

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
October 9, 2023
FINAL

Members Present: Brian Pittelko; David Burgess; Christine Dascenzo; Shardae Chambers; Gregory Milliken, Chair

Members Excused: Jennifer Swan; Mitchell Curtiss; Michael Harrison; 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 Pittelko, seconded by Commissioner Chambers, moved approval of the October 9, 2023 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Commissioner Burgess, seconded by Commissioner Dascenzo, moved approval of the September 7, 2023 minutes as presented. With a voice vote, the motion carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

Planner Durkee referenced questions that Commissioner Dascenzo had asked him about the street vacations. He also asked Planning Commissioners to fill out the Doodle poll regarding dates for a joint training for the Zoning Board of Appeals, Planning Commission, and Natural Features Protection boards.

Commissioner Milliken and Attorney Bear clarified that they would need to open two public hearings for the street vacations, but the staff presentation could include information for both hearings.

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

E. PUBLIC HEARINGS

1. PC #2023.06: Vacate Cooley Street. Vacation of Cooley Street between Eleanor Street & W. Kalamazoo Ave.

Planner Durkee gave a history of a 2022 vacation of Cooley Street – the portion south of Eleanor between Water Street. He said that when that was vacated, the northern portion was obtained by CD Arena. They own from the creek up to Eleanor. Planning staff thought it was best to process each street (Cooley, and Eleanor) separately for each right-of-way (ROW). Planner Durkee said the applicant's intent is to assemble land in preparation for an arena development. He shared that Commissioner Dascenzo noted that there was a reference to a request to vacate a portion of alley. Planner Durkee shared information about the alley and a previous vacation of a portion of the alley west of the former Cooley Street. He explained that 231 Cooley Street is shown within that alley, and it is owned by the DDA. In order to move forward with a request to vacate that portion of the alley, they would need a letter of support from the DDA. Planner Durkee showed pictures and maps of the area. If the vacations are approved and the lots are assembled into one parcel, it would be zoned D-2. Indoor sports and participation and assembly are both a permitted use in the D-2 district. This zoning would support an arena development. Planner Durkee reviewed the Land Use maps. The Future Land Use map shows land around it as Downtown zoning. He mentioned that the 411 W. Kalamazoo parking lot has vehicular access to Eleanor and Cooley Street. CD Arena has an agreement to provide parking until such a time that parking is no longer needed. Planner Durkee said staff have requested the condition of an easement for surface access for utilities. He said that under both ROWs are water, storms, and sanitary infrastructure. Planner Durkee explained that the engineers have had preliminary utility relocation meetings. Upgrades are already planned for Westnedge and Water. The new pipes being put in would increase capacity, reliability, and level of service. He said there are four private utilities within the same ROW - Consumer's Gas, Consumer's Electric, Charter Communications, and ATT. They've included private utilities to be included within that easement. If the street vacations are approved, there is a 60-day timeframe for closing after a City Commission decision. There is an understanding that the owner, if these are vacated, would need to terminate, and move easements at a future date.

Staff rationale:

- The applicant owns adjacent parcels and intends to combine them into one parcel.
- Each parcel maintains its adjacency to public ROW outside of the Cooley Street ROW frontage.
- The existing parking lot at 411 W. Kalamazoo will be maintained if the street is vacated. The applicant has agreed to provide surface access in the easement and is bound by the purchase agreement.
- City Departments have reviewed the request and are in support of it.
- The City will perform coordinated infrastructure improvements to partner with public utility routes. This will result in an increased capacity for water and sanitary. Development of the site would have to conform with City Stormwater performance standards. All would have EGLE review and regulations tied to it as well. This work will benefit all system users.
- This work will occur prior to the final paving of the two-way conversion of Kalamazoo Avenue.
- Stretches of Cooley Street have been vacated previously limiting connectivity.
- Cooley Street is not a high traffic street and is classified as a neighborhood street.
- There is sufficient street capacity in the surrounding area if the street is vacated.
- The request for street vacation has been evaluated by the City Traffic Engineer.

Mr. Mike Elliston, Catalyst Development, came forward to speak to the request. He said they needed to combine street parcels with adjacent parcels of land to create a single contiguous construction site for a new 360,000 square foot arena. Mr. Elliston asked for Planning Commissioners support in approving their application and moving it forward to the City Commission.

Commissioner Milliken opened the public comment portion for Cooley Street.

Ms. Iris Potter asked Planning Commissioners to look at this request and take into consideration the people who have spoken against the arena.

No call-in comments.

Commissioner Milliken closed the public comment portion for Cooley Street.

Commissioner Milliken clarified for Commissioner Burgess that the condition(s) should be easements for public and private utilities be provided. Those easements include surface access be maintained for ROW for county staff parking at 411 Kalamazoo Ave.

Commissioner Dascenzo asked if any public comment was received for either request. She also asked Planner Durkee to talk about their decisions regarding public engagement. Planner Durkee reported that he had not received any correspondence for this request. He said he met with the applicant to determine what public engagement was needed. For a street vacation there is an asterisk. If determined by the City Traffic Engineer that it does not impact traffic patterns, then public engagement is not needed. Planner Durkee said he followed up with Mr. Dennis Randolph, Traffic Engineer, regarding this request. Mr. Randolph said it would not impact traffic patterns either in the current layout or the future layout. Commissioner Dascenzo wondered how they aligned the two policies when the language about traffic pattern differs in the policies. She read a statement from the policy. Planner Durkee stated that the policy directs you to the Public Participation Policy, so they followed that document.

Commissioner Pittelko asked what would happen if the project doesn't go forward and streets have been vacated. He also asked if the City would maintain them as streets if the arena was not built for five or 10 years. Planner Durkee said that, once vacated, the City does not have responsibility to maintain them. He's not aware of any special discussions to maintain that responsibility.

Commissioner Chambers asked how moving the utilities would affect businesses located there. Planner Durkee said that all businesses or structures that connect to the ROW in question are not connected to the utilities there. He shared that there would always be a final engineering plan in place to help limit interruption for any users.

Commissioner Burgess, seconded by Commissioner Pittelko, made a motion to recommend approval of street vacation of Cooley Street from Eleanor Street to W Kalamazoo Avenue to City Commission with the condition that the easement for public and private utilities be provided and

they include surface access to be maintained to other public rights of way for county staff parking lot at 411 W Kalamazoo Avenue.

Commissioner Burgess felt the case had been made well. There will be negligible impact on traffic and the project is consistent with the Master Plan.

Commissioner Dascenzo wished there was a little more effort put into public engagement – even if it was voluntary and not required.

Commissioner Milliken said a few years ago they put together the street vacation policy to guide decision making. He said this request meets the requirements of the policy.

A roll call vote was taken. Commissioner Dascenzo voted no, and the other Commissioners voted yes.

2. PC 2023.07: Vacate Eleanor Street. Vacation of Eleanor Street between N. Park Street & N. Westnedge Avenue

Planner Durkee shared pictures and maps showing where Eleanor Street fits in with the bigger picture. He mentioned that Ellis Parking leases property from the owner on a 30-day lease. All parcels along this stretch of Eleanor are owned by CD Arena. He said, if the vacation was approved and the land was combined, it would have a D-2 zone district.

Planner Durkee said the rationale was similar to the Cooley Street vacation request.

Staff rationale:

- The applicant owns adjacent parcels and intends to combine them into one parcel.
- Each parcel maintains its adjacency to public ROW.
- The existing parking lot at 411 W. Kalamazoo will be maintained if the street is vacated. The applicant has agreed to provide surface access in the easement and is bound by the purchase agreement.
- City Departments have reviewed the request and are in support of it.
- The City will perform coordinated infrastructure improvements to partner with public utility routes.
- This work will occur prior to the final paving of the two-way conversion of Kalamazoo Avenue.
- Eleanor Street extends east a few blocks and ends at the festival site. Eleanor Street to the west is a residential street that tapers off to Michikal. Either direction does not provide a lot of connectivity to downtown. The east west connectivity is still maintained for the non-auto users by the trail easements along the creek to the south.
- Eleanor Street is not a high traffic street and is classified as a neighborhood street.
- There is sufficient street capacity in the surrounding area if the street is vacated.

Commissioner Milliken opened public comment for Eleanor Street.

No in-person or call-in comments.

Commissioner Milliken closed public comment for Eleanor Street.

An audience member raised their hand and said they had a clarifying question. Commissioner Milliken responded that they had already closed the public comment portion of the public hearing.

Commissioner Burgess, seconded by Commissioner Chambers, made a motion to recommend approval of street vacation of Eleanor Street between N Park and N Westnedge Avenue to City Commission with the condition that the easement for public and private utilities be provided and they include surface access to be maintained to other public rights of way for county staff parking lot at 411 W. Kalamazoo Avenue.

Commissioner Burgess thought the same arguments and explanations voiced regarding Cooley Street applied to Eleanor Street.

Commissioner Milliken said the request met the standards of the Street Vacation Policy. He agreed with what was in the staff report.

A roll call vote was taken. Commissioner Dascenzo voted no, and the other Commissioners voted yes.

Planner Durkee clarified that the motions passed. He had referred to the bylaws which stated that in the event of a quorum of five, it is the majority of the members present at the meeting which decides the vote.

F. DISCUSSION/ACTION ITEMS

None.

G. REPORTS:

1. City Planner's Report
2. Site Plan Reports

H. PUBLIC COMMENTS:

Ms. Nicole Triplett said she was there on behalf of her non-profit, Black Wall Street Kalamazoo. Through ARPA grant funds, they purchased Truth & Parks Innovator Exchange Building at 1019 Miller Road. She said their priority is African American business owners, businesses or individuals who want to collaborate with black business owners. They teach business courses and connect entrepreneurs to resources to thrive. Ms. Triplett said they were there to help African Americans gain generational wealth. They want to emulate black culture which she described as innovation, influence, creativity, joy, resilience, and resourcefulness. Their tag line is innovation, education, and collaboration. She thanked the City for the grant and said they hope to maintain their current zoning. They believe it is in line with the vision of Imagine Kalamazoo.

Mr. Nelson Nave, architect, came forward to speak about Ms. Triplett's property. He said the building was previously a green house, and an appliance store. The City Planning wants to change the site to multi-residential zoning. Right now, it is zoned Downtown Commercial or something similar to that. Ms. Triplett would like to use the property as commercial. Mr. Nave said Ms. Triplett bought the property thinking it was commercial property.

Ms. Iris Potter spoke about the potential zoning update for the property at Stadium and Drake. She said people have loudly spoken up that they want that property to remain residential and not Community Commercial. She also spoke specifically about a new request for a Drive and Shine at 4301 Stadium Drive. In 2020, people spoke loudly that they didn't want large commercial there, they want the land to remain residential. Ms. Potter urged Planning Commissioners to vote to deny the zoning request of Drive and Shine because people in the community want to protect the Asylum Lake Preserve.

Mr. Tom Howes said he echoed the last speaker's comments. Noting the amount of people who turned out for the 2020 meeting, he recommended relocating the meeting to a larger location. Mr. Howes cited Public Safety concerns, fire code, and blocking exits. He read examples of meetings that had been relocated.

Call-in comments:

Ms. Tina McClinton voiced concern about rezoning and taking away the green space in her neighborhood. She thought it would make flooding worse. Ms. McClinton spoke about being in a poor neighborhood and that it is no fun to be trapped by sewer water. She spoke about the locations of sewers and non-working drains. Ms. McClinton indicated that people should attend the City Commission meeting where they will decide on the zoning.

I. CITY COMMISSION LIAISON COMMENTS

Commissioner Praedel asked for a brief moment of silence for the two children lost in a house fire. He acknowledged the men and women in Public Safety and the difficulty of those situations. Commissioner Praedel shared information about a rare schedule change for the City Commission. In the charter it says they have to swear in new City Commissioners the first Monday after election day. Proposal 2 gives six extra days for overseas military votes to come in after election day. The City Commission will have two business meetings on November 20. At 5:00pm that day, they will swear in new City Commission members, then at 7:00pm they will have the usual business meeting. Commissioner Praedel said they had the first reading of the zoning changes and scheduled the public hearing. He spoke about the election coming up and encouraged people to check out the website of the League of Women Voters to compare

candidates. Commissioner Praedel thanked Planning Commissioners for the opportunity to work with them as their liaison. He said it was an honor to work with them over the last couple years and he wished them all the best.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Milliken encouraged Ms. Triplett and Mr. Nave to talk to staff and/or Commissioner Praedel since the Planning Commission had already made their recommendations on the zoning ordinance. He said they still had the opportunity to talk with the City Commission because they had not yet voted. Commissioner Milliken thanked Commissioner Praedel. He thought Commissioner Praedel had provided the best communication coordination during his tenure with the Planning Commission.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:01 pm.

Respectfully submitted,

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

Christina Anderson,
City Planner
Community Planning & Economic Development