

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
October 7, 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; Shardae Chambers; Brian Pittelko

Members Excused: Jennifer Swan; James Pitts

City Staff: Christina Anderson, City Planner; Pete Eldridge, Assistant City Planner; Beth Cheeseman, Executive Administrative Assistant; Chris Praedel, City Commissioner; Charles Bear, Assistant Attorney

Public Present: Jacob Tardani, Emily Agnello, Deon McKinley

A. CALL TO ORDER/ROLL CALL

Commissioner Milliken called the meeting to order at 7:00 p.m.

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

B. ADOPTION OF FORMAL AGENDA

Commissioner Vyas, seconded by Commissioner Chambers, moved approval of the October 7, 2021 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Commissioner Burgess, seconded by Commissioner Phelps, moved approval of the August 9, 2021 minutes as presented. With a voice vote, the motion carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

Commissioner Milliken shared the process for people to leave public comment.

E. PUBLIC HEARINGS

1. P.C. #2021.13: 3105 Winchell Avenue. Emily Agnello is requesting approval of a special use permit for a group daycare (7 to 12 children).

Planner Eldridge gave the staff presentation. The request is for an existing daycare to expand to a group daycare. He stated that the daycare has been in operation since earlier this year as a home daycare for 1-6 children. The property is roughly 1/3 acre. The house is just under 2,000 sq ft. with a two-stall attached

garage. The driveway is approximately 50' in length and is two lanes wide. Planner Eldridge said that the whole area is in the single-dwelling zone district with single family homes around the subject property. He said home daycares can step up to a group daycare if they meet the requirements of the ordinance. Planner Eldridge stated that the request aligns with the Future Land Use map (R-1 Residential). Daycares are permitted in this low intensity residential zone. He said that group daycares are permitted if they meet regulations of play area size and if they are not out of character with the neighborhood. One requirement for a group daycare is that it needs to be located along a collector or arterial street. The property at 3105 Winchell Avenue is located on a local street. Ms. Agnello has applied for a variance which will be heard at the ZBA meeting next week. If the Planning Commissioners approve this Special Use Permit, approval would be contingent upon the variance being granted. Planner Eldridge stated that the request aligns with the Strategic Vision by providing a needed neighborhood service. It is part of Complete Neighborhoods to have daycare locations in the vicinity of residential areas. He announced that the City sent notices to property owners and placed a notice in the Gazette. Ms. Agnello sent letters to her surrounding neighbors. She received five correspondence of support – three from immediate neighbors and two others who live in the vicinity of Winchell. Planner Eldridge stated that the request meets Special Use Permit criteria. The daycare and hours of operation are very normalized – open M-F from 8-5. The daycare won't be open in the summer when school is closed. No changes are proposed to the exterior of the structure. The back yard is fenced and there is mature vegetation around the property. The road capacity is sufficient for emergency vehicles. Planner Eldridge explained that Winchell Avenue has two segments. Oakland to Rambling is classified as a collector street and group daycares would meet requirements in that location. Ms. Agnello's house is 800 feet west of Rambling which places it outside of that collector classification and puts it in a portion of Winchell which is considered a local street. Staff recommendation is for approval of the Special Use Permit for the group daycare with a condition of the approval of the variance from the ZBA.

Ms. Emily Agnello, applicant, shared that she is currently a provider for up to 6 children. Before this she was a pre-school teacher in Kalamazoo, but the school closed due to Covid. Her Licensing Consultant urged her to offer care for up to 12 kids. She stated that there is a need for childcare right now with some people waiting up to two years to get a spot. Ms. Agnello hopes to help the community and provide that service. She stated that approximately 50% of her families are from Winchell.

Commissioner Phelps said she thinks the proposal fits the need of the community very well. She wondered if there would be increased traffic issues due to traditional school start and stop times. Ms. Agnello found most parents drop off between 7:15-8:00am. She said that doesn't interfere with elementary drop-off because they start at 8:50am. She usually only has one to two parents at a time dropping off. Afternoon pickup varies between 3:30-5:00pm. Ms. Agnello said her stretch of Winchell is busy. She doesn't see a lot of added traffic compared to what is there currently. In response to a question from Planner Eldridge, Ms. Agnello shared that one family walks over to drop-off of their children and one family bikes over. That helps with traffic.

Commissioner Milliken opened the public comment portion of the hearing.

No public comments.

Commissioner Milliken reminded them of several letters of support for this item.

Commissioner Vyas, seconded by Commissioner Burgess, moved to approve a Special Use Permit for a group daycare at 3105 Winchell Avenue conditioned upon approval of a variance regarding street classification.

Commissioner Vyas agreed that the situation with childcare is dire right now. She felt that a professional taking on the responsibility of more children to support families is generous. Commissioner Vyas expressed her support of this request.

Commissioner Milliken agreed with the staff report regarding their recommendation, and he said that included compliance with zoning ordinance standards. He was pleased and impressed by the letters of support by neighbors – especially for a use that can have an impact on neighbors with the increased intensity. In terms of the variance, while Commissioner Milliken agreed with the classification of the road and the standards, he felt this is a unique situation. Winchell is a local street in that area, but it functions much differently than typical considering the density of housing units at the end of road and traffic that moves along it. He could see a variance as well-justified.

A roll call vote was taken and passed unanimously.

2. P.C. #2021.14: 1011, 1017, 1029 Denner Street/1405 Alamo Avenue. Request to rezone from Residential – Single Dwelling District (RS-5) to Residential – Duplex District (RD-19).

Planner Eldridge shared the staff report. He mentioned that the lots are of a substantial size. The applicant, Mr. Jake Tardani, owns three out of the four properties. Mr. Hernandez owns the fourth property, and he is participating on the rezoning. Planner Eldridge reviewed the properties: 1405 Alamo is set up as a three-unit rental; 1029 Denner is laid out as a duplex but can only be used as a single-family home; 1017 Denner is owned by Mr. Hernandez; 1011 Denner is laid out as a duplex, but also lost its legal non-conforming status. Mr. Eldridge noted the depth of the lots and the trees. He said some of the properties are in the NFP overlay due to woodlands and slopes. There are no NFP implications due to rezoning. Planner Eldridge explained that the proposal is to expand the Residential Duplex Zoning across to the west side of Denner with these four properties. He said the request is in alignment with the Future Land Use map which is shown as R-2. This is a medium density residential classification which allows duplexes. The rezoning touches on Complete Neighborhoods in the Strategic Vision because it will allow for additional housing units. In this case, the housing units are already there, it is just not legal to use them as duplexes. Planner Eldridge stated that Mr. Tardani reached out to surrounding property owners. He received one letter of support. City staff sent letters out and put a notice in the Gazette. Planner Eldridge reviewed other evaluation criteria. He stated that there was a point in which these properties were utilized as multi-dwelling units, but usage over the years hasn't aligned with zoning. The Future Land Use map shows the density is appropriate for this area. There is a demonstrated community need of additional housing units. Planner Eldridge stated that this would be compatible with adjacent properties. He noted they are large lots, and he didn't think a few additional vehicles on the properties would be noticeable to the neighbors. He doesn't anticipate conflicts with adjacent properties. Planner Eldridge said it is just a modest increase in density - not that much of a variation in number of dwelling units. Staff recommendation is to recommend approval of the rezoning request to the City Commission.

Commissioner Phelps asked if the dwelling with three units would have to go down to two units if the rezoning was approved. Planner Eldridge said it would remain legal non-conforming and would be allowed to continue to operate. However, if it is somehow damaged more than 50%, then it could be rebuilt as a duplex. He shared that there is a higher unrelated adult occupancy standard for the RD-19 zone district. It allows for a maximum of four unrelated adults.

Mr. Jake Tardani, applicant, said his goal is to help create more rental units within the City. He shared that he lived on Denner when he was a student, so it is close to his heart. Mr. Tardani said he wanted to touch on three basic points. He believes in the core vision of providing housing and respecting his tenants and

the neighbors. He said a lot of neighbors he talked to were on board with this request. Some expressed concerns about poorly managed rentals in town – especially nearby. Mr. Tardani said that is the opposite of what he does in his company and family. He has purchased 26 properties. This is his passion - to restore old, sad, abandoned houses and to help people. He said two houses were bought as duplexes, but their certifications lapsed. This request is to get approval to rezone the properties to run them as duplexes. Odyssey Properties has a CDBG grant through City of Kalamazoo for affordable housing. He expects that to grow and blossom. He is developing two properties on Denner and he owns 4 of the 6 properties across the street. Mr. Tardani said he has tentative contracts to buy two more – then he will own from corner. Mr. Tardani welcomed Planning Commissioners to drive through the neighborhood and tour them. He hopes they get approved.

Commissioner Milliken opened public comment portion of the public hearing.

Anonymous caller: She said she called to oppose the rezoning on Denner. She noted that the individual owns 23 properties with many of them in disrepair. The caller stated that many do not have easy accessibility to anyone who needs assistance. She didn't feel that RD-19 zoning would be conducive to the safety of the existing neighborhood. The existing neighborhood has non-owner occupied housing and has crime, drug dealing, animal abuse, trash, and screaming in the night. The caller stated interest in having the applicant offer these units as rent to own so generational wealth is transferred instead of it being a slum lord in training exercise. She noted that the owner of the properties lives across the street from an elementary school and that may be a better location for multi-units for safety and accessibility for utilities and public services. The caller noted that Fox Ridge around corner is a high-crime area. She felt that since the City had already given money to this individual, then it was a done deal. She said that many neighbors who own houses are not interested in this. The caller expressed a desire for the Planning Commission to begin in-person meetings for public accessibility.

Commissioner Harrison asked for more information about RD-19 zoning being conducive to a neighborhood. Planner Eldridge stated that the RD-19 zone district allows for cluster housing development. He said that once parking, stormwater detention, and landscaping is included on a property, you don't end up with the maximum number of dwelling units allowed. An acre of land in the RD-19 zone district could hold up to 29 dwelling units per the ordinance in a cluster development set up, but this is impractical with all the other site development requirements. Planner Eldridge stated they can't add a big grouping of units unless it is on a large parcel of property and there aren't many of those in the City. He explained that these parcels on Denner and Alamo are individual parcels that don't have a lot of frontage. Just because an area is rezoned to RD-19, doesn't mean there will be a maximum number of dwelling units allowed there. Only certain circumstances allow for cluster housing to occur.

Commissioner Phelps, seconded by Commissioner Pittelko, moved to recommend to the City Commission to approve rezoning of 1011, 1017, 1029 Denner Street/1405 Alamo Avenue from Residential – Single Dwelling District (RS-5) to Residential – Duplex District (RD-19).

Commissioner Phelps said the staff put together a great recommendation. She is familiar with area. The fact that the properties were already set up as multi-unit residences, indicated that was the intent when they were built. She felt this can serve the community in the future. She is happy to see Mr. Tardani have a vested interest in the community as opposed to a large development company coming through and plowing these over.

Commissioner Pittelko agree that the report was very helpful. He said they are currently in need of housing of every type in the City. These types are very necessary as well. Commissioner Pittelko said he will be supporting the motion.

Commissioner Harrison was mindful of the community input. He expressed a desire for staff, developers, and the Planning Commission to work with the community, make sure residents are heard, and that business owners are successful as a collaborative process.

Commissioner Milliken said the request is compliant with the Future Land Use map and standards of the zoning ordinance. He said he puts stock in the fact that the City vetted this request in granting the funds given previously. The units very easily could have been utilized as duplexes without making the request. Commissioner Milliken appreciated the efforts of going through and following the steps.

Mr. Tardani stated that he hears the concerns of the community and takes them seriously.

A roll call vote was taken and passed unanimously.

3. P.C. 2021-15: 717 Riverview Drive. Deon McKinley is requesting a special use permit to expand an existing auto sales business, which is located in the Commercial - Mixed Used District.

Planner Eldridge presented the staff report. He shared that the request is for an expansion project within the confines of the existing dealership parcel. Mr. McKinley also owns the vacant lot to the south of the site, but he is not doing anything with it at this time. Planner Eldridge reviewed information about the 717 Riverview Parcel. The vehicle display area is out front and the office on site is 480 sq ft. Mr. McKinley has proposed a new 2,400 sq ft building positioned where the office trailer is now. Planner Eldridge shared that the area is a mix of commercial and residential on a high traffic transient corridor leading into downtown. He said this area is part of the Riverfront Overlay - Commercial Mixed-Use Subarea 6. This allows for a variety of commercial uses, but it doesn't promote new businesses for auto sales. Existing auto sales are a conforming use, but expansions of those businesses require a Special Use Permit. Planner Eldridge noted there are a number of auto-oriented businesses on this part of Riverview Drive. The Future Land Use map identifies Riverview Drive as commercial. Planner Eldridge stated that MVP Auto Sales has been on the site since 2002. This is an opportunity to see a local business grow within the City limits. That is an element of the Economic Vitality goal of the Strategic Plan. It is also a focus of the Eastside Neighborhood Plan to redevelop and sustain businesses in place along the Riverview Drive corridor. The applicant reached out to the Eastside Neighborhood Association and they provided a letter of support. City staff sent letters and posted a notice in the Gazette. Mr. McKinley talked to a number of business owners in the area. Planner Eldridge said that the request is compatible with area businesses. As far as compliance with standards in ordinance, there is paved parking for all motor vehicles. He stated that this project will require site plan review. The new building will allow for vehicle prep in the building instead of outside as Mr. McKinley has done for years. There is adequate access for emergency vehicles and ingress and egress. Planner Eldridge said that staff recommendation is to approve the Special Use Permit.

Mr. McKinley, applicant, said he is trying to enhance the neighborhood with the new building. This will enable him to employ 3-4 more people. He is trying to move to the next level of business.

Commissioner Milliken, Mr. McKinley and Planner Eldridge clarified the positioning of the building and how much bigger the building will be than the existing trailer.

Commissioner Milliken opened the public comment portion of the hearing.

No public comments.

Commissioner Milliken reminded them that they received one email.
Commissioner Milliken closed the public comment portion of the hearing.

Commissioner Burgess, seconded by Commissioner Chambers, moved to approve a Special Use Permit to expand an existing auto sales business, which is located in the Commercial - Mixed Used District.

Commissioner Burgess commented positively on the expansion, saying it will be a welcome addition to the neighborhood. It was wonderful to see the improvement.

Commissioner Chambers thought it would be nice to see the expansion, to use the rest of the space. She thought it makes sense for his business growth and it falls in line with City goals. Commissioner Chambers was happy to see the Neighborhood Association's support as well.

Commissioner Phelps said it was nice to see someone local trying to improve the community and sticking around. She congratulated him on being in a position to grow.

Commissioner Pittelko hoped that Mr. McKinley will be able to expand and get his hands on some inventory. It is hard for car dealers right now. He shared that he is glad Mr. McKinley is able to expand his business and he wished him success.

Commissioner Milliken stated that the request complies with standards for a special use in the zoning ordinance. He said it is unique because of the overlay.

A roll call vote was taken and passed unanimously.

F. DISCUSSION/ACTION ITEMS:

None.

G. REPORT:

Mr. Charlie Bear, Assistant Attorney, will be attending future meetings on behalf of the City Attorney's office. He began working for the City Attorney's office this past April, and he will be working with Zoning and Planning among other duties with City. Mr. Bear shared that he has some background in the area and he is looking forward to working with them.

1. City Planner's Report

Planner Anderson introduced some updates they are starting with the zoning code. She said that over the next 6 months or so, they will be working on engaging and presenting updates to commercial zoning. This will include commercial zoning and overlay districts, signs, and general development standards.

Chapter 6 includes landscaping, open space, screening, fencing, and lighting. Planner Anderson said they will review these sections and update them based on variances they've received. Design Standards will be updated based on existing form-based districts. She said that Design Standards will probably be broken up and tied to specific districts. Planner Anderson said that the Operational Performance Standards (noise, odors, etc.) will be updated to reflect current state and federal laws.

Planner Anderson stated that the Sign code was updated to make sure it was compliant with the most recent judicial rules (specifically Reed case). Updates include where pedestrian-oriented signs are permitted; updated to reflect new zoning districts; clarified new types of signs and any variances; clarified language and adding illustrations as necessary. She said the Sign code is available online at imaginekalamazoo.com/projects/signs. Planner Anderson mentioned they will also update two sections in the municipal code regarding sign construction in the building code and posting posters and playbills on public spaces. Those sections will go forward to the City Commission along with the zoning pieces. She said they have done outreach to the business community a couple times this summer. They also reached out to the sign companies. It is out for public review.

Planner Anderson said they will also be updating commercial districts. It was last updated in 2005. They will be updating the text of the zoning code. She said there are many commercial districts and some of them are not mapped, some have been replaced, and some have a very narrow focus. They will also be reviewing the overlays. Planner Anderson said they will do a map amendment as well. She said they need to make sure they look at neighborhood corridors vs large/auto-dominated corridors. They will be mindful of street types, land use, and transportation so they work together and not against each other.

Planner Anderson said they do not have a public participation plan yet for this work. They will be back in November or December with an update. She shared they have a consultant working with them. They want what works to support commercial development in the City. Planner Anderson shared that she has been going lot by lot to understand the districts, where they are, their character, and the standards.

Commissioner Milliken asked what Planning Commissioners can do for this process. Planner Anderson asked them to follow along with whatever meetings they have and to follow imaginekalamazoo.com. She said her goal is to have it before them before March and new members. Planner Anderson said that come March and April they will start working on residential zoning. When next year ends, it will be time for the next Master Plan. She let them know they will hear the Sustainability Strategy and more information on the site plan review policy at the next meeting. She encouraged Planning Commissioners to review traffic projects on the Imagine Kalamazoo website.

2. Site Plan Spreadsheet

No comments.

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

No public comments at this time.

I. CITY COMMISSION LIAISON COMMENTS

City Commissioner Praedel reported that the 333 Alcott rezoning was passed at City Commission. He said they had a couple residents inquire about accessing documents related to boards and commissions. Commissioner Praedel explained how to get to the following link: <https://www.kalamazoocity.org/boarddocs/planning-commission>. He also explained that in the future minutes from March 2021 will be published on Civic Clerk at <https://kalamazoomi.civicclerk.com/web/home.aspx>. He stated that the previous draft of minutes could be found in the meeting packets which are posted. To access notices <https://kalamazoocity.org/notices>. Recordings are available on the City of Kalamazoo YouTube channel. Commissioner Praedel informed Planning Commissioners that absentee ballots are now available for municipal election on November 2. There are four seats vacated on the City Commission. He said that three seats are four-year terms, but the fourth seat is a two-year term. Commissioner Praedel mentioned that it will include the election for Mayor and the Kalamazoo County Transit Authority has a renewal on the ballot. People can request absentee ballots by October 25 by 5:00pm. They can also get an absentee ballot in person at the Clerk's office up to 4:00pm on November 1. He pointed out that there are drop boxes around the City. Commissioner Praedel suggested they check out Vote411.org and click on Find What's on my Ballot tab. He said they can see candidates side by side to compare and contrast. Commissioner Praedel said that people can go to imaginekalamazoo.com for the Sustainability Plan and can comment on the strategy and sign up for updates. He also shared that he attended the EGLE presentation on Graphics Packaging. He said that people can go to michigan.gov/EGLE/Graphic Packaging to access that report.

Commissioner Milliken thanked him for sharing what happens to the items they pass along to the City Commission.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Chambers encouraged all to vote in November. They will have new Commissioners and they need to work together. She reported that the Kalamazoo County website is taking suggestions for what to use the American Rescue dollars. Commissioner Chambers shared that this could have a huge impact in the community.

Commissioner Harrison stated that he thinks community engagement looks/feels differently in a Covid world. He encouraged everyone to think about what access to residents and developers looks like and what community participation looks like.

Commissioner Milliken stated he thinks meetings should be all virtual or all in-person. He doesn't think hybrid would work well for engagement.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:44 pm.

Planning Commission

October 7, 2021

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Respectfully submitted,

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

Christina Anderson,

City Planner

Community Planning & Economic Development