

Agenda

Planning Commission

City of Kalamazoo



Thursday, March 7, 2024

7:00 PM

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. ADOPTION OF FORMAL AGENDA

C. APPROVAL OF MINUTES

1. Approval of Minutes from the Planning Commission meeting held on Thursday, February 1, 2024

D. COMMUNICATIONS AND ANNOUNCEMENTS

E. PUBLIC HEARINGS

1. PC #2024.07 Vacate the northern seventeen (17) feet of W Water Street, between N Park Street and N Westnedge Avenue.

F. DISCUSSION/ACTION ITEMS

G. REPORTS

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

H. PUBLIC COMMENTS

I. CITY COMMISSION LIAISON COMMENTS

J. PLANNING COMMISSIONER COMMENTS

K. ADJOURNMENT

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
February 1, 2024
DRAFT

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

Members Excused: Shardae Chambers; 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 Dascenzo, moved approval of the February 1, 2024 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Commissioner Curtiss, seconded by Commissioner Pittelko, moved approval of the January 4, 2024 minutes as presented. With a voice vote, the motion carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

None.

E. PUBLIC HEARINGS

Commissioner Milliken explained the process of public comment for in-person and call-in comments.

1. 2024.05 - A public hearing to consider a rezoning at 1316 S Park Street from Commercial Office (CO) to Live-Work 1 (LW1).

Planner Durkee stated that two parcels had been missed during the recent commercial rezoning. The first was a vacant parcel just north of Crosstown Parkway. This parcel's zoning remained CO while the area around it was rezoned to LW1. Planner Durkee shared that this was a transition area between the busier commercial corridor to the south and the residential area to the north. He reviewed the zoning maps and pictures of the area. The parcel is surrounded by residential and commercial uses which further support

the LW designation. Planner Durkee explained that the LW zone permits many commercial uses – more than the parcel’s current CO designation. He shared that a little of the property hugs up against a flood plain. The parcel is big enough to accommodate many uses allowed in the LW zone district. Planner Durkee thought there may be more flexibility in dimensional standards in LW than the CO district.

Planner Durkee shared that a letter was mailed informing the property owner (in Florida) that they had been missed in the larger rezoning. He said they gave that person information on the commercial rezoning project and LW uses. The property owner would have also received the general notice along with everyone within 300’ of the property. Planner Durkee stated that he didn’t receive any contacts, questions, or feedback regarding this proposed rezoning.

Planner Durkee reviewed the criteria for rezoning. He noted the following.

- The rezoning is in alignment with the Master Plan (MP), Strategic Vision, and Future Land Use (FLU) map.
- Changes became necessary upon the adoption of the MP and FLU map. The Live Work (LW) zoning designation was identified in the MP for this area.
- This rezoning work was done to align the map with the FLU plan.
- LW zoning fits well in this transition area.
- The rezoning fits the logical and orderly development patterns of the City. The LW zone allows uses permitted in the CO zone and gives greater flexibility for housing uses.

*Commissioner Harrison joined the meeting during Planner Durkee’s staff report.

Commissioner Pittelko clarified, and Planner Durkee agreed, that there were no comments from the property owner.

Commissioner Milliken made the comment that the CO district had been removed from the ordinance. Planner Durkee stated that was correct. The parcel’s zoning designation no longer exists in the zoning ordinance.

Commissioner Dascenzo was interested in how this oversight was found. Planner Durkee reported that the GIS administrator for the City, Ben Clark, noticed the missed parcels when he went to update the GIS map.

Commissioner Milliken opened the public hearing.

There were no in-person comments or call-in comments.

Commissioner Milliken closed the public hearing.

Commissioner Curtiss, seconded by Commissioner Swan, moved to recommend approval to the City Commission of the rezoning at 1316 S Park Street from Commercial Office (CO) to Live-Work 1 (LW1).

Commissioner Curtiss stated that the rezoning made sense and was a procedural clarification.

Commissioner Milliken said that this request satisfied the requirements of the zoning ordinance for a rezoning and was consistent with what they talked about just a few months ago.

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

2. 2024.06 - A public hearing to consider a rezoning of 107 Reed Avenue from CN-1 (Commercial - (Local) Neighborhood) to RM-15 (Residential, Multi-Dwelling).

Planner Durkee shared that the second parcel missed in the commercial rezoning was at 107 Reed Avenue. There is a single family home on this parcel, and it is currently zoned CN-1. This zoning designation was also eliminated from the ordinance in the previous commercial rezoning. Planner Durkee reviewed zoning maps and pictures of the area. He pointed out that everything east of the property (on the map) was residential. Planner Durkee shared that Burdick transitions to residential. The commercial and religious uses there are in the LW zone. He stated that the property had a small, shared access easement. The paved area there actually belongs to the property next door.

Planner Durkee stated that two people contacted them regarding this rezoning request. One person they attempted to contact, but they didn't respond. A business in the area was interested in parking issues. He said that code enforcement staff would follow up with him on his concerns.

Planner Durkee reviewed the criteria for a rezoning, and he noted the following items.

- The MP shows this to be residential.
- Everything to the east is Residential Multi-family (RM). This property was not conforming under the CN zoning. This action will make the parcel conforming.
- Adoption of the MP and FLU map steered the rezoning of this area.
- In the time that the property was zoned commercial, no commercial use was ever developed.
- This rezoning will maintain the residential character of Reed Street.

Commissioner Milliken opened the public hearing.

There were no in-person comments or call-in comments.

Commissioner Milliken closed the public hearing.

Commissioner Dascenzo, seconded by Commissioner Pittelko, moved to recommend approval to the City Commission for the rezoning of 107 Reed Avenue from CN-1 (Commercial - (Local) Neighborhood) to RM-15 (Residential, Multi-Dwelling).

Commissioner Burgess stated that he felt staff's case was straight forward. They were just cleaning up a technical oversight. He indicated that it wouldn't work well to keep the property zoned with an eliminated zoning designation.

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

F. DISCUSSION/ACTION ITEMS

None.

G. REPORTS:

1. City Planner's Report

Planner Anderson said there were two projects they were planning to bring forward to them. They are working on updating Appendix A, Chapter 8: Review and Approval Procedures. They will also bring forward some changes to the lighting section of the code. She said those pieces would be together as text changes.

Planner Anderson also shared that they are working on an update to residential districts. She said it would be a similar process to their review of commercial zoning, but it would be much, much bigger. Planner Anderson shared that there are approximately 18,000 parcels in the City that are zoned residential. Currently, they are going through background and research to prepare a place to start discussion. They plan to have their first conversation about that at the March meeting.

Planner Anderson reminded Commissioners that they had been slated to review a rezoning request for the Drake and Stadium property. That request was withdrawn by the applicant as they work through their future plans. She said they have no further information about the applicant's plan. Commissioner Harrison asked if that information was communicated to the public. Planner Anderson shared that they had regular check-ins about the rezoning request from organizations that work to promote Asylum Lake as well as local news stations. She believed that the information was communicated through those organizations and also through her announcement at the meeting.

2. 2023 Site Plan List

No questions voiced.

H. PUBLIC COMMENTS:

There were no in-person comments or call-in comments.

I. CITY COMMISSION LIAISON COMMENTS

Commissioner Praedel shared that last month they started distributing a City newsletter update to every mailbox in the City of Kalamazoo. That newsletter will go out every other month. He said it was a part of improving communication with City residents. Commissioner Praedel shared that Public Services and Community Planning offer updates on major infrastructure projects regularly. He encouraged people to watch the most recent update from January 9 on the City's YouTube channel. Commissioner Praedel informed them about an Outreach and Engagement Survey available to the public. He encouraged people to fill out the survey so they can hear the community's ideas, hopes, and feedback. This is especially important because it is an Imagine Kalamazoo (IK) Strategic Planning year for the city MP. The survey is available on the city's website. Commissioner Praedel shared that the City Commission passed a \$288 million budget for 2024. They will immediately turn to planning the 2025 budget. He shared that the City Commission retreat was coming up on Saturday, February 17 from 8:30am-3:30pm. The public can attend. He also indicated that now is a great time to share if there is something to lift up in that meeting.

Commissioner Milliken asked Commissioner Praedel to give some background into the City Commission decision to eliminate the opportunity for call-in comments at their meetings. Commissioner Praedel stated that it had been a labor intensive endeavor to provide all of the virtual and phone-in opportunities for all the City's boards and commissions. It was challenging to find the staff support needed for that. He also shared that there was hardly anyone calling in for many of the meetings. Commissioner Praedel stated that people are able to continue to comment by calling the 311 line. If asked, 311 staff will send the comments to the Commissioners via email. The public can also contact all seven City Commissioners by emailing citycommission@kalamazoo-city.org. Commissioner Praedel added that most other municipalities ended phone-in comments long ago in order to manage meetings efficiently. There was also the idea that phone-in comments can become an anonymous, unproductive way of providing feedback.

Commissioner Milliken asked if Commissioner Praedel thought that should trickle down to other boards. Commissioner Praedel emphasized that each board and commission must ask questions about what ways the public has to communicate with them and feel like they've been heard. They want to try to find as many opportunities for people to productively engage with the board. Each board and commission must decide based on what they see and hear is the most valuable tool for the public to communicate with them.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Burgess cautioned that any time they do something to take away an opportunity for people to communicate, they need to be very careful. Perhaps they could use 311 and put language in the Chair's script.

Commissioner Pittelko said that the survey asks questions about how the city is looking for feedback - times people have available, format, location. He encouraged everyone to answer the survey and let them know.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 7:34 pm.



Planning Commission Staff Report

City of Kalamazoo

Date: **3/7/2024**

Item: **E.1.**

TO: City of Kalamazoo Planning Commission

FROM: Reviewed by: Christina Anderson, AICP, City Planner
Prepared by: Bobby Durkee, AICP, Assistant City Planner

DATE: March 7, 2024

SUBJECT: PC #2024.07 Vacate the northern seventeen (17) feet of W Water Street, between N Park Street and N Westnedge Avenue.

BACKGROUND:

This segment of W Water Street under consideration for a partial vacation is between N Park Street and N Westnedge Avenue. CD Arena, LLC is the applicant seeking to vacate the northern seventeen (17) feet of W Water Street in the Downtown Neighborhood. The Water Street right-of-way is currently 66-feet in width. If this segment of the street is vacated, it will be acquired by the applicant who owns the adjacent land next to (north of) the street. This request would not result in the closure of the street and full vehicle and pedestrian access would remain. The arena facility proposed along this stretch of W Water Street is coming together in design and the developer, through this request, is seeking to provide additional space to create more room on the site for an open space around the existing Arcadia Creek and pedestrian pathways. This area is located between the proposed arena and the parking structure and presents a unique to this site challenge to the redevelopment of these blocks as a comprehensive development site. According to the City of Kalamazoo Street Design Manual, this segment of W Water Street is a Downtown Main Street. A Main Street is described as a street to serve a broad range of needs and provide a pedestrian scale and oriented street scape. With the reduced width, Water Street would still provide the necessary dimensions to redesign the street in alignment with the Street Design Manual standards. The properties along the south side of this portion of W Water Street would not have any changes to the current access for vehicles, pedestrians and deliveries from this action.

To ensure the resulting width covers the underground foundation needs for the proposed project, the request to vacate the seventeen (17) feet width of right-of-way includes the provision of a four (4) foot easement for the public sidewalk and public utilities back to the City. The City recommends the easement to accommodate the surface width and sidewalk access instead of permitting an encroachment of a permanent structure (foundations underground) in the public right-of-way. This translates to a final proposed right-of-way width (property line on north side to property line on south side) of forty-nine (49) feet and with the easement, a sidewalk to sidewalk width of fifty-three feet. The forty-nine (49) feet supports the needs of the minimum

lane widths for vehicular traffic, including emergency vehicles and buses, and space for pedestrian-focused sidewalks adjacent to the arena. The preliminary layout of the proposed W Water Street has been evaluated by Public Safety, Public Services and the City Assessors Office. It was determined that this narrowed right-of-way width can still adequately serve the needs of the current and proposed uses. The City Traffic Engineer did not determine an impact on traffic patterns as a result of this partial street vacation.

The applicant has received a sign-off from the private utilities who have infrastructure in this location, which are Comcast, AT& T and Consumers Energy. Copies of the signed consents are provided with this staff report. The applicant sent letters to the parcels on the south side of this stretch of W Water Street and provided contact information for the development team. This outreach was in addition to the public hearing notice published in the Kalamazoo Gazette on Tuesday, February 20th and the notice letters sent to all properties within 300 feet of the area proposed for street vacation.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:

Economic Vitality - A supportive infrastructure for growing businesses and stabilizing the local economy for the benefit of all.

Good Governance- Ensuring the City organization has the capacity and resources to effectively implement the community's Strategic Vision in a way that is sustainable over the long term.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Inform (one-way conversation) – no feasible alternatives available due to legal/regulatory restrictions, standards and best practices, or resource limitations; the community will be made aware of the project.

Discussion: The Street Vacation Policy adopted in 2020 is the guiding document for all street vacations in the City of Kalamazoo. The Public Participation Policy states a street vacation that is determined by the Traffic Engineer to not have an impact on traffic patterns is not required to do additional outreach meetings or notice. However, the applicant sent a letter to each property owner to the south with the project background and contact information. This was in addition to the required notice sent by the City to property owners within 300'.

Engagement/Communication Tools

A public notice letter was mailed out in mid-February to properties within 300 feet of the proposed street vacation area and a notice of public hearing was published in the Tuesday, February 20th Kalamazoo Gazette. The applicant contacted all private utility holders who had infrastructure in this stretch of W Water Street and has received signed consent from each for the

proposed street vacation. As stated above, the developer provided informational letters with contact information to the property owners on the south side of this stretch of W Water Street to help inform them of the application CD Arena, LLC made for the partial vacation.

FINDINGS:

The City of Kalamazoo Street Vacation Policy outlines the following minimum criteria required to request a street vacation:

A The right-of-way is unimproved.

Not applicable, the right-of-way in this location is improved as a street.

B. The right-of-way is improved but is not publicly used or sees limited use by the public and, if there is limited use by the public, a parallel route in close proximity exists.

The road sees much less traffic than W Kalamazoo and W Michigan Avenue which will be the primary capacity streets after the two-way conversion. This request is only a partial vacation with no reduction in pedestrian or vehicle access. East / west traffic will remain as it is today if the 17-feet are approved for vacation.

C. Vacation of the right-of-way would not impede the access of any adjacent property owner to their property.

The applicant owns all the land to the north of the proposed vacation and, if approved, it would be absorbed in their parcels. The application is contained within the northern half of the right of way and there is no change in transportation access for the properties to the south. Access to adjacent properties will not be impeded by this action.

D. All adjacent property owners to the ROW must indicate their support of the vacation request in writing.

CD Arena, LLC owns all the properties adjacent to the segment of W Water Street proposed to be vacated.

E. Vacation will not impede the City in meeting its transportation goals.

The current and future transportation goals for the City will not be impeded. The reconstruction of the roadway with the new use to the north will align this stretch of W Water Street with the Street Design Manual standards, where it currently is not. The partial vacation continues to provide east-west access for all travelers through this portion of Downtown Kalamazoo.

F. Vacation will not impact existing and planned utilities in right-of-way.

The developers' proposed utility relocation plan is feasible, and they will develop the final utility relocation plan in coordination with City of Kalamazoo staff ahead of permitting

and construction of those utilities. The developer has been working with the City on the proposed public utility work for the Arena project and the street vacations for several months. The developer has also received the written consent of all private utility holders in the right-of-way.

G. Vacation will not impede the work of the Kalamazoo Department of Public Safety or Public Services Department.

The street closure request has been evaluated by the Department of Public Safety and Public Services and the partial vacation will not impede their ability to do the work.

Fiscal Impact:

The City Assessor has determined an assessed value of \$8,600 for the proposed seventeen (17) feet of right-of-way. This would be the fee for the land if the Planning and City Commission approve this request.

RECOMMENDATION:

It is recommended that the Planning Commission approve the request to vacate the northern seventeen feet of W Water Street between N Park Street and N Westnedge Avenue with the two following conditions:

1. A four-foot easement be provided as shown on the application exhibit for public utilities and sidewalk.
2. Any private utility relocation will be provided with an easement or relocated at the expense of the developer.



Community Planning & Economic Development

245 N. Rose Street, Suite 100 • Kalamazoo, MI 49007
(269) 337-8026 • www.kalamazoo.org

PLANNING COMMISSION APPLICATION

02-02-2024

APPLICANT INFORMATION		
Name:		Mailing Address:
City:	State:	ZIP Code:
Phone:	Email:	Preferred Contact: ☐ Email ☐ Phone
PROPERTY OWNER INFORMATION		
<i>If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.</i>		
Name:		Mailing Address:
City:	State:	ZIP Code:
Phone:	Email:	Preferred Contact: ☐ Email ☐ Phone
PROPERTY INFORMATION		
Property Address(s):		
Parcel Identification Number(s):		Zone District (kalamazoo.org/maps):
TYPE OF REQUEST		
☐ Rezoning ☐ Text Amendment (Chapter(s) _____, Section(s) _____) ☐ Special Use Permit ☐ Planned Unit Development (PUD) ☐ Preliminary Subdivision ☐ Right of Way Vacation		
Description:		
ATTACHMENTS		
☐ \$ _____ Fee		☐ Completed Review Sheet
☐ Other documents or engagement information <i>Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support</i>		
SIGNATURE		
Signature of Applicant: <i>Jordan Schau</i>		Date: February 2, 2024
Signature of Owner (if different than applicant):		Date:



PLANNING COMMISSION

VACATING OF A PUBLIC RIGHT OF WAY REVIEW SHEET

Please reach out to staff if you have any questions.

Location of request for public right of way to be vacated: (may also provide on a separate sheet):

Reasons for the request:

Provide a text description which includes the length and width of the right of way in linear feet (include map):

Please list property owners who have property directly next to the right of way (please include letters of support or petition of support from property owners):

Please identify any properties that have ingress/egress easements which may be connected to this right of way (or provide map):



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Please include letter(s) of support from any easement holders within the right-of-way to be vacated, including easements for City utilities, electric, gas, and fiber. List entities you will obtain letters of support from here:

Estimate of the fair market value for the land from the City Assessor?

Please provide description of how the vacated ROW will be split and paid for by adjacent property owners (if applicable).

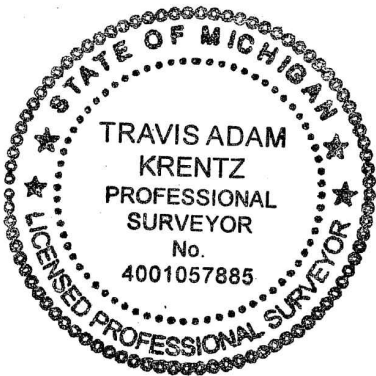
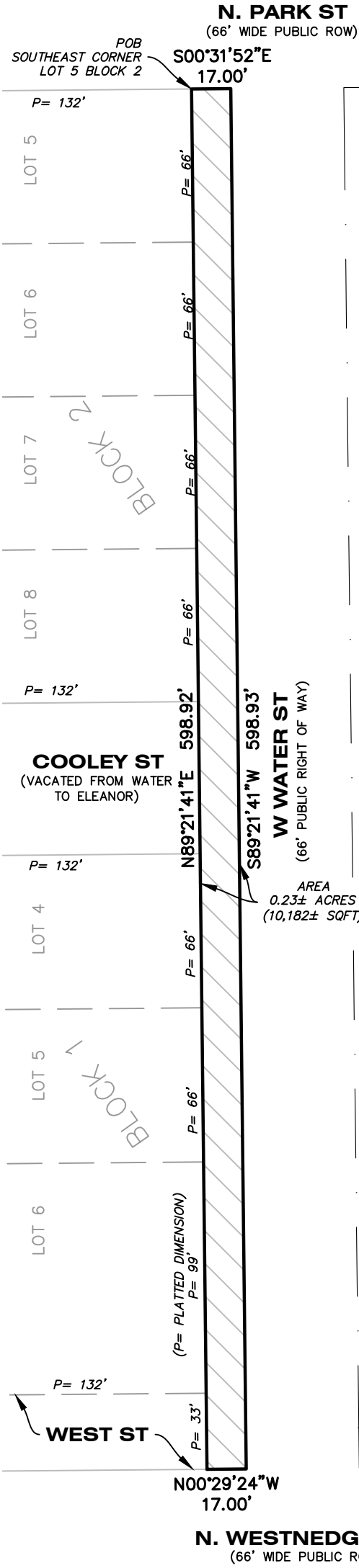
If the proposed vacation is for an improved right-of-way that has at least some public use beyond those requesting the vacation, the applicant(s) are required to use the City's Public Participation Plan for required outreach and engagement before the request is reviewed by the Planning Commission. Please describe elements of public outreach (if applicable).

STREET VACATION EXHIBIT

DESCRIPTION OF WATER STREET TO BE VACATED

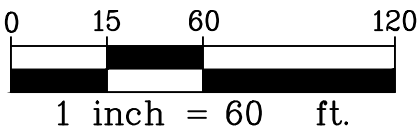
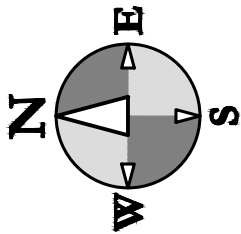
PART OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO (NOW CITY) AS RECORDED IN LIBER 6, PAGE 8, KALAMAZOO COUNTY RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 5 BLOCK 2 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO; THENCE ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 2 AND THE WEST LINE OF NORTH PARK STREET, SOUTH 00 DEGREES 31 MINUTES 52 SECONDS EAST 17.00 FEET; THENCE PARALLEL WITH THE SOUTH LINE OF BLOCKS 2 AND 1 OF SAID ORIGINAL PLAT OF THE TOWN OF KALAMAZOO, SOUTH 89 DEGREES 21 MINUTES 41 SECONDS WEST 598.93 FEET TO THE EAST LINE OF NORTH WESTNEDGE AVENUE; THENCE ALONG SAID EAST LINE, NORTH 00 DEGREES 29 MINUTES 24 SECONDS WEST 17.00 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 1 AND THE NORTH LINE OF WEST WATER STREET; THENCE ALONG THE SOUTH LINE OF SAID BLOCK 1 & 2, THE WESTERLY EXTENSION THEREOF, AND THE NORTH LINE OF WEST WATER STREET, NORTH 89 DEGREES 21 MINUTES 41 SECONDS EAST 598.92 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5 BLOCK TWO AND THE POINT OF BEGINNING.



Travis Krentz

TRAVIS A. KRENTZ PROFESSIONAL SURVEYOR #57885



NOTE: THIS IS NOT A BOUNDARY SURVEY

Drawing No. 1 1 OF 1	Title: STREET VACATION EXHIBIT	Job No.: 23-056D	 hurley & stewart 2800 s. 11th street kalamazoo, michigan 49009 269.552.4960 fax 269.552.4961 www.hurleystewart.com
	Project: KALAMAZOO EVENT CENTER	Date: 01/23/24	
Client: CD ARENA LLC		P.M.: TAK	
		Dft: BDE	
		QA/QC: 01/23/24	

DESCRIPTION OF WATER STREET TO BE VACATED

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BEGINNING AT THE SOUTHEAST CORNER OF LOT 5 BLOCK 2 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO; THENCE ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 2 AND THE WEST LINE OF NORTH PARK STREET, SOUTH 00 DEGREES 31 MINUTES 52 SECONDS EAST 17.00 FEET; THENCE PARALLEL WITH THE SOUTH LINE OF BLOCKS 2 AND 1 OF SAID ORIGINAL PLAT OF THE TOWN OF KALAMAZOO, SOUTH 89 DEGREES 21 MINUTES 41 SECONDS WEST 598.93 FEET TO THE EAST LINE OF NORTH WESTNEDGE AVENUE; THENCE ALONG SAID EAST LINE, NORTH 00 DEGREES 29 MINUTES 24 SECONDS WEST 17.00 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID BLOCK 1 AND THE NORTH LINE OF WEST WATER STREET; THENCE ALONG THE SOUTH LINE OF SAID BLOCK 1 & 2, THE WESTERLY EXTENSION THEREOF, AND THE NORTH LINE OF WEST WATER STREET, NORTH 89 DEGREES 21 MINUTES 41 SECONDS EAST 598.92 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5 BLOCK TWO AND THE POINT OF BEGINNING.

WATER STREET EASEMENT DESCRIPTION

PART OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO (NOW CITY) AS RECORDED IN LIBER 6, PAGE 8, KALAMAZOO COUNTY RECORDS AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 5 BLOCK 2 OF THE ORIGINAL PLAT OF THE TOWN OF KALAMAZOO; THENCE ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID BLOCK 2 AND THE WEST LINE OF NORTH PARK STREET, SOUTH 00 DEGREES 31 MINUTES 52 SECONDS EAST 13.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 31 MINUTES 52 SECONDS EAST 4.00 FEET; THENCE PARALLEL WITH THE SOUTH LINE OF BLOCKS 2 AND 1 OF SAID ORIGINAL PLAT OF THE TOWN OF KALAMAZOO, SOUTH 89 DEGREES 21 MINUTES 41 SECONDS WEST 598.93 FEET TO THE EAST LINE OF NORTH WESTNEDGE AVENUE; THENCE ALONG SAID EAST LINE, NORTH 00 DEGREES 29 MINUTES 24 SECONDS WEST 4.00 FEET; THENCE PARALLEL WITH THE SOUTH LINE OF SAID BLOCK 1 & 2, NORTH 89 DEGREES 21 MINUTES 41 SECONDS EAST 598.92 FEET TO THE POINT OF BEGINNING.

February 2, 2024

Via Email (Joshua_Woldt@comcast.com)

Joshua Woldt
Comcast
Specialist 2, Construction
1401 E Miller Rd, Lansing MI, 48911

Re: CD Arena, LLC; Application with City of Kalamazoo to Vacate Portion of Water
Street between Park Street and Kalamazoo Avenue in Kalamazoo, Michigan

Dear Mr. Woldt,

My name is Jordan Schau and I am an attorney with Howell Parfet Schau, PLC in Kalamazoo, Michigan. We are working with CD Arena, LLC on the development of an Event Center/Arena in downtown Kalamazoo. The Event Center/Arena will be located between Park Street on the east, Westnedge Avenue on the west, Kalamazoo Avenue on the north, and Water Street on the south.

We previously reached out to you in connection with CD Arena, LLC's application with the City of Kalamazoo seeking the vacation of Eleanor Street between Park Street and Westnedge Avenue, and of Cooley Street between Eleanor Street and W. Kalamazoo Avenue. The City of Kalamazoo approved that application.

I am now writing to you to obtain Comcast's consent for a second application filed by CD Arena, LLC, requesting that the City of Kalamazoo vacate a seventeen-foot (17') strip along the northern edge of the Water Street right-of-way between Park St. and Westnedge, which will include an easement along the southern four feet (4') of the strip for sidewalk and utility purposes. The Water Street right-of-way will be narrowed, but the street will remain open to pedestrian and vehicular traffic. Please see attached drawings.

I am told that CD Arena, LLC and its engineers, Hurley & Stewart, have already begun discussions with Comcast and the other utility companies about this second request to vacate and the related relocation of utilities.

Oliver S. Howell Sydney E. Parfet Jordan R. Schau

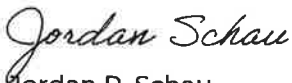
350 E. Michigan Ave. | Ste. 500 | Kalamazoo, MI 49007 | T: 269.382.5300 | F: 269.382.3508 | kzoolawfirm.com

Please feel free to reach out to me with any questions you may have about the Project or CD Arena's application to vacate the stated portion of Water Street.

Please indicate your support for CD Arena, LLC's application to vacate a portion of the Water Street ROW by signing in the designated space below and returning a copy of this letter to me at 350 E. Michigan Avenue, Suite 500, Kalamazoo, MI 49007. Or you may contact me at (269) 382-5300, or by email at Jordan@Kzoolawfirm.com.

I appreciate your attention to this matter.

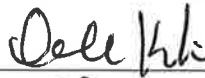
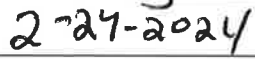
Yours Truly,


Jordan R. Schau

Howell Parfet Schau
jordan@kzoolawfirm.com

cc: Enclosure

On behalf of Comcast, I hereby indicate that Comcast has no objection to CD Arena, LLC's application to vacate the stated portion of Water Street between Park Street and Westnedge Avenue in Kalamazoo, Michigan, subject to the paid relocation and grant of an acceptable easement to Comcast for Comcast's existing facilities within the aforementioned right of way.

Signed: 
Title: 
Dated: 

February 2, 2024

Via Email (OI648D@att.com)

Isaac Owens
Manager, Right of Way – Outstate Lower Michigan/Upper Peninsula
Construction and Engineering – Central Region
AT&T Technology Operations
3530 Eastern Ave SE, Grand Rapids, MI 49508

Re: CD Arena, LLC; Application with City of Kalamazoo to Vacate Portion of Water
Street between Park Street and Kalamazoo Avenue in Kalamazoo, Michigan

Dear Mr. Owens,

My name is Jordan Schau and I am an attorney with Howell Parfet Schau, PLC in Kalamazoo, Michigan. We are working with CD Arena, LLC on the development of an Event Center/Arena in downtown Kalamazoo. The Event Center/Arena will be located between Park Street on the east, Westnedge Avenue on the west, Kalamazoo Avenue on the north, and Water Street on the south.

We previously reached out to you in connection with CD Arena, LLC's application with the City of Kalamazoo seeking the vacation of Eleanor Street between Park Street and Westnedge Avenue, and of Cooley Street between Eleanor Street and W. Kalamazoo Avenue. AT&T consented to the vacation and the City of Kalamazoo has approved it. We appreciate your support.

I am now writing to you to obtain AT&T's consent for a second application filed by CD Arena, LLC, requesting that the City of Kalamazoo vacate a seventeen-foot (17') strip along the northern edge of the Water Street right-of-way between Park St. and Westnedge, which will include an easement along the southern four feet (4') of the strip for sidewalk and utility purposes. The Water Street right-of-way will be narrowed, but the street will remain open to pedestrian and vehicular traffic. Please see attached drawings.

I am told that CD Arena, LLC and its engineers, Hurley & Stewart, have already begun discussions with AT&T and the other utility companies about this second request to vacate and the related relocation of utilities.

Oliver S. Howell Sydney E. Parfet Jordan R. Schau

350 E. Michigan Ave. | Ste. 500 | Kalamazoo, MI 49007 | T: 269.382.5300 | F: 269.382.3508 | kzoolawfirm.com

Please feel free to reach out to me with any questions you may have about the Project or CD Arena's application to vacate the stated portion of Water Street.

Please indicate your support for CD Arena, LLC's application to vacate a portion of the Water Street ROW by signing in the designated space below and returning a copy of this letter to me at 350 E. Michigan Avenue, Suite 500, Kalamazoo, MI 49007. Or you may contact me at (269) 382-5300, or by email at Jordan@Kzoolawfirm.com.

You will note that I included the language in the consent paragraph below that you previously requested in connection with our first application.

I appreciate your attention to this matter.

Yours Truly,

Jordan Schau

Jordan R. Schau

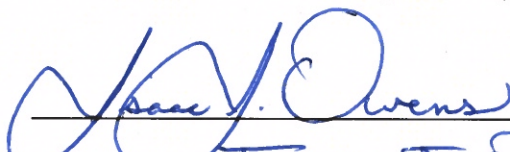
Howell Parfet Schau

jordan@kzoolawfirm.com

cc: Enclosure

On behalf of AT&T, I hereby indicate that AT&T has no objection to CD Arena, LLC's application to vacate the stated portion of Water Street between Park Street and Westnedge Avenue in Kalamazoo, Michigan, subject to either the paid relocation of, or a retained easement for, AT&T's existing facilities within the aforementioned right of way.

Dated: Feb 28, _____, 2024



Print Name: ISAAC J. OWENS

Sr. Specialist, Right-of-Way

Oliver S. Howell

Sydney E. Parfet

Jordan R. Schau

February 2, 2024

Via Email (Robert.Marvin@cmsenergy.com)

Robert F. Marvin
Senior Attorney
Consumers Energy
Legal Department
One Energy Plaza
Jackson, MI 49201

Re: CD Arena, LLC; Application with City of Kalamazoo to Vacate Portion of Water Street between Park Street and Kalamazoo Avenue in Kalamazoo, Michigan

Dear Mr. Marvin,

My name is Jordan Schau and I am an attorney with Howell Parfet Schau, PLC in Kalamazoo, Michigan. We are working with CD Arena, LLC on the development of an Event Center/Arena in downtown Kalamazoo. The Event Center/Arena will be located between Park Street on the east, Westnedge Avenue on the west, Kalamazoo Avenue on the north, and Water Street on the south.

We previously reached out to you in connection with CD Arena, LLC's application with the City of Kalamazoo seeking the vacation of Eleanor Street between Park Street and Westnedge Avenue, and of Cooley Street between Eleanor Street and W. Kalamazoo Avenue. Consumers Energy consented to the vacation and the City of Kalamazoo has approved it. We appreciate your support.

I am now writing to you to obtain Consumers Energy's consent for a second application filed by CD Arena, LLC, requesting that the City of Kalamazoo vacate a seventeen-foot (17') strip along the northern edge of the Water Street right-of-way between Park St. and Westnedge, which will include an easement along the southern four feet (4') of the strip for sidewalk and utility purposes. The Water Street right-of-way will be narrowed, but the street will remain open to pedestrian and vehicular traffic. Please see attached drawings.

I am told that CD Arena, LLC and its engineers, Hurley & Stewart, have already begun discussions with Consumers Energy and the other utility companies about this second request to vacate and the related relocation of utilities.

Oliver S. Howell

Sydney E. Parfet

Jordan R. Schau

Please feel free to reach out to me with any questions you may have about the Project or CD Arena's application to vacate the stated portion of Water Street.

Please indicate your support for CD Arena, LLC's application to vacate a portion of the Water Street ROW by signing in the designated space below and returning a copy of this letter to me at 350 E. Michigan Avenue, Suite 500, Kalamazoo, MI 49007. Or you may contact me at (269) 382-5300, or by email at Jordan@Kzoolawfirm.com.

I appreciate your attention to this matter.

Yours Truly,

Jordan Schau
Jordan R. Schau

Howell Parfet Schau
jordan@kzoolawfirm.com

cc: Enclosure

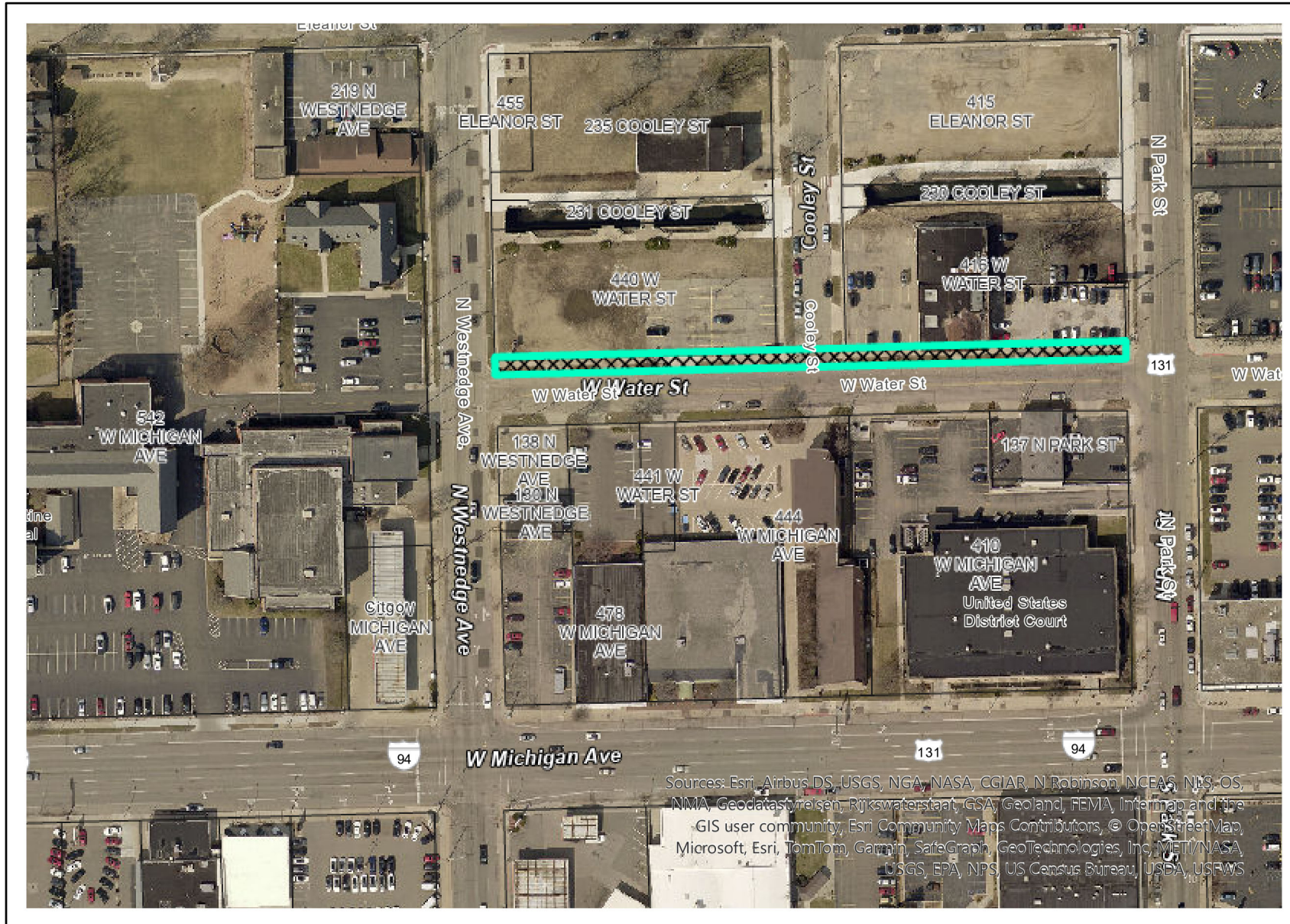
On behalf of Consumers Energy, I hereby indicate that Consumers Energy has no objection to CD Arena, LLC's application to vacate the stated portion of Water Street between Park Street and Westnedge Avenue in Kalamazoo, Michigan, subject to either the paid relocation of, or a retained easement for, Consumers Energy's existing facilities within the aforementioned right of way.

Dated: February 23, 2024



Print Name: Robert F. Marvin, Senior Attorney
Consumers Energy Company

P.C.# 2024.07 - W. Water Street
(Segment Between N. Park Street & N. Westnedge Avenue)



Aerial View

- Subject Property
- Subject Property
- Other Property

2018

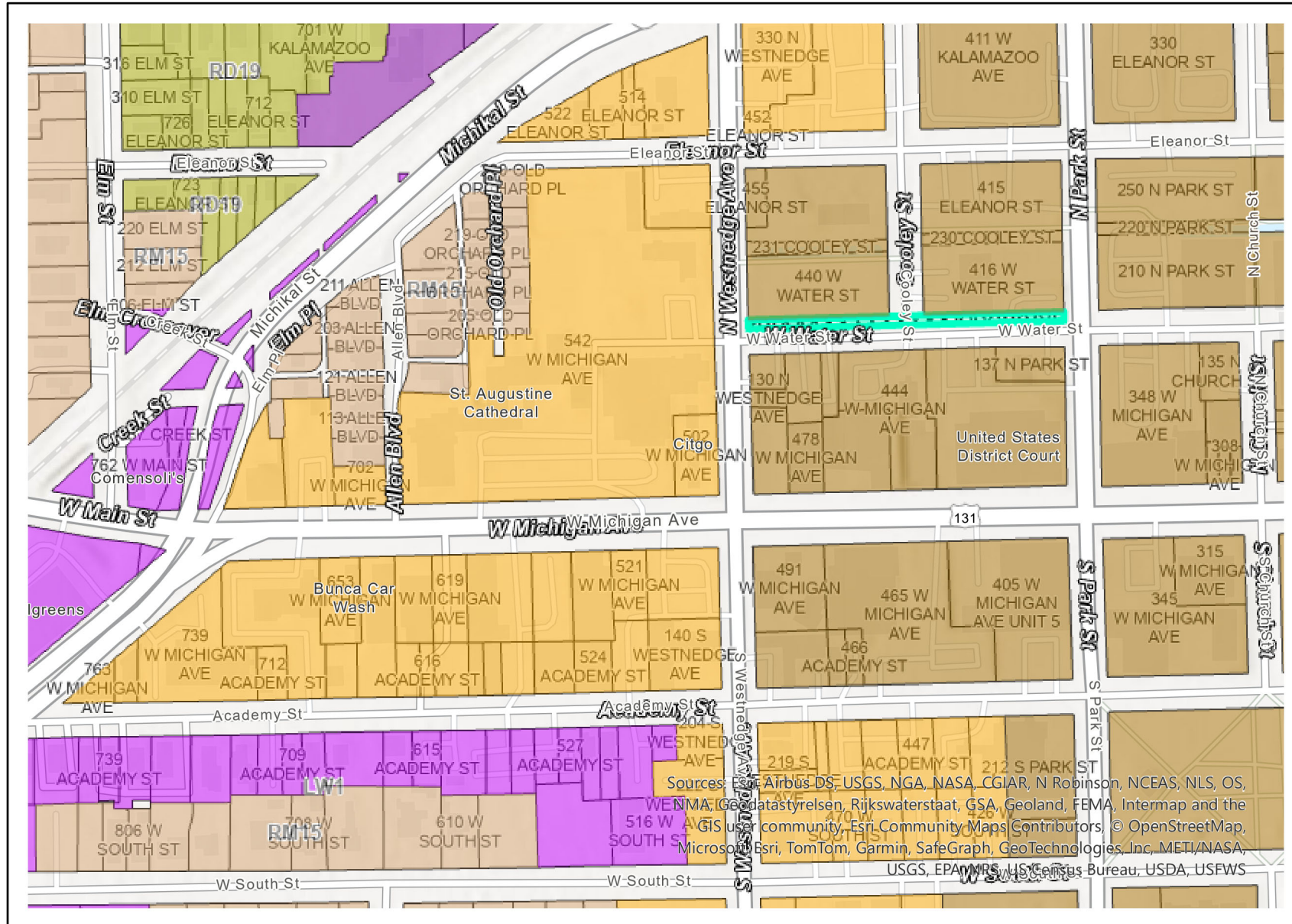
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- Blue: Band_3

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N. Robinson, NCEAS, NPS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

0 0.01 0.03 0.06 mi



P.C.# 2024.07 - W. Water Street (Segment Between N. Park Street & N. Westnedge Avenue)



Current Zoning

Zoning

- D2
- D3
- LW1
- LW2
- RD19
- RM15
- Subject Property
- Subject Property
- Other Property

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, WENMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

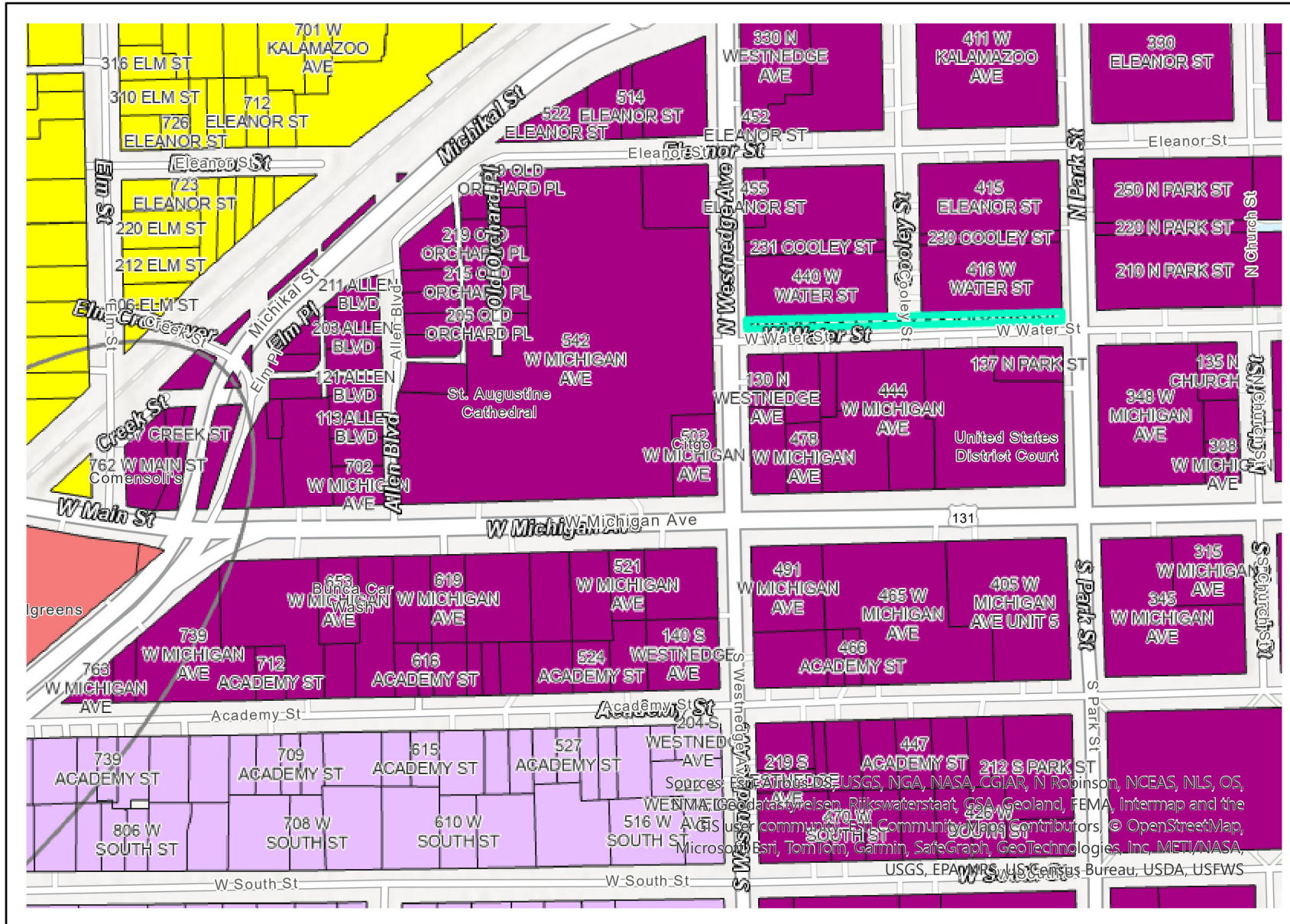
0 0.03 0.06 0.12 mi



(Segment Between N. Park Street & N. Westnedge Avenue)



P.C.# 2024.07 - W. Water Street (Segment Between N. Park Street & N. Westnedge Avenue)



Future Land Use

- Subject Property
- Subject Property
- Other Property
- Node
- Commercial
- Downtown
- Neighborhood Edge
- R1-Residential

0 0.03 0.06 0.12 mi







Water Street Looking
West from N Park Street



Water Street Looking
East From N Westnedge

Year 2024 Full Site Plan	Project Address	Project Description	Applicant	Property Owner	Pre-App. Received	Pre-App. Meeting	Pre-App. Approval Date	Date Site Plan Rec.	Fee	Committee Meet. Date	Design Review	Site Plan Review Status	Final Site Plan Approval Date	Final Inspect.	Process Issues
PSP24-001	3100 Stadium Drive	Cell Tower Antenna Co-Location	SBA Network Services LLC	City of Kalamazoo	8/29/2023	9/6/2023	9/8/2023	1/4/2024	\$360	2/6/2024	NFP	Project Under Review			
PSP24-002	266 E Michigan Avenue	Proposed Building Addition and Addition of Residential Units (Coney Island)	266 E Michigan Ave Kalamazoo LLC	266 E Michigan Ave Kalamazoo LLC	10/27/2023	11/1/2023	11/3/2023	1/17/2024	\$500	2/14/2024	HDC	Project Under Review			
PSP24-003	708 N Burdick Street	Redevelopment of Existing Structure into Mixed-Used Building with Residential / Office Space	708 N Burdick St LLC	708 N Burdick St LLC	11/30/2023	12/20/2023	20/23/2023	1/10/2024	\$500	2/21/2024	N/A	Project Under Review			
PSP24-004	3419 S Burdick Street	Cell Tower Antenna Co-Location	Crown Castle USA	T-Mobile Central USA LLC	11/1/2023	11/29/2023	12/1/2023	1/24/2024	\$250	2/21/2024	NFP (Administrative)	Project Under Review			
PSP24-005	2156 Race Street	Southside Park Improvements	City of Kalamazoo Parks & Rec	City of Kalamazoo	8/4/2023	8/23/2023	8/25/2024	1/25/2024	\$500	2/28/2024	NFP (Administrative)	Project Under Review			
PSP24-006	2501 Millcork Street	Redevelopment for a Community Center and Accessory School Use (El Concilio)	Abonmarche Byce	Hispanic American Council	11/8/2023	1/10/2024	1/12/2024	2/2/2024	\$500	2/28/2024	N/A	Project Under Review			
PSP24-007	1109 Engleman Avenue	Quadplex Development for Transitional Sober Living Housing (Reach Sober Living)	Abonmarche Byce	Reach Sober Living	9/28/2023	10/11/2023	10/13/2023	2/7/2024	\$500	3/6/2024	N/A	Project Under Review			
PSP24-008	847 Portage Street	New Development for a Community Center (Boys and Girls Club)	Hurley & Stewart	Boys & Girls Club of Greater	11/14/2023	12/6/2023	12/8/2023	2/23/2024	\$500	3/27/2024	ZBA - Variances approved 2/8/2024	Project Under Review			
							Total		\$3,610						