

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
December 1, 2022
FINAL

Members Present: David Burgess; *Shardae Chambers; Gregory Milliken, Chair; **Michael Harrison; Brian Pittelko; Sakhi Vyas, Vice Chair; James Pitts

Members Excused: Mariah Phelps; Jennifer Swan

City Staff: Pete Eldridge, Assistant City Planner; Beth Cheeseman, Executive Administrative Assistant; Chris Praedel, City Commissioner; Charlie Bear, Assistant City Attorney; Zach DuMont, AmeriCorps Service Member; James Baker, Public Services Director

A. CALL TO ORDER/ROLL CALL

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

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

B. ADOPTION OF FORMAL AGENDA

Commissioner Burgess, seconded by Commissioner Vyas, moved approval of the December 1, 2022, Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Commissioner Pittelko, seconded by Commissioner Burgess, moved approval of the September 1, 2022 minutes as presented. With a voice vote, the motion carried unanimously.

Commissioner Burgess, seconded by Commissioner Pitts, moved approval of the November 3, 2022, minutes as presented. With a voice vote, the motion carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

None.

E. PUBLIC HEARINGS

1. P.C. #2022.11: 3650 Alvan Road. 3650 Alvan Road LCC is requesting to rezone the west 1.6 acres of the parcel from the Commercial - Community District (CC) to the Manufacturing- Limited District (M-1).

Mr. Eldridge shared that this property is a 3.5 acre parcel that is situated between Sprinkle Road and Saidla/Alvan Roads. In 2018 this property along with 36 other properties were all rezoned from M-1 to CC. Mr. Eldridge said that the Sprinkle Road interchange had developed into more of a commercial hub. Mr. Tom Farrell and his company purchased this property in 2018 not long before that rezoning occurred.

Last year Mr. Farrell asked about doing something different with the west part of this property to allow for flexibility of development. Mr. Eldridge said they reviewed the area and found that rezoning a portion of this property would not go against the development of land uses in the area. He showed pictures of the property and surrounding areas and he reviewed the zoning and future land use maps. Mr. Eldridge said that the portion of the property that Mr. Farrell desires to rezone is roughly 340 feet. Notices of the public hearing were sent to property owners and occupants within 300'. Mr. Farrell reached out to neighboring businesses to explain his application. Mr. Eldridge stated that Mr. Farrell eventually desires to build a marihuana grow facility on this site. He reminded Commissioners to look at how this request can extend the M-1 district without impacting the commercial zoning around it. Mr. Eldridge encouraged them to think about if light industrial uses will fit in that area. He explained the rationale for staff recommendation. Mr. Eldridge said that Alvan and Saidla Roads were originally envisioned as an industrial area. He shared that if the 340 foot portion is rezoned, it will be adjacent to a trucking business to the west. This would be considered a light manufacturing use. Ordinances are in place for screening, noise, odor, vibration, so there are protections there for commercial uses nearby. This zoning alignment allows more opportunity for economic development of this portion of property. This portion of the property has limited visibility from Sprinkle Road. Staff is recommending that the Planning Commission recommend approval to the City Commission of this rezoning.

*Commissioner Chambers entered the meeting during Pete Eldridge's presentation.

Commissioner Pittelko wondered why a grow operation would be considered manufacturing not agricultural, or why it wouldn't fit under normal commercial zoning. Mr. Eldridge said that the M-1 district allows for expansive agricultural, and most grow facilities are inside requiring large buildings similar to manufacturing buildings. He looked at the use table and commented that the agricultural category is focused more heavily on the manufacturing district.

**Commissioner Harrison entered the meeting as Commissioner Pittelko was asking questions.

Commissioner Vyas asked whether a special use permit had been considered for this situation. Mr. Eldridge said it was not discussed because the plan was to divide the property. It would be a completely separate development.

Commissioner Milliken asked if Millwood had done a neighborhood plan? Mr. Eldridge said they had not.

Mr. Patrick Lennon, Attorney for Mr. Farrell, came forward to address the application. He shared that the portion of property to the east is developed as The Refinery which is a marihuana retailer. They only desire to rezone the westerly third of the property. Mr. Farrell would like to establish an industrial use on that portion of the property. Mr. Lennon said that portion of the property is not suitable for commercial. There is no frontage on Sprinkle Road - no visibility, no easy access. They believe it is best suited as an industrial property. Mr. Lennon confirmed that his client is thinking about establishing an indoor marihuana grow facility and the M-1 zoning would allow him to do that. Mr. Lennon outlined some unique characteristics for this request: 1) the property was originally zoned M-1 and was rezoned to CC with several other properties; 2) Landowners could reach out at that time to ask that their properties not be included in the rezoning; 3) If staff had been aware of a grow facility possibility for this land, the applicant believes they would have withdrawn it themselves; 4) The property wasn't rezoned in 2018 for a specific purpose. Mr. Lennon argued that this portion of the property is more suited to be industrial. If a grow facility is put there, it would be in close proximity to another marihuana use. Mr. Lennon indicated it would be good to concentrate the uses where neighbors are already familiar with it. Mr. Farrell is also a proven operator. He has an existing marihuana facility that has been in operation for three years - no compliance issues,

established track record, good neighbors. Mr. Lennon stated that they feel they have met the criteria of the ordinance for this rezoning, and they don't believe the property is developable as a commercial use.

Commissioner Milliken opened the public hearing.

Mr. Tom Farrell came forward and said he and his son opened The Refinery in 2019. He shared that they've been in good standing with the City. The Economic Development Corporation has looked to them as one of the better licensees - donating, helping out the Northside, hiring Kalamazoo employees, being locally owned and helping local businesses. Mr. Farrell said they would like to develop this area into a grow operation. He thought it would be good for them to have the grow right next to the dispensary.

Phone comments:

Ms. Tina McClinton called and asked about sewers and storm drains in the Southtown neighborhood. She noted that they are staking property lines and putting flags around trees in their neighborhood green space. Ms. McClinton voiced that there are marihuana establishments everywhere in Kalamazoo and there's no need for more.

Commissioner Milliken closed the public hearing.

Commissioner Vyas asked if there was a special process for splitting parcels and then rezoning. Mr. Eldridge said they are two separate processes. Mr. Farrell has done the survey work in advance. They could have moved forward with the rezoning and not had the survey work done. Commissioner Vyas clarified that she was asking for voting purposes. Mr. Eldridge said the vote was just on the rezoning.

Commissioner Burgess asked if they needed to put anything in the motion pending the change of land division. Mr. Eldridge said they didn't need to include that in the motion. Commissioner Burgess clarified that it was no problem to have one parcel zoned two things. Mr. Eldridge said that if the rezoning gets approved through the City Commission, the development will move on to Site Plan Review. They would require the land division take place in order to get Site Plan approval.

Commissioner Milliken shared that when parcels are split zoned, the zoning goes to the category that is the majority of the parcel. Mr. Eldridge added that the predominant zoning of this parcel would be considered CC so they wouldn't be able to have an industrial use until the parcel was split.

Mr. Eldridge stated that the marihuana ordinance says that grow operations have to be in a manufacturing zone district. That was the reason no Special Use was pursued.

Commissioner Chambers asked why they decided to do this change now. Mr. Farrell said they just want the businesses there together. They have a processor business on Miller Road and a small grow in Paw Paw. He said they are spending \$75,000 per year to transport product. Having the grow right there would save a considerable amount of money. Commissioner Chambers asked what safety measures would be added if this was approved. Mr. Farrell said they already have security for the off hours because they have been robbed twice. They will also be adding a parking lot with lighting for the safety of their employees. Mr. Farrell added that they have 32 cameras inside and outside of the building.

Commissioner Pitts wondered about having the grow facility and dispensary close together when the ordinance states that what they grow has to go to a lab. Mr. Farrell said they are required to send samples to a lab for testing. However, a grow can sell directly to a dispensary if they're just selling the flower.

Commissioner Burgess, seconded by Commissioner Pitts, made a motion recommending approval to the City Commission of the rezoning from CC to M-1 of the west 1.6 acres of 3650 Alvan Road.

Commissioner Burgess commented that they are not there to approve the specific use, but they are there for a zoning request. He believed that because the parcel is adjacent to other manufacturing areas, it is logical that it could be manufacturing or commercial. Commissioner Burgess thought the change made sense. He said the biggest thing for him was its compatibility with existing and proposed uses surrounding the subject land.

Commissioner Vyas said she would normally want to wait until it was in the process of site plan review. However, because the property is owned by the same firm, there is a plan in place, and the vision aligns well with the surrounding area, it seems like a logical change.

Commissioner Milliken agreed that they needed to focus on the zoning district and not the specific use. It could be used for anything in M-1, or it could be sold. He indicated that when he first looked at the packet, he wasn't thinking that favorably of the request. Once he drove around the area, he saw that the character of the area is not very commercial. The character changes as far as access and uses. Commissioner Milliken said he was on the Planning Commission in 2018 and approved that zoning. That type of macro level rezonings are not unique. He hoped that when they looked at the next Imagine Kalamazoo, and when Milwood does a neighborhood plan, they can take a more granular look at the area. Commissioner Milliken stated that while it does not meet the Future Land Use plan, it meets the spirit of the Master Plan and some of the other goals.

Commissioner Burgess added that when he looked at the property, he noticed there is a natural buffer – there is an elevation change you can't see on the map. That could be useful for separation as well.

A roll call vote was taken, and the motion passed unanimously.

2. P.C. #2022.12: 435, 436 and 439 Westnedge Court. Odyssey Properties LLC is requesting to rezone these lots from Residential - Multi Dwelling District (RM36), Commercial - Neighborhood District (CN-1), and Commercial - Office District (CO) to Residential - Multi Dwelling District (RM-36).

Mr. Eldridge said that these three properties have overlapping zone districts. This situation came to light through the financing of the properties and whether they were conforming or nonconforming to zoning. Mr. Eldridge showed pictures of the properties and surrounding areas. All three were built between 1910 and 1918. Two of them are duplexes. He said there is not a lot of parking with these properties, but there is a commercial building with a parking lot where spaces have been leased to address the tenant needs. The use of the area is predominantly residential. The zoning of the area is predominantly commercial which makes the residences non-conforming. Mr. Eldridge said that the Future Land Use map identifies the parcels as residential. The request is in direct alignment with the Future Land Use map. Staff sent notices out to property owners and occupants on November 16. Mr. Tardani reached out to the Vine neighborhood. Mr. Eldridge said he heard from them, but they had no comment either way - no issues with the rezoning. He reviewed the staff rationale for recommendation: 1) These three lots have overlapping zone districts; 2) The existing uses don't align with commercial zoning; 3) Rezoning will be in step with the Future Land

Use; 4) Rezoning aligns with the Complete Neighborhood goal of the Strategic Vision; 5) RM-36 district is compatible with the surrounding land uses; and 6) Rezoning will encourage future investment in the two duplexes and one single family home and the Vine Historic District.

Mr. Jake Tardani, applicant, came forward to speak to the request. He recounted some of his personal history which made him interested in being a landlord in Kalamazoo. Housing has become an important thing to him. He has bought 37 City of Kalamazoo homes - restoring 31 of those and parting with 6 of them. In the process of working on refinancing, it came to light that in the event of a loss of 50% or greater, the duplexes could not be rebuilt. This rezoning would allow rebuilding if there was a loss.

Commissioner Milliken opened the public hearing.

No public comments.

Commissioner Milliken closed the public hearing.

Commissioner Pittelko, seconded by Commissioner Vyas, motioned to recommend approval to the City Commission to rezone these lots from Residential - Multi Dwelling District (RM36), Commercial - Neighborhood District (CN-1), and Commercial - Office District (CO) to Residential - Multi Dwelling District (RM-36).

Commissioner Pittelko thought that the rezoning made a lot of sense. It will create a nice, clean, conforming land use.

Commissioner Milliken thought it was nice to take these opportunities to clean up the zoning map. It is in conformance with the zoning ordinance and the Master Plan.

A roll call vote was taken, and the motion passed unanimously.

F. DISCUSSION/ACTION ITEMS

1. P.C. #2022.13: Capital Improvement Plan. Request by Community Planning & Economic Development to review the 2023 C.I.P.

Commissioner Milliken shared that the Capital Improvement Plan (CIP) comes to the Planning Commission as a way to connect capital improvements with the Master Plan. Their role is to review it and recommend it to the City Commission.

Mr. James Baker, Public Services Director, highlighted the process and work that goes into the CIP. He recognized the people, departments, boards, and Commissions that pulled information together and supported this work. Mr. Baker explained that the CIP is broken out by fund: general fund, major streets, local streets, water, and wastewater.

Mr. Baker also highlighted some specific projects included in the CIP.

General fund projects

- Farmer's Market event building
- Park improvements
- IT equipment & infrastructure
- Heavy equipment
- Fleet
- Public Safety fire apparatus

Major/Local streets

- Kalamazoo Avenue two-way conversion (design continues)
- Michigan Avenue two-way conversion (design begins)
- Reconstruction of portions of Westnedge Avenue and Whites Road
- Academy Street culvert replacement
- Inkster Bridge
- Ransom Street
- Paterson Bridge reconstruct

Wastewater

- Tertiary process upgrade
- Motor control center upgrades
- Ransom interceptor replacement
- John Street siphon replacement
- Sewer trenchless rehab program
- GPI effluent service realignment.

Mr. Baker mentioned the odor control improvements in the treatment plant. He encouraged people to visit the odor task force website. Mr. Baker said it has real time monitoring and tracking of odors. He said they will continue to reroute Graphics Packaging's wastewater discharge line from their clarifier to the City.

Drinking water

- Lead service line replacements
- Treatment plant station improvements
- System reliability improvements
- Corrosion control optimization
- North Kalamazoo LSLR Project.
(Mr. Baker showed the map of the lead service line replacement project.)
- Replace Station #5 (two-year buildout).

Commissioner Chambers asked about the Paterson Bridge and the work on the Kalamazoo River. Director Baker said the EPA is working in the river. The City will coordinate with them to make sure they will not be in each other's way. Commissioner Chambers asked about replacements for residential pipes vs City

pipes. Director Baker clarified that the City replaces the line from the water main to all the way inside the home. Lines that could be in your house (for example: basement to the second floor or horizontally in the basement) would be the responsibility of homeowner.

Commissioner Harrison, seconded by Commissioner Chambers, made a motion to recommend to the City Commission approval of the 2023 CIP.

Commissioner Harrison appreciated the work that has been put in to update the City. He appreciated the communication, cooperation, and participation of the City and its residents in this process.

Commissioner Milliken thought the CIP was clearly in line with Imagine Kalamazoo. He appreciated the collaboration and hard work that had gone into it. Commissioner Milliken was happy to see the City investing in its infrastructure.

A roll call vote was taken, and the motion passed unanimously.

G. REPORTS:

1. City Planner's Report

Mr. Eldridge showed the schedule of meetings for 2023. He reported they would cancel the January 5 meeting as there were no pending applications. Mr. Eldridge indicated that when putting together the meeting schedule they look at the public schools break times as well – Christmas, New Year's, and spring break.

Mr. Eldridge shared that Planner Anderson would talk more about upcoming projects at the February meeting. He mentioned sign ordinance amendments, screening and landscaping amendments, and an initiative to do rezoning along commercial corridors to align zoning with existing land use.

Mr. Eldridge announced that he will be transitioning into a new job of Zoning Administrator. He also shared that Planner Anderson had become Deputy Director of Community Planning and Economic Development.

2. 2022 Site Plan Review Spreadsheet

Mr. Eldridge encouraged Commissioners to let staff know if they want to sit in on a Site Plan meeting.

Commissioners Vyas & Milliken congratulated Mr. Eldridge on his new position.

H. PUBLIC COMMENTS:

Ms. Tina McClinton called. She reviewed concerns about flooding, storm sewer issues, storm drains. She said there are flags up in their woods and no one has told them anything. Ms. McClinton said the only reason they know someone is surveying land is because they caught someone out there surveying. She requested they leave the area alone and please build at the DHS building that the City owns.

I. CITY COMMISSION LIAISON COMMENTS

None.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Vyas wished everyone happy holidays.

Commissioner Milliken said he was struggling to find information on the zoning districts between Chapter 50 and Appendix A. He wondered if staff could include a use table or summary sheet of standards for the different zoning districts in the packets. It took him longer than it should have to find that information. In response to Mr. Eldridge's questions, Commissioner Milliken clarified that as staff they know what information will be pertinent. He would like this included until they get to a point where the zoning ordinance is finished and located in one spot.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:49 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Anderson", is written over a horizontal blue line.

Christina Anderson,

City Planner
Community Planning & Economic Development