

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
August 4, 2022
FINAL

Members Present: David Burgess; Michael Harrison; Shardae Chambers; Sakhi Vyas, Vice Chair; Jennifer Swan

Members Excused: Gregory Milliken, Chair; Brian Pittelko; James Pitts; Mariah Phelps

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

A. CALL TO ORDER/ROLL CALL

Commissioner Vyas called the meeting to order at 7:06 p.m.

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

B. ADOPTION OF FORMAL AGENDA

Commissioner Burgess, seconded by Commissioner Chambers, moved approval of the August 4, 2022, Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Commissioner Burgess, seconded by Commissioner Swan, moved approval of the July 7, 2022, minutes as presented. With a voice vote, the motion carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

None.

E. PUBLIC HEARINGS

1. PC #2022.07: Vacate Cooley Street. Vacation of Cooley Street between Eleanor Street & W. Water Street

Planner Durkee came forward to speak to the request to vacate Cooley Street between Eleanor and W. Water. He showed how the land will be divided if the street is vacated. Each block surrounding this portion of Cooley Street is held by a different ACW company of the same entity. Planner Durkee said that Arcadia Creek is a parcel of land held by the DDA on both sides. The trail itself, access and maintenance are covered under easements. Planner Durkee showed photos and maps of the area noting that it is mostly parking lots and staging areas. The adjacent blocks are zoned D2. He stated that all parcels will still have right-of-way frontage on other sides. Planner Durkee showed a diagram of the proposed mixed-use buildings. There will still be a roadway through that section. He went through the rationale for staff support

of this vacation request. The closure of this stretch of right-of-way will not close off adjacent street access to a road. Planner Durkee reported that when a request comes in, it is sent to multiple City departments. He said that all departments were accepting of this vacation. They did request some conditions of the vacation – easements would need to be maintained over the right-of-way for stormwater/water infrastructure. Planner Durkee said that for private utilities that exist there, the applicant must provide written confirmation that they have been removed or if utilities are still there that the company is in favor of the request and this company's utilities should be included in the easements. He said it was a unique characteristic to have a mid-block crossing on a vacated street of a pathway easement. The applicant intends to close those two pieces. If it is vacated, the pathway would continue through the same way. Planner Durkee reported that it is not a high traffic street and there is sufficient capacity on adjacent roads. The developer has accommodated the design to make sure the through way exists and the easements will be in place for utilities and for the pathway crossing. He added that the DDA heard this request in June. Their intent was to have legal counsel work out easement details. That work is ongoing. Planner Durkee said the Planning Commission recommendation will go to City Commission for a vote on this request.

Commissioner Burgess mentioned the easements and the applicant's intention to maintain the pathway. He wondered if that should be built into a condition. Planner Durkee described it as two layers of easement – a formal right-of-way and another east west easement to connect it. Ensuring the second layer of easement on top of the utility easement could be managed in site plan review. Commissioner Burgess expressed hesitation to be less than explicit with what an applicant intends to do but accepted that it could be handled with site plan review.

Commissioner Vyas asked when the vacation would take effect if it was approved. She noted that people use this road as a bypass for construction. Commissioner Vyas wondered when it becomes public knowledge that this is not a public street. Planner Durkee explained that it would go through two readings at City Commission. By policy, the applicant then has 60 days to work with the City Attorney's Office and Assessor to provide real estate transaction documents. People could be informed by the deed transfer, this public hearing, or they could go to the county to find out.

Mr. Andy Wenzel, PlazaCorp, came forward to speak to the request. He noted that the ACW companies fall under PlazaCorp. Mr. Wenzel gave a brief history of PlazaCorp. He reported that they usually partner and collaborate with many entities, including MEDC, Brownfield Authorities, and the National Park Service. Mr. Wenzel showed a rendering of the project they want to put by Cooley Street. It will be a two or three phase project with two buildings. He spoke about plans for parking. This project would bring about 400 new residential units in the two buildings. Mr. Wenzel reported that it would be approximately a \$100 million investment in Kalamazoo. They will pursue Green Globes certification. Mr. Wenzel thought this project would help activate the NW quadrant of the City and connect adjacent neighborhoods. It will bring a residential mixed-use development close to the universities and will add density, walkability, and remove blighted buildings on the site. He said they would maintain vegetation on that stretch of the creek. Mr. Wenzel shared that they are in a concept design phase. The DDA is in support of this action and collaboration. He said it is likely there would be a conveyance to the DDA and then the DDA would convey above ground responsibilities to them and the DDA would retain the creek rights under the bridge. Mr. Wenzel confirmed that the easement on both sides of the Kalamazoo Valley Trail would be connected and that can be done in site plan review.

Commissioner Burgess asked how they would manage parking and retail. Mr. Wenzel said it would be a combination of parking and then on the ends would be the mixed-use. Part of it will be amenities for the buildings and part of it would be a restaurant or that type of use. He shared that between the buildings and the creek will be outdoor activation space. They want to put a traffic calming mechanism. Commissioner

Burgess clarified that they want to vacate the space, but still have traffic go through there. He wondered if they would be reducing it to one lane. Mr. Wenzel said it would be one lane in both directions.

Commissioner Chambers asked how the traffic flow would work for the surrounding uses, for example, the new county courthouse. Would there be adequate space for parking and the flow of traffic? She also asked if they were adding any places where people have to pay for parking or if it would be free general parking. Mr. Wenzel said that traffic flow would be part of the site plan process. He was confident they will be able to accommodate the increase. They will work with the City on that issue. Mr. Wenzel confirmed there would be parking in that stretch. He wasn't sure if it would be assigned for the development's use only. Commissioner Chambers asked if this development would include affordable housing. Mr. Wenzel said they haven't finalized that yet, but he thought it may have 10% in the affordable range.

Commissioner Harrison asked about the scale (height) of the project and if it would fit into downtown. Mr. Wenzel said with more units and more density, they would be going a little higher. He thinks it will be a good fit for that location.

Commissioner Vyas also asked the developer to make sure that affordable housing is an integral part of his planning.

Commissioner Vyas announced the number for calling in comments.

There were neither in-person comments nor phone comments.

Commissioner Harrison, seconded by Commissioner Chambers, moved to close the public hearing. The public hearing was closed.

Commissioner Burgess, seconded by Commissioner Swan, moved to recommend approval to the City Commission of the vacation of Cooley Street between Eleanor Street and W. Water Street with the condition that easements for utilities and stormwater management be established.

Commissioner Burgess felt the request fit all the required criteria. He thought the issue of affordable housing is important and he hoped the applicant would take it seriously, but it was not relevant to the street vacation.

A roll call vote was taken and passed unanimously.

2. PC #2022.08: Amendment to Appendix A, Zoning Ordinance. Text amendment to remove the Wellhead Protection Overlay from Chapter 3 of Appendix A: Zoning Ordinance.

Planner Eldridge reviewed a slide of where the wellhead capture zones exist. He said they extend beyond the City boundaries. Planner Eldridge reported there have been changes over the years to a number of wells in active use and other matters that have caused a change in the delineation in some of the capture zones. Some capture zones may have grown, and some may have shrunk. Public Services worked with the Michigan Department of Environment Great Lake and Energy (EGLE) to get new capture zone maps approved which now need to be added into the City's Code of Ordinances. The City also entered into new water rate agreement with the surrounding townships and cities. Part of the agreement is the requirement that those adjacent jurisdictions adopt their own wellhead protection ordinance. Planner Eldridge explained that Public Services have been enforcing the ordinance. They are continuing to bolster these ordinances and

the performance standards for stormwater management. It's not the responsibility of the zoning inspector and should really be taken out of the Zoning Ordinance. The text amendment includes the removal of a reference in a table and the subsection which applies to the table (section 3.5). Planner Eldridge said notices were sent to all property owners within the capture zones (~14,000 postcards). They did receive a number of calls requesting an explanation. The notice was also placed in the Gazette. Planner Eldridge explained that the public hearing was step one; step two would be approval at the City Commission level. He said that at the same time Public Services would bring forward the amendments of Chapter 39 of the Code of Ordinances to create a new chapter to house all the Wellhead Protection Standards. Planner Eldridge commented that they are not taking anything away. The information will be moved. He went over the rationale for approving the request. The request is consistent with the Master Plan and the objective of Good Environmental Stewardship. New wellhead capture zone maps were approved by EGLE in 2021. Consolidation will bring together the ordinance regulations, new maps, and references to performance standards in Chapter 39. This new ordinance will apply to capture zones inside the City and outside with the new requirement that adjacent jurisdictions adopt their own wellhead protection ordinances.

Ms. Jean Talanda, Environmental Programs Manager, is responsible for maintaining compliance with environmental regulations. This includes wellhead protection which oversees drinking water supply (which is 100% groundwater fed), stormwater permits to discharge to the creeks, surface water bodies and the Kalamazoo River. She is also responsible for contaminated sites for which the City has liability. Ms. Talanda shared that a big part of her job is stormwater, environmental, and wellhead in the site plan review process. She stated that the system is changing constantly, and regulations require them to keep on top of that. The Wellhead Protection Program is designed to protect our wells. Ms. Talanda reported that they operate 90-100 wells inside and outside the City. A cluster of wells is called a well field. The area around well field is where they need to limit land use and chemical use. That's the reason for the wellhead ordinance. She commented that she didn't know why this had been put in the zoning code. Ms. Talanda said they are obligated, when they make changes, to model areas so they don't underuse or overuse the aquifers. She said the last change in the wellhead overlay was in 2015 and since then they have changed a lot. Ms. Talanda indicated they are in good standing with the State, but in order to apply the ordinances in site plan and stormwater, they have to get this ordinance updated. She said they took time to thoroughly go through the documents and properly upgrade performance standards for wellhead and stormwater management. They also increased environmental regulations within the City. Ms. Talanda thought it was to Public Services advantage to remove the overlay from the zoning code to use it more clearly for compliance. It is a map based overlay – not based on parcels. She said the other driving force for this change is they have the new water rate agreement with jurisdictions around. It is difficult to control land use or chemical use after they extend outside the City boundary. Ms. Talanda believed adjacent jurisdictions can use this as a starting point for their own wellhead protection documents.

Commissioner Vyas asked Ms. Talanda to define groundwater. Ms. Talanda said it is the water in the ground beneath your feet. Wells in the City can go down 100'–400' deep depending on its location. She said there are tremendous aquifers here that are interrelated. This ordinance and capture zones are integral to maintaining large areas where they pump the water out of the ground. The water is then treated and becomes the drinking water supply.

Commissioner Vyas asked how the new ordinances and requirements help protect people from PFAS. Ms. Talanda said the ordinances don't specifically cover that. It covers how they restrict land use or chemical use.

There were neither in-person comments nor phone comments.

Commissioner Chambers, seconded by Commissioner Harrison, moved to close the public hearing. A voice vote was taken and passed unanimously.

Commissioner Harrison, seconded by Commissioner Swan, moved to recommend to the City Commission to remove the Wellhead Protection Overlay from Chapter 3 of Appendix A: Zoning Ordinance.

Commissioner Harrison appreciated the education on the importance of the overlay and its removal. He also appreciated the overall education on ground water and felt it was important to move this forward.

Commissioner Vyas thought it was important that this ordinance is distinct from the zoning code.

A roll call vote was taken and passed unanimously.

F. DISCUSSION/ACTION ITEMS

None.

G. REPORTS:

1. City Planner's Report

Planner Anderson said the City Commission approved the Public Participation Policy. The first meeting of the Community of Practice group is set. She said they are looking forward to working together.

Planner Anderson announced that starting Aug 15, the Westnedge and Park project will go in next phase. They will be installing a protected pilot bike lane. The next phase will be in Vine and the Southside neighborhood. It will go all the way down to Maple Street. They will start with signs, paint, and cones. In late September or early October, delineators will be installed. This is a pilot program to help them study this type of lane in the colder months and how maintenance works.

Commissioner Vyas asked how that is different from the bike waves. Planner Anderson said there is a pilot installation of a cycle track or bikeway (which means that it is bidirectional in that space). It was a project supported by City but led by Vine and a group called Mode Shift. That will be up through September. She said there will be some overlap between that project and the bike lanes on Westnedge and Park. The waves were rented to use through September.

Planner Anderson shared that there would be meetings to convert Kalamazoo Avenue, between Harrison to Douglas, to two-way traffic. It will be a massive utility project. She said they want to get input and let everyone know this work is coming. Planner Anderson said they gave information out at the Stuart Neighborhood, the Douglass and Northside National Nights Out, and at Lunchtime Live. She announced the Art Hop stop coming up, and the walking audit at the Arcadia Festival site. Because the two-way conversion is coming, Planner Anderson said they wanted to seek input on how to make Kalamazoo Avenue

user friendly and find out how are people moving across it. They need to create spaces for people to move that are in the right place and are serving people.

Planner Anderson announced a downtown business forum breakfast meeting scheduled for August 31. She said all the information is available online at ImagineKalamazoo.com. She said they walked the corridor and handed out fliers. There is a QR code on fliers or people can go to ImagineKalamazoo.com to fill out a survey.

Commissioner Chambers asked if they had touched base with Kalamazoo Administration Building and county staff, so they know of the changes coming to Kalamazoo Ave. Planner Anderson shared that she and Public Services staff are having 1:1 meetings with property owners and stakeholders. They have met with county staff, and they will be attending their COW meeting to present to County Commissioners. She said they also posted fliers in their lobby.

Commissioner Chambers asked if they would do a forum for residents about how to drive with the presence of bike lanes. Planner Anderson said that staff is working on educational materials for drivers. They will have big boards out at either end of Westnedge and Park. They will also bag meters for the pilot. Planner Anderson said that everyone who works or lives on the corridor got a postcard.

Commissioner Harrison asked how people will hear the results of the pilot study and the process for implementation. Planner Anderson said they do speed and traffic studies in advance and then repeat them and share results. They have sent postcards, door hangers, neighborhood meetings, surveys. If it is decided to make it permanent, Westnedge is scheduled for underground water work in coming year. At that time there would be a chance to change lane markers, place additional bollards and make it a more permanent application.

2. 2022 Site Plan Review Spreadsheet

Pete Eldridge announced that part of the spreadsheet got cut off in the packet. He will email the remaining spreadsheet.

H. PUBLIC COMMENTS:

There were neither in-person comments nor phone comments.

I. CITY COMMISSION LIAISON COMMENTS

Commissioner Praedel thanked the City staff for the work they are doing on motorized strategies. He mentioned that Commissioner Pitts went to the City Commission meeting. He asked Planning Commissioner to keep him in their thoughts. On July 18 the City Commission adopted amendments for Chapter 22 Ordinances. He said they need to continue to educate the public about what they are trying to accomplish – these items have become civil infractions. The Public Participation Policy was approved. It

provides a predictable process, planning guide, and tool kit. Some changes were made to Ordinance for 20B. That ordinance licenses and regulates medical and adult use of cannabis. Changes reflect legislative and regulatory changes, and they changed some rules on how they issue local approvals. Commissioner Praedel spoke about a Strong Towns article, “If we Build Cities for Kids, we Build Cities for Everyone.”

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Chambers said she appreciated staff providing information and arranging the different forums to tell people about the changes. She was happy they were getting in touch with the public.

Commissioner Vyas thanked everyone for their patience with her for chairing the meeting.

K. ADJOURNMENT

Commissioner Vyas adjourned the meeting at 8:23 pm.

Respectfully submitted,

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

Christina Anderson,

City Planner

Community Planning & Economic Development