad to see the distinction between the rezoning request and site plan review. The issue before them had to do with the land, not the stormwater effects and flooding effects. That will be part of a later discussion. Commissioner Urban was pleased that Mr. Hollander didn't lose interest in this project. Mr. Hollander is doing what he can to fill a need in the community and he scaled project back due to feelings of neighborhood. Commissioner Urban commended him and the board for doing what they are doing.

Commissioner Praedel gave updates from the July 6 City Commission meeting. The City Commission adopted the ordinance to rezone the Wall Street properties and the Northside properties with unanimous votes. They adopted a resolution to continue virtual meetings through December. The Delta variant is rampant, and they felt it was the safest course for the community and City staff.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Harrison said that they might need to consider a different or updated approach to ensure they can have complete community outreach and interaction. He wants to be in step with what the community desires. He thinks that's possible through discussion and adjustment.

Commissioner Chambers reminded Planning Commissioners that the City Commission would be going over the OIR report regarding Public Safety when it came to the Proud Boys and Black Lives Matter march. She encouraged them to support their City Commissioners. Commissioner Chambers informed them it would be a Zoom meeting and they can call in. They can read the report online. She felt it was something they all need to be a part of if they can.

Commissioner Milliken reminded them that next meeting is before Labor Day.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:45 pm.

Planning Commission

August 9, 2021

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Respectfully submitted,

A handwritten signature in black ink, reading "CK Anderson", is positioned above a solid blue horizontal line.

Christina Anderson,

City Planner

Community Planning & Economic Development