

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
May 4, 2023
FINAL

Members Present: Gregory Milliken, Chair; Brian Pittelko; James Pitts; *Michael Harrison

Members Excused: Shardae Chambers; David Burgess; Jennifer Swan

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

A. CALL TO ORDER/ROLL CALL

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

Commissioner Milliken announced there was not quorum, but the meeting would still be recorded and be part of the record.

Planner Anderson proceeded with roll call after Commissioner Harrison entered the meeting. She determined that there was a quorum at that time.

B. ADOPTION OF FORMAL AGENDA

Commissioner Milliken announced a change to the agenda. He said they would move Approval of Minutes to happen between Items H. and I. - before City Commissioner Liaison comments.

Commissioner Pittelko, seconded by Commissioner Harrison, moved approval of the May 4, 2023, Planning Commission agenda as amended. With a voice vote, the motion carried unanimously.

After the approval of the Agenda, Planner Anderson proceeded with her presentation.

C. APPROVAL OF MINUTES

Commissioner Harrison, seconded by Commissioner Pittelko, moved approval of the April 6, 2023, minutes as presented. With a voice vote, the motion carried unanimously.

After the vote on the minutes, Commissioner Milliken asked for the City Commissioner Liaison comments.

D. COMMUNICATIONS AND ANNOUNCEMENTS

None.

E. PUBLIC HEARINGS

None.

F. DISCUSSION/ACTION ITEMS

None.

G. REPORTS:

1. City Planner's Report: Zoning District Standards, Overlay District Standards, Proposed Map

Planner Anderson said they would be looking at Articles 5 and 6 and the zoning map that night. She announced that she would not be present at the meeting on June 1. Planner Durkee would be present on that date to walk through changes for parking/loading, signs, lighting, landscape/screening.

Planner Anderson reviewed the code update intent, and she reviewed the public outreach efforts.

- Tuesday, March 2, 2023 – draft of code released to the public.
- Public meetings
 - 1) Kalamazoo Public Library (~100 people attended)
 - 2) Kalamazoo College (~80-100 people attended)
 - 3) Dormouse Theatre (~50 people attended).
- Postcards were sent to owners/occupants included in proposed rezoning (~2,000 parcels). Postcards talked about how to make an appointment with staff, where to get information, and locations/times of meetings.
- Map update online at imaginekalamazoo.com/projects.
- 1:1 meetings with property owners via phone, in person, or zoom.
- Board presentations/discussions: City Commission COW, Planning Commission, NFP Board.

Planner Anderson reviewed the overall outline of the project - drafts, edits, outreach, and study. She explained the approval process through the Planning Commission and City Commission.

Article 5: Zoning Standards

Planner Anderson stated that landscaping and screening, signage, and lighting sections exist in Appendix A and will be brought into Chapter 50. She said that Review Bodies and Processes would remain in Appendix A for now.

*Commissioner Michael Harrison entered the meeting. Planner Anderson paused her presentation. She went back to call the roll and Planning Commissioners voted on the agenda.

Planner Anderson showed a list of base districts and overlay districts to be removed. She explained that some of the districts were text only and not mapped; some of the districts were so narrowly written, they were difficult to implement.

Base zoning districts to be removed

- Commercial Office (CO)
- Commercial Neighborhood Office (CNO)
- Commercial Neighborhood-1 (CN1)
- Commercial Neighborhood-2 (CN2)
- Commercial Mixed Use (CMU)
- Residential Mixed Use (RMU)

Base zoning districts to keep

- CC Community Commercial (large scale commercial development district)
- CBTR (Business and Technology Research Park)

Overlay districts to be removed

- Neighborhood Conservation Overlay (NC-O)
- Traditional Housing Development Overlay (THD-O)
- Historic Preservation Overlay (HP-O)
- Riverfront Overlay District (RF-O).

Planner Anderson stated that the only overlay district that was mapped was the Riverfront Overlay. She also clarified that HP-O was created to be a zoning tool to be used in locations in alignment with local historic districts. Removing it from the code does not mean anything for those districts. It was just another layer of regulation that was never used. Planner Anderson explained the location of the RF-O district.

Planner Anderson proceeded to explain the addition of Commercial Node. She stated that the Master Plan and Future Land Use Plan designated a slightly larger commercial center which serves adjacent and surrounding neighborhoods. In Kalamazoo, Commercial Nodes almost always have a grocery store. They are typically found at the intersection of some major corridors. Planner Anderson said there was a wide range of uses, but residential is limited in this district. They encourage new development to be built closer to the sidewalk. She said that in a Commercial Node, people travel by car, foot, bike, and buses.

Planner Anderson said that Community Commercial 2 (CC2) is a smaller version of CC. It supports small to medium-scale commercial and mixed-use development. CC2 is typically found on major streets with a lot of residential blocks off of them. People often access CC2 districts on foot.

Planner Anderson listed the zoning districts after removals and additions.

- CC, CC2, C-Node, CBTR (in appendix A – not bringing over at this time)
- Mixed use districts: LW2, LW1, N-Node
- Downtown Districts: D1, D2, D3

Planner Anderson explained that LW2, LW1, Neighborhood Node, and Downtown Districts are form-based districts that are designed to be in urban, walkable, mixed-use areas. She reviewed that CC and CC2 are not form-based. They are more traditional zoning code districts. Planner Anderson explained that CC

covers large lot commercial areas that are auto-oriented, have regional or city-wide appeal, and are not linked with residential blocks. She said an example of that was Stadium Drive. She explained that CC2 is located in places that bridge the gap between auto-oriented and smaller walkable areas. The Westnedge corridor is an example of that district.

Planner Anderson showed and explained a table of dimensional standards by district (CC, CC2, C-Node). She pointed out that the code now has a minimum lot size for some districts. The way the code is written now, they would need a maximum lot size of one acre. That means, if someone had a lot larger than that, they would have to think about subdividing the lot into two smaller lots. She said their goal is to think about scale as they grow and change.

Commissioner Milliken thought they might be setting themselves up for variance requests because several parcels in CC2 are over an acre in size. Planner Anderson assured him that their goal is not to create a lot of non-conformances. She said they will take a look to see if they are setting themselves up for issues. Commissioner Milliken said he is not questioning what is proposed, but just how that will work with proposed dimensional standards.

Commissioner Milliken said he appreciated the explanation of LW and CC districts and standards and the differentiation between them. He clarified that N-Node districts was aligned with LW districts and C-Node districts aligned with CC districts. Planner Anderson agreed that with C-Nodes, the adjacent areas would be CC2. In N-Nodes, they would find adjacent areas to be LW1.

Planner Anderson shared that discussions at the outreach meetings have centered on topics related to NFP Overlay, car washes as a special use in CC, and the properties at the corner of Drake and Stadium (those parcels have since been removed from this proposal).

Ms. McCarthy shared a brief background of the timeline of NFP.

- Phase 1 (2019) – created first NFP standards. Adopted existing map.
- Phase 2 (2021) – upgraded map, revised standards.
- Now in 2023 they are working on updates – revising standards and improving the review process.

Mr. McCarthy mentioned that NFP has done a great job of seeking a balance of building in green development standards, and how someone would navigate that as a professional designer or engineer. She said the ordinance has been productive in getting design teams to look at dimensions of lots, zoning, and significant natural features on properties. Ms. McCarthy said the Board has guided design teams in regard to what natural features are most important to protect through the site plan review process.

Ms. McCarthy spoke about three main changes to the NFP ordinance. Intent: she explained they added language to the Intent section of the code. Ms. McCarthy stated that the Board would talk more about the changes in their May meeting. She indicated that the next draft may use *guide development* instead of *support development*. Site development standards: Ms. McCarthy said there were outdated references to the Wellhead Protection Overlay. The City has adopted new wellhead overlay in chapter 39. She said they have better, tighter language and are sticking with the two rules of areas within 300' and 500' of wetlands

and water resources. Site Development Standards: Ms. McCarthy shared that they had a part in the ordinance that required leaving pervious parts of a development untouched. They realized that most of those areas were turf lawn grass or gravel. They were not protecting any particular natural resource. They thought it made sense to remove that one. She said that the Board was interested in grouping those areas close to a natural feature as a buffer. That may be the one part they will keep in the code.

Commissioner Milliken said he watched the last NFP meeting and thought it was a good discussion.

Article 6: Zoning Standards: Overlay Districts

Planner Anderson reviewed the Riverfront Overlay district and the proposal to remove it from the zoning code. She said it created nine subareas – each with its own intent and own set of standards. Planner Anderson said it was complicated and hard to apply as staff and hard to understand as applicants. They found that it created barriers to development in that area. She said they pulled out the best elements of the overlay and included them in LW1, LW2, and Node.

Planner Anderson reviewed and showed the interactive map on the Imagine Kalamazoo website. She talked through their decision-making process in determining zoning for lots.

Commissioner Pittelko asked her to give more context regarding the Riverfront Overlay District. He wondered what would be replacing it. Planner Anderson explained that the base zoning on those parcels were currently RMU, CMU, some industrial, and some commercial. She said the overlay standards were narrowly written and would supersede the base zoning underneath. Each of the nine subareas had its own set of design standards, use requirements, and building requirements. Planner Anderson said if the overlay is removed and they just go with base zoning, they will use LW and node in this area. Those districts have form-based standards. She said the Riverfront Overlay was challenging to implement and redundant in some requirements.

Commissioner Milliken asked if there were two City parcels on the west side of Drake. Planner Anderson said there was – she thought one was a gas station and one an auto shop.

Planner Anderson shared that they would continue to add meeting links to the imaginekalamazoo.com site. She said that staff is turning to a review of research and comments and edits to the code. They plan to release a second draft of the code at the end of the month.

Planner Anderson said they have been struggling to find a reschedule time for the July meeting. They have several applicant-driven cases on the horizon.

2. Site Plan Reports

H. PUBLIC COMMENTS:

Commissioner Milliken gave directions for people who wished to give public comment. He also gave the phone number for those who wished to call in for the comment period.

Ms. Laurie Holmes said that she lives adjacent to the Asylum Lake Preserve. She spoke about her pleasure to have the Natural Features Protection as a voice for trees, plants, slopes, water. Ms. Holmes thought it may be help create a balance with NFP on one side and the developers/City on the other. She expressed shock when it was suggested that NFP should now also add it's voice to support development. Ms. Holmes said she was also against not having a requirement for car washes to obtain a Special Use Permit.

Mr. John Kreuzer spoke about the original wording of the tree standard and how it changed so that it was possible for a 40" tree to be removed and replaced by a 2" tree. He didn't think that seemed fair. The original intent of the NFP was to protect. Now they propose to support development while protecting Natural Features. Mr. Kreuzer felt that changes only weaken the Natural Features Overlay. He thought the City was saying that these features we depend on are not as important as development. Mr. Kreuzer also wondered what the purpose was of removing the Special Use permit requirement for car washes. He stated that a real life example of the weakening of the Natural Features Protection is the Kalamazoo Country Club expansion at Lakeside.

Ms. Iris Potter said she cared deeply about Natural Features including Asylum Lake. Clearing trees, ruining flora/fauna all effects water, increases flooding, and results in a hotter drier climate. She thought the devastating golf course clear cut was a shocking example. Ms. Potter spoke about needing a strong (not diluted) Natural Features Protection. She asked them to look at the Lake Street flood plain and its effects on current and future residents. Ms. Potter reminded Planning Commissioners that over 13,600 citizens signed a petition three years ago about no car wash above Asylum. She talked about the alignment of ALPA, Asylum Lake Policy and Management Council, and ECC in their recommendation not to add the words, *support development*, to the language under NFP, and a Special Use permit should be required for any new car wash. Ms. Potter said the third request was about the two parcels that have been removed. She added that the 25' NFP setback is too short; and small trees don't replace mature trees.

Three youth activists from National Youth for Climate Emergency (NYCE) came forward to speak about the changes. Ms. Mia Breznau requested that they do not add the proposed language to the NFP Ordinance. She also cited a study in a Journal for Pediatric Nursing addressing the health benefits of green spaces. Ms. Breznau said that green land cover has been linked to lower health care spending and higher levels of financial well-being and security. Mr. Alex Scarft spoke about the impact of urban areas on fish and wildlife. He felt the NFP Overlay was vital to the health of water quality. Ms. Alana Colvin asked them not to remove the 500' buffer zone for storing loose materials around wellheads and water resources. She said it contradicted three goals in the Sustainability Plan: Environment Responsibility, Safe Community, and Youth Development. Ms. Colvin asked them not to remove the Special Use permit requirement for car washes. She spoke about the chemicals being detrimental to surrounding environments.

Mr. Josh Kieser said he came to represent the waters of Kalamazoo. He talked about how rain falls, enters the ground, and the soil filters toxins. This turns into surface water, fills lakes, and creeks. Mr. Kieser stated that the community was built on a water body. He urged them to use every step in the

planning and zoning process to protect our critical water features. Mr. Kieser said he opposed the change of adding the words, *support development*, to NFP. He said he opposed change to CC2 to the Oakwood beach neighborhood property. Mr. Kieser stated he opposed rezoning the area at Lake and Stockbridge. He said it is on a flood plain, and he thought it would turn into a housing development for the City's most vulnerable residents. He also asked Planning Commissioners to do what they could to protect Asylum Lake.

Mr. Graham Strzynski came forward and said he opposed the changes to the NFP Ordinance and also opposed the lifting of the Special Use permit requirement in the CC zone.

Ms. Tina McClinton came forward and talked about how her home/street floods all the time. She asked them to deny the new zoning proposal for her green space and all the other ones they want to destroy. Ms. McClinton said they need it for children, wildlife, and others to survive. She stated that she hasn't gotten one answer about what they will do about the flooding after asking for many years. Ms. McClinton noted that she has had to replace many furnaces and water heaters due to the flooding.

Ms. Sharon Dever, ECC committee, asked the Planning Commissioners to take the time to go through these documents and listen to the public about the different natural features concerns. She encouraged them to attend/listen to the upcoming NFP Board meeting. Ms. Dever felt it was important they were aware of all the details.

Ms. Rochelle Habeck asked Planning Commissioners to reflect on what they were hearing. She said she didn't see an integration/recognition of the importance of climate resilience in the thinking and attitude of the Planner's work. Mr. Habeck felt that people talk about things, but don't get deep enough to change the way decisions are based, who is involved with decision making, and how they are carried out. She thought the staff were apologetic about inconveniencing developers.

Mr. Richard Stewart said he was there to share something shocking he discovered while reviewing comparable sales data in the MLS. There was a pattern of discrimination in the data. He felt that the City of Kalamazoo blanket mass commercial rezoning tactic disproportionately negatively impacted minority and disabled property owners. Mr. Stewart stated that this robbed them of existing high value and high demand commercial zoning and replaced it with something extremely oversupplied with little to no demand. He said he was there to put the City on notice that racist, enableist, discriminatory tactics hidden under the guise of zoning and urban planning must end now. Mr. Stewart shared that at the last minute the third public meeting to discuss new zoning changes was changed to a privately owned establishment that has been unfriendly to him and his Southtown neighbors in the past. He said he requested remote participation which he felt was a reasonable accommodation for disability. Mr. Stewart stated that Planner Anderson denied his request and told him to go to the City website for information. He felt she made it clear he wasn't welcome and that those who request accommodations are treated as a second class citizen. Mr. Stewart talked about having a 1:1 phone call with Planner Anderson and asking about the Portage Street rezoning. He said that decision was made arbitrarily by her and six subordinates. He said she mentioned it was a part of the Edison plan. Mr. Stewart said he talked to property owners and none of them had been asked or allowed to provide input. He felt they were enjoying the CC zoning and didn't support LW2.

Ms. Tammy Hebner said they were there three years ago, and she thought that NFP meant there would actually be Natural Features Protection. She said they needed to do better for the upcoming generations. Ms. Hebner asked someone to pay attention to the Lake Street situation. She thought it was sad that

development had taken precedence over what they really cherish and need. Ms. Hebner spoke about animals she had seen at Asylum Lake and protecting their homes.

Mr. Ben Stanley came forward with his dog, Stella. He said that Stella likes chasing squirrels, but that's hard to do when there are no trees. Mr. Stanley spoke about the burden for developers to replace trees, and he thought that was part of the point. It was supposed to be a burden so they would consider leaving the natural features untouched. Mr. Stanley wondered about the follow-up to make sure the trees survived. He thought that keeping the natural feature (tree) there in the first place was the best remedy.

Phone comments:

Unidentified Caller: The caller said that the idea that NFP was intended to support development was a lie. That was not the spirit or intention of the overlay by community members. The caller stated that someone said it was a balancing act between development and protecting natural features. He said that was also a lie. The City supports development at all costs. The caller reported that when a variance comes before the NFP Board, there is already a City recommendation. He wondered, if they weaken the NFP every couple years, why have the overlay? The caller suggested they drop the pretense that the City cares about natural features. He hoped this would be the last time they have to come in front of this Board to protect their natural green spaces.

Gwen from Edison noted that the parcel map doesn't show topography, hydrology, or 100 year old trees. She said we all rely on the natural inhabitants of the land and water. Gwen wondered if the City would continue to allow destruction/loss of usable land. She thought they have the opportunity to do better and that it is achievable and happening in other cities. Gwen thought they should acknowledge the need we all have for fresh, clean water, clean air, dark night sky, and old growth spaces. She said they were lucky to have an abundant life-supporting environment. If they preserve it, they will come. Gwen stated that none of us can breathe money, and no amount of money can bring back dead trees or clean up lakes and groundwater.

Commissioner Milliken directed Planning Commissioners back to vote on the April 2023 minutes.

I. CITY COMMISSION LIAISON COMMENTS

Commissioner Praedel thanked Planning Commissioners and the community for educating themselves about this process. He thought it was wonderful to have such a robust turnout. Commissioner Praedel encouraged people to go to imaginekalamazoo.com and submit comments. He said another option for commenting was to call 311 and record comments there. Commissioner Praedel announced that the Farmer's Market was opening Saturday. They would also have hours on Tuesdays and Thursdays in June. Bike Month was in May. Commissioner Praedel said there would be a Cycle Show in Bronson Park. He said the Bike Rodeo was a great event for kids to test out helmets and learn about bike safety. Commissioner Praedel said that at the last City Commission meeting, Chief Boysen gave an update. He shared information about a new engagement tool that allowed officers to make sure individuals understood their interaction and next steps. They also give them a card with a survey. Commissioner Praedel said this tool provides Public Safety officers a place to check-in and share how they feel as individuals and about their mental health. He wished everyone a great month ahead.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Planner Anderson announced that there may be cases at the June 1st meeting. If not, the meeting would be similar to the previous two – presentation and code. She also mentioned they would need to find a different date for the July meeting.

Commissioner Milliken asked Planner Anderson to provide dates for the Kalamazoo Avenue conversion meetings. Planner Anderson said he was referring to the release of draft plans for Kalamazoo Avenue Street design. Plans will have information on the phasing of the construction. She said the first meeting would be on May 24 at Bell's Brewery. The second meeting would be on Tuesday, May 31 at the Catalyst building lobby. Planner Anderson said they intend to have a lot of posters and information at both meetings. The consultant design team and staff will be present to answer questions and take feedback.

Commissioner Milliken thanked staff for their presentations and the community for their interest. He said Planning Commissioners would be receiving a second draft and they would have about two months before a decision needs to be made.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 9:12 pm.

Respectfully submitted,

A handwritten signature in blue ink that reads "C. Anderson". The signature is written in a cursive, flowing style. Below the signature is a horizontal blue line.

Christina Anderson,
City Planner
Community Planning & Economic Development