

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
April 6, 2023
FINAL

Members Present: David Burgess; Gregory Milliken, Chair; Jennifer Swan; Shardae Chambers; Brian Pittelko

Members Excused: James Pitts; Michael Harrison

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

A. CALL TO ORDER/ROLL CALL

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

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

B. ADOPTION OF FORMAL AGENDA

Commissioner Milliken announced that they were not voting on the potential zoning code changes at the meeting. He said that public comments were to be held until item H. on the agenda.

Commissioner Swan, seconded by Commissioner Chambers, moved approval of the April 6, 2023, Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Commissioner Burgess, seconded by Commissioner Pittelko, moved approval of March 2, 2023, minutes as presented. With a voice vote, the motion carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

Commissioner Milliken announced the phone number for public call-in comments.

Planner Anderson shared that they would need to reschedule the Planning Commission's regular meeting in July.

E. PUBLIC HEARINGS

None.

F. DISCUSSION/ACTION ITEMS

1. Annual vote to delegate Site Plan Review to the Site Plan Review Committee

Planner Anderson shared that there are 55-70 site plans reviewed in a year. Through the site plan review process, a project is granted approvals necessary in terms of planning, zoning, water, sanitary, streets, stormwater, building, and historic codes. This process happens in two steps – a pre-application site plan meeting and a full site plan meeting. Planner Anderson stated that the process takes a minimum of four weeks. However, it could go on for many months due to revisions. She said City staff request approval to continue the site plan review with the Site Plan Review Committee.

Commissioner Milliken thought that delegating site plan to the Site Plan Review Committee was an excellent thing. He believed it made the process more efficient and City staff have the expertise required to get into the level of detail needed. Commissioner Milliken said he was solidly in favor of delegating site plan review.

Commissioner Swan, seconded by Commissioner Chambers, moved to approve delegating site plan review to the site plan review committee.

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

2. Vote on Commission Officers – Chair, Vice Chair, and Secretary

Planner Anderson reviewed the roles of Chair, Vice Chair, and Secretary.

Chair

Commissioner Milliken stated that he was willing to continue as Chair.

Commissioner Burgess, seconded by Commissioner Pittelko, moved to elect Commissioner Milliken as Chair.

A voice vote was taken, and the motion passed.

Vice Chair

Planner Anderson announced that the Vice Chair, Sakhi Vyas, termed off the Board. They would need someone new to fill that position.

Commissioner Burgess announced that he would like to take on that role.

Commissioner Swan, seconded by Commissioner Chambers, moved to elect Commissioner Burgess as Vice Chair.

A voice vote was taken, and the motion passed.

Secretary

Commissioner Pittelko agreed that he was willing to continue as Secretary.

Commissioner Burgess, seconded by Commissioner Swan, moved to elect Commissioner Pittelko as Secretary.

A voice vote was taken, and the motion passed.

G. REPORTS:

1. Zoning Code & Map Update Presentation

Planner Anderson said they have been slowly updating the zoning code since 2017. The updates are intended to bring the code into alignment with the Future Land Use plan and the goals of the Master Plan. She said they are making sure the code is written in as clear language as possible and that it is easy to use for developers, residents, and staff. Planner Anderson stated that it is a text update and a map update focusing on commercial districts and standards such as landscaping, fencing, signs, lighting, and updates to the parking code. The map involves just under 2000 parcels across the city. Most parcels included are currently zoned a commercial district. Other parcels are not zoned commercial, but are on a commercial street. There were also situations of split zoning where more than one zoning district was applied to a parcel. Planner Anderson said they were cleaning up those situations.

Planner Anderson explained that the code went live online two weeks ago. She said they reached out to neighborhood associations, local institutions, and the development community to let them know that code was available for review. All properties' tenants/occupants received a postcard listing the upcoming meetings that people can attend. Planner Anderson used the Bookings app so people could schedule a 1:1 with staff to talk about their individual properties. She explained how people could bring up the zoning updates on the Imagine Kalamazoo website and how they can comment by section. She also shared that there is an interactive zoning map on that page. People can click on a property and find zoning information. She said they will have neighborhood maps online in pdf format. The neighborhood maps will also have a table of addresses included with current and proposed zoning. Planner Anderson said they will also be adding a series of one-page documents that talk about each district in the update as well as use standards and dimensional standards.

Planner Anderson outlined how they would review the code. That night they would talk about the first four articles of the document. At a future meeting they would talk about zoning standards for base districts and overlay districts. The third review section will talk about parking, landscaping, signage, and lighting. She said there wouldn't be any approval phases until they get through those reviews and edit the document.

Planner Anderson said the current zoning code exists online on an e-code site. She reviewed the e-code map program and said they would be putting in a GIS map as well. Planner Anderson pointed out that

street types come from the Street Design Manual. She said they use street types to review projects and street types have always been associated with zoning.

Definitions

One change noted in this section is that the term being defined will be italicized. Planner Anderson said most new definitions have to do with cannabis or updated street types and signs.

Rules for Nonconformance

These rules apply to properties where the use no longer complies with the standards of the district in which the use is located. In the zoning code, they are broken down by non-conforming uses - structures (primary, secondary), lots, or nonconforming site characteristics (ex: sign, driveway, parking). Planner Anderson stated that there is a form-based code for some districts. Form-based code includes façade requirements.

Districts

Planner Anderson said they reviewed all commercial districts in the City and worked with a consultant to cluster like commercial properties together to create standards to match what is in Kalamazoo. They wanted to create as few nonconformities as possible. She reviewed districts already in Chapter 50: LW1, LW2, Neighborhood Node, Downtown districts, and the Community Commercial (CC) district. Planner Anderson said they were proposing two new commercial districts – Commercial Node and Community Commercial District 2. She stated that these new districts would take the place of any other commercial districts still in Appendix A. Planner Anderson referred to the Future Land Use plan in the Master Plan. She said the zoning takes that information, aligns with it, and supports it.

Commercial Node

Planner Anderson explained that the Commercial Node is bigger than the Neighborhood Node and would serve multiple neighborhoods. In Kalamazoo, Commercial Nodes typically have a grocery store. It is more intensely developed and would have a mix of people who drive, walk and/or use transit. She said they created a district matching that Master Plan category. It would have standards and be mapped in locations that were listed as Commercial Nodes in the Master Plan.

Community Commercial District 2

Planner Anderson stated that the second new district would be Community Commercial District 2 (CC2). This would be a smaller scale commercial than Community Commercial with small to medium-sized lots. CC2 would be used in places where the commercial corridor has residential blocks with people walking or driving. Lot sizes are typically one acre or less. Planner Anderson said the use table shows it as more restrictive in some uses than the larger scale CC.

Overlay Districts

Planner Anderson said they brought over the Planned Unit Development District (PUD). That is a tool to keep in the zoning code in case large properties come forward that need flexibility in development. She said it is used when the strict base zoning of parcel doesn't lend itself to the type of development coming forward. In Kalamazoo they are mostly residential in nature. Planner Anderson said they made very few changes to that tool. They cleaned up the language and made it very simple and they will make more changes when they bring over the Review Body section. Planner Anderson mentioned that they are trying to figure out if can make Institutional Campus (IC) into an overlay district. It is currently a special district and is only on Kalamazoo College property. She noted that nothing was significantly changed in bringing that over to Chapter 50.

Commissioner Burgess asked about the difference between CC2 and Live Work. Planner Anderson said there was some relationship there between LW2 and LW1 compared to CC and CC2. LW1 is a form-based district. It has requirements for entrances, transparency, and locating buildings closer to the sidewalk for more urban walkable corridors. CC2 does not have façade requirements. It tries to blend the fact it is located in places where people both walk and drive. She said their uses are relatively similar, but the dimensional standards are different.

Commissioner Milliken encouraged a greater distinction in the definition of street types because they blend together too much. He did understand the need to keep them somewhat flexible and general. Commissioner Milliken used the example of enhanced neighborhood and neighborhood network because they seem like the same thing.

Uses

The Use section covers principal use of the lot and accessory uses/structures. Planner Anderson said that both have their own table, and it is organized by district. Uses are lumped into a category of other like uses. She explained the abbreviations in the table. P is Permitted by right, S is Special Use Permit, and PD is Permitted with Development standards. Planner Anderson said they've added Commercial Node and CC2 to the tables. Most of the changes in the tables are related to the new districts.

Planner Anderson explained some changes in cannabis license types. Specifically, the State has added Microbusiness License A. This license increases the maximum number of plants a person can have and allows them to bring in product from other growers. That has helped increase the economic viability of these businesses.

Planner Anderson reviewed the vehicle service use definition. She said it can include things such as service shops, car washes, and gas stations. These are Permitted with Development standards with some exceptions. Planner Anderson stated that car washes have been listed as needing a special use permit in all locations. She said that has been changed to Permitted by right. Planner Anderson said they determined that was appropriate because of the intensity of the CC district, it's location on large arterials, often near highways and places that are auto oriented where one might expect to have car washes. She pointed out

that outdoor vacuuming moved down a couple lines under outdoor activities, but it wasn't eliminated. Planner Anderson said they added an Accessory Use table, and all the accessories are PD. She noted a new one is the keeping of poultry or rabbits. They are working with the City Attorney's office to change municipal code sections like the animal code and transfer it into zoning.

Commissioner Burgess said the idea of Permitted with Development standards is new to him. He wondered if it would reduce the need for special use permits. Planner Anderson said they started using the terms of PD in 2018. She said they found that if uses followed certain development standards, then they didn't need additional approval. Planner Anderson used Bed & Breakfasts as an example of a special use that could be approved with a certain set of standards.

Commissioner Pittelko verified that NFP continues to apply. Planner Anderson agreed that NFP is an overlay district. The uses she was talking about were associated with base districts. NFP does not operate in the same way.

Commissioner Milliken said he sent Planner Anderson a specific comment regarding a line where wording needs to be tweaked (on page 41). He commented they had several variance requests for ground floor residential. He wondered if that was addressed in the code. Planner Anderson said it had been addressed. She explained that ground floor residential not located against the front façade is located in all commercial mixed-use districts. Node districts want commercial in the front of the occupied space of the building. D1 wants that commercial space/activity at the street. CC are large commercial districts. They allow for residential, but the street facing property lines should be commercial. Other districts D2, D3, LW1, LW2, CC2 allow residential or commercial on first floor without the restriction of being up against the front.

Planner Anderson announced they can start off with questions at the next meeting. She said they will cover dimensional standards for districts and overlay districts and dive into the map. The third meeting, they will talk about other things associated with commercial development. Planner Anderson said they made a change to parking by going to a maximum parking requirement. She said that signage, landscaping, lighting, and fencing will be included in Chapter 50 after this proposal.

Commissioner Milliken asked why several parcels highlighted were changing to residential. Planner Anderson said some parcels were zoned commercial but weren't appropriate for commercial. In some cases, they were split zoned. She said some of it was repairing – zoning reflecting the parcels current use.

Commissioner Milliken encouraged Planning Commissioners to go through them again. Minor things can be emailed to Planner Anderson. More substantive items can be brought to the meeting to talk about as a group.

Planner Anderson shared that they have a series of public meetings scheduled. She reviewed the information that was sent to the property owners via postcard. Three meetings were scheduled – each meant to be a general meeting about code updates. People can come to any of them or all of them. Meetings will be held April 19 at the Kalamazoo Public Library, April 27 at Kalamazoo College, and May 3 at the Edison

Neighborhood Association. Specific questions regarding an individual's property can be scheduled through the Bookings app. Planner Anderson said they can do those meetings in person, Zoom, or by phone.

2. Site Plan Reports

H. PUBLIC COMMENTS:

Ms. Tina McClinton spoke about the flooding in her neighborhood and how important the green space was at that location. She noted that her neighbor had water pumping out of his basement for two days. It was literally pouring out of the water hose. Ms. McClinton said she went and looked at storm drains and every drain she looked in was full of water, leaves, and duck poop. She thought it is time to do something about the flooding. Ms. McClinton said she shouldn't have to worry about how she will get out of the neighborhood or where she will stay every time it rains. She suggested using the old DHS space if they needed to develop property in that neighborhood.

Mr. Greg Orr said that no part of the property south of Stadium Drive from Seneca Lane to Drake Road should be zoned for commercial development. He believed it should be zoned such that in the future it could become part of Asylum Lake Preserve or a City park. He spoke about protecting Kalamazoo's water supply from stormwater inputs and contaminants. Mr. Orr said that further community development like car washes and gas stations invites more damage to the water system. He asked the Planning Commissioner not to change the zoning of this area to commercial. Don't eliminate special use permits for car washes. Do not brush aside the spirit of the NFP overlay. Mr. Orr believes that a City who stewards a treasure like a public preserve will have economic growth because it will be a city where people will want to live.

Ms. Celine Saillant, Wild-life Rehabilitator, said when her patients are fully rehabbed, they are released into their native environment. She fears releasing these survivors into a changing environment where they don't have anywhere to go. Ms. Saillant believes protecting native wild-life and the green spaces they inhabit is paramount. She opposes the parcels on Drake being designated for commercial use. The NFP ordinance should not be altered for the monetary interest of a few. Three years ago, residents made a strong, collective, decisive statement against the development of protected land. Ms. Saillant said she was there on behalf of the diverse wildlife to ask them to remember why they proposed protective initiatives in the beginning.

Ms. Iris Potter stated that three years ago, they (long-term residents) told them they didn't want a car wash. She worried the City is changing the ordinances to support development. Ms. Potter felt they are already supporting development in town and selling themselves out. They need green trees to live. She was strongly opposed to making that area CC and also making it easy for car washes and other developments. Ms. Potter expressed concern for the Asylum Lake area. It is much different now. She encouraged Planning Commissioners to step back, pull a couple things out of the code updates and do it for all the residents.

Mr. Nate Hartmann said he loves Asylum Lake. He said they had this discussion three years ago and it is a decided thing. The residents don't want the NFP order to be removed. Mr. Hartmann wanted to come out as strongly as possible against rezoning and removing the protection.

Ms. Chris Wills noted they were at the same place three years ago (January of 2020) talking about the same thing. At that time, they had 300 people flood the room speaking out against a car wash, rezoning, and NFP removal. She felt that changing the zoning to CC will eliminate the buffer and destroy the health and vitality of Asylum Lake. Ms. Wills reminded them there is no taking it back when it is done. Three years ago, she presented a petition with 8,200 signatures which later went up to 10,000 signatures. People in the area are adamantly opposed to changing that to a commercial zone. She noted the animals going in neighborhoods and getting hit in the road. Ms. Wills feels the lake is already suffering.

Ms. Katie Bloom was impressed with the NFP ordinance. Now she is concerned they are watering it down. She said the State invests in things like Asylum Lake with grants to help maintain it and then the City comes in to do damage. Ms. Bloom was very adamantly opposed to changing the zoning to CC. She believes it would be a disaster to the city and community. Overall, NFP needs to be reconsidered and strengthened - not in any way weakened.

Ms. Karen Larsen said three years ago she asked Planning Commissioners to look at the names written behind them. All of those people acted on behalf of the people, not on behalf of the government, but the people. She said they are experiencing 100 year rainfalls. It won't get better but will increase because they are not taking care of the natural places they have. Ms. Larsen stated that disrupting the animal corridor through that property will cause major issues in surrounding neighborhoods. She stated that the Planning Commission has an opportunity to make a difference for future generations.

Mr. Eric Brokus, Owner of Ric and Stan's Carwash, came forward in opposition to changing the need for a Special Use Permit for car washes. He noted that car washes raise red flags. There is noise and trash associated with them. For a car wash to be successful in a community, the general public needs to buy into it and have the chance to voice their opinion. Taking away the special use permit requirement would take that opportunity away.

Ms. Gwen Nichols expressed concern about the required setbacks (70 feet). She didn't feel that was enough to protect Asylum Lake from runoff and contaminants. Ms. Nichols encouraged Planning Commissioners to go there, visit the place, and decide if the change is worth cutting down trees, and changing the way the water flows. She stated that the runoff from the Costco parking lots goes through retention ponds that overflow in the lake.

Ms. Lynne Heasley, Asylum Lake Management Policy Council, shared that they had a community forum on the latest research and restoration efforts underway at Asylum Lake. She said there was a large grant given to restore water quality. Ms. Heasley said that three years ago they celebrated the vision and commitment of the Planning Commission to the community. The future orientation doesn't always have to be about standardization and conformity, it can be about amenities that make the City an exciting place. She said they thought they had come to an agreement three years ago. Ms. Heasley encouraged them not to weaken NFP overlay. She felt strongly that they shouldn't give special use permit exemptions to one particular industry and possibly one particular company that is not even in the state.

There were no phone-in comments.

I. CITY COMMISSION LIAISON COMMENTS

Commissioner Praedel thanked everyone who was there to listen and to speak. He said the City Commissioners selected Aaron Leal as finalist for City Attorney. Commissioner Praedel spoke about some of Mr. Leal's accomplishments and said they hope to welcome him to Kalamazoo. He shared that the City Commission accepted \$3.9 million for lead hazard reduction grants and also \$696,000 for a Healthy Homes grant. This will provide funding for 126 homes in the community that had lead contamination. Commissioner Praedel considered that a huge win for the City. The City Commission has also allocated an additional \$1 million for youth programming for children in the summer months. Last year they provided programming to almost 1400 youth, employed 206 people, and supported the work of 32 organizations. He shared an example of the work and impact of the organization, Bridging Opportunities. Commissioner Praedel said they formed a First Amendment Subcommittee along with the police oversight board. There were 40 recommendations made which have all been addressed by Public Safety.

Commissioner Milliken stated that the proposed zoning ordinance change is more substantial than the usual recommendation Planning Commission makes to the City Commission. He asked Commissioner Praedel to let them know any feedback from the City Commission as they go along. Commissioner Praedel agreed to do so and noted that some challenges come from having so much for the community to digest. He thought they could pump the brakes if they needed. Commissioner Praedel noted that Planner Anderson always makes herself available for questions or concerns.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Milliken stated they had two empty seats on the Planning Commission. They would need a committee to cull applications and interview potential new Commissioners. Planner Anderson confirmed they could have three people on the committee.

Commissioners Chambers, Swan, and Pittelko volunteered to be on the committee. Commissioner Milliken said he could be an alternate if needed.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:51 pm.

Respectfully submitted,



Christina Anderson,
City Planner
Community Planning & Economic Development