

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
September 07, 2023
FINAL

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

Members Excused: James Pitts

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

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

B. ADOPTION OF FORMAL AGENDA

Commissioner Swan, seconded by Commissioner Pittelko, moved approval of the September 7, 2023, Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

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

Commissioner Burgess, seconded by Commissioner Swan, moved approval of the August 3, 2023, minutes as presented. With a voice vote, the motion was carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

Planner Durkee announced that all communications were included in the packet.

Commissioner Milliken gave instructions on how to give in-person and call-in comments.

E. PUBLIC HEARINGS

1. PC 2023.05 A Recommendation to the City Commission to Approve Text Amendments to Chapter 50 Zoning Ordinance & Appendix A Zoning and Updates to the Zoning Map.

Planner Anderson shared that the public hearing was a culmination of months of work and engagement on the commercial zoning code. She said that zoning and the Master Plan were intended to align with each other. The zoning code should implement the Master Plan vision at least as it relates to land use and

some transportation tasks. Planner Anderson shared that staff took on the task of updating the zoning code because the Master Plan specifically listed it as an action. She explained the five Strategic Visions relating to zoning work: 1. Good Governance, 2. Complete Neighborhoods, 3. Connected City, 4. Economic Vitality, 5. Environmental Responsibility. Planner Anderson outlined the incremental manner in which they had been revising the zoning code.

*Commissioner Harrison entered the meeting at this time.

Planner Anderson spoke about the process used to revise the commercial zoning code. She explained staff use of the Public Participation Policy (PPP) which helped choose the level of engagement and activities. These activities included: online interactive zoning map and drafts; outreach meetings across the City; presentations and discussions with Boards (Natural Features Protection, Planning Commission, City Commission, and Committee Of the Whole); property owner/occupant mailings; 1:1s with property owners/occupants. Outreach and engagement was done between March and May. Multiple drafts were created based on feedback from meetings and staff research - draft three was presented at the August Planning Commission meeting. Planner Anderson stated that Draft four had just a few things updated since August. She explained that the Planning Commission was asked to recommend approval to the City Commission. The City Commission would then have a first reading and then a public hearing.

Planner Anderson reviewed the five review criteria the Planning Commission uses when reviewing a map change or text change to the zoning code.

1. Are the amendments consistent with 2025 Master Plan and Strategic Vision?
 - a. Overhaul of code aligns with 2025 MP and is called for in the MP.
 - b. Future Land Use Plan helped guide map changes.
 - c. Public Participation Policy guided outreach and engagement.
2. Have conditions changed that require zoning changes?
 - a. Approval of the 2025 MP was the change in condition.
 - b. Variance requests indicated a needed change.
 - c. Board comments and directions indicated a needed change.
3. Do changes address a community need?
 - a. Changes were indicated through identified community needs and vision.
 - b. Zoning can serve as a barrier to projects going forward.
4. Are the proposed changes compatible with surrounding properties?
 - a. Changes created through parcel-by-parcel review.
 - b. Zoning standards were tested on existing lots.
5. Will changes result in logical and orderly pattern?
 - a. Changes were rooted in the 2025 MP and Strategic Vision.
 - b. Changes were rooted in the size, scale, and context of Kalamazoo.

Planner Anderson went on to review and explain the proposed changes to the commercial zoning code.

Pre-Code Pages:

Added the reference of seeing if the property is located in the NFP Overlay District.

General requirements:

Updated and renumbered definitions, updated street types, updated language of Nonconformance Standards.

Zoning Districts:

Removing some base districts (CO & CNO, CN-1 & CN-2, CMU & RMU).

Removing some overlay districts (NC-O, THD-O, HP-O, and RF-O).

Adding new Commercial districts (CC2 & C-Node).

Updating Zoning Map.

Moving Institutional Campus (IC) from Appendix A.

Uses:

Updated Use Table and Standards with the new districts and for clarity.

Updated Accessory Use and Structure Table with new districts and the keeping of chickens and rabbits.

Added Microbusiness Class A license for cannabis.

Added restrictions to prevent intense uses on residential streets.

Updates to Vehicle Service (SUP) – car washes will remain a Special Use.

Outdoor Sales & Services- clarified the type of materials that can be stored.

Clarified In-Home Day Care (home occupation) is an accessory use vs. a Daycare Center.

Zoning District Standards: Form-based vs. Dimensional Standards

Reviewed characteristics of form-based vs. dimensional standards.

Reviewed Mixed-use Districts (LW1 & LW2, N-Node) and Downtown Districts (D1, D2, D3).

Districts that are not form-based are CC, CC2, and C-Node.

Zoning District Standards: Overlay Districts

Planned Unit Development was brought over to Chapter 50.

NFP Overlay districts – made some updates.

Intent language was changed.

Wellhead protection was moved out of the zoning code.

Lot Coverage - removed all requirements except guidance of where to put pervious areas on site.

Parking

Removed minimum requirements for parking.

Set two maximum requirements for parking.

Reviewed and adjusted parking standards by use.

Landscaping & Screening:

Updated section to align with Community Sustainability Plan (CSP) and Natural Features Protection (NFP) – tree canopy and construction fencing.

Section was reviewed by Landscape Architects.

Added requirements for sight distances at driveways and intersections.

Signs:

Updated temporary signage based on Supreme Court Case (Reed v Town of Gilbert).
Updated code based on variances.
Updated height and area of signs based on street types.

Lighting:

Cleaned up and moved from Appendix A.
Sustainability Planner will research and make future updates.

Commissioner Curtiss asked about the NFP and change to pervious surface requirements. He wondered if areas smaller than 20% would be counted towards pervious surface or if they wouldn't be allowed. Planner Anderson said that one could choose not to have those count, or they could go above 20%. If a person can't meet the requirements, then they would either need to redesign the site or go to the ZBA to have that discussion. Commissioner Curtiss thought it sounded like small green space areas would not be allowed. Planner Anderson assured him that they are allowed. She explained that there would still be landscaping standards that would require landscape islands and perimeter landscaping around a parking lot. Anything above this required amount can be divided among the site to meet other requirements.

Commissioner Milliken opened the public comment portion of the public hearing.

Mr. Richard Stewart stated that staff were using LW-1 and LW-2 as a way of misleading the public with terms. He said that CC already allows living and working in the same property and zone. As a realtor, he felt that LW-1 and LW-2 are in oversupply with no market demand whereas CC has a high demand and high value. Mr. Stewart suggested that Commissioner Milliken should abstain from the vote because he was aware of the nine parcels between Lake and Stockbridge that Southtown has opposed rezoning. They were confident they would stop the funding for Lift, but rezoning these parcels paves the way for the next developer to take over. They would like them removed from the rezoning. Mr. Stewart indicated a racist component in the rezoning saying that it disproportionately effects minority and disabled property owners. He stated that before the rezoning on the Northside, the area was thriving with property sales. Afterwards, he said the sales stopped and the value went down. He felt that staff were not recognizing the existing diversity in this area now. Mr. Stewart said his FOIA was denied. He had requested the list of 2000 properties and property owners to give them the demographic data as proof. He said he was referred to a color coded map on the website which does not give that data. Mr. Stewart ended by asking why City staff do not use MLS data.

Mr. Bruce Schuur came forward and gave information about three parcels that were rezoned in 1952 to accommodate a dairy, a restaurant, and a catering service. He said those parcels are now CC. Mr. Schuur felt it caused irreparable harm to the neighborhood. The street was loaded with cars, trucks, semis, and there is now commercial blight on that street. He requested they put the parcels back to residential.

Mr. August Krymis said he read the zoning code on the signs. He asked about the grandfathering of signs. He also wondered if he had a property with a CC designation that was converted to a

medical/dental office, would he lose the CC zoning designation. Mr. Krymis asked when the revisions would be finalized. He added that the presentation font is too small to see from the back of the room.

Ms. Alice Wright talked about people hanging out in front of her house. She then has no place for company to park. Ms. Wright said there used to be a sign that said no parking after 2, no standing. She would like someone to come to her house and talk to her in front of them. Ms. Wright said they end up fighting and shooting. She indicated there was a code book talking about jaywalking/loitering and she requested someone find that book for her.

Ms. Barbara Fields stated that she lives in a new home built on Church Street. She was told she couldn't have a back screen door due to zoning. She wanted to know why.

Mr. David Nesius, President of the Oakwood Neighborhood Association, brought up the property at 2130 Parkview Ave. He said it is owned and maintained by the Neighborhood Association and is for private use by all Oakwood Neighborhood property owners. Mr. Nesius said the zoning was currently split between commercial and RS-5. After some discussions, City Planners decided it could be rezoned RM-15 instead of commercial. Mr. Nesius said that much of the area surrounding this property is RS-5 and they would like that to be the zoning designation for this parcel.

Ms. Tina McClinton thought the zoning they were doing would only benefit developers. She said they don't listen to residents of Kalamazoo, especially in poor neighborhoods. Ms. McClinton said she has been trying to save their neighborhood green space for seven years. The new zoning on their last green space was going to let an apartment complex be built in a flood plain. She shared that only one day of rain will flood them for four days.

Call-in Comments:

Ms. Karen Larsen read a passage from the Community Sustainability Plan. She indicated that they shouldn't weaken the NFP, and there should be greater protection for green areas. Ms. Larsen said that none of the public green areas should be zoned residential. She thought it was time to have a green zone. Ms. Larsen asked them to refrain from lessening the language of the NFP.

Commissioner Milliken closed the public comment portion of the public hearing.

Commissioner Milliken asked for more information about the rezoning of Conant Street. Planner Anderson explained that Conant Street is a residential street in size and for the vast majority of uses. The three properties Mr. Schuur spoke of are zoned CC. They are proposing to return those properties to residential.

Planner Anderson answered questions voiced by Mr. Krymis. If a sign exists today, they are allowed to exist. There are provisions in the code regarding changes made that would trigger compliance. If a district goes away, the standards associated with it will go away. However, anything created under previous standards continues to exist in perpetuity unless changes are made to drastically increase the size

or intensity of the use. As far as timeline of when the changes would take effect, Planning Commission makes a recommendation to City Commission. The City Commission has a first reading, then a public hearing and action. Planner Anderson thought it could be October or November before it went to City Commission.

Planner Anderson said there was discussion about properties at Stockbridge and Lake. She said those properties at Lake, Stadium, and John Street are a mix of manufacturing and commercial right now. John Street use is residential and is proposed to return to residential zoning. Many of the properties on Lake Street will be put back to residential as well. Planner Anderson stated that the development project referenced has nothing to do with the rezoning. It is a project that has been in the pipeline for a while and is in site plan, the final step in the development process. It is being developed under current zoning standards.

Planner Anderson brought up the property on Parkview and Oakland. She said it was currently split-zoned CN-1 along Oakland and Parkview and RS-5 in the back along the Woods Lake. The area is designated as Commercial Node in the Future Land Use Plan in the Master Plan. Planner Anderson said they don't do the split zoning they used to do in 2005. After conversations with residents in Oakwood, they proposed to make the property RM-15. She said that was chosen because that is what adjacent frontage is as opposed to what exists behind. RM-15 allows single-family homes, multi-family, and parks. She said that was the rationale why RM-15 was chosen instead of RS-5 which exists at the back of the lot.

Commissioner Milliken asked to make sure someone from Public Safety goes to speak with Ms. Wright.

Commissioner Dascenzo asked about the anticipated effective date of the regulations if they are approved. Planner Anderson stated that ordinances take effect 10 days after they are approved. Commissioner Milliken thought it was 30 days for rezoning, but Planner Anderson thought that 30 days was for appeals.

Commissioner Harrison asked if all parks were zoned residential and if a neighborhood community could attach an NFP Overlay to property. Planner Anderson believed that nearly all parks were zoned residential. She added that the vast majority of the City is zoned single-family residential. It wouldn't be unexpected to have schools and parks zoned as the property around it is zoned. Planner Anderson said that the NFP Overlay can be mapped on a parcel if it has existing natural features. The intention of the Overlay is to provide protection around those features.

Commissioner Pittelko, seconded by Commissioner Burgess, moved to recommend to the City Commission to Approve Text Amendments to Chapter 50 Zoning Ordinance & Appendix A Zoning and Updates to the Zoning Map.

Commissioner Pittelko said he appreciated staff efforts in regard to public outreach, meetings, and revisions. He noted that public input was incorporated into the drafts regarding auto related uses. Commissioner Pittelko thought staff did a good job of bringing changes forward slowly and deliberately to give people time to voice concerns.

Commissioner Curtiss said that the response from the community gave him further confidence in the rezoning and the ordinance itself. He knew the ordinance had been evaluated by those who would be living with it on a daily basis.

Commissioner Burgess added that it was clear that the proposed zoning changes were consistent with the Master Plan.

Commissioner Dascenzo appreciated the work of the Board. She liked the way the presentations and information would go back to the Strategic Plan and the criteria. Where there were gaps in knowledge, those gaps were filled with outside expertise. Commissioner Dascenzo thought that all went into making a really good document.

Commissioner Curtiss noted that some of the concerns they heard border on the extent of the power of the Planning Commission and the zoning code to protect the environment. There are extents where a zoning code can and should address environmental safety, but being a developmental code, the power of canon should be limited in some of those situations. He thought they should make sure that they are staying within the limit of their powers as a board and the zoning code as a ruling document.

Commissioner Milliken agreed that zoning was there to regulate development and not prohibit development. He thanked staff for listening, organizing, and managing the process. Most communities would hire a consultant to do that at great expense. Commissioner Milliken thanked the other commissioners. This is not easy work, but this is the real work of the Planning Commission. He also thanked the community for being engaged. He felt the engagement was critical to get a refined product. Commissioner Milliken admitted that the product is not what everyone wants, and is not perfect for every person, but that is an impossible goal. He was proud of the process, proud of the work, and proud of the final product. Commissioner Milliken indicated he was confident in the process and noted that staff did what they said they would do as far as engagement and incorporating feedback into the drafts. He stated that the amendments were consistent with Imagine Kalamazoo which served as a framework and catalyst for the amendments. Commissioner Milliken said it met the standards for approval. He welcomed the City Commission to contact them if they had any questions.

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

F. DISCUSSION/ACTION ITEMS

None.

G. REPORTS:

1. City Planner's Report

2. Site Plan Reports

H. PUBLIC COMMENTS:

Ms. Tina McClinton came forward and asked why she got a postcard in the mail when they were not rezoning her area. She also wondered why they would destroy a natural green space to create a green space on a parking lot at the old DHS building.

Ms. Judy Huxmann stated that she really liked her sidewalks. She feels she can safely walk on those at night. It had uplifted the quality of the neighborhood, and people were enjoying them.

Mr. Tom Howes said he read through the zoning districts, and it didn't specifically say that residential included parks. He spoke about keeping green spaces on the radar for future zoning code changes. Mr. Howes hoped the examples he provided at previous meetings could guide future conversations. He also spoke about the stench and toxicity from GPI and the Water Treatment Plant. He asked staff to think about wind patterns and not only geographic proximity when it comes to GPI. Mr. Howes felt that ongoing issues could be addressed in the manufacturing district talks.

No call-in comments.

I. CITY COMMISSION LIAISON COMMENTS

Commissioner Praedel welcomed Commissioner Curtiss to the Planning Commission. He noted that the commercial zoning was a culmination of a year's efforts. Commissioner Praedel thanked everyone for their work. He spoke about a survey that was done for how to use the Covid ARPA dollars. One of the major priorities was housing. Commissioner Praedel reviewed what the City Commission had approved in the past month related to housing. He noted that the View from the Curb was out and shared some of the contents. Commissioner Praedel encouraged people to slow down and watch out for young people now that school was back in session.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Milliken said that passing the commercial zoning revisions that night was a big deal. He congratulated everyone and thanked them for their hard work.

Planner Anderson reminded the Planning Commissioners that they had to reschedule the October meeting for Monday, October 9. Staff would be in training on the usual Planning Commission meeting day, so they were not available that day. She said it was already posted online and applicants were aware of the change in deadline. Planner Anderson clarified that the City was open on October 9 – Indigenous People's Day.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:37 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Anderson", is written above a horizontal blue line.

Christina Anderson,
City Planner
Community Planning & Economic Development