

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
June 1, 2023
FINAL

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

Members Excused: James Pitts

City Staff: Bobby Durkee, Assistant City Planner; Beth Cheeseman, Executive Administrative Assistant; Chris Praedel, City Commissioner; Charlie Bear, Assistant City Attorney; Jae Slaby, Neighborhood Activator

A. CALL TO ORDER/ROLL CALL

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

Planner Durkee proceeded with roll call and determined there was a quorum.

B. ADOPTION OF FORMAL AGENDA

Commissioner Burgess, seconded by Commissioner Chambers, moved approval of the June 1, 2023, Planning Commission agenda as amended. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Commissioner Swan, seconded by Commissioner Pittelko, moved approval of the May 4, 2023, minutes as presented. With a voice vote, the motion carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

Planner Durkee announced that July 20th would be the reschedule date for the July Planning Commission meeting. There will not be a meeting on July 6.

E. PUBLIC HEARINGS

Commissioner Milliken gave an overview of when and how to give public comment, and he gave the phone number for call-in comments.

1. Recommendation for approval of a sub-plan to the 2025 Master Plan for the Stuart Neighborhood Plan 2023.

Ms. Jae Slaby, Neighborhood Activator, stated that, over the past year, they re-engaged with Stuart neighborhood residents and other stakeholders to find out how they wanted to see the growth and development of their neighborhood guided for the next 5-10 years. She said the plan included over 100 projects across 6 goals chosen by the neighborhood. Ms. Slaby said it was great to work with Stuart

residents. She felt this plan serves as a great example for other neighborhoods. The Stuart residents started their plan a number of years ago, and it was put on hold. Ms. Slaby felt this showed the resiliency of Stuart because they came back stronger and better.

Mr. Gary Wark, Chair of Stuart Neighborhood Association, shared that they started to formulate their Neighborhood Plan prior to Covid. He said they now have a plan that works hand in hand with Imagine Kalamazoo 2025 Master Plan. Mr. Wark felt it was imperative to partner with the City of Kalamazoo to accomplish their goals. He listed the plan priorities: promote historic preservation, support Woodward School, improve pedestrian and street lighting, slow traffic, repair streets, and repair sidewalks. Mr. Wark stated their six goals: (1) improve connectivity for all users, (2) enhance the public realm, (3) champion community building, (4) address housing needs, (5) promote historic preservation, and (6) support Woodward school.

Commissioner Milliken asked for any public comments.

No in-person comments.

No call-in comments.

Commissioner Milliken closed the public hearing.

Commissioner Burgess, seconded by Commissioner Chambers, moved to recommend approval of the Stuart Neighborhood Plan to the City Commission.

Commissioner Burgess stated that it was a very detailed document, but it was a good read. It clearly identified valid goals with specific tasks. He felt it was on track with City goals.

Commissioner Chambers liked the Neighborhood Plan's long-term goals and that they work together with the City's goals. She appreciated that they looked at the two-way streets and how to connect Stuart back to the City.

Commissioner Pittelko appreciated the suggestions for improvements for pedestrian safety. He asked them to elaborate on how they will improve pedestrian safety at the train tracks. Ms. Slaby said they felt a good first step to put in the plan was to set up a meeting with MDOT and Amtrak to get the conversation started. They specifically wanted to address the 3-4 crossings that divided the neighborhood. She said a lot of residents spoke about feeling that divide. They would like to bridge that gap with programming and events and improvements to the built environment. Ms. Slaby said she was excited to see what improvements they can make for residents, college students, and professionals commuting by foot. She felt it was important to keep them safe and respond to those concerns appropriately.

Commissioner Milliken stated that this is a strong Neighborhood Plan. He felt it was detailed and still concise in saying what it wants to do and how to do it. Commissioner Milliken thought that people not used to planning things can pick this up and understand it. He said it was already paying dividends with

the work with the two-way street conversion. That plan has morphed a little in relationship to the Stuart neighborhood.

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

F. DISCUSSION/ACTION ITEMS

1. Recommendation of candidates to fill vacant Planning Commissioner positions.

Commissioner Milliken stated that they had two vacancies on the Planning Commission. A committee of three Planning Commissioners selected and interviewed candidates. Commissioner Pittelko stated that two candidates stood out. Both candidates had a planning background in interest and, in one case, occupation. Mr. Mitchell Curtiss had a planning background and had an interest in planning. Ms. Christine Dascenzo worked as a staff Planner before moving to Kalamazoo. Commissioner Pittelko appreciated their interest in the technical side of planning. He felt they would both be assets to the Planning Commission with their background and their understanding of the nuances and subtleties of planning.

*Commissioner Harrison entered the meeting during this discussion.

Commissioner Burgess asked about their community involvement. Commissioner Chambers said that one worked for a local radio station, and one worked for a local construction firm. Both were invested in the City of Kalamazoo, and both had volunteered. She felt they had a passion to serve and to attend meetings.

Commissioner Chambers, seconded by Commissioner Swan, moved to recommend Mr. Curtiss and Ms. Dascenzo to the Mayor and City Commission for appointment to serve on the Planning Commission.

A voice vote was taken, and the motion passed.

G. REPORTS:

1. City Planner's Report - Zoning Code & Map Update 3.

Planner Durkee reviewed that the three public meetings went well and were very well attended. Since those meetings, they are working on edits and will probably post the new draft by the next week. He shared that, for this meeting, they would be focusing on Articles 7-10. These will be taken from Appendix A and put in Chapter 50. Planner Durkee spoke about the reasons to update the zoning code and map, and he reviewed actions they had taken to accomplish these tasks. Planner Durkee went on to review Articles 7-10 and the proposed changes to each section.

Parking and Loading Standards

- Parking is in reference to off-street parking on private property.
- Loading standards are in reference to loading docks and loading bays.

Planner Durkee explained that the current parking standard is dependent upon use and there is a minimum number of parking spaces required per use. They have proposed eliminating a minimum parking requirement and switching that to a maximum parking allowance. He said that idea is gaining traction in Michigan and nationally. Most businesses understand their parking needs and will seek to accommodate that need. Planner Durkee said that some sites will need more parking. In those cases, relief is available through on-street parking, off-street parking, or a variance. He also indicated that some new developments may find they have more parking than they need. Planner Durkee stated that they have also included expanded guidance on variance relief when someone requests to go over the maximum parking allowance. Evaluation criteria is as follows: amount of on-street parking available, shared parking options within 660', Natural Features Protection considerations. Planner Durkee mentioned that developers can go over 10% of the parking maximum - 20% if on a connector street. He also noted that parking includes drive lane width and directional information and those would stay the same. Bicycle parking will remain a minimum requirement.

Planner Durkee shared they only proposed minor grammatical changes to Loading Standards.

Commissioner Burgess said he was still trying to understand the move to maximum parking instead of minimum. He asked for more information on why a maximum and not a minimum. Planner Durkee said that there is a significant portion of the City existing on small lots. He said they have encountered times when someone has a practical use for development, and the space is appropriately zoned, but they can't secure enough parking. Some may have a challenge of meeting the minimum requirement because they feel they are adding more parking than they need. Planner Durkee said that with a maximum parking allowance, they could see more feasible development scenarios that are appropriately zoned becomes a yes instead of a no.

Commissioner Milliken stated that he understands and is on board with the change. He did challenge staff to look at the formula/numbers (table on pages 116 and 117) because he thinks there will be a significant number of variance requests. Commissioner Milliken thought the ZBA would be challenged in finding a practical difficulty and granting those variances. He noted there is no differentiation for medical/dental offices. He used the example of a specific orthodontist he had recently visited. Commissioner Milliken said they had 40 parking spaces with 32 occupied. According to the definition provided, this business would be capped at 26 parking spots. They would be stuck. He said his work just built primary care buildings. Each building has 79-82 parking spaces with an average occupancy of 62-64. According to this definition, they would be limited to 50. Commissioner Milliken felt that medical/dental offices would be stressed. These offices would have their own dedicated parking lot areas and wouldn't easily be able to take advantage of on-street, off-street parking reliefs. He liked the concept but doesn't want the City to have a lot of variance requests.

Landscaping and Screening

- Screening refers to fencing screens and planting screens.

Planner Durkee said that a lot of the standards or framework remained the same in this section. The bulk of the changes were done to align standards more closely with the Natural Features Protection standards and the Community Sustainability Plan. He said that one example was tree protection fencing. If there were trees on any site being developed, they would ask for it to have tree protection fencing. Planner Durkee shared that in relation to the tree canopy information and goals outlined, they have proposed to add that a tree is included on the site whether existing or planted for single-family homes and duplexes. On a site with more acreage, they would ask for one more tree per acre beyond the regular standards. If a site can't fit additional trees in an area along the front, they will have an option to add it to the right-of-way. He shared that these changes would help the City get closer to its tree canopy goals. Planner Durkee stated that they sought to streamline and clarify the standards to improve application by developers and staff.

Planner Durkee shared that generally, on most multi-family and commercial development sites, landscaping standards come into play at the street front. He said that on the private property side of the right-of-way there was a requirement of green space with a formula specifying the number of shrubs and trees. Planner Durkee said that the formulas were moved and the language improved. There was a priority placed on existing sites to get them more in compliance with current standards.

Planner Durkee said additional clarification was added regarding fence types and standards for gardens or to keep nuisance animals out.

Commissioner Milliken asked about changes proposed in relation to court decisions. He said it was in the staff report, but he thought it may have been misplaced. Planner Durkee agreed that it was misplaced and was related to the Sign chapter.

Attorney Bear shared there was a case in Canton Township that could potentially have an impact on Natural Features. Planner Durkee stated that didn't impact the City of Kalamazoo code for Landscaping and Screening.

Sign Code

- Presented a couple years ago and was on hold until this commercial update.

Planner Durkee shared that there was a Supreme Court decision a few years ago called the Reed vs. Gilbert decision (Gilbert, Arizona). He said that overall, the court's ruling made it so they cannot regulate the content of a sign. A municipality can regulate size, height, location, and illumination on a property. Planner Durkee said that in response to the court ruling, they have changed the sign code, so it describes types of signs and the structure of signs. He mentioned a proposed change increasing sign allowance for businesses in the Downtown zones and CC zones. Planner Durkee stated that CN1 has been removed from the table and CC2 has been added. He stated they have added more definitions and graphics to help people find information easier and to improve the sign permit process.

Commissioner Harrison asked, with the changes, what happens to businesses currently out of compliance with the code. Commissioner Durkee explained that a non-conforming sign can remain in perpetuity. If someone changes their sign, then it has to meet current standards. He said there was relief for multi-tenant signs like shopping centers.

Lighting

- Covers the private property lighting standards for any multi-family or commercial property in the City of Kalamazoo

Planner Durkee said the changes to this chapter were largely grammatical. He said they did receive some questions and feedback in open house meetings about lighting. There may be some tweaks to the code in the next round of edits.

Commissioner Milliken noted that his copy shows the text as all edited. He clarified and Planner Durkee agreed it was marked that way because it is new language to Chapter 50.

Commissioner Chambers stated that once the City found new ideas for lighting, she would like to hear more. She said that some neighborhoods have blind spots, and it was difficult to see when it's really dark outside. Planner Durkee said a challenge of the code review is finding a balance between having lights that are too bright vs. security issues. They will try to highlight anything added.

Commissioner Pittelko noted Commissioner Harrison's comment about creating non-conforming uses. He wondered about maximum parking allowances with the Wayside property. He thought any new business on that site would have too much parking. Commissioner Pittelko wondered how they would remedy that. Planner Durkee said there are different types of non-conformity listed in Chapter 9 of Appendix A. He said they would treat that situation as an existing non-conformity. Planner Durkee used the example of having a Dentist office open on that site. They wouldn't be required to reduce the parking space, however, if they tore out parking, then they would be required to meet the current code. He said non-conformity can remain until it is removed beyond 50%. Commissioner Burgess wondered if it would still be considered as non-conforming if there is a change of use. Planner Durkee said that usually with non-conformity there is some level of change they have to meet to impose existing standards.

2. Site Plan Reports

No questions.

H. PUBLIC COMMENTS:

Ms. Iris Potter wanted them to take a hard look at the next draft because some things have come up many times. She said the staff report includes a Strategic Goal impact in it that refers to Environmental Responsibility with a subheading of a Green and Healthy City. Ms. Potter asked them to look at things from an environmental justice perspective and health for all the residents. She said she appreciated them looking at lighting issues because there was good feedback from residents. Ms. Potter stated that the

original intent language of NFP is good. She didn't think they needed the word *development* in it. There was no need to even talk about not trying to prevent development. Ms. Potter said there needs to be a Special Use Permit requirement for large projects like car washes. She also said that the 25' set back can still be changed. She asked Planning Commissioners to look at the Strategic Vision alignment related to impact – how it impacts all residents for a Green and Healthy City.

Mr. Tom Howes agreed with the previous speaker. He said the 25' barrier to water was not very far. Mr. Howes said the language related to loose material storage near bodies of water had been removed. He felt it should be put back in since City staff couldn't give a definition of loose materials. Mr. Howes mentioned the temperature of nighttime lighting and how it can disrupt night life, habitat, and sleep cycles. He also commented about GPI poisoning the town. He felt there should be some added language that could result in the accountability of a company. Mr. Howes noted that prevention would be easier than holding a company accountable later. He also spoke about NFP containing some language around keeping the natural features the same after a first development. Otherwise, he felt that each subsequent developer could chip away at them.

Ms. Tina McClinton asked Planning Commissioners to keep the green space near her house. She mentioned how the KVCC building made the flooding worse for them. They need that green space to help with flooding, regulate temperature change, and filter pollution. Ms. McClinton noted that small trees planted now will never replace mature trees. She asked them to save green spaces, save preserves, and save the environment for the children. Ms. McClinton was against any more car washes. She requested they stop taking green spaces.

Ms. Vicki Vanas said she attended some of the public education meetings. The problem to the wording regarding the NFP overlay is that it doesn't give the option of saying no. It doesn't give the option of considering the prospect, of contributing to urban sprawl over the protection of natural space, of deciding property is too precious to the ecosystem to allow a business to be built there, of deciding that putting housing for low income people that would destroy a watershed in a flood zone that is already a low income neighborhood is not a good idea. She thought if NFP was not able to be used to sometimes say no, then the word protection is meaningless. Ms. Vanas said the environment will be saved by people like you. She indicated that the Planning Commissioners' decisions could make them the true heroes.

No call-in comments.

Commissioner Milliken shared that it was staff's intention to distill feedback and comments and provide a revised version 2.0 of the draft zoning ordinance. He said they should look for it on the Imagine Kalamazoo project site. Commissioner Milliken asked about a public meeting in June to review changes and receive comment. Planner Durkee said they planned to have an open house meeting in June.

Commissioner Milliken noted they were not meeting on July 6. The next meeting would be on July 20. They can have a discussion on those changes and comments. He encouraged Planning Commissioners to review the document and changes because staff would be looking to them to provide thoughts, comments, and concerns. Commissioner Milliken noted there would not be a public hearing on the zoning code that night. He also shared that he had been watching the NFP meetings (available on the City's YouTube channel) and had found them very helpful.

I. CITY COMMISSION LIAISON COMMENTS

Commissioner Praedel congratulated the Stuart neighborhood residents on their plan. He looked forward to that coming to City Commission. Commissioner Praedel commented on the two recent open houses on the two-way conversion. He noted there are five videos about the conversion on the City's YouTube page. Commissioner Praedel mentioned Kik pool's opening on June 7 and Lunchtime Live returning to Bronson Park on June 9th.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Harrison said that on the first Friday of every month Kalamazoo Contractors and Developers meet at Factory Coffee to connect and share resources. He also gave a shout out to the Milwood baseball league playing games that night.

Commissioner Chambers thanked staff for putting together the presentation for the two-way conversions. She thought the meeting at Bell's was laid out nicely. Commissioner Chambers also noted that the City is always looking for people to serve on the different boards. She encouraged people to go to the website for applications. Commissioner Chambers stated that there will be open seats on the City Commission this November. If people are interested, they can go to the City Clerk's office for applications.

Commissioner Milliken thanked the three Planning Commissioners who served on nominating committee. He also thanked everyone who applied. Commissioner Milliken looked forward to meeting and serving with Mitchell and Christine. He encouraged everyone to become engaged and educated on the two-way conversion project. They will all face challenges as things are under way, but the final project will be great. He noted the need to work together and give everyone grace through the process. Commissioner Milliken thanked Commissioner Praedel for his announcements. He was looking forward to the opening of Kik pool.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:21 pm.

Respectfully submitted,



Christina Anderson,
City Planner
Community Planning & Economic Development