

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
July 20, 2023
FINAL

Members Present: Gregory Milliken, Chair; Brian Pittelko; David Burgess; Jennifer Swan; Christine Dascenzo, Mitchell Curtiss

Members Excused: Michael Harrison; Shardae Chambers; James Pitts

City Staff: Bobby Durkee, Assistant City Planner; Beth Cheeseman, Executive Administrative Assistant; Charlie Bear, Assistant City Attorney

A. CALL TO ORDER/ROLL CALL

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

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

Commissioner Milliken welcomed new Planning Commissioners, Ms. Christine Dascenzo, and Mr. Mitchell Curtiss.

B. ADOPTION OF FORMAL AGENDA

Commissioner Swan, seconded by Commissioner Burgess, moved approval of the July 20, 2023, 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 June 1, 2023, minutes as presented. With a voice vote, the motion carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

Planner Durkee noted that the Planning Commissioners were sent an email from Ms. Judy Huxmann regarding changes to the zoning ordinance.

Planner Durkee shared that they were still going through comments and feedback from the zoning ordinance that was posted in June. He informed Planning Commissioners that the next updated draft would be available to them for the August 3rd meeting. Planner Durkee hoped they could give feedback at that time and staff would plan to bring the proposed ordinance to them for a decision at the September meeting. Planner Durkee clarified for Commissioner Milliken that the updated draft would be available prior to or at the August 3rd meeting. He shared that Planner Anderson presented the proposed zoning ordinance changes to the City Commission at the last Committee of the Whole (COW) meeting.

E. PUBLIC HEARINGS

Commissioner Milliken explained how and when the public could comment during the meeting.

1. P.C. #2023.03: Request for a Special Use Permit for a Group Daycare at 1108 N. Church Street.

Planner Durkee shared that the daycare was in a single-family home in the RM-36 zone district. He explained that a home daycare is a daycare operated out of a home for 1-6 children and it is a permitted use in our residential zones. Planner Durkee said that a group daycare (7-12 children) in a residential zone requires a Special Use Permit. He said it is part of the State licensing requirement to get zoning approval before moving forward. Planner Durkee reviewed maps and pictures of the area. He explained that the property was originally two lots that have been combined into one large lot. The daycare operates Monday-Friday 6:00am-6:00pm. The applicant has no intention of changing hours or days of operation. Planner Durkee explained that the property is approximately 1/3 acre. The side yard has the play equipment. He pointed out that the required fencing referenced in the staff report has since been installed. For access to the property, there is a gravel drive on the north side of the property with a turnaround area in the back. The property has two road frontages. Planner Durkee stated that the area is residential (RM-36), and the Future Land Use map is consistent with the current zoning. He indicated there is adequate room for the children to play outside. Both streets have very low traffic. Planner Durkee said there was one criterion that was not met. Currently, it is required that a group daycare be located on a collector or thoroughfare as defined in the Master Plan. Planner Durkee went through the standards for a Special Use Permit and showed that this request met all criteria except for being located on a collector or arterial roadway. He mentioned that standard was proposed to be removed in the updated zoning ordinance. Planner Durkee said that staff recommends approval of this request with the condition of a ZBA variance approval.

Ms. Jaqueline Fullerton, owner of the daycare, stated that she has done licensed daycare for over a year and had been babysitting for members of her family for a long time. She shared that she had been working for a bank, but after her daughter was murdered, she needed a change. Ms. Fullerton said there is a demand in her area for daycare and she has turned down many parents because of her capacity. She loves what she does, and she tries to incorporate a learning aspect as well as providing a loving environment. Ms. Fullerton said she wants to help her community and the parents who need to work.

Commissioner Milliken opened the public hearing.

No in-person comments.

Phone comment:

Ms. Tina McClinton called and spoke about the flooding in her neighborhood and that it is a health issue with rain and sewage. She said that they are trying to destroy the last green space at Lake and Stockbridge through development. Ms. McClinton mentioned the developer on the NFP Board and that the Mayor is the President of the Lift Foundation. She indicated there was conflict of interest with these boards. Ms. McClinton said they have protected species in this area that no one has checked on and they are destroying mature trees. She shared that the sewers on Stockbridge and Lake Street not working right. She believes the development should be built at 322 Stockbridge. Ms. McClinton asked the Planning Commissioners to start listening to their residents.

Commissioner Milliken noted that the comment was not related to the public hearing for the Special Use Permit, but they would remember that for later.

Commissioner Milliken closed the public hearing.

Commissioner Dascenzo, seconded by Commissioner Swan, moved approval of a Special Use Permit for a Group Daycare at 1108 N. Church Street with the condition of the ZBA granting relief from the standard related to street type.

Commissioner Dascenzo said she was glad to see the request meets criteria. There is a huge demand for childcare in the community and nationwide. She expressed appreciation that the applicant can do the work.

Commissioner Burgess thought the request clearly aligned with the community vision. He thanked Ms. Fullerton for service she provides.

Commissioner Milliken stated that the request meets zoning requirements with the condition for a variance.

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

F. DISCUSSION/ACTION ITEMS

None.

G. REPORTS:

1. Site Plan Reports

No questions.

H. PUBLIC COMMENTS:

Commissioner Milliken reminded everyone of the caller's comment.

No in-person comments.

Phone comments:

Mr. Richard Stewart called regarding the Stockbridge properties. He thought the new Planning Commissioners needed to know they have been fighting this plan for six years and suggesting alternative sites for development. Mr. Stewart indicated the developer would not consider other sites. He said ten residents from the Southtown Neighborhood attended Lift's public meeting. All ten of the residents opposed developing this site. Mr. Stewart explained that the Mayor sits on the Board at Lift. He indicated that Lift's properties are managed by Lockhart Management which is partially owned by Alan Sylvester. Mr. Sylvester sits on the NFP Board. Mr. Stewart felt this led to disturbing conflicts of

interest. He said they have asked for a hold on developing this property. Mr. Stewart said they have asked the DNR to require an environmental study to identify the bat population. He said Lift refuses to do an environmental study. Mr. Stewart said they are attempting to map all existing trees. He asked that they take this site off the agenda until the DNR can clear the site.

Ms. Tina McClinton said she agreed with Mr. Stewart's comment. Ms. McClinton spoke about how the development of KVCC caused more flooding in their neighborhood. She has to replace her furnace and water heater every four years because of the flooding. Ms. McClinton said she doesn't care if they build apartments in the neighborhood, just don't make them flood more. She stated that the soil and water are contaminated. Ms. McClinton asked them not to take away their green space.

I. CITY COMMISSION LIAISON COMMENTS

None.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Pittelko suggested that people listen/watch the presentations on the revised ordinance. He felt the public feedback was helpful.

Commissioner Milliken welcomed the new Commissioners. He shared that he would not be at the August 3rd meeting. Commissioner Milliken expressed the importance of providing feedback and comments at that meeting. While they can give comments, or even pause the process at the September meeting, he hopes they will have a solid document for the public hearing at that time.

Commissioner Milliken stated that he would give Commissioners Curtiss and Dascenzo his contact information for any questions about what has happened before or process steps. Commissioner Dascenzo mentioned that Planner Anderson had given them a good orientation.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 7:36 pm.

Respectfully submitted,



Christina Anderson,
City Planner
Community Planning & Economic Development