

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
August 03, 2023
FINAL

Members Present: Brian Pittelko; David Burgess; Jennifer Swan; Christine Dascenzo; Michael Harrison; Shardae Chambers; *James Pitts

Members Excused: Gregory Milliken, Chair; Mitchell Curtiss

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

A. CALL TO ORDER/ROLL CALL

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

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

Commissioner Burgess gave the phone number for public comment.

B. ADOPTION OF FORMAL AGENDA

Commissioner Swan, seconded by Commissioner Chambers, moved approval of the August 3, 2023, Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Minutes from the July 20, 2023 Planning Commission meeting will be voted on at the September 7, 2023 meeting.

D. COMMUNICATIONS AND ANNOUNCEMENTS

None.

E. PUBLIC HEARINGS

1. P.C.#2023.04 Request for a Special Use Permit for a Group Daycare at 3916 Bronson Blvd.

Planner Durkee shared that an existing licensed home daycare was seeking to expand its capacity to 7-12 children. He said the area was zoned as a single-family zone district (RS-5) and was surrounded by single-family homes. Planner Durkee stated that the hours of the daycare were not proposed to change. The home has a hammer head style turn-around to help manage traffic. There is room for about 4-6 vehicles in the driveway. Planner Durkee stated that there was a large play area that was fenced. The future land use map shows that it remains a single-family area. He said staff was recommending approval of the request. Planner Durkee went through the Special Use Permit criteria stating that the request met all the

requirements. He mentioned that the existing driveway is wide and would provide safe ingress and egress for drop-off and pick-up. The daycare owner indicated that she would stagger drop-off and pick-up times for child safety and traffic congestion.

Commissioner Dascenzo asked if there was any response to the notice letter. Planner Durkee said he spoke with five or six neighbors, one of which was outside of the mailing area. He shared that one neighbor said they were not in support of the application and the others were seeking more information. Planner Durkee stated that concerns/questions raised had to do with the age of the children, Bronson Blvd., drop-off, safety of the children, and noise concerns.

Commissioner Burgess noted that fencing is brought up when they talk about daycares. He asked if that was a requirement. Planner Durkee clarified that the area around the playground was not fenced, but the entire rear yard was fenced. He stated that it was required that the children's outdoor area be within a fenced and/or enclosed space. Planner Durkee believed that this play area meets the criteria.

Ms. Kenzie Clancy, applicant, said her daycare currently consists of her two children and four others. She is in good standing with the State and follows all the licensing requirements. Ms. Clancy explained her passion for early childhood education and her determination to provide a strong role model for children. Her bachelor's degree was in elementary education, and her masters was in educational leadership. Ms. Clancy was an elementary teacher for 12 years. She had difficulty finding daycare for her children when she moved to Michigan, so she decided to start her own. In her current daycare, she focuses on social emotional learning, showing kindness, taking turns, fine and gross motor skill development. The children try new skills and make their own healthy snacks. Ms. Clancy includes books and stories for literacy growth. She said her current plan was to open it up to six more kids and have more of a structured pre-school environment. Ms. Clancy said she was hoping to hire an assistant. She spoke with someone who has experience as a pre-school teacher and as an assistant director. She plans to bring on a couple of kids at a time to make sure they are set. Ms. Clancy said she did talk with neighbors and confirmed they have valid concerns. She stated that she will not be taking the kids to White's Lake. She is planning to do drop-off later and pick-up a little earlier to minimize traffic congestion. Noise is a valid concern, but she doesn't think it will be much more than it is now. Ms. Clancy thinks they can mitigate noise with an assistant. She confirmed that she wants to be good neighbors and be aware of the others around them.

Commissioner Burgess opened public comment time.

Mr. Jason Heystek said he had lived next door to Ms. Kenzie Clancy for seven years. He brought forward concerns of noise from the daycare. He and his wife live and work out of their home, and he said it was disruptive now with only six children. Mr. Heystek felt the doubling of the daycare would amplify the disruption.

Call-in Comment:

Mr. Richard Stewart called in support of the applicant. He felt she was very qualified and there was a need for these types of services throughout the City.

Ms. Nancy Eimers came forward and said that she also believed the candidate was amazingly qualified. However, she did have concerns about noise levels with an additional six children.

Commissioner Burgess closed the public meeting.

Commissioner Dascenzo, seconded by Commissioner Swan, moved to approve the Special Use Permit for a Group Daycare at 3916 Bronson Boulevard.

Commissioner Harrison wondered about measures that could be put in place to make sure neighbors' concerns are addressed. He also commented that because she wants more of a pre-school, they may be doing a disservice to Ms. Clancy to allow her to grow in this space. Commissioner Harrison commented about giving her resources to grow in another space instead.

Commissioner Swan confirmed the hours of operation: 7:30am-4:30pm.

Commissioner Chambers asked about fire and safety concerns. Ms. Clancy responded that the State requires a fire plan. They are remodeling their downstairs and will be moving the preschool to the downstairs area as soon as the remodeling is done and approved by the licenser. Commissioner Chambers asked about the current age range of children. Ms. Clancy said the youngest is 18 months, and typically the oldest is about four years old. Commissioner Chambers also asked about how long there is between each drop-off and each pick-up. Ms. Clancy said there was about ½ hour between drop-offs and pick-ups happen at about 4:00pm, 4:15pm or 4:30pm. She said pick-ups take about 5 minutes.

*James Pitts came into the meeting when Commissioner Chambers was asking questions.

Commissioner Dascenzo asked for a summary of the current day split between indoor and outdoor activities. Ms. Clancy said they usually have snack at 9:30 am, then go out and play, activities indoors, lunch at 11:30am, rest time, afternoon snack, then indoor or outdoor activities.

Commissioner Harrison asked about her start date of when she would add more children. He also asked if there was a complaint process. Ms. Clancy said they would start mid-October or early November. She said she was open to complaints or brainstorming solutions to the issues. The neighbors were welcome to knock on her door outside of daycare hours.

Commissioner Burgess summarized that he heard concerns about noise, but he also heard about a highly qualified person and a service that is needed in the community.

A roll call vote was taken, and the motion passed. Commissioner Harrison voted no.

F. DISCUSSION/ACTION ITEMS

None.

G. REPORTS:

1. City Planner's Report-Informational Presentation on the proposed Zoning Code & Map Update

Commissioner Burgess explained he wanted to insert a public comment period between the staff presentation and discussion. Planning Commissioners voiced no concerns.

Planner Anderson explained that they were going to move to an official approval process at the September meeting. She reviewed how the zoning code was a tool to implement the Master Plan vision. They have been working through specific goals and tasks related to updating the zoning code since the Master Plan approval. Planner Anderson said they chose to slowly update the zoning code and doing so allowed them to have a lot of engagement with the community. They have been bringing existing code language from Appendix A into Chapter 50 after it has been reviewed and updated.

Planner Anderson shared the process of updating this portion of the zoning code. They created a draft, conducted three public meetings, sent a notice to property owners/occupants, posted an online interactive map and the draft, set up 1:1s with property owners/occupants, gave presentations and had discussions with the NFP Review Board and the Planning Commission, released draft two, gave presentations and had discussions with the City Commission. She shared that the links to recorded meetings were on the Imagine Kalamazoo Zoning Code Update page.

Planner Anderson reviewed and explained the following changes to the zoning code.

General

- In the how to use the regulations portion of the code, they added that when you look at a zone district, you also have to look at your overlay district (if it falls in NFP).
- Updated definitions and clarified street types.

Zoning Districts & Map

- Map Changes (draft 2)
 - Drake and Stadium properties were removed from this process.
 - 904 Hotop was left off and needed to be put back on.
 - Lovell and Stadium – pulled Live Work zoning a couple of lots further from the Stadium intersection.
 - 2130 Parkview Avenue – property was originally included in commercial zoning but has since been changed to residential multi-family.

Tables

- Updated Use Tables and Standards with the new districts. Labeled them with more clarity. Classifications include permitted by right, special use permits, and permitted by right with development standards.

- Updated Accessory Use and Structure Table. This includes backyard chicken and rabbits.

New Cannabis License type

- Microbusiness class A license. This license type allows a different number of plants. It also allows people to grow, process, and sell their own product or other people's product. This change helps to make the businesses more economically viable.

Restrictions

- Added in restrictions to prevent more intense commercial uses on residential streets.

Vehicle Service

- Car washes will remain a special use.

Outdoor Sales and Service

- Clarified standards regarding loose materials, storage surfaces (concrete or asphalt), and added a 50' setback for loose materials near wetlands, and water resources.

In-Home Daycare

- Removed the street classification requirement for a group daycare.

Zoning Districts

- Removing CO, CNO, CN-1, CN-2, CMU, RMU
 - CMU, RMU will be replaced with LW-1 and LW-2.
- Added CC2 and C-Node

Overlay Districts

- Removing Overlay Districts: Neighborhood Conservation (NC-O), Historic Preservation (HP-O), Traditional Housing Development (THD-O) and River Front Overlay (RF-O).
 - Design guideline standards are now included in the code. The use of RF-O resulted in legitimate variance requests and very little development in those areas.
- Moving NFP and Planned Unit Development Overlays to Chapter 50.

Planner Anderson explained the differences between form-based districts and standard districts.

Institutional Campus

- Currently in Appendix A and moving to Chapter 50. Allows the adjustment of zoning standards and requirements based on a plan which has to be renewed every 10 years. An Institutional Campus could be a college, hospital, industrial or office campus.

Planner Anderson explained that overlay districts sit on top of base zoning. They either add additional requirements or adjust what is below.

NFP Overlay

- None of the standards or defined features in NFP were changed.
- Intent language was changed.
 - Worked with NFP Review Board and staff liaison to clarify language for intent. Planner Anderson explained that the intent is to protect defined natural features and to guide site development. This results in balancing growth and creating site designs that are responsive to existing natural features.

NFP Overlay - Lot Coverage (% of property allowed to be covered with pavement or buildings)

- Initially removed all NFP lot coverage guidance statements.
- Through conversations with the NFP Board and the community, they brought some of that language back. Want to think about property in the NFP in larger pieces or all one piece and what is contiguous to natural features.

Violations

- Added language for violations and will continue to review this in-house.

Parking

- Moving to a maximum parking requirement only. They will have one maximum for urban walkable areas and a larger overage allowed for areas that don't have on-road parking, shared parking, and are not as transit rich.

Landscaping and Screening

- Bringing from Appendix A to Chapter 50.
- Made changes to make sure it aligns with the Community Sustainability Plan and NFP ordinances. Planner Anderson spoke about a tree canopy requirement based on size of lot. They also incorporated NFP construction fencing requirements.
- Added site distance requirement at intersections, driveways. Added a standard about vegetation impeding access to the road and sidewalk.

Signs

- Moving from Appendix A to Chapter 50.
- Clarified definition of temporary signs due to Supreme Court Case – known as Reed vs. Town of Gilbert.
- Signs for residential districts (schools, churches, parks, some small commercial businesses).
- Added illustrations for sign types.
- Making sure sign standards match street types.

Lighting

- Moving from Appendix A to Chapter 50.
- Cleaned the code up, but code remains essentially the same.

- Sustainability Planner will do research and bring forward changes early next year.

Planner Anderson reviewed the timeline for this zoning update.

- August – Presentation to Planning Commission.
- September – Public Hearing at the Planning Commission
- October – Public Hearings at the City Commission

Commissioner Burgess acknowledged the incredible amount of work that this zoning update had been and thanked Planner Anderson.

Commissioner Harrison asked when they will be able to review the final document. He also asked about the notice mailing and how residents get to be a part of the process. Planner Anderson explained that version three of the update would be available online the next day. She would make sure to point out any additional changes at the September meeting. Planner Anderson explained the State required noticing for a rezoning. She said they have an estimate of 4,700 postcards they are sending out.

Commissioner Burgess asked if they would get notified of changes to the draft before the next meeting. Planner Anderson said that she would point out any changes and if there was anything major it would be listed in the next staff report.

Commissioner Burgess opened a public comment section specifically about the zoning and map update.

In-person Comments:

Ms. Tina McClinton came forward and spoke about wanting to save the last green space in their neighborhood. She spoke about the Lift Foundation wanting to build apartments and destroy that space. Ms. McClinton spoke about the benefits of preserving the green space for people, wildlife, and to help with flooding and temperature. She asked the Commissioners not to rezone the last green space in the Southtown neighborhood. Ms. McClinton asked for a non-biased party to do an environmental impact survey of their last green space and see what this new building would do to the environment.

Ms. Rochelle Habeck spoke in support of the changes to maintain the special use permits. She felt the new intent language for NFP diminishes the wording already there. It should be to protect and to balance, not just to minimize the disruption. Ms. Habeck asked them to consider adding a zoning designation for green space to our code. She suggested the Planning Commission, City Staff, City Commission, and the City Manager request a presentation of the Michigan Climate Resilience study. Ms. Habeck felt that would show where contiguous pieces are that have potential to create resilience in our county. Asylum Lake is among the final properties that could contribute to it. She suggested that hundreds of people would put together an effort to purchase Mr. Tehrani's properties as they are the City's last best green space.

Ms. Vicki Vanas spoke about the issue of flooding on her Lake Street property. She said it was expected that the weather would become more extreme over time with fewer trees to take up water. Ms. Vanas said the City has told them they have to run the sewer line under Lake Street. She felt that for every inch

they gain, the City and the Lift Foundation take a foot. Ms. Vanas indicated that the wealthy get better treatment from the City than the poor. She also asked for explanations as to why the Lift Foundation has to build on their property.

Mr. Tom Howes said he started a petition to establish one or more districts dedicated to preserving green spaces. He said the issue was raised because of proposed zoning changes to Oakwood Memorial Beach. It is currently split zoned, and they are proposing a solely residential zoning. Mr. Howes said they were proposing to add one or more districts that would be applied to this park and many other parcels. The community continues to emphasize environmental protection as one of their top concerns. He thought this would achieve what everyone wants. Mr. Howes cited some examples from other states and also spoke of a 2003 open space and parkland preservation millage in Ann Arbor.

Mr. Erich Kuzderschmidt came forward in support of zoning changes that would make the City more walkable.

Phone-in comments:

Mr. Richard Stewart called in and wanted to know how they define the term outreach. He expressed frustration in talking with Planner Anderson and not having his input included. Mr. Stewart said he rejected her offer to rezone his parcels to LW-1 and LW-2. He said it would rob him of a valuable M1 zoning. Mr. Stewart said he has attended public meetings and his neighbors have contacted Planner Anderson. He asked Planning Commissioners to hold her accountable for a racist, ableist policy. Mr. Stewart stated that Planner Anderson does blanket rezonings of LW-1 and LW-2 in neighborhoods which have predominately minority and disabled-owned parcels. He thought that CC is the most desirable and valuable zoning of commercial property. Mr. Stewart felt that Planner Anderson was targeting Portage Road and its diverse neighborhood. He also objected to the phrase, *walkable neighborhoods*, calling it an ableist term. Mr. Stewart stated that he asked her to stop using the term and get some ableist training.

Planner Anderson stated that she meant to touch on the petition that Tom mentioned in his comments. She said they currently have a P district which includes public uses (parks, schools, civic buildings, and government offices). Planner Anderson said that is currently in Appendix A and is not mapped. They will be reviewing that. She said some large cities which have a lot of green field development combine their zoning code with their subdivision code. She has seen parks districts in those codes that allow park development. They are not necessarily conservation districts, but they allow regional parks. Planner Anderson said the petition does have a lot of examples of conservation districts – they tend to include agriculture uses and allow residential development. She reminded Planning Commissioners that zoning is a document that is meant to guide development. Zoning as an environmental protection tool is limited. She cautioned they would have to be careful with property and development rights. If they did create a district, it would have to be by request or only used on City properties.

Planner Anderson clarified that the NFP is not a guideline, it is a standard that you have to follow.

Commissioner Burgess thought the idea/concept of a green space district was interesting. He would like to know more about it. Commissioner Burgess understood it would need to be down the line. Planner Anderson agreed that they would need to make sure they were tailoring it to the community correctly. She said that moving this zoning code update forward doesn't mean they can't explore those opportunities.

Commissioner Burgess felt that the changes to the NFP intent language was a clarification. He didn't think anyone needed to fear the word development. Commissioner Burgess said that having the NFP provides a balance over not having it. It provides a check on the growth and development by protecting existing natural features. He was not concerned about that wording. Planner Anderson added that the NFP Meetings where they discussed proposed changes were recorded and available for review.

Commissioner Dascenzo thought that review would only be triggered if development were to happen. She felt that addressing it in a development context seemed appropriate. Commissioner Dascenzo asked Planner Anderson to clarify removing properties from the zoning map. Planner Anderson shared that the properties at the corner of Drake and Stadium quickly became a point of conversation. They decided to remove the properties from the update so they could have time for further discussion on those. They also didn't want to limit discussion on the other topics. For now, those properties will remain as a mix of RM-15 and RS-5.

Commissioner Burgess commented that a lot of things were being moved over, cleaned up, text edited, along with common sense changes, and other substantive improvements (new districts, changing to parking maximums). He asked the other Planning Commissioners if they had concerns.

Commissioner Harrison indicated he gets stuck on how they look at the balance of seeing the City progressing vs. the impact on residents. He hoped they could have a residential focus to lead the work.

Commissioner Burgess asked if there were any changes to residential properties. Planner Anderson indicated that some properties were changed back to residential where they had remained residential in structure and use. She said there were slight changes to parking, home occupations and landscaping that may impact residential properties. Planner Anderson said that most residential work will happen starting this winter. She affirmed Commissioner Harrison's thoughts about the difficulty of zoning and balance. It impacts individuals and larger areas. Planner Anderson explained how thorough her process was in evaluating properties and trying to minimize non-conformities. She also indicated they go through Neighborhood Plans.

2. Site Plan Reports

No comments.

H. PUBLIC COMMENTS:

Call-in comments:

Mr. Richard Stewart called in regarding the green space related to the 209 E. Stockbridge development. He stated that the Imagine Kalamazoo Master Plan was illegitimate. Mr. Stewart stated they were using select neighborhood plans that ignore other residents. He shared that the Southtown Neighborhood Plan was refused by Planner Anderson. He said Southtown recognizes that site as green space. In 2018, Mayor Anderson informed them that the Lift Foundation wanted to build an apartment building. Mr. Stewart said they fought it from day one. He shared that Mr. Alan Sylvester and Ms. Lisa Wilcutt are owners of the management company for the Lift Foundation. Mr. Stewart also pointed out that Mr. Sylvester is on the NFP Board and was successful in rewording the guideline. He stated that this was not legitimate, and they are continually ignored. Mr. Stewart said that Ms. McClinton who spoke earlier was the head of the Southtown neighborhood.

I. CITY COMMISSION LIAISON COMMENTS

Commissioner Praedel welcomed Commissioner Dascenzo. He shared that the local Michigan delegation brought \$20 million to the region for Business Loop 131. Commissioner Praedel thought it would reduce congestion downtown and improve air quality. It was a huge win for the City. They also brought in \$553,000 for mental health supports for Public Safety. That was another really big impact. Commissioner Praedel said the City Commission would see the Stuart Neighborhood Plan. He recognized the neighborhoods that did National Night Out. Commissioner Praedel commented on all the work done on the zoning code and updates. He invited people to watch the recordings of the meetings on June 29 and the July 17 Committee of the Whole (COW).

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Harrison spoke about moving forward and reflecting the interest of residents - not just businesses. He knew he was responsible to a network of individuals. Commissioner Harrison felt the role of the Planning Commission should be that of balance.

Commissioner Burgess noted that when they approved the daycare expansion earlier in the meeting, they neglected to say that the application was consistent with the ordinance and the Master Plan.

Commissioner Dascenzo mentioned that the KPS schedule was public, which could be useful information for those with school-aged kids.

K. ADJOURNMENT

Commissioner Burgess adjourned the meeting at 9:15 pm.

Planning Commission

August 3, 2023

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Anderson".

Christina Anderson,

City Planner

Community Planning & Economic Development