

# Agenda

## Zoning Board of Appeals

City of Kalamazoo



Thursday, May 9, 2024

7:00 PM

City Commission Chambers – 241 West South Street

### A. CALL TO ORDER/ROLL CALL

### B. APPROVAL OF MINUTES

1. Approval of minutes from the Zoning Board of Appeals meeting on April 11, 2024

### C. COMMUNICATIONS AND ANNOUNCEMENTS

### D. PUBLIC HEARINGS

1. ZBA #24-05-09: 411 W. Kalamazoo Avenue. CD Arena LLC, is requesting the following variances:  
The applicant is requesting the following variances for the Event Center:  
Building Siting:
  1. A dimensional variance from Chapter 50-5.6 C (1) (a) 2, to allow for relief from the front lot line coverage of 43% where the requirement is 70% for the placement of the event center along Kalamazoo Ave.
  2. A dimensional variance from Chapter 50-5.6 C (1) (a) 3, to allow relief from the requirement that the building occupy the corner at Kalamazoo Ave. and Park St.
  3. A dimensional variance from Chapter 50-5.6 C (1) (a) 4, to allow a build to zone of 4 ft. 8 in. to 36 ft. 4 in. where a build to zone of 0 to 10 ft. is required along Kalamazoo Ave.Height:
  4. A dimensional variance from Chapter 50-5.6 C (2) 17, to allow upper floors of the building to be 16 ft. in height, where 14 ft. is the maximum height for upper floors.Street Facing Façades:
  5. A dimensional variance from Chapter 50-5.6 C (4) (a) 20, to allow ground floor transparency levels of 66% for Kalamazoo Ave., 57% for Westnedge Ave. and 47% for Park St. where 70% transparency is required.
  6. A dimensional variance from Chapter 50-5.6 C (4) (a) 21, to allow 0% upper floor transparency along Westnedge Ave. where 20% transparency is required.
  7. A dimensional variance from Chapter 50-5.6 C (4) (a), 22, to allow blank wall areas exceeding the 30% requirement on both Westnedge Avenue and Park

St.

8. A dimensional variance from Chapter 50-5.6 C (4) (b) 25, to allow only 15 entrances where the requirement is one per 60 feet, totaling 24 for the three street facing facades.

Parking and Loading Regulations:

9. A dimensional variance from Chapter 50-7.3-1, to allow 60 bike parking spaces where 144 are required based on the maximum occupancy.

10. A dimensional variance from Chapter 50-7.5 A (1) (b), to allow the driveway for the loading area on Westnedge Ave. to be 91 ft. where 24 ft. is the maximum driveway width.

The applicant is requesting the following variances for the Parking Deck:

Building Siting:

1. A dimensional variance from Chapter 50-5.6 C (1) (a) 2, to allow zero front lot line coverage where the requirement is 70% along Park St.

2. A dimensional variance from Chapter 50-5.6 C (1) (a) 3, for relief from the requirement that the building occupy the corner at Park St. and Water St.

3. A dimensional variance from Chapter 50-5.6 C (1) (a) 4, to allow a build to zone of 0 ft. to 112 ft 4 in. where a build to zone of 0 to 10 ft. is required.

Use:

4. A use variance from Chapter 50-5.6 C (3) 19, to allow relief from the requirement that there be occupied space on both the first and second floors of the parking deck along Westnedge Ave. and Water St.

Street Facing Façade:

5. A dimensional variance from Chapter 50-5.6 C (4) (a) 20, to allow ground floor transparency levels of 33% for Westnedge Ave. and 19% for Water St. where 70% transparency is required.

6. A dimensional variance from Chapter 50-5.6 C (4) (a) 22, to allow blank wall areas exceeding the 30% requirement on both Westnedge Ave. and Water St.

7. A dimensional variance from Chapter 50-5.6 C (4) (b) 25, to allow the parking deck to have one entrance on the Westnedge Ave. facade, where two entrances are required.

**E. DISCUSSION/ACTION ITEMS**

**F. REPORTS**

**G. ADJOURNMENT**



**MINUTES  
CITY OF KALAMAZOO  
ZONING BOARD OF APPEALS  
April 11, 2024 - 7:00 p.m.  
CITY COMMISSION CHAMBERS**

**Members Present:** Joe Hohler III, Tony McReynolds, Beth van den Hombergh, Gary Wark, and Alan Sylvester (Alternate)

**Members Absent:** Allison Haan and Remi Harrington

**City Staff:** Pete Eldridge, Zoning Administrator; Charles Bear, Assistant City Attorney; Shelby Donaldson, Recording Secretary

**Chair Hohler called the meeting to order at 7:08 p.m.**

**Chair Hohler asked if there were any changes to the agenda and Mr. Eldridge said no.**

**Mr. Eldridge performed a roll call of board members present for the meeting.**

**APPROVAL OF MINUTES:**

**Mr. McReynolds moved to approve the meeting minutes from March 14, 2024, as submitted, seconded by Mr. Wark. The motion was approved by voice vote unanimously.**

**PUBLIC HEARINGS:** Chair Hohler summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures. For each request, the secretary will read the application into the public record. The applicant or their representative will have 10 minutes to present their comments, followed by public comments in favor of the application where they will state their name and address and speak for three minutes. Following that those in opposition will be invited to speak for three minutes and afterward, those received via phone will be aired for the panelist and audience. The public can call in to 888-382-9556 to enter a queue to comment on any property on the agenda, then the public hearing will be closed on that request. No recorded messages will be heard. The Board will then conduct the finding of facts. The Board must approve the Finding of Fact therefore, the first vote you hear is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance.

Ms. van den Hombergh read the application for 1367 Portage Street into the record.

**ZBA#24-04-07: 1367 Portage Street: An application for a dimensional variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Simple AG, LLC. The applicant is requesting a variance from Chapter 50-7.2, 7.2-1 to allow 32 off-street parking spaces where 16 off-street spaces is the maximum permitted per this marihuana retailer.**

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above.

Mr. James Haas, the applicant, part owner, and CEO of Simple AG spoke, also in attendance were Darcie Fankhauser, his partner and Tyler Bardeau of Mitten State Engineering. He stated they are seeking an additional 16 parking spaces at 1367 Portage Street at the corner of Portage and Stockbridge where the former Rent-A-Center was located, along with five or six abandoned houses. He said at that time, there was quite a bit of blight and there have been a lot of issues since the partial demo of the property, which brought it down to 5,000 square feet, and added that there was approximately 10,000 square feet of demolition of abandoned apartments and property. He added that prior to the demo, they allowed SWAT to train in the building and was told the building is in a high crime area but there was excitement around the fact that the building was going to be developed and they are glad to contribute to the community. He said as they did the demo, they realized they opened up a lot of parking and through the ordinance according to the square footage of the building, they can put down about 6,000 square feet of new asphalt, but the site has three different egresses onto it, which goes down Stockbridge from Portage about five lots. He said there is about four lots of previously striped paving, which is an eyesore, and the intent is to take that eyesore and put in a properly paved parking lot with landscaping. He stated they received a letter from the city to present the problem onsite and to come back once the property is built and they need more parking. He stated they understand it's an uphill battle right now, but their main concerns are that there was a suggestion that there is a lot of parking around the site: to the north there is a fairly large lot that the neighbor across the street owns and on Portage there is a public lot that people can use and walk over to the site but their main concern is safety. He mentioned the police have his cell number and have worked hand in hand with them, and they have also sent their property manager there quite a few times to remove people from the property, he said the concern is for customers and employees in the winter, when it gets darker around 5:00 p.m., they don't want them crossing over busy Portage and also they will have young employees, male and female, and they don't want to put them in unsafe situations. Mr. Haas said right now they have about 15,000 square feet of parking that is all chopped up and unstriped, and they only want to use a piece of that to go from 16 to 32 and the rest of the area, in their site plan, would be a green space, and part of that is sloping the water retention into a pond and they would be able to keep the water onsite, have it there for a 100 year storm and then when it goes into the city sewer and water, it will already be pre-treated and there won't be a lot of overflow from the water. He said with the 16 spots from the original plan, and the 10 Point of Sales transaction cash registers, there will also be a manager, a receptionist, and inventory personnel, so the plan is to have 13 to 15 staff in the store at any given moment, not including the staff change when they will have six people coming and six people leaving, so those spots will be taken and the fear is people will park on the unstriped area and they don't want to have any slip and falls because the area is very choppy and can't be plowed, but they are concerned that's what the usage would turn into. He added that he knows people from the city drove around looking at other dispensaries and how they fulfilled their parking lots, but he feels

they're a little bit different and will be a high-volume store. He said in their other locations, such as the two locations in New Buffalo, one store has 75 spaces and the other has 50, at the store in Ravenna Ohio there are 30 plus parking spaces, and they use all of them and at the store in Pentwater Michigan they have 40 spaces and use the majority of those, and they have a store in Grand Haven Michigan in a strip center and they are close to a D & W where there are about 80 spots and there have been no issues there. He added they also do curbside and want to have dedicated spots but if the majority of them are consumed by employees, it would be limited customer parking and it precludes them from having any sort of curbside, where people order online, and they bring the product out to them and, again, this is part of the safety issue. He said part of the beautification of the property, they are just being good neighbors and want to keep all the cars coming in, since they are on the edge of the Edison neighborhood and there are a lot of houses around them, they want to keep as much of the commercial activity on the corner of Stockbridge and Portage because right now, the parking there goes down Stockbridge up against the house, and that's where the pond and green space would be so they want to keep as much of the commercial activity away from the houses as possible. He said they plan to put a privacy fence there and while they want to have a successful business, they also want to be good neighbors and while they are surrounded by parking, the neighbor to the north doesn't want to share parking with them, and added there is a winery and there's quite a bit there, but there's a fence and they've also talked about having egresses and connecting the lots, but there hasn't been a lot of reciprocation on that, so it feels like they are in their corner. He said Mr. Bourdo would speak about information he has on a national study of traffic, and what to expect at a corner like theirs because Stockbridge and Portage is, obviously, a heavy corridor of traffic and he believes there are 20,000 to 30,000 cars going by a day and as Mr. Bourdo goes through, the board will kind of see what their analysis, and the independent analysis, would probably say they need even more than 32, but they are trying to find a middle ground.

Tyler Bourdo, a civil engineer that helped Simple A.G. get their site plan approved and is now helping with the variance, said he has an ITE trip generation that he ran for the property. He explained that ITE is a national traffic study of estimated cars coming in and out for this use, so it goes down the list of restaurants and bars, and for the cannabis retail here. He stated he ran it for what they plan on doing and it estimated they could see 52 to 92 vehicles in a peak hour, and he said the unique thing he has seen about cannabis retail is that it's ran kind of like a pharmacy where each buyer and seller come in together and if there's no one available, they have to sit and wait until the next person's available, which leads to longer wait times and, obviously, more traffic coming in. He didn't have much time left and welcomed any questions related to him.

Chair Hohler asked for staff comments and Mr. Eldridge replied he appreciates the rundown on everything and he has met and talked with their staff on multiple occasions regarding this parking then trying to get the number down to something that was workable, which they came close. Mr. Eldridge also said that they did an admirable job reaching out to the neighbor to the north that owns a large surface parking lot however, they're not ready to lease any spaces at this point, but he's hoping that will change sometime in the future because it is a large, underutilized parking lot. He said what is significant about this area is that it was part of the rezoning that occurred last fall, and it is a neighborhood node which is more of a building forward design, and that is part of the reason staff was very pleased when this organization came forward and wanted to repurpose the building and keep the building up near the frontage of the property, he added they were hoping they would expand the building and put an addition on it and fill it all the way to the corner but that didn't happen but there's still a building along Portage Street, just not up to the property line on Stockbridge. Mr Eldridge explained that a neighborhood node means that these are commercial

areas that the city is working on to be more walkable, commercial hubs for the neighborhood and for those that live in apartments within these neighborhood nodes, so overbuilding surface parking goes against that movement to make it more densely developed and then, of course, the one thing that was rightfully pointed out, is that this business isn't operating yet, so it's truly hard to gauge the level of parking deficiency, and they talked a little about that in their meetings. He added that looking at the special circumstances it was indicated that the building size is a little larger than other marihuana facilities around the city, the retailers specifically, and admitted that it is slightly larger as a lot are closer to the 3,000 square foot range, but they are starting to learn that there's a fair amount of competition in the city, these locations aren't overloaded with customers at any one time, so even though this new building will have the ability to have up to 10 transaction stations, it may take some time to build to that level of actively using all of those or those might not all be in use except for during peak times. He said they're talking about their steps of development, and it has been through site plan review already which was in the staff report, unfortunately the parking issue did not come up and if it had it would have been something well worth discussing then and not after the approval has already taken place, but that being what it is we're now here tonight to evaluate this and look at both sides of the situation, but it's difficult for staff to support this variance without hard and fast data that there's a true deficiency because they do not want to overbuild surface parking, and there is alternative parking available, even though it's 225 feet to the West, where the city has a surface parking lot behind Howard's Party Store. He stated there are also 10 on street parking spaces on Portage Street, so it isn't that there is no other parking alternative, they just aren't as desirable to the applicant in this case. He wanted to add that in regard to his own observations, he went by The Refinery on Alvan Road around 5:40 that evening and they have 32 parking spaces and only 11 were full, roughly 1/3, after 5:00 which surprised him because of the traffic coming from I-94, as well as local customers.

Chair Hohler asked if there was anyone who wanted to speak in favor of the applicant and there were none.

He asked if anyone wanted to speak against the applicant and there were none.

Chair Hohler asked if there were any call ins and there were none.

Chair Hohler closed the public hearing.

Chair Hohler asked if this were on the corner of Whites Road and Westnedge, and was a Walgreens, would they have to ask for a variance be or not because of the zoning in that area and Mr. Eldridge replied that is another node area and we still wouldn't want to overbuild surface parking there either. Chair Hohler said that was a bad example, but he assumed because of the area along Westnedge, that was a different kind of zoning where there would be more buildings back and more parking available, but this is essentially meant to be more neighborhood and walkable. Mr. Eldridge said looking at Westnedge, south of Whites Road, going toward Kilgore, there are a lot of commercial larger lots and it gets more suburban and less urban as you go out that way, so that would be a good example of where there's a lot of surface parking and not a lot of shared parking. Chair Hohler asked if this was a business the board said no to, they opened, and three years down the road they come in and say "Hey, every day from this time to this time we are just jam packed every day and we're parked everywhere possible," would that be a situation where the city would say, aside from this board, the city would say "We're more likely to support it because there's a demonstrated need for it?" and Mr. Eldridge said yes, Chair Hohler wanted to clarify

because Mr. Eldridge pointed out the demand for the parking is a bit speculative right now. Mr. Eldridge said yes because then there would be actual vehicle counts, there would be more information on how many actual transactional stations they had occupied, during those peak hours, and they could give employee and customer counts for those peak hours as well. Chair Hohler referenced Mr. Eldridge talking about The Refinery and the applicants two locations in New Buffalo and wondered how many of these types of businesses are in New Buffalo versus Kalamazoo where we seem to have them everywhere and wondered if that is what Mr. Eldridge referred to as being the speculative nature of their numbers. Chair Hohler said the applicant said if they touch the concrete that changes it into a use and wanted to know is this a situation where they can just build and as long as they don't touch the blacktop and let people park where they may, and they wind up with 32 parking spaces because they didn't like it, would that be acceptable or is it that as soon as they start building on the lot they need to address the parking problem? Mr. Eldridge replied this was a change in use and when it goes through site plan review, that's when the off-street parking is laid out and shown on the plan where the customer and employee parking is going to be. He said that other stretch of property is shown with no business activity, which could be problematic because people might pull in the parking lot and see all the asphalt and think "Well I'll just park over there," so barriers may need to be put up to keep people from driving to other areas of the property. Chair Hohler said so it's not just that they can ignore it and the problem will take care of itself but if people start it's using it, it needs to be addressed and Mr. Eldridge said correct.

Mr. McReynolds said he visited some area dispensaries, specifically Great Lakes down the street from where this one will be located and they don't use all of their parking lot but on the flip side he said he was looking at a lot of the other houses in the neighborhood and they would actually make the lot looked nice. He added that considering the housing crisis we have in Kalamazoo that, extra parking could be taking up space where housing could be reestablished in those areas. Chair Hohler added that living in the Edison neighborhood, he is familiar with all of this, Great Lakes isn't busy every day, but there are certain times of the week where they are hopping mad and cars are in the street and parked in the old DHS building parking lot, Mr. McReynolds pointed out the DHS lot is now blocked and Chair Hohler said it is now, so people park anywhere.

Mr. Sylvester reiterated that this went through site plan review with only 16 parking spaces, Mr. Eldridge said correct, Mr. Sylvester said now this request is to double that number of spaces, Mr. Eldridge said correct and Mr. Sylvester said this went through site plan review and if this were granted and it were to be planned with 32 spaces, talk about how the city handles the surface grade of groundwater and surface water from these parking lots. Mr. Eldridge stated any variance approved to add more parking would trigger a site plan amendment, in the storm water process would be revisited, and any other site improvements such as landscaping etc...would be going through abbreviated site plan review process again because it's minimal changes to the property but it would be looked at from all aspects, specifically storm water, because they would be identifying impervious coverage that's going to remain on the property where we don't know what's going to happen with the older asphalt areas that are just there at this point. Mr. Sylvester asked if there was an engineered process for handling the stormwater whether it be for 16 spaces, or 32 spaces and Mr. Eldridge said yes and added that the approved site plan that was submitted lays out stormwater management for the existing approved parking. Mr. Sylvester then asked how casual use of undeveloped property for parking for a commercial establishment is regulated and Mr. Eldridge said it can be problematic and can lead to enforcement if the lot doesn't have any approved

business and all of a sudden turns into a commercial parking lot or a vehicle storage lot, then it becomes a zoning enforcement matter.

Chair Hohler asked if there were any more questions from the board for the applicant and there were none.

## **FINDING OF FACT**

Mr. Wark moved the Finding of Fact as follows:

- 1) The Finding of Fact for 1367 Portage Street shall include all information included in notice of public hearing dated March 27, 2024, and in the agenda packet staff provided for this request.
- 2) 99 notices of public hearing were sent, and no responses were received.
- 3) A public hearing was held before the board and public comments and phone calls were accepted and there were none.
- 4) The Finding of Fact shall include all facts and comments made during the public hearing which are summarized to include without limitation, the following:

James Haas, CEO and part owner, spoke about the project and gave a summary of what has been done to develop the site. There were three homes adjacent to the parking lot that were demoed, which totaled approximately 10,000 square feet. He also spoke about the parking and only having 16 spaces, which staff will most likely use 13 to 15 of those and added that they also have curbside sales they feel they will need additional parking for. Tyler Bourdo spoke about a national traffic study that estimated approximately 52 to 92 potential customers per hour. They also spoke about some of their other dispensaries in New Buffalo and other areas surrounding Kalamazoo, and how much more parking they have. It appears other large parking lots north of this location were grandfathered in and the new zoning ordinances affected the parking spaces.

**Mr. McReynolds seconded the Finding of Fact.**

**Motion approved for the Finding of Fact by voice vote unanimously.**

Mr. Wark asked staff, in regard to stormwater, if there were additional parking spaces, how much more stormwater would be expected, and if there's a formula for that and Mr. Eldridge replied that there is a formula but he doesn't have that information and would defer to the Public Services staff since they do those calculations but said that whatever is laid out currently would have to be doubled and they were looking at an above ground detention basin on the far end of the property.

**Mr McReynolds. moved to approve the application for a use variance from Chapter 50-7.2, 7.2-1, to authorize 32 off-street parking spaces where a total of 16 off-street is the maximum permitted per this marihuana retailer, seconded by Ms. van den Hombergh.**

Discussion:

Chair Hohler stated he is with staff and that this is all speculative and that the intent of the neighborhood is to be walkable. He said he wished the neighbors had come out or wrote letters or done something to say this is a necessity but he's glad they took down abandoned buildings and he hopes its successful enough that they're back in a couple of years asking for more parking, but right now he's having a difficult time supporting them.

Mr. McReynolds said he agrees with Chair Hohler and if they come back with proof that all of these people are coming there, that would be better.

Ms. van den Hombergh agrees and stated they have made some good improvements to the neighborhood, and she feels the request for more parking is a little premature.

Mr. Sylvester stated he had nothing to add but added that his only concern would be the unregulated vacant land that surrounds the property being developed.

Mr. Wark agreed and said he had nothing to add.

**Motion was disapproved unanimously by a roll call vote.**

Ms. van den Hombergh read the application for 1500 East Kilgore Road into the record.

**ZBA#24-04-08: 1500 East Kilgore Road Street: An application for use variances for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by ANR Kalamazoo Hotel LLC, The applicant is requesting 1) a use variance from Chapter 50, 50-4.4, (5)(b), Residential uses in the CC District are only permitted in conjunction with a commercial use, where the proposed project will be all residential and 2) a use variance from Chapter 50, 50-4.4, (5)(b), Multi-family units are not permitted in the ground floor occupied space that directly fronts the front property line.**

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above.

Mr. Eldridge explained that these two variances should be tied together to be one vote because request number one is about mixed use on the property and that ties into request two, which talks about occupied space which is the first 15 feet of the buildings facing the street are supposed to be space set aside for commercial uses.

Rachit Dhingra, of Odyssey Hotels and the owner of ANR Kalamazoo Hotel, which is currently Residence Inn Hotel at 1500 E. Kilgore. He said that as Mr. McReynolds pointed out, there is a shortage of apartments in the city of Kalamazoo of about 7,000 units and about a year ago they met with Mary Balkema from the Kalamazoo Housing Division and David Anderson, the mayor of the city and they saw a great opportunity for the hotel to be converted into multi-family usage, so that's how the project got started. He said most recently there was a meeting by the Kalamazoo County Commissioners to do a millage for dollars for the project, and that was awarded just the previous week. He said the plan is to convert the hotel, once it leaves the Marriott flag, they will convert it into a multi-family use because it's already set up like a multi-family use facility and they were hoping that the mixed use would suffice, but after working with Mr. Eldridge, they were told they would need some use variances. He added that if the variances aren't approved, it would put hardship on the project because of the funding and to be successful, they would have to add commercial use on Kilgore Road where there is no need for commercial use and housing already

exists there Kilgore is a main road that intersects Portage and there is no commercial development in that area, so mixed use won't apply. He said the zoning rules are applicable to this location and other locations, but this location is a unique example.

Chair Hohler asked for staff comments and Mr. Eldridge said the applicant and his business partner went to the City's project review meeting and at first blush it appeared to be a straightforward transition and didn't think there would be roadblocks with the zoning ordinance, but then as they looked deeper, they realized that, categorically, it's technically an extended stay hotel now, which is a commercial use, and it's transitioning into apartments, so it's multi-family residential, and those two categories, commercial and residential, are separated in the zoning ordinance, so they had to be viewed as change in use even though they're living units now and they'll be living units at the end of this process assuming it moves forward. He added that because it's in a commercial zone district there are standards that now apply, if there's a change in use, the property has to meet the current standards for that Commercial Community Zone district where the mixed-use requirement comes into play because there's an element of commercial in addition to the residential and the front of the buildings closest to Kilgore have to have commercial space and usage, at least within the first 15 feet of the front of each building. He said in practicality, because this was built as extended stay units, there are multiple buildings with multiple floor plans from studios up to two bedrooms. Mr. Dhingra stated there are some units with two bedrooms and the rest are studios and the property is made up of multiple buildings and there are multiple units in one building and the drive off of Kilgore extends into another property next to them, so they can't put any commercial usage there because it's a pass way. Mr. Eldridge continued that it created a unique circumstance, which gets into the first criteria which talks about the literal enforcement of the terms and provisions of the ordinance, so we're trying to apply commercial standards to structures that were built in 1989, essentially for dwelling units, so you would have to cause significant renovation to each one of the front buildings to meet the standards, which does present a hardship to the applicant and the organization. He stated right now there are 83 units they are looking to transition into apartments and a large number would be lost if the commercial standards were applied and added that the level of renovation to make this transition is very minimal as far as the upgrades, as he believes he mentioned in the staff report the square footage would remain the same and they already have full baths and a kitchen area, per se, which will probably be upgraded a little, but they function like efficiency apartments already. He reiterated that the commercial standards create a hardship on making this transition, and then the ordinance goes on to say in the commercial zone for multi-family, there needs to be an outdoor recreation space and because this was an extended stay, they have a clubhouse, the pool area, some green space behind that, so they meet that criteria for having a multi-family use in this commercial zone district. He added that some of the clubhouse, he believes, will turn into some additional apartments so again there's a lot of synergy with what's proposed, it's a good reuse of this extended stay hotel and there was a brief discussion about should this be rezoned, and the use variance is the best option because as this area grows and there's more development pressure, at I-94 and Portage, this property still remains in a commercial zone and can be redeveloped 20 years from now for a more viable commercial use that's more appropriate for this interchange area and this use variance is only to allow the existing structures that are there now to be repurposed and to create housing units, which we can use right now. Mr. Dhingra wanted to add that the key thing is that these are going to be affordable housing units and 80% of the units are going to be 60% AMI, so it's a great addition to the community to add affordable housing that there's a shortage of, and that's why the city and the Housing Authority are in favor of this project.



Ms. van den Homberg said she appreciates Mr. Dhingra saying that the goal is affordable housing and that he spoke with Mary Balkema and Mr. Anderson, but she wanted more clarity about some of the terms and phrases that he used because she's not familiar with them and added that she got a lot out of the project summary overview that was in the packet. She stated in the packet it said that there were 48 studio units at 416 square feet, for a maximum of \$963 per month for a studio, and \$1,032 per month for a one-bedroom unit at 532 square feet and even though we need the housing it doesn't seem very affordable. Mr. Dhingra so these are based on the published rates that exist and were provided to them, so those are the ones they used. Ms. van den Hombergh asked him to go over the percentages again and he said that 80% of the units are going to be 60% average median income and they're trying to comply with MSDA rules and regulations and how affordable Housing works, and that's how this project has been designed, which is how they got the mileage grant which was based on those contributions and doing the analysis for the capital that has to be put into the project return.

Chair Hohler asked if there was anyone who wanted to speak in favor of the applicant and there was no one.

He asked if anyone wanted to speak against the applicant and there were none.

He asked if there were any call in comments, and there were none.

Chair Hohler closed the public hearing.

Discussion:

Chair Hohler stated when looking at the map of properties within 300 feet, it's like everything on both sides of Portage is all like an "R" whatever except for this small little bit where there's an auto mechanic shop and a sandwich place at the Paddington/Lakeway corner, and that one small property, it almost feels like if they give them the use variance, whenever they decide to rezone things they're just going to carve that right into our district somehow. He said he guesses his question is since this was originally a commercial space, and he presumes that that's just kind of carried forward every time there was a rezoning, and he guesses that it was just an island on its own and Mr. Eldridge said it is a little bit of an island, and he believes the MDOT offices, which are diagonal across the street, are also in the same commercial zone district but it's not clear on there because they're looking at a black and white zoning map, but what you have are the MDOT offices, this particular site with the extended stay hotel, and then directly next to it on the east side is a traditional multi story hotel. The drive for the other hotel wraps around in front of this one, so there is some interconnectedness that will remain.

Ms. van den Hombergh asked the property will take Section 8 housing vouchers or is it based on their income and Mr. Dhingra said that's what the 60% AMI is for and wanted to add that even though Ms. van den Hombergh thought the rents were high but utilities are included because it's all centrally located, so that's why it seems high but that's how the calculations are done. Mr. Eldridge stated that makes sense, given that everything is interconnected, and Mr. Dhingra stated everything is interconnected for a hotel, so they're not looking to put in individual meters, so everything is included in the rent, and that's the maximum rent they can charge.

Mr. Sylvester asked if they will be financing this using low-income housing tax credits and Mr. Dhingra said they are not using any federal dollars, but they may be using the home dollars they're working with, with the City of Kalamazoo, and it is a pilot program and they're in the process of trying to obtain that but the mileage grant was awarded and they're also using some financing from Kalamazoo Foundation.

## **FINDING OF FACT**

Ms. van den Hombergh moved the Finding of Fact as follows:

- 1) The Finding of Fact for 1500 East Kilgore Road shall include all information included in the notice of public hearing dated March 27, 2024, and the agenda packet provided by staff.
- 2) 19 notices of public hearing were sent, and zero responses were received.
- 3) A public hearing was held before the board and public comments were accepted and there were none.
- 4) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

Mr. Rachit Dhingra is the owner of Odyssey Hotels and he spoke on behalf of the project. It is currently a Residence Inn and the operating license, owned by Marriott, is coming to an end and Mr. Dhingra is looking to transition this from an 83 unit extended stay hotel and converting it into individual apartments, which will result in 48 416 square foot studio units, 14 large studio units at 440 square feet, and 21 one bedroom units at 532 square feet. The complex already has the required outdoor space with a swimming pool, small basketball court, and outdoor seating. Mr. Dhingra met with Ms. Balkema and Mr. Anderson regarding the housing shortage, and he also met with the County Commission and is looking to convert this into a multi-family use. there are unique circumstances and because this is viewed as commercial it's viewed as a change in use and the level of renovations needed are minimal. 80% of the units are going to be at 60% of the average median income and include all of the utilities. This property will not be using any Federal Housing credits and there was a mileage done by the Kalamazoo County Housing authority grant that was awarded in addition to working with the Kalamazoo Foundation. Mr. Dhingra said that this is a pilot program, and they may be using home dollars.

### **Mr. Wark seconded the Finding of Fact.**

Chair Hohler asked what an M1 on the zoning map referred to and Mr. Eldridge replied manufacturing limited which is light manufacturing. Chair Hohler was trying to think of what was in the spot where Old Kilgore meets East Kilgore by the highway and asked if it was the auction house and Mr. McReynolds said there is a trampoline place in there and Chair Hohler said that was in the CC area and Mr. Eldridge said it was Doubleday Printing, but is now Biddergy, an

online auction site and Chair Hohler said he knows there is not much manufacturing zoning in this area but it just kind of jumped out from all of the residential zoning on the map.

**Motion approved for the Finding of Fact by voice vote unanimously.**

**Mr. McReynolds made a motion to approve the application for use variances from Chapter 50, 50-4.4, (5)(b), for 1) Residential uses in the CC District are only permitted in conjunction with a commercial use, where the proposed project will be all residential, and 2) Multi-family units are not permitted in the ground floor occupied space that directly fronts the front property line, seconded by Ms. van den Hombergh.**

Discussion:

Mr. Sylvester said he is in support and was really interested in this application, and trusts that his colleagues are as well. he added that his office is about 1/4 of a mile from this location on Airview Boulevard, in the City of Kalamazoo, adjacent to the former Stryker headquarters, and in the 14 years that he's been at that location he's seen some of the hotels in that area transition as the industry continues to evolve. He said a couple of weeks ago they saw the fire destruction of the Days Inn right next to his office, which was housing quite a of low-income families, although it had gone down the census there quite a bit but in the meantime they've seen a number of families moving into the Country Inn and Suites on the Kilgore Road loop. He stated those are not apartment properties, but hotels and they don't offer the management and support staff that you would see in affordable housing, nor is it regulated by the city as a rental housing property, they're regulated as hotels. He said he was gratified to see a hotel making this transition to become part of the permanent affordable housing stock in Kalamazoo because it's going to provide much more stable housing for low- and moderate-income families because we need that too, so he's supportive and said it's really interesting to see the migration of property that formerly served a purpose that was needed 25 years ago, but less so now in this era of remote working when we have fewer visiting workers staying in these extended stay hotels.

Mr. Wark said he will be in support as well and Chair Hohler stated you really don't need to say anything when the first guy says everything you would want to say but said he is in support as well and Ms. van den Homberg added she is as well.

**Motion was approved unanimously by a roll call vote.**

**DISCUSSION/ACTION ITEMS:**

**REPORTS:**

**ADJOURNMENT:**

**The meeting was adjourned at 8:17 p.m.**

**Submitted By** \_\_\_\_\_ **Date** \_\_\_\_\_

Recording Secretary

**Reviewed By** \_\_\_\_\_ **Date** \_\_\_\_\_  
City Staff

**Approved By** \_\_\_\_\_ **Date** \_\_\_\_\_  
Chair

DRAFT



# Zoning Board of Appeals Staff Report

Date: **5/9/2024**

Item: **D.1.**

City of Kalamazoo

**TO:** Zoning Board of Appeals

**FROM:** Reviewed by: Christina Anderson, AICP, City Planner/Deputy Director of CPED  
Prepared by: Pete Eldridge, AICP, Zoning Administrator

**DATE:** May 9, 2024

**SUBJECT:** ZBA #24-05-09: 411 W. Kalamazoo Avenue. CD Arena LLC, is requesting the following variances:

The applicant is requesting the following variances for the Event Center:

Building Siting:

1. A dimensional variance from Chapter 50-5.6 C (1) (a) 2, to allow for relief from the front lot line coverage of 43% where the requirement is 70% for the placement of the event center along Kalamazoo Ave.
2. A dimensional variance from Chapter 50-5.6 C (1) (a) 3, to allow relief from the requirement that the building occupy the corner at Kalamazoo Ave. and Park St.
3. A dimensional variance from Chapter 50-5.6 C (1) (a) 4, to allow a build to zone of 4 ft. 8 in. to 36 ft. 4 in. where a build to zone of 0 to 10 ft. is required along Kalamazoo Ave.

Height:

4. A dimensional variance from Chapter 50-5.6 C (2) 17, to allow upper floors of the building to be 16 ft. in height, where 14 ft. is the maximum height for upper floors.

Street Facing Façades:

5. A dimensional variance from Chapter 50-5.6 C (4) (a) 20, to allow ground floor transparency levels of 66% for Kalamazoo Ave., 57% for Westnedge Ave. and 47% for Park St. where 70% transparency is required.
6. A dimensional variance from Chapter 50-5.6 C (4) (a) 21, to allow 0% upper floor transparency along Westnedge Ave. where 20% transparency is required.
7. A dimensional variance from Chapter 50-5.6 C (4) (a), 22, to allow blank wall areas exceeding the 30% requirement on both Westnedge Avenue and Park St.
8. A dimensional variance from Chapter 50-5.6 C (4) (b) 25, to allow only 14 entrances where the requirement is one per 60 feet, totaling 24 for the three street facing façades.

Parking and Loading Regulations:

9. A dimensional variance from Chapter 50-7.3-1, to allow 60 bike parking spaces where 144 are required based on the maximum occupancy.

10. A dimensional variance from Chapter 50-7.5 A (1) (b), to allow the driveway for the loading area on Westnedge Ave. to be 91 ft. where 24 ft. is the maximum driveway width.

The applicant is requesting the following variances for the Parking Deck:

Building Siting:

1. A dimensional variance from Chapter 50-5.6 C (1) (a) 2, to allow zero front lot line coverage where the requirement is 70% along Park St.
2. A dimensional variance from Chapter 50-5.6 C (1) (a) 3, for relief from the requirement that the building occupy the corner at Park St. and Water St.
3. A dimensional variance from Chapter 50-5.6 C (1) (a) 4, to allow a build to zone of 0 ft. to 112 ft 4 in. where a build to zone of 0 to 10 ft. is required.

Use:

4. A use variance from Chapter 50-5.6 C (3) 19, to allow relief from the requirement that there be occupied space on both the first and second floors of the parking deck along Westnedge Ave. and Water St.

Street Facing Façade:

5. A dimensional variance from Chapter 50-5.6 C (4) (a) 20, to allow ground floor transparency levels of 33% for Westnedge Ave. and 19% for Water St. where 70% transparency is required.
6. A dimensional variance from Chapter 50-5.6 C (4) (a) 22, to allow blank wall areas exceeding the 30% requirement on both Westnedge Ave. and Water St.
7. A dimensional variance from Chapter 50-5.6 C (4) (b) 25, to allow the parking deck to have one entrance on the Westnedge Ave. facade, where two entrances are required.

## **BACKGROUND:**

A 426,000 square foot Event Center is proposed to be located in the northwest quadrant of Downtown Kalamazoo. It is proposed to provide space for multiple sporting events, arts and culture events, and flat floor space for conventions or large-format meetings. Sports is a main focus; the building will serve as the new home for the Kalamazoo Wings hockey team and several WMU teams, including hockey and both women's and men's basketball. Practice basketball courts and a hockey rink, locker rooms, and support spaces for all teams and their staff are proposed. Space for students to train and study is also included. The proposed Event Center includes a concert space for more than 7,000 people and flat floor space for small conventions or large-format meetings. Outside the primary structure, there is a large public plaza planned, water features to play up the shared location with Arcadia Creek, and office space for additional tenants. An eight-story parking garage is planned in the southwest corner of the site with 1,100 spaces. Work to prepare the area for future development has already started. Several rights-of-way and streets were vacated after review by the Planning Commission and City Commission earlier this year. Major utility upgrades in this area of Downtown, including water, sanitary, and storm utilities, will begin later this month. The Event Center and parking structure are still in the design phase; site plan review is tentatively planned for this summer.

The goal is to have the facility completed by 2027 to 2028.

The size and scale of this development project are unique and unlike any other in the Downtown or the City of Kalamazoo. First, this type of project and the urban site it is proposed for have some unique physical challenges. These include but are not limited to, Downtown is not a greenfield site with unlimited space; the existence of Arcadia Creek, which bisects the site east to west; the path of the Downtown spur of the Kalamazoo River Valley Trail, which also bisects the site east to west; and that the site is surrounded by 4 streets, 3 of which are major pieces of the Downtown network. Having multiple street frontages creates a challenge for establishing which is the front and which is the rear of a building. For this site, the applicant worked with the City Staff to determine that Kalamazoo Ave is the front (A Street), followed by Park St - these two are the priority facades for the Event Center. Westnedge Ave, at least away from the intersections with Kalamazoo Ave and Water St, is considered the rear or lesser facade. The land use is also unique in that it combines several sports venues, concert or event space, public outdoor space, and flat-floor convention space in one location, resulting in a building that spans whole blocks.

As a result of the size and scale of this project, the applicant has requested a number of variances. To provide clarity in the review of their requests, this staff report is broken down by section based on the standards or subsections of the Chapter 50 Zoning Ordinance for variances related to the **Event Center** or the **Parking Deck**. This information is typically saved for the Review Criteria, but this staff report is organized slightly differently.

The applicant is requesting relief in the following zoning categories related to the **Event Center**:

'Building Siting'. Building siting regulates the placement of a building on a property in relationship to the property lines. The Event Center building is proposed to be set back further than the code requires due to the requested rerouting of the KRV Trail along Park St and Kalamazoo Ave. This triggers three variances as the standards are linked; if the building is not located within the build-to zones, it cannot occupy the corner or meet the frontage requirements. The variances requested relate to the following:

1. locating the building outside the 0-10' build-to-zone
2. locating the building so that it occupies the corner or the intersection of the build-to-zones at Kalamazoo Ave and Park St;
3. coverage of the front lot line with the building, which is a ratio of building to property line

'Height'. The Zoning Ordinance has set ranges for floor heights for the ground floor and upper floors of buildings; this development is in the Downtown 2 District, which does not have a maximum height measured in stories. The Event Center has proposed a 16-foot floor height for the upper floors, where 14 feet is the maximum to accommodate the mechanical equipment needed for the sports and event facilities.

'Street Facing Façade'. The Zoning Code supports the design of active facades to support an urban environment, including entrance and window placement requirements. The Event Center contains a number of unique uses, such as ice rinks and basketball courts that impact door

placement and transparency or window placement. Ice rinks can be negatively impacted by outside light and the associated heat; basketball courts have similar challenges with the potential for sun to impact visibility for players and spectators. The event center or concert space has similar issues. Each of these uses are also very large, taking up wide sections of the building's facade, triggering the variance requests. On the Westnedge Ave. frontage there is also a large loading bay which reduces the space to meet transparency requirements and the number and even spacing of entrances. The entrances are also limited by the need to control access in and out of the facility for ticket holders and players for both security and ticketing.

These building constraints together result in the following variances:

1. ground floor transparency on Kalamazoo Avenue, Westnedge Ave, and Park St
2. upper floor transparency on Kalamazoo Avenue, Westnedge Ave, and Park St
3. limiting areas without windows or blank walls on Westnedge Ave and Park St
4. entrances on Kalamazoo Ave and Park St

'Parking and Loading Regulations'. There are two variance requests in this category.

1. number of provided bicycle parking spaces
2. width of a driveway to allow for one consolidated loading zone area, rather than multiple driveways

The applicant is requesting relief in the following zoning categories related to the **Parking Deck**.

'Building Siting'. Building siting regulates the placement of a building on a property in relationship to the property lines. The parking deck is proposed to be set back approximately 112 feet from Park St, which City staff determined to be the front property line for the property containing the parking deck. As with the Event Center building, this triggers three variances as the standards are linked; if the building is not located within the build-to zones, it cannot occupy the corner or meet the frontage requirements.

1. locating the building outside the 0-10' build-to-zone
2. locating the building so that it occupies the corner or the intersection of the build-to-zones at Water St and Park St
3. coverage of the front lot line with the building, which is a ratio of building to property line

'Use: Occupied Space'. Buildings are required to have active uses, such as lobby, any permitted use, indoor bicycle parking, on facades that face streets. For the Parking Garage this means along Water Street and Westnedge Avenue on both the first and second floors of the building. The intent of this standards is to create active vibrant building facades and streets. Outside the eastern section of the Parking Deck facing the plaza and bordering Water Street, which is being planned for office use, the remaining area of Water Street and Westnedge is vehicle parking, which is not a permitted use for occupied space.

'Street Facing Facade'. The Zoning Code supports the design of active facades to support an urban environment, including entrance and window placement requirements. The parking deck was not designed to include transparency or entrance requirements meeting the code



requirements on Water St or Westnedge Ave. This triggers the following variances:

1. ground floor transparency on Westnedge Ave and Water St
2. limiting areas without windows or blank walls on Westnedge Ave and Water St
3. entrances on Westnedge Ave

## **STRATEGIC VISION ALIGNMENT:**

**Complete Neighborhoods** - residential areas that support the full range of people's daily needs

**Inviting Public Places** - Vibrant streets, exceptional parks, and welcoming activities.

### Strategic Goal and Master Plan 2025 Impact:

Projects like this can align with creating inviting public places and economic vitality.

Looking at the Master Plan, the project aligns with the future land use map which identifies this four-block area as part of the Downtown, which is intended for a wide range of office, retail, and entertainment uses.

## **COMMUNITY ENGAGEMENT:**

### Appropriate Depth of Engagement

A public hearing notice was placed in the newspaper and notices sent to the property owners within 300 feet. The applicant has been advised on outreach to the adjacent property owners.

### Engagement/Communication Tools

Newspaper public notice, mailings of the public hearing notice to properties within 300 feet of the property, and applicant outreach.

## **FINDINGS:**

Staff has made the following findings regarding the **Event Center** and the dimensional variances related to **Building Siting**:

1. That there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

**Built-To-Zone:** The special circumstances are related to the placement of the Kalamazoo River Valley Trail (KRVT) reroute. Currently, the trail runs east-west through the site along where Arcadia Creek is located. The Event Center team is working with City staff to reroute the trail up (north) along Park St to Kalamazoo, where it runs to the west to connect with the multi-use trail on Michikal, leading toward the college/university campuses, and the trail head on Westnedge Ave at

**Kalamazoo Ave, leading to the KalHaven Trail. The build-to-zone of 0–10 feet along the Kalamazoo Ave. frontage is impacted by this placement. The distance the building is located outside the build-to zone varies, but the maximum distance is 36 ft. 4 in. from the front property line. The trail placement along Kalamazoo Ave and the shifting of the building also allows a plaza at the main Kalamazoo Ave entrance and space for bicycle parking.**

**Front Lot Line Coverage: The unique circumstances are tied to those above. This placement of the KRVt shifts much of the building outside the required built-to-zone, which is where the front lot line coverage is measured. If the building is not in the build-to zone, it cannot count towards this standard. The KRVt trail runs largely in this area. While the building extends along the Kalamazoo Ave frontage, most of the facade is outside the build-to zone to accommodate the proposed reroute.**

**Occupation of the Corner: The unique circumstances are tied to those above. The occupation of the corner is measured where the front and corner build-to zones meet. If the building is not in the build-to zone, it cannot meet this standard.**

2. That there are special circumstances which are not the result of the actions of the applicant or titleholder of the land.

**Covers all three variances: The applicant did not create these special circumstances. This rerouting of the trail around the block, rather than through, is a City supported change to maintain clear connections to the pedestrian and trail network to the west.**

3. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

**Covers all three variances: The situation is unique because this property is unique. The reroute of the trail along Kalamazoo Ave. causes all three of these variances to be requested.**

4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

**Covers all three variances: The granting of the variances is the minimum action that will allow for the trail to be rerouted and the connection to the pedestrian/trail network to the west maintained. This design allows for easy access to the main entrance and planned bicycle parking area.**

5. That the granting of the variance will not adversely affect adjacent land in a material way.

**Covers all three variances: The granting of the variances will not adversely impact adjacent properties. The rerouting of the trail is a key factor impacting the variances related to the final proposed structure placement.**

6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

**Covers all three variances: The variances will be generally consistent with the ordinance and will result in an aesthetically pleasing yet functional design along the Kalamazoo Ave. frontage for the main entrance of the Event Center.**

Staff has made the following findings regarding the **Event Center** and the dimensional variances related to **Height**:

1. That there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

**The special circumstances are related to the unique function of the building. The upper floors are proposed to be 16 feet, where 14 feet is the maximum floor height. This request is a result of the unique set of uses planned for the building which require additional room for mechanical systems (running along the ceilings). The Downtown 2 District does not have a maximum height standard (measured in stories).**

2. That there are special circumstances which are not the result of the actions of the applicant or titleholder of the land.

**The special circumstances are due to the use of the building and the need for mechanical equipment for the sports facilities and the concert space.**

3. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

**The literal interpretation of the provisions of the ordinances would reduce the floor height for the upper levels, which would impact the heights of the floors below, including the height of the basketball, hockey, and concert spaces on the lower floor. The building is unique and unlike any other structure currently in this Downtown 2 district or Downtown overall.**

4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

**This is the minimum action that will make it possible for the use of building space for the proposed set of uses. Further, the floor height will not be a feature that is visible from the exterior of the building and this zoning district does not have an overall maximum height standard.**

5. That the granting of the variance will not adversely affect adjacent land in a material way.

**This variance will not adversely affect adjacent property due to it impacting only interior space in the building and the lack of a maximum overall building height standard.**

6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

**The variance is consistent with the ordinance and supports the consolidation of this unique set of uses into one location in Downtown.**

Staff has made the following findings regarding the **Event Center** and the dimensional variances related to **Street Facing Facade**:

1. That there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

**Transparency - Ground and Upper Floor: The special circumstances are related to the unique functions of the building for hockey, basketball and events/concerts. Exterior light can negatively impact each of these uses, such as creating extra heat in the ice rink and shadows or blind spots on the basketball court. These facilities impact large sections of the exterior facade, which limits the ability to meet this standard. Additionally, the building has very long frontages on three public streets, which means the transparency requirement applies to all three sides of the building.**

**Blank Wall Limitation: The same unique circumstances exist for blank wall limitations. The ice rink, basketball court, and event spaces are adjacent to the exterior walls in many locations. This limits large areas of the facade from being able to meet the transparency requirement, which creates larger blank spaces than the code allows.**

**Entrances: The special circumstances are related to the unique function of the building which needs to control access for ticket holders, athletes, or musicians. The ability to place entrances at intervals of every 60' is also limited for the same reasons transparency is limited - the unique and large set of uses inside the building.**

2. That there are special circumstances which are not the result of the actions of the applicant or titleholder of the land.

**Covers All Four Variances: The special circumstances are related to the unique function of the building for sports, events, and concerts. This creates a structure and set of uses that the Zoning Code could never have anticipated, which is why code builds in an opportunity for relief through the variance process.**

3. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

**Covers All Four Variances: The application of transparency requirements, blank wall limitations, and required entrances would result in a built facade which would not functional for the proposed uses planned for the Event Center. Again, this building is unlike any other building in Downtown.**

4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

**Covers All Four Variances: These variances are the minimum actions that will make it possible for the use of land for the intended purpose and will result in an aesthetically pleasing building with appropriate levels of transparency, blank wall space and entrances for the stated uses. The Event Center design works to maximize transparency and entrances in the spaces between the facilities.**

5. That the granting of the variance will not adversely affect adjacent land in a material way.

**Covers All Four Variances: The design of the Event Center works to maximize the transparency and entrances in between facilities and at keep locations, such as intersections and along Kalamazoo Avenue, where ticket goers and employees will be entering and leaving the facility.**

6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

**Covers All Four Variances: The design of the Event Center works to meet the requirements where possible to meet the intent of the Ordinance to promote active and vibrant building frontages and streets.**

Staff has made the following findings regarding the **Event Center** and the dimensional variances related to **Parking and Loading Regulations**:

1. That there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

**Bike Parking: The maximum occupancy of 7,200 people requires 144 bicycle parking spaces. This would be the largest concentration of spaces in one location in Downtown that a development has had to provide.**

**Driveway Width: The special circumstances are again associated with the size and scale of the facility and the location on multiple streets. The Event Center designers proposed one location for all the loading uses (garbage, food service, musician or athlete buses), located on Westnedge Ave. after working with the City staff to determine which facades were priority and which were not. Loading facilities are an important part of this type of facility and must be located somewhere.**

2. That there are special circumstances which are not the result of the actions of the applicant or titleholder of the land.

**Bike Parking: This would be the largest concentration of spaces in one location in Downtown. This number of spaces is unique and requires space within the site to accommodate the number of spaces.**

**Driveway Width: Loading uses are a common element for many business types, including those proposed here. City staff supports combining the 3 loading needs into one location to minimize the disruption to active, vibrant streets around the Event Center.**

3. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

**Bike Parking: The application of the ordinance provisions would result in the provision of 144 bicycle parking spaces, which would be the largest collection of spaces in Downtown. To provide the required number, sufficient space within the site or structures would be required.**

**Driveway Width: The application of the ordinance provision would allow multiple smaller loading areas, impacting a greater number of facades and pedestrian pathways along the building. City staff supports combining the 3 loading needs into**

**one location to minimize the disruption to active, vibrant streets around the Event Center.**

4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

**Bike Parking: The spaces provided scattered around the site are the number of spaces the applicant believes will meet the demand of the facility users and nearby trail riders.**

**Driveway Width: This consolidated driveway is the minimum action necessary to provide the needed services to the building while minimizing the disruption to the facade and adjacent pedestrian pathways and streets.**

5. That the granting of the variance will not adversely affect adjacent land in a material way.

**Covers Both Variances: These variances will not adversely affect adjacent property. The consolidated loading area reduces impact points on the roads to adjacent property and the bike parking proposed would not impact adjacent land.**

6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

**Covers Both Variances: The variances are consistent with the intent of the ordinance. The consolidated loading bay promotes active streets by consolidating the necessary delivery traffic and the plan accommodates multi-modal transportation opportunities.**

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Staff has made the following findings regarding the **Parking Deck** and the dimensional variances related to **Building Siting**:

1. That there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

**Built-To-Zone: The special circumstances are the number of street frontages adjacent to the Parking Deck and more critically, the need to divide the overall site into two lots in order to have Consumers Energy provide the needed number of primary connections, which each require their own address. This variance would not be required if the site did not need to be divided into two lots.**

**Front Lot Line Coverage:** The unique circumstances are tied to those above. The front lot line coverage is measured in the build-to zone. If the building is not in the build-to zone it cannot count towards this standard.

**Occupation of the Corner:** The unique circumstances are tied to those above. The occupation of the corner is measured by where the build-to zones meet. If the building is not in the build-to zone, it cannot count towards this standard.

2. That there are special circumstances which are not the result of the actions of the applicant or titleholder of the land.

**Covers All Three Variances:** The special circumstances are not the result of the actions of the applicant, but are a result of the need to provide sufficient power service to the site by Consumers Energy and the urban location with multiple street frontages.

3. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

**Covers All Three Variances:** The challenges here are the size of the parking deck and the need to create a second lot to contain the parking deck and the plaza in order to meet Consumers Energy needs, which are compounded by the multiple street frontages. This is a unique situation in Downtown.

4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

**Covers All Three Variances:** The granting of these variances is the minimum action that supports the redevelopment of this site.

5. That the granting of the variance will not adversely affect adjacent land in a material way.

**Covers All Three Variances:** The granting of the variances will not have an adverse impact on adjacent property. The corner of Park St and Water St will be activated by the very large public square - a unique use and size of space in Downtown.

6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

**Covers All Three Variances:** The granting of the variance will be generally consistent with the ordinance and the applicant is using other methods to activate the facades and street.

Staff has made the following findings regarding the **Parking Deck** and the use variance related



**to Occupied Space:**

1. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant for all practical purposes from using the property for a permitted use identified in the Zoning Ordinance, which is a right commonly enjoyed by other land in the same zone district.

**The literal interpretation of the ordinance would require the design team to consider uses other than parking along the Westnedge Ave and Water St frontages. This does not preclude the lot from being used primarily for parking, but given the space constraints of the site with Arcadia Creek, there would have to be some space decisions made between making the parking deck taller or reducing the number of spaces provided to give space for uses other than parking on the ground and second floors.**

2. That there is an unnecessary hardship based on special circumstances or conditions that are peculiar to the land or structure for which the use variance is sought that is not applicable to other land or structures in the same zone district.

**The Event Center is balancing an urban site with a unique set of uses, which is further complicated by the location of Arcadia Creek through the site. Meeting the occupied space requirement requires the parking structure to be redesigned, removing parking spaces along the Westnedge and Water St facades, and adding non-parking uses (lobby, bike storage, or another permitted use). This would require either the reduction of the number of parking spaces in the deck or an increase in the number of stories of the ramp, which is currently proposed for 8-stories, and is taller than the Event Center itself.**

3. That the special circumstances are not the result of the actions of the applicant.

**The site is complicated for the reasons stated throughout this staff report. However, the decision to design the parking ramp as proposed is the applicant's. Meeting the occupied space requirement would require the applicant to redesign the parking structure, remove parking spaces along the Westnedge and Water St facades, and add non-parking uses (lobby, bike storage, or another permitted use).**

4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

**On the east facade of the parking deck is office space, which allows the parking deck to meet the occupied space requirements for this portion of the building. Given the challenges of the site stated previously, the applicant believes this is the minimum**

**action necessary to maintain and celebrate Acadia Creek and fit the needed facilities for the Event Center.**

5. That the granting of the variance will not adversely affect adjacent land in a material way.

**The Event Center building did a good job of activating the facade with windows and doors wherever it was possible considering the unique uses of the property. The Parking Deck proposes the following instead of meeting the occupied space to support an active facade and street: facade and material design elements, outdoor passage-way through the building to break up the facade, as well as placement of landscaping and bicycle parking in this location.**

6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

**The intent of occupied space requirement is to support active facades and streets. To meet this intent, the applicant proposes a unique design of the building facade with outdoor passage through the building to break up the long building, as well as placement of landscaping and bicycle parking in this location. The plaza on the corner of Water and Park also creates an active area.**

Staff has made the following findings regarding the **Parking Deck** and the dimensional variances related to **Street Facing Facade**:

1. That there are special circumstances or conditions (like exceptional topographic conditions, narrowness, shallowness, or the shape of property) that are peculiar to the land or structure for which the variance is sought, that is not applicable to other land or structures in the same zone district.

**Transparency on all Floors: Transparency is defined as clear glass that supports the view inside and out of a building. This project - the Event Center and Parking Deck - are unique to Downtown and this zoning district for all the reasons stated in the staff report. The location on multiple street frontages creates a unique circumstance or challenge to creating all active street-facing facades, which is what the zoning code envisions. Meeting the transparency standards on all the street-facing facades is a challenge that would not apply to small projects.**

**Blank Wall Limitation: This variance is tied to the above circumstances. If the building cannot meet the transparency requirements, it will exceed the blank wall limitation.**

**Entrances: Multiple entrances are required on Westnedge and Water St. because of the size of the building; the proposed design is just short on Westnedge Ave.**

2. That there are special circumstances which are not the result of the actions of the applicant or titleholder of the land.

**Transparency and Blank Wall Limitation: The size and scale of the building make it a challenge to apply these standards in all locations along the building.**

**Entrances: The size and scale of the building make it a challenge to apply these standards in all locations. The proposed design is 1 entrance short on Westendge Ave, which, looking at the whole site, is the lowest priority facade.**

3. That the literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other land in the same zone district, and would cause practical difficulty.

**Covers All Three Variances: The size and scale of the project make the literal interpretation and enforcement of the provisions a challenge. The parking deck is designed to hold a high number of vehicles related to the Event Center.**

4. That the granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.

**Transparency and Blank Wall Limitation: The applicant's design meets the transparency requirements at the east end of the building facing the plaza and Water Street, where there are office uses and no parking proposed. Again, this is tied to the occupied space request above; the building has been designed to hold a high number of vehicles related to the Event Center's uses.**

**Entrances: The Parking Deck design does work toward meeting the minimum requirement and includes a number of entrances on each street facing facade; on Westnedge Ave the applicant is one short of meeting the requirement.**

5. That the granting of the variance will not adversely affect adjacent land in a material way.

**Covers All Three Variances: The Event Center building did a good job of activating the facade with windows and doors wherever it was possible considering the unique uses of the property. The Parking Deck proposes the following in lieu of meeting the transparency and entrance requirements to support an active facade and street: unique facade and material design, outdoor passage through the building to break up the facade, as well as placement of landscaping and outdoor bicycle parking in this location.**

6. That the granting of the variance will be generally consistent with the purposes and intent of this Ordinance.

**Covers All Three Variances: The intent of the transparency and entrance requirements is to support active facades and streets. To meet this intent, the applicant proposes a unique design of the building facade with outdoor passage through the building to break up the long building, as well as placement of landscaping and bicycle parking in this location. The plaza on the corner of Water and Park also creates an active area.**

**RECOMMENDATION:**

Staff recommends approval of the above-mentioned variances.



**Community Planning and Economic Development**

245 N. Rose Street, Ste. 100

Kalamazoo, MI 49007

PH: (269) 337-8044

FAX (269) 337-8429

www.kalamazoocity.org

**NOTICE OF PUBLIC HEARING**

April 24, 2024

**RE: ZBA #24-05-09**  
**411 W Kalamazoo Ave (06-15-311-003)**  
**North 17 Feet of W. Water Street**

**Revised**

Dear Property Owner:

An application for a variance from provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by CD Arena LLC, for the above listed addresses located in the Downtown 2(D-2) and Downtown 3(D-3) Districts.

The applicant is requesting the following variances for the **Event Center**:

Building Siting:

1. A dimensional variance from Chapter 50-5.6 C (1) (a) 2, to allow front lot line coverage relief of 43% from the requirement of 70% for the placement of the event center along Kalamazoo Ave.
2. A dimensional variance from Chapter 50-5.6 C (1) (a) 3, to allow relief from the requirement that the building occupy the corner at Kalamazoo Ave. and Park St.
3. A dimensional variance from Chapter 50-5.6 C (1) (a) 4, to allow a build to zone of 4 ft. 8 in. to 36 ft. 4 in. where a build to zone of 0 to 10 ft. is required along Kalamazoo Ave.

Height:

4. A dimensional variance from Chapter 50-5.6 C (2) 17, to allow upper floors of the building to be 16 ft. in height where 14 ft. is the maximum height for upper floors.

Street Facing Façades:

5. A dimensional variance from Chapter 50-5.6 C (4) (a) 20, to allow the ground floor transparency levels of 66% for Kalamazoo Ave., 57% for Westnedge Ave. and 47% for Park St. where 70% transparency is required.
6. A dimensional variance from Chapter 50-5.6 C (4) (a) 21, to allow 0% upper floor transparency along Westnedge Ave. where 20% transparency is required.
7. A dimensional variance from Chapter 50-5.6 C (4) (a), 22, to allow blank wall areas exceeding the 30% requirement on both Westnedge Avenue and Park St.
8. A dimensional variance from Chapter 50-5.6 C (4) (b) 25, to allow only 14 entrances where the requirement is one per 60 feet, totaling 22 entrances.

Parking and Loading Regulations:

9. A dimensional variance from Chapter 50-7.3-1, to allow 60 bike parking spaces were 144 are required based on the maximum occupancy.
10. A dimensional variance from Chapter 50-7.5 A (1) (b), to allow a driveway for the loading area on Westnedge Ave. to be 91 ft. where 24 ft. is the maximum driveway width.

The applicant is requesting the following variances for the **Parking Deck:**

Building Siting:

1. A dimensional variance from Chapter 50-5.6 C (1) (a) 2, to allow zero front lot line coverage of where the requirement is 70% along Park St.
2. A dimensional variance from Chapter 50-5.6 C (1) (a) 3, for relief from the requirement that the building occupy the corner at Park St. and Water St.
3. A dimensional variance from Chapter 50-5.6 C (1) (a) 4, to allow a build to zone of 0 ft. to 112 ft 4 in. where a build to zone of 0 to 10 ft. is required.

Use:

4. A use variance from Chapter 50-5.6 C (3) 19, to allow relief from the requirement that there be occupied space on both the first and second floors of the parking deck along Westnedge Ave. and Water St.

Street Facing Façade:

5. A dimensional variance from Chapter 50-5.6 C (4) (a) 20, to allow ground floor transparency levels of 33% for Westnedge Ave. and 19% for Water St. where 70% transparency is required.
6. A dimensional variance from Chapter 50-5.6 C (4) (a) 22, to allow blank wall areas exceeding the 30% requirement on both Westnedge Ave. and Water St.
7. A dimensional variance from Chapter 50-5.6 C (4) (b) 25, to allow parking deck to have one entrances on the Westnedge Ave. facade, where two entrances are required.

Please note that this request will not change the zoning classification of the properties. This is a request for the variance only regarding the item described above.

The meeting will be held on Thursday, May 9, 2024, at 7 p.m. in the City Commission Chambers at City Hall, 241 W. South Street. This meeting will also be streamed live on the [City's Facebook page](#) and [YouTube Channel](#).

To examine documents related to this request or provide written comments, please contact Pete Eldridge at [eldridgep@kalamazoocity.org](mailto:eldridgep@kalamazoocity.org) or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

**Peter C. Eldridge, AICP**  
Zoning Administrator

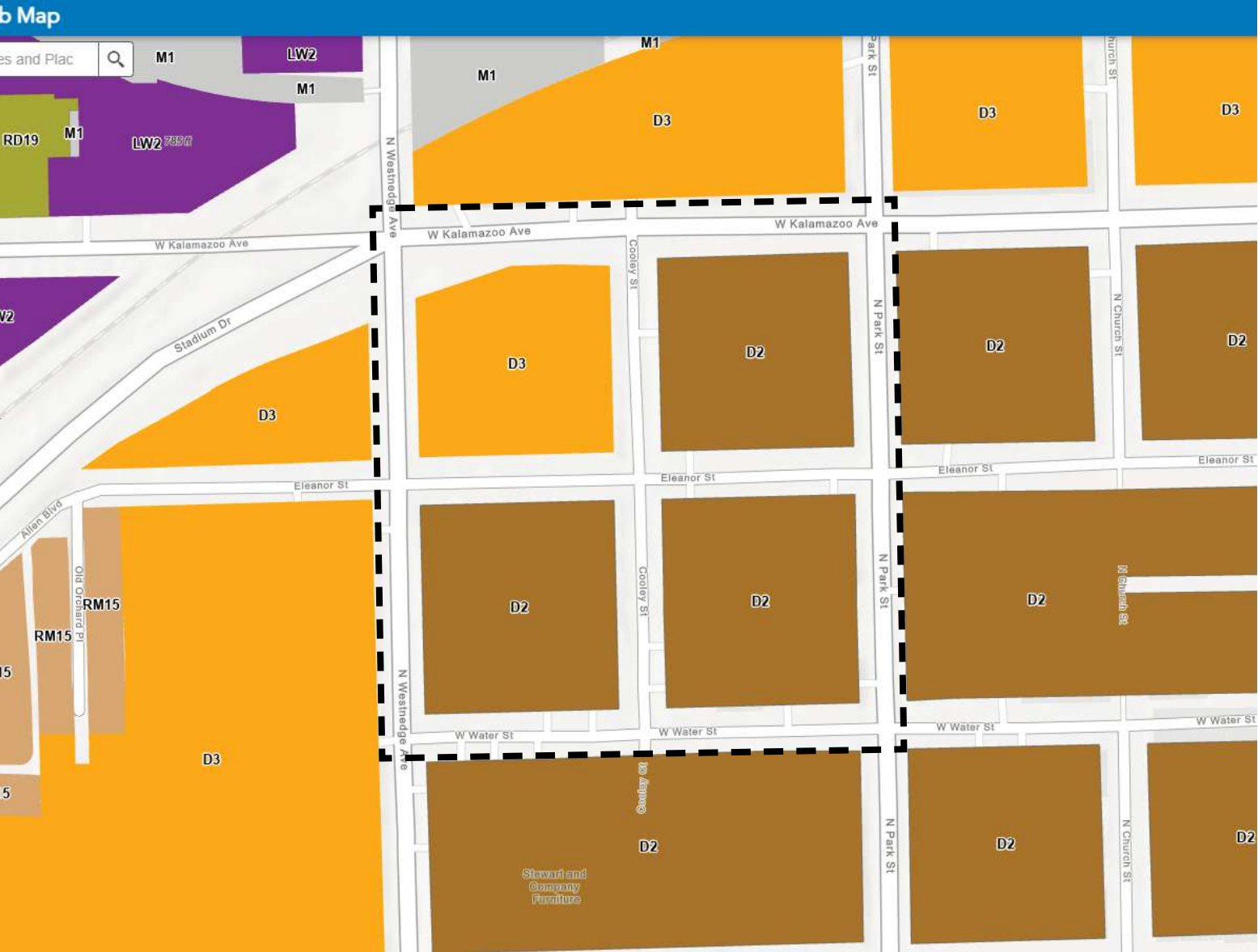


## Community Planning & Economic Development

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

### ZONING BOARD OF APPEALS APPLICATION

| APPLICANT INFORMATION                                                                                                                                                                                                                   |                                                                                               |                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Name: Tower Pinkster                                                                                                                                                                                                                    |                                                                                               | Mailing Address: 242 E. Kalamazoo Ave.                                                      |
| City: Kalamazoo                                                                                                                                                                                                                         | State: MI                                                                                     | ZIP Code: 49007                                                                             |
| Phone: 269.343.6133                                                                                                                                                                                                                     | Email: <a href="mailto:sloney@towerpinkster.com">sloney@towerpinkster.com</a>                 | Preferred Contact: <input checked="" type="checkbox"/> Email <input type="checkbox"/> 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: CD Arena LLC                                                                                                                                                                                                                      |                                                                                               | Mailing Address: 100 W. Michigan Ave., Suite 300                                            |
| City: Kalamazoo                                                                                                                                                                                                                         | State: MI                                                                                     | ZIP Code: 49007                                                                             |
| Phone: 269.388.9800                                                                                                                                                                                                                     | Email: <a href="mailto:melliston@greenleafcompanies.com">melliston@greenleafcompanies.com</a> | Preferred Contact: <input checked="" type="checkbox"/> Email <input type="checkbox"/> Phone |
| PROPERTY INFORMATION                                                                                                                                                                                                                    |                                                                                               |                                                                                             |
| Property Address(s): West Kalamazoo Avenue, Kalamazoo, MI 49007                                                                                                                                                                         |                                                                                               |                                                                                             |
| Parcel Identification Number(s):                                                                                                                                                                                                        |                                                                                               | Zone District ( <a href="http://kalamazoo.org/maps">kalamazoo.org/maps</a> ):               |
| TYPE OF REQUEST                                                                                                                                                                                                                         |                                                                                               |                                                                                             |
| <input checked="" type="checkbox"/> Dimensional Variance from Chapter(s) <u>50</u> , Section(s) _____                                                                                                                                   |                                                                                               |                                                                                             |
| <input type="checkbox"/> Appeal of an Administrative Decision                                                                                                                                                                           |                                                                                               |                                                                                             |
| <input type="checkbox"/> Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____                                                                                                                                         |                                                                                               |                                                                                             |
| <input type="checkbox"/> Use Variance to allow _____                                                                                                                                                                                    |                                                                                               |                                                                                             |
| <input type="checkbox"/> Temporary Use Approval                                                                                                                                                                                         |                                                                                               |                                                                                             |
| <input type="checkbox"/> Natural Features Protection Variance                                                                                                                                                                           |                                                                                               |                                                                                             |
| Reason for Request: Seeking variances for the Event Center for Occupation of Corner, Bike Parking, Driveway Width, Entrance Locations, Front Line Coverage, Transparency, Build to Zone, Building Height, and Blank Wall Limitations.   |                                                                                               |                                                                                             |
| ATTACHMENTS                                                                                                                                                                                                                             |                                                                                               |                                                                                             |
| <input type="checkbox"/> \$ _____ Fee <input checked="" type="checkbox"/> Type Plan detailing variance request, plat, site plan, sketch plan can all be used.                                                                           |                                                                                               |                                                                                             |
| <input checked="" type="checkbox"/> Review Sheet for Request Type                                                                                                                                                                       |                                                                                               | Optional: Photos of property, architecture plans, etc.                                      |
| Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support                                                                                                                                  |                                                                                               |                                                                                             |
| SIGNATURE                                                                                                                                                                                                                               |                                                                                               |                                                                                             |
| Signature of Applicant: <b>Steve Loney</b><br><small>Digitally signed by Steve Loney<br/>DN: C=US, E=sloney@towerpinkster.com,<br/>O=TowerPinkster, OU=Project Manager,<br/>CN=Steve Loney<br/>Date: 2024.04.11 15:32:25-04'00'</small> |                                                                                               | Date: April 11, 2024                                                                        |
| Signature of Owner (if different than applicant):                                                                                                                                                                                       |                                                                                               | Date:                                                                                       |



Zoning for the Parcels are D2 and D3.

Intended for the active, walkable principle blocks that focus on retail, entertainment, and service uses, storefronts, pedestrian-scaled signage, and access to shared parking facilities.

See § 50-3.1D for information on this district and other zone districts.

D-2 Downtown 2

This district is similar to Downtown 1, but with more flexibility in its form and permitted uses. It is intended for blocks directly adjacent to those in Downtown 1.

See § 50-3.1E for information on this district and other zone districts.

D-3 Downtown 3

Promotes a wide mix of uses, including residential, commercial, and civic uses in building forms that support the scale and intensity of Downtown Kalamazoo.

See § 50-3.1F for information on this district and other zone districts.

IC Institutional Campus

SITE ZONING DISTRICT- CATEGORY

01

KALAMAZOO EVENT CENTER & PARK / WATER ST DECK

APRIL 23, 2024

22-157.10

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Table 4.1-1 Use Table

|                                                                          | NNode | LW1  | LW2  | D1 | D2 | D3   | CNode | CC2  | CC   |
|--------------------------------------------------------------------------|-------|------|------|----|----|------|-------|------|------|
| Residential/Lodging                                                      |       |      |      |    |    |      |       |      |      |
| Bed & Breakfast                                                          |       | P    | P    | PD | P  | P    |       | P    |      |
| Hotel/Motel                                                              | P     | P    | P    | P  | P  | P    | P     |      | P    |
| Nursing Home/Assisted Living/Rehabilitation Center/<br>Adult Foster Care |       | PD   | P    | PD | P  | P    |       | PD   | P    |
| Residential (1 & 2 units)                                                | PD    | P    | PD   | PD | PD | P    | PD    | P    | PD   |
| Residential (3 & 4 units)                                                | PD    | P    | P    | PD | P  | P    | PD    | P    | PD   |
| Residential: Multifamily (5 & more units)                                | PD    | P    | P    | PD | P  | P    | PD    | P    | PD   |
| Rooming House                                                            | PD    | P    | P    | PD | P  | P    | PD    | P    | PD   |
| Transitional Residence                                                   |       | P    | P    |    |    |      |       | P    | PD   |
| Civic/Institutional Uses                                                 |       |      |      |    |    |      |       |      |      |
| Assembly                                                                 | PD    | P    | P    | PD | P  | P    | P     | P    | P    |
| Assembly, Religious                                                      | S     | S    | S    |    | P  | S    |       | PD   | P    |
| College and University                                                   | P     | P    | P    |    | P  | P    |       | P    | P    |
| Hospital                                                                 |       | P    | P    |    | P  | P    |       |      | P    |
| Library & Museum                                                         | P     | P    | P    | P  | P  | P    | P     | P    | P    |
| Parks, Open Space & Preserve                                             |       | P    | P    |    | PD | P    |       | P    | P    |
| Police & Fire Station                                                    | P     | P    | P    |    | P  | P    |       | P    | P    |
| School                                                                   |       | P    | P    |    |    | P    |       | P    | P    |
| Commercial                                                               |       |      |      |    |    |      |       |      |      |
| Adult Regulated Use                                                      |       |      |      |    |    |      |       |      | PD   |
| Agriculture                                                              |       | PD   | PD   |    |    | PD   |       | PD   | P    |
| Day Care Center                                                          | PD    | PD   | PD   |    | PD | PD   | PD    | PD   | PD   |
| Entertainment Sports (Participant - indoor)                              | P     | P    | P    | P  | P  | P    | P     | P    | P    |
| Entertainment Sports (Participant - outdoor)                             |       | S    | S    |    | S  | S    |       | PD   | P    |
| General Retail                                                           | P     | P    | P    | P  | P  | P    | P     | P    | P    |
| General Services                                                         | P     | P    | P    | P  | P  | P    | P     | P    | P    |
| Kennels                                                                  |       | PD   | PD   |    |    | PD   |       | PD   | P    |
| Office                                                                   | P     | P    | P    | P  | P  | P    | P     | P    | P    |
| Outdoor Sales & Storage                                                  |       | S    | S    |    |    | S    |       | S    | S-PD |
| Package Liquor                                                           | PD    | PD   |      | PD | PD | PD   | PD    | PD   | PD   |
| Parking (stand alone)                                                    |       | PD   | PD   |    | PD | PD   |       | PD   | PD   |
| Vehicle Service                                                          |       | PD/S | PD/S |    |    | PD/S |       | PD/S | PD/S |
| Industrial                                                               |       |      |      |    |    |      |       |      |      |
| Craftsman Industrial                                                     | PD    | PD   | PD   | PD | PD | PD   | PD    | PD   | PD   |
| Industrial                                                               |       |      | PD   |    |    |      |       |      |      |
| Warehouse & Distribution                                                 |       |      | S    |    |    |      |       |      | S    |

Table 5.1-1 Permitted Lot Types By District

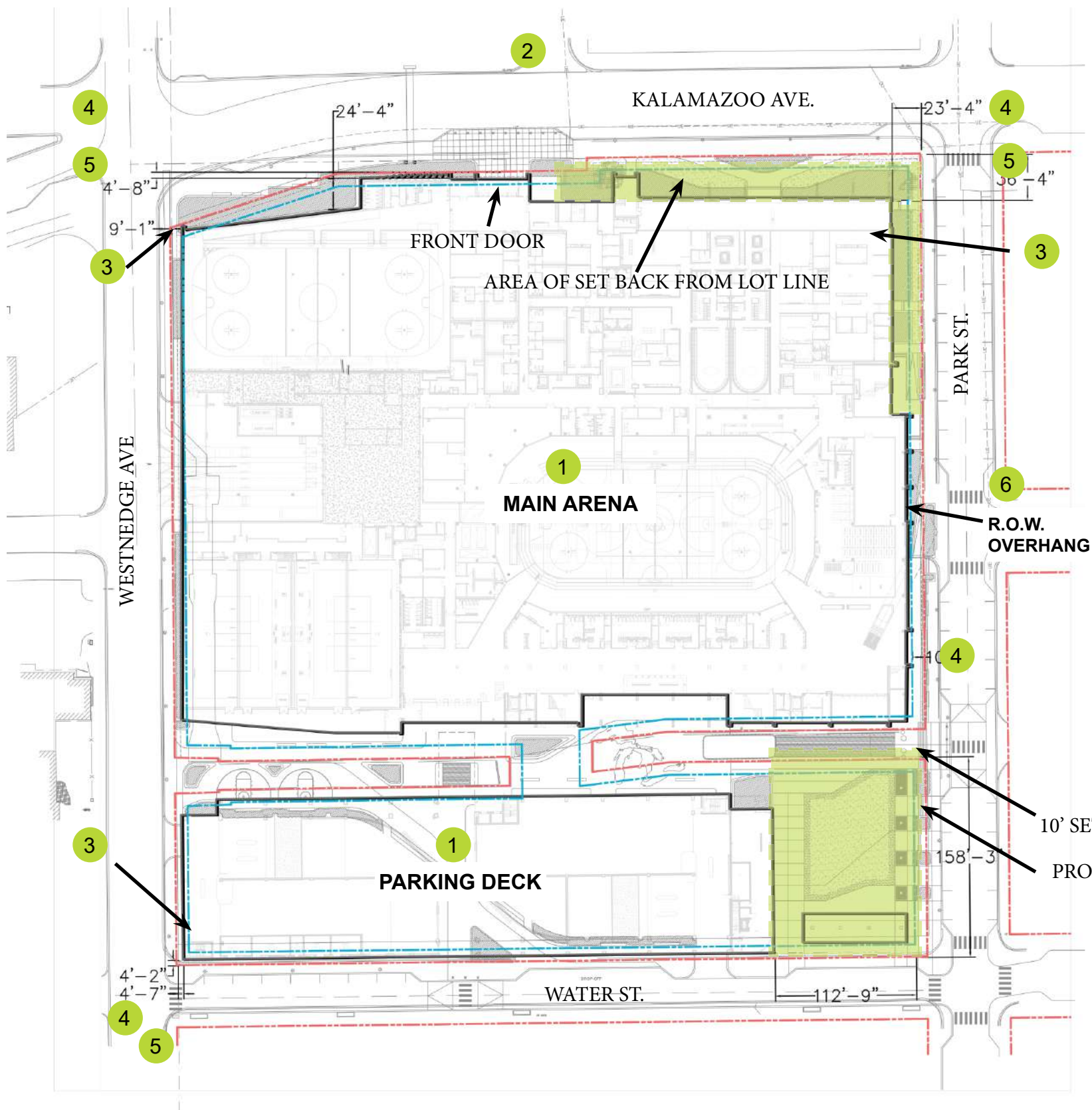
(Refer to 50-5.6 Lot Type Standards for details)

| Lot Type                    | Zoning District |     |     |    |    |    |
|-----------------------------|-----------------|-----|-----|----|----|----|
|                             | Nhood           | LW1 | LW2 | D1 | D2 | D3 |
|                             | Node            |     |     |    |    |    |
| Commerce                    | P               |     |     | P  | P  |    |
| Flex                        |                 | P   | P   |    | P  | P  |
| Cottage                     | PD              | P   | P   |    |    | P  |
| Commercial                  |                 |     |     |    |    |    |
| Civic                       |                 | P   | P   |    | P  | P  |
| Warehouse                   |                 |     | P   |    |    |    |
| Yard-Attached               |                 | P   | P   |    |    | P  |
| Yard-Detached               |                 | P   | PD  |    |    | PD |
| Outdoor Market <sup>1</sup> |                 | P   | P   |    |    | P  |

- Key**
- P Permitted
  - S Special Use
  - PD Permitted - Development Standards Required

<sup>1</sup> Outdoor Market Lot Type may be required for specific uses (refer to 50.4-4 Use Definitions and Standards) in the non-form based districts regulated in Table 5.1-2 Dimension Standards by District

(2) Flex Lot Type. A Lot Type that promotes buildings constructed in a narrow front build-to zone with a range of entrance treatments that can support a wide variety of uses including commercial, industrial, and residential.



## BUILDING SITING STREET FRONTAGE

MULTIPLE PRINCIPAL BUILDINGS

ALLOWED

YES

FRONT LOT LINE COVERAGE

70% MIN

OCCUPATION OF CORNER

REQUIRED

FRONT BUILD-TO ZONE:

0'-10'

CORNER BUILD-TO ZONE

0'-10'

ROW ENCROACHMENT

Yes

C. Lot Type: Flex

### (1) Building Siting (Figure 5.6-4)

#### (a) Street Frontage

|                               |                  |   |
|-------------------------------|------------------|---|
| Multiple Principal Buildings  | Yes              | 1 |
| Front Lot Line Coverage (min) | 70% <sup>1</sup> | 2 |
| Occupation of Corner          | Yes              | 3 |
| Front Build-to Zone           | 0'-10'           | 4 |
| Corner Build-to Zone          | 0'-10'           | 5 |
| ROW Encroachment              | Yes              | 6 |

10' SETBACK LINE IN BLUE

PROPERTY LINE IN RED

PROVIDED

2

ARENA = 27%  
DECK = 0%

#### ARENA

WEST SIDE = PROVIDED

EAST SIDE = NOT PROVIDED

#### DECK

WEST SIDE = PROVIDED

EAST SIDE = NOT PROVIDED

ARENA: 4'8" - 36'4" ARENA  
DECK: 112'9" DECK

ARENA: 9'1" WEST, 36' EAST  
DECK: 4'7" WEST, 4'2" EAST

Yes

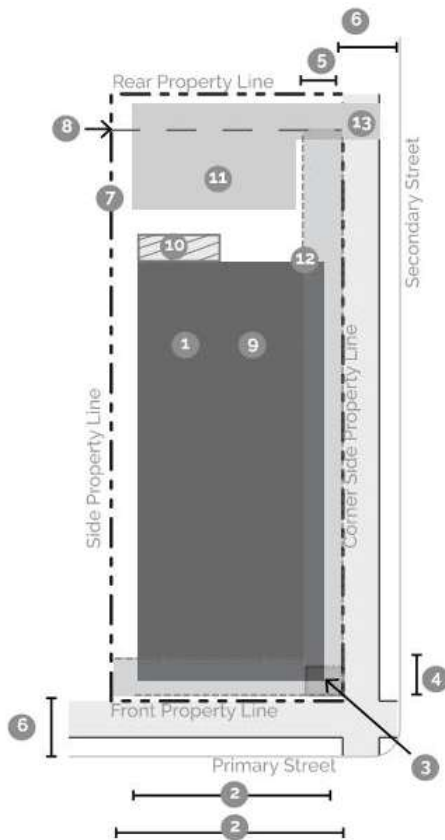
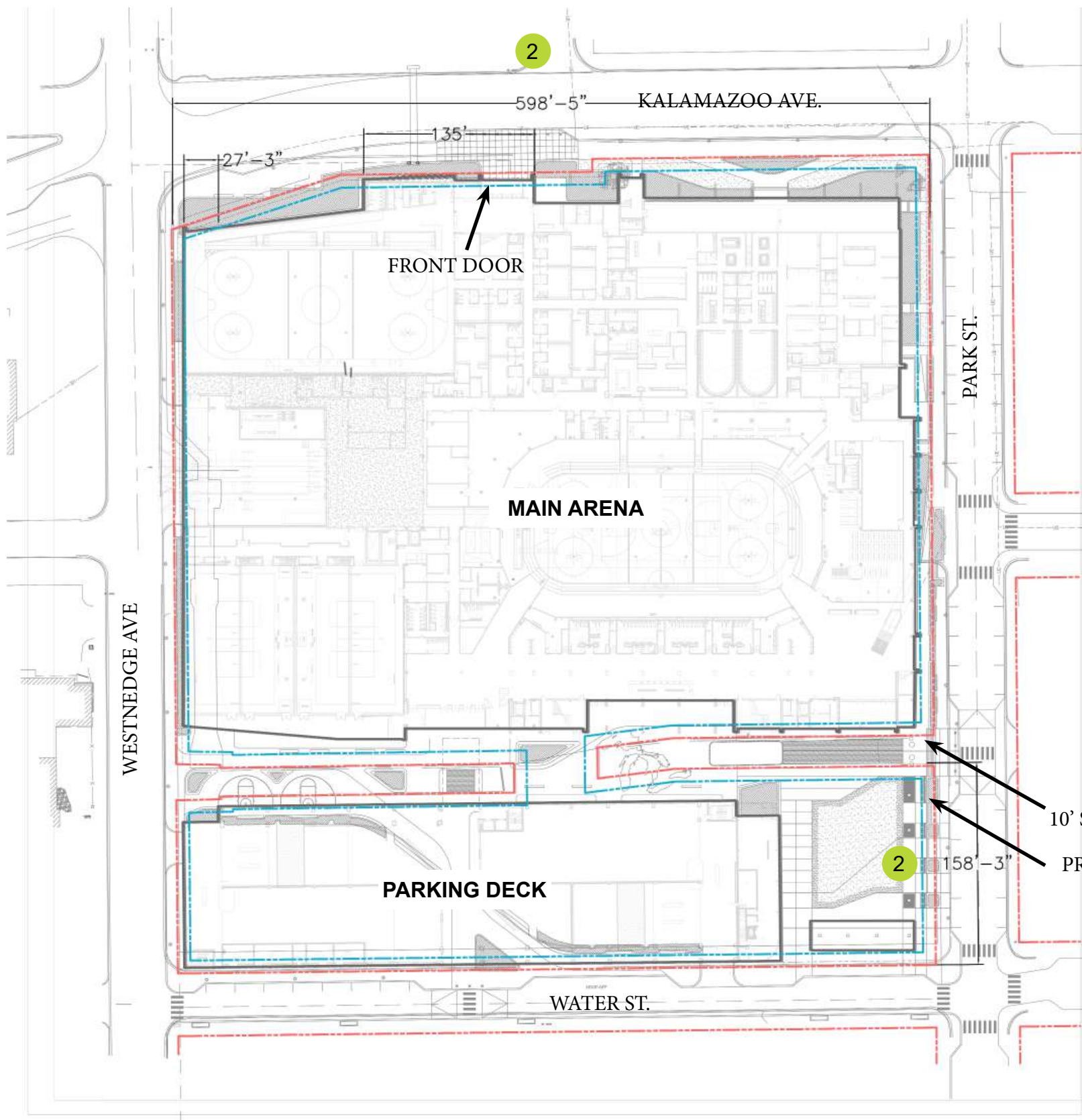


Figure 5.6-4 Building Siting.

OVERALL SITE (Zoning Code Sections 5.6-4)





# **BUILDING SITING STREET FRONTAGE**

## **ALLOWED**

## **PROVIDED**

**MULTIPLE PRINCIPAL BUILDINGS**

**YES**

**2**

**FRONT LOT LINE COVERAGE**

**70% MIN**

**ARENA = 27%  
DECK= 0%**

**OCCUPATION OF CORNER**

**REQUIRED**

**ARENA**  
**WEST SIDE = PROVIDED**  
**EAST SIDE= NOT PROVIDED**  
**DECK**  
**WEST SIDE = PROVIDED**  
**EAST SIDE= NOT PROVIDED**

**FRONT BUILD-TO ZONE:**

**0'-10'**

**ARENA: 4'8" - 36'4" ARENA**  
**DECK: 112 '9" DECK**

**CORNER BUILD-TO ZONE**

**0'-10'**

**ARENA: 9'1" WEST, 36' EAST**  
**DECK: 4'7" WEST, 4'2" EAST**

**ROW ENCROACHMENT**

**Yes**

**Yes**

C. Lot Type: Flex

### **(1) Building Siting (Figure 5.6-4)**

#### **(a) Street Frontage**

|                               |                  |   |
|-------------------------------|------------------|---|
| Multiple Principal Buildings  | Yes              | 1 |
| Front Lot Line Coverage (min) | 70% <sup>a</sup> | 2 |
| Occupation of Corner          | Yes              | 3 |
| Front Build-to Zone           | 0'-10'           | 4 |
| Corner Build-to Zone          | 0'-10'           | 5 |
| ROW Encroachment              | Yes              | 6 |

10' SETBACK LINE IN BLUE

PROPERTY LINE IN RED

**KVRT**

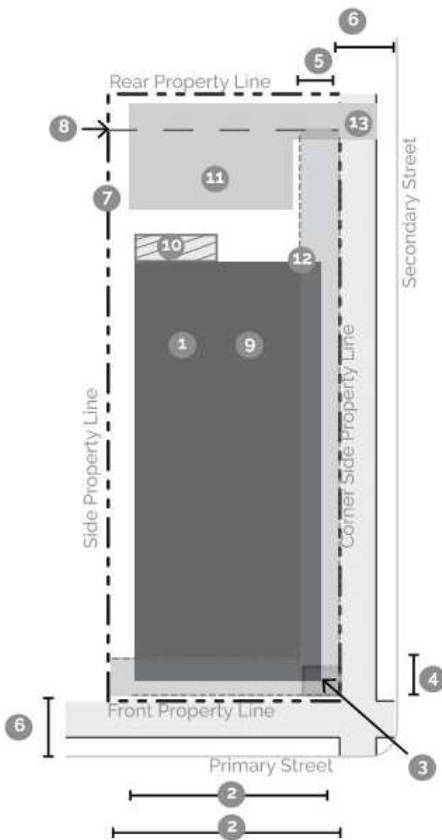
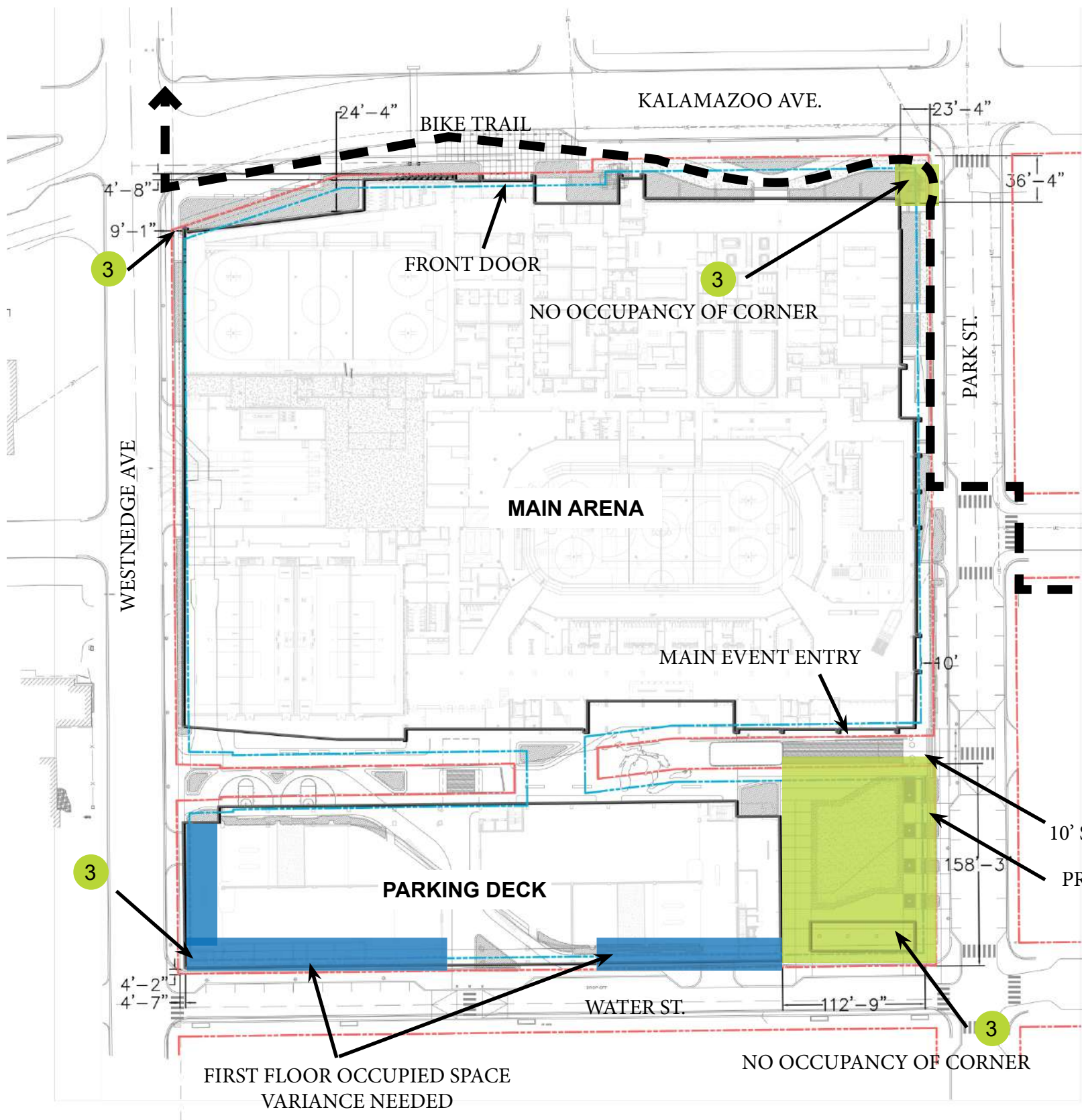


Figure 5.6-4 Building Siting.

VARIANCE : FRONT LOT LINE COVERAGE (Zoning Code Sections 5.6-4)



# **BUILDING SITING STREET FRONTAGE**

**ALLOWED**

**PROVIDED**

**MULTIPLE PRINCIPAL BUILDINGS**

**YES**

**2**

**FRONT LOT LINE COVERAGE**

**70% MIN**

**ARENA = 27%  
DECK = 0%**

**OCCUPATION OF CORNER**

**REQUIRED**

**ARENA**  
**WEST SIDE = PROVIDED**  
**EAST SIDE = NOT PROVIDED**  
**DECK**  
**WEST SIDE = PROVIDED**  
**EAST SIDE = NOT PROVIDED**

**FRONT BUILD-TO ZONE:**

**0'-10'**

**ARENA: 4'8" - 36'4"**  
**DECK: 112'9" DECK**

**CORNER BUILD-TO ZONE**

**0'-10'**

**ARENA: 9'1" WEST, 36' EAST**  
**DECK: 4'7" WEST, 4'2" EAST**

**ROW ENCROACHMENT**

**Yes**

**Yes**

C. Lot Type: Flex

## **(1) Building Siting (Figure 5.6-4)**

### **(a) Street Frontage**

|                               |                  |   |
|-------------------------------|------------------|---|
| Multiple Principal Buildings  | Yes              | 1 |
| Front Lot Line Coverage (min) | 70% <sup>a</sup> | 2 |
| Occupation of Corner          | Yes              | 3 |
| Front Build-to Zone           | 0'-10'           | 4 |
| Corner Build-to Zone          | 0'-10'           | 5 |
| ROW Encroachment              | Yes              | 6 |

10' SETBACK LINE IN BLUE

PROPERTY LINE IN RED

**KVRT**

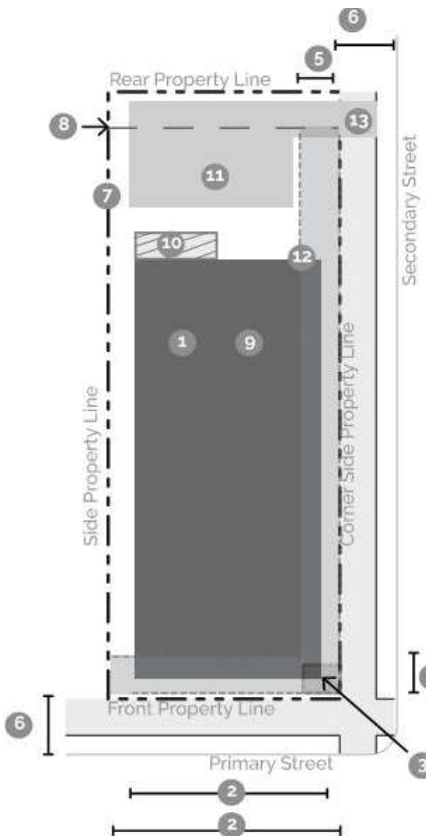
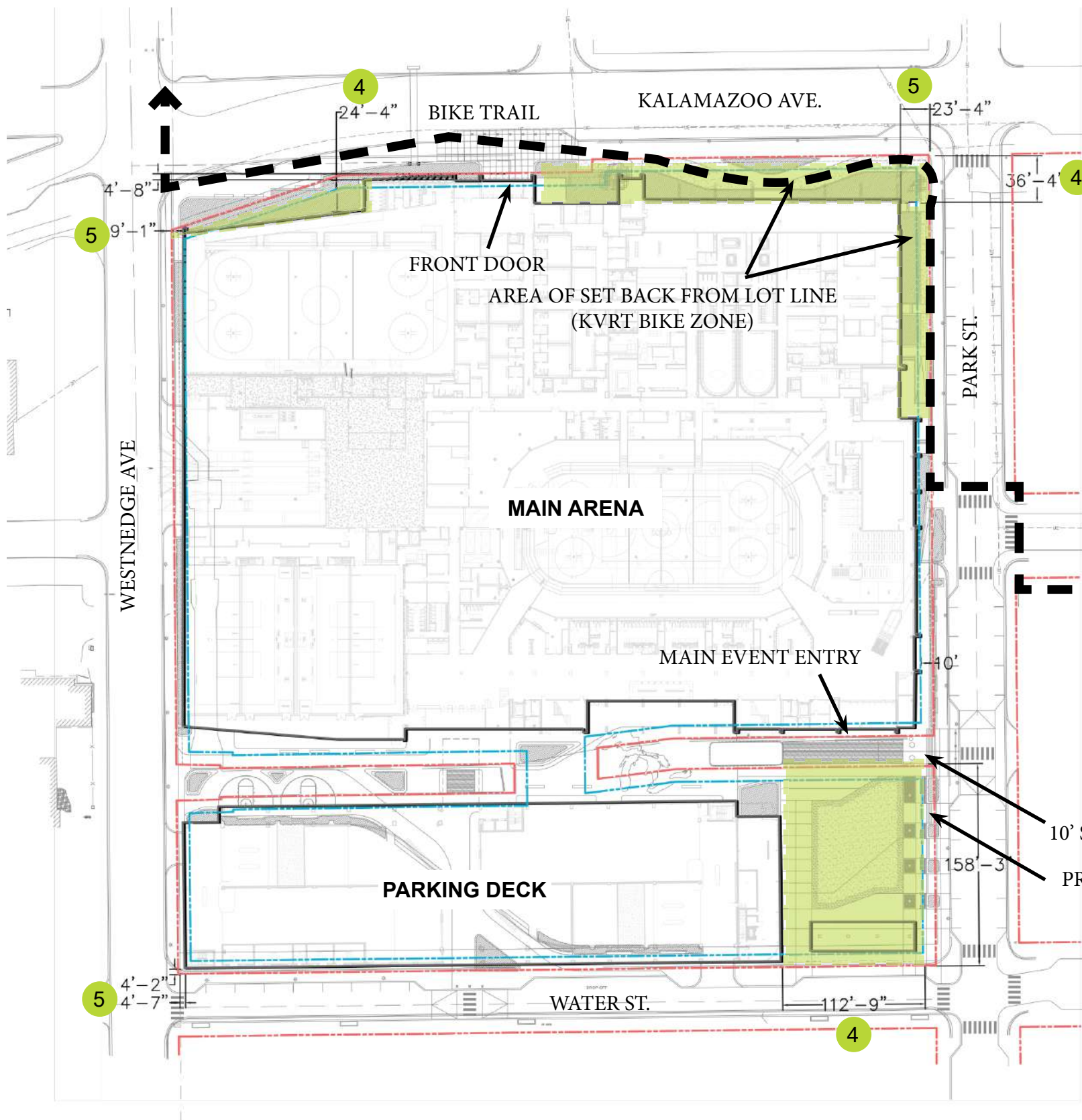


Figure 5.6-4 Building Siting.

VARIANCE : OCCUPANCY OF CORNER (Zoning Code Sections 5.6-4) OCCUPIED SPACE (ZONING CODE SECTIONS 5.0-5.4/2)





## BUILDING SITING STREET FRONTAGE

MULTIPLE PRINCIPAL BUILDINGS

ALLOWED

YES

PROVIDED

2

FRONT LOT LINE COVERAGE

70% MIN

ARENA = 27%  
DECK = 0%

OCCUPATION OF CORNER

REQUIRED

**ARENA**  
WEST SIDE = PROVIDED  
EAST SIDE = NOT PROVIDED  
**DECK**  
WEST SIDE = PROVIDED  
EAST SIDE = NOT PROVIDED

FRONT BUILD-TO ZONE:

0'-10'

**ARENA:** 4'-8" - 36'-4" ARENA  
**DECK:** 112'-9" DECK

CORNER BUILD-TO ZONE

0'-10'

**ARENA:** 9'-1" WEST, 36' EAST  
**DECK:** 4'-7" WEST, 4'-2" EAST

ROW ENCROACHMENT

Yes

Yes

C. Lot Type: Flex

### (1) Building Siting (Figure 5.6-4)

#### (a) Street Frontage

|                               |                  |   |
|-------------------------------|------------------|---|
| Multiple Principal Buildings  | Yes              | 1 |
| Front Lot Line Coverage (min) | 70% <sup>a</sup> | 2 |
| Occupation of Corner          | Yes              | 3 |
| Front Build-to Zone           | 0'-10'           | 4 |
| Corner Build-to Zone          | 0'-10'           | 5 |
| ROW Encroachment              | Yes              | 6 |

10' SETBACK LINE IN BLUE

PROPERTY LINE IN RED

KVRT

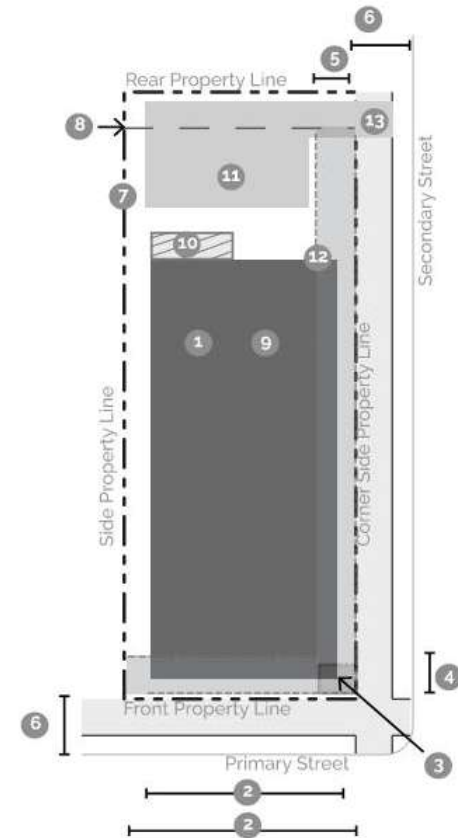
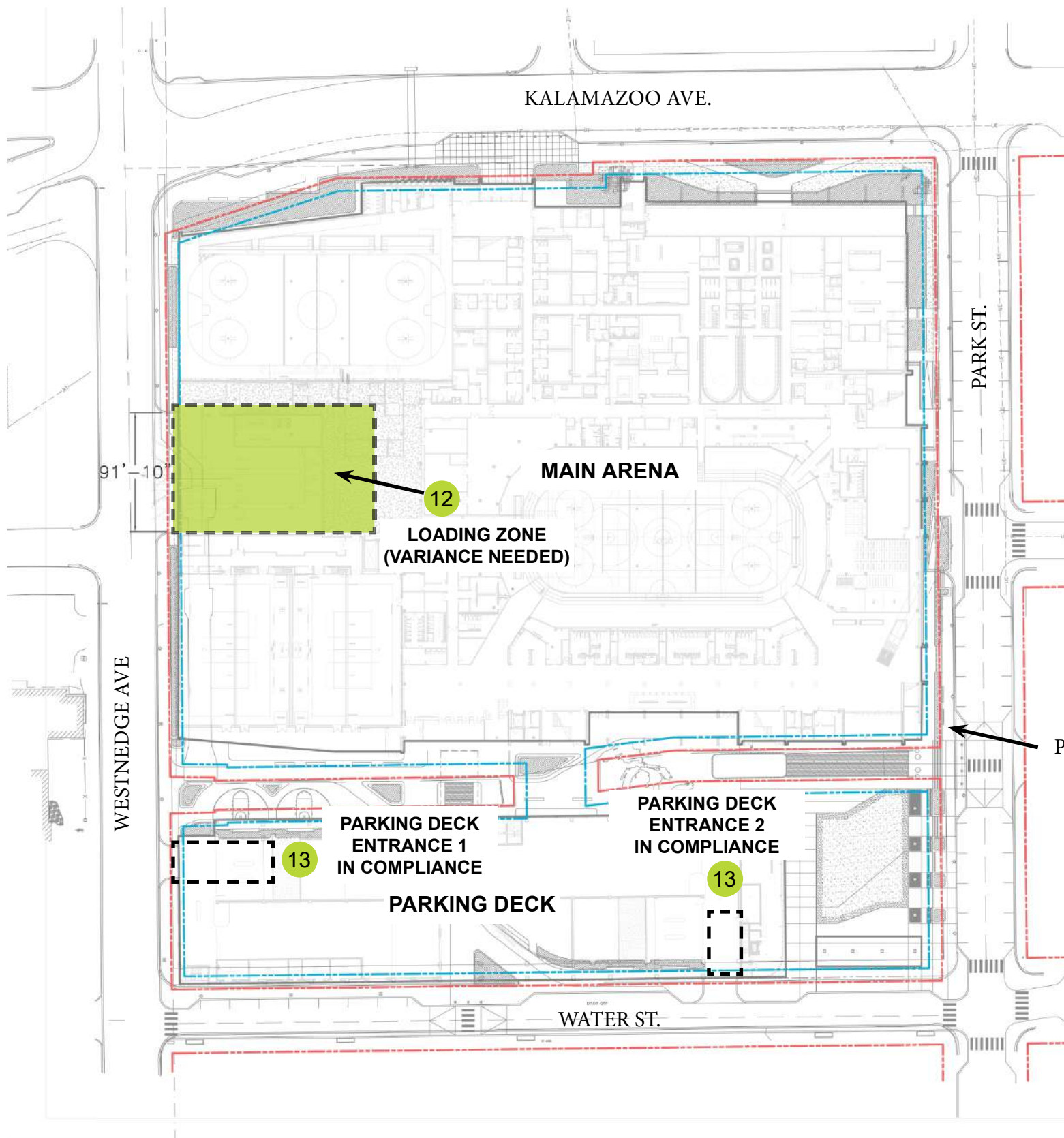


Figure 5.6-4 Building Siting.

VARIANCE : BUILD-TO ZONE (Zoning Code Sections 5.6-4)



## PARKING, LOADING AND ACCESS

## ALLOWED

## PROVIDED

### PARKING LOCATION

REAR YARD

MULTI STORY PARKING DECK

### LOADING/ SERVICE LOCATION

REAR, SIDE, CORNER SIDE

ARENA  
CORNER SIDE - WESTNEDGE

### VEHICLE ENTRANCE BAY DRIVEWAY LOCATION

REAR, SIDE, CORNER SIDE

DECK:  
CORNER SIDE- WESTNEDGE

### DRIVEWAY LOCATION

ALLEY, 1 ON CORNER SIDE, OR 1 ON FRONT IF AN INTERIOR LOT NOT LOCATED IN D1

### MAX DRIVEWAY WIDTHS:

SINGLE LANE DRIVE : BETWEEN 8' AND 12'

DOUBLE LANE DRIVEWAY: BETWEEN 20' AND 24'

### (d) Parking, Loading, & Access

|                            |                                                                                                              |    |
|----------------------------|--------------------------------------------------------------------------------------------------------------|----|
| Parking Location           | Rear Yard                                                                                                    | 11 |
| Loading & Service Location | Rear, Side, Corner Side                                                                                      | 12 |
| Vehicle Entrance Bay       | Facades <sup>2</sup>                                                                                         |    |
| Driveway Location          | Alley:<br>1 on Corner Side <sup>3</sup> , or<br>1 on Front if an interior lot not located in D1 <sup>2</sup> | 13 |

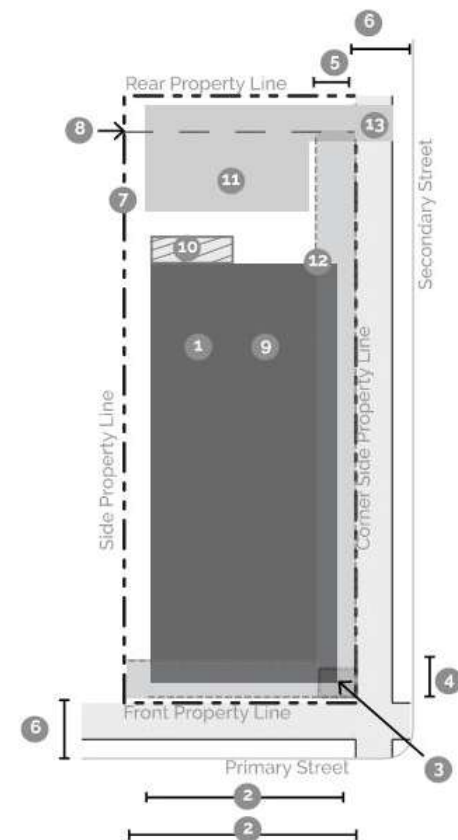
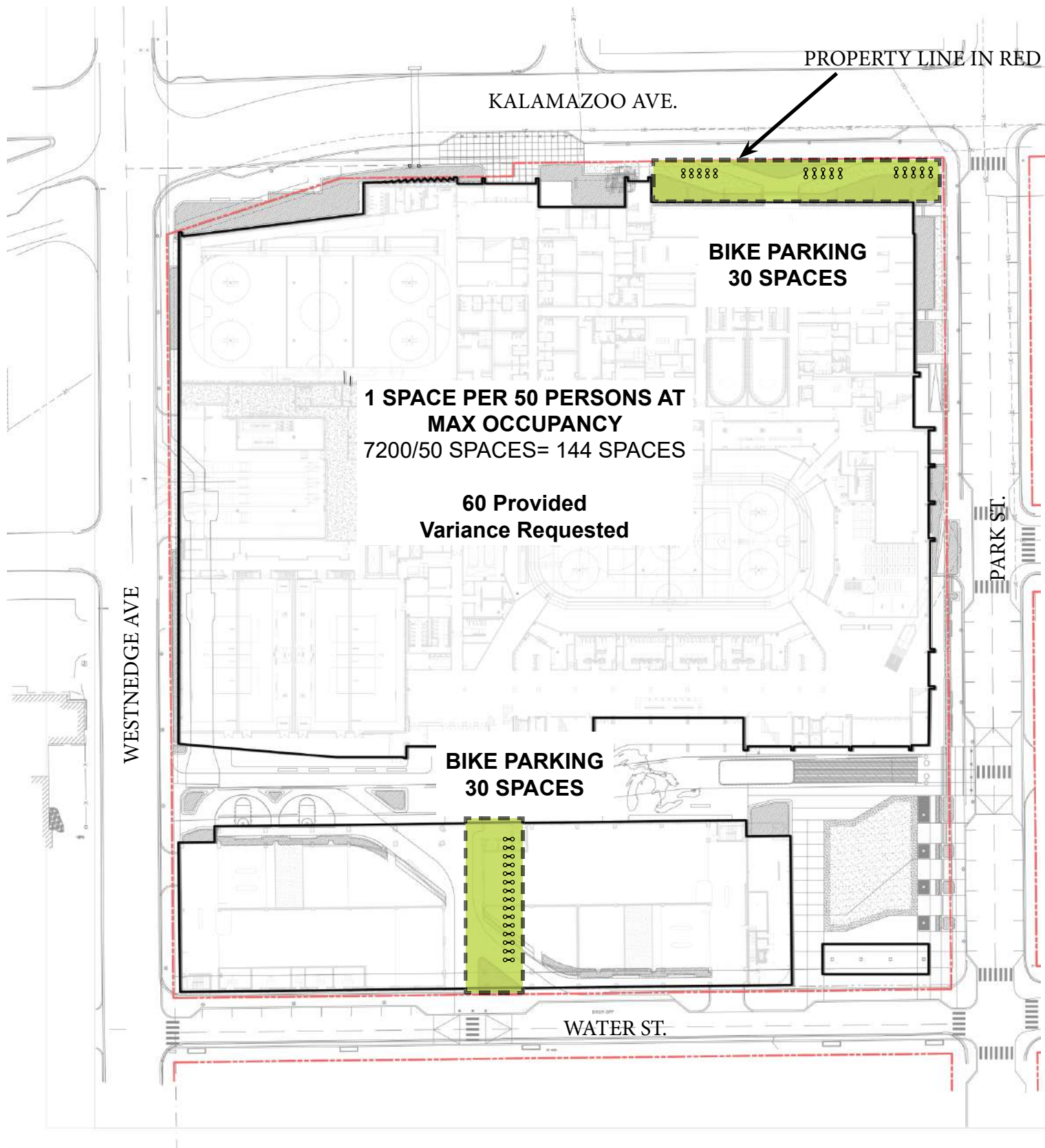


Figure 5.6-4 Building Siting.

VARIANCE : DRIVEWAY WIDTHS (Zoning Code Sections 5.6-4)

SEE REVISED ATTACHMENT FOR ENTRANCE LOCATION INFORMATION





**PARKING, LOADING AND ACCESS**

**ALLOWED**

**PROVIDED**

**BIKE PARKING SPACES**

**1 SPACE PER 50 PERSONS AT MAX OCCUPANCY**  
7200/50 SPACES= 144 SPACES  
**60**

Table 7.3-1 Required **Minimum** Bicycle Parking Table

| Use                                                                   | Required Spaces                                                            |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------|
| <b>Residential/Lodging</b>                                            |                                                                            |
| Bed & Breakfast/Hotel/Motel                                           | 1 space/7 employees                                                        |
| Dormitory                                                             | 1 space/5 beds or per City Campus Master Plan                              |
| Nursing Home/Assisted Living/ Rehabilitation Center/Adult Foster Care | 1 space/7 employees                                                        |
| Residential                                                           | 1 space/5 dwelling units                                                   |
| <b>Civic/Institutional Uses</b>                                       |                                                                            |
| Assembly/Theatre                                                      | 1 space/50 persons permitted at maximum occupancy                          |
| Assembly, Religious                                                   | 1 space/50 seats in worship area or 100 square feet without seats          |
| College and University                                                | Based on similar use or per City Approved Campus Master Plan               |
| Hospital                                                              | 1 space/15 employees or per City Approved Campus Master Plan               |
| Library & Museum                                                      | 1 space/7 employees                                                        |
| Parks & Open Space                                                    | 1 space/5,000 square feet of land area or per City Parks & Recreation Plan |
| School                                                                | 2 spaces/classroom                                                         |
| <b>Commercial &amp; Industrial</b>                                    |                                                                            |
| Agriculture                                                           | 1 space/5 employees or gardeners                                           |
| Eating & Drinking Establishments & Entertainment Sports (Participant) | 1 space/15 persons permitted at maximum occupancy                          |
| Office/Employment Uses/Other                                          | 1 space/7 employees                                                        |
| Parking, Stand Alone Surface Lot or Garage/Ramp                       | 1 space/15 parking spaces                                                  |
| Retail/Services                                                       | 1 space/7 employees                                                        |

VARIANCE : BIKE PARKING (Zoning Code Sections 7.3-1)

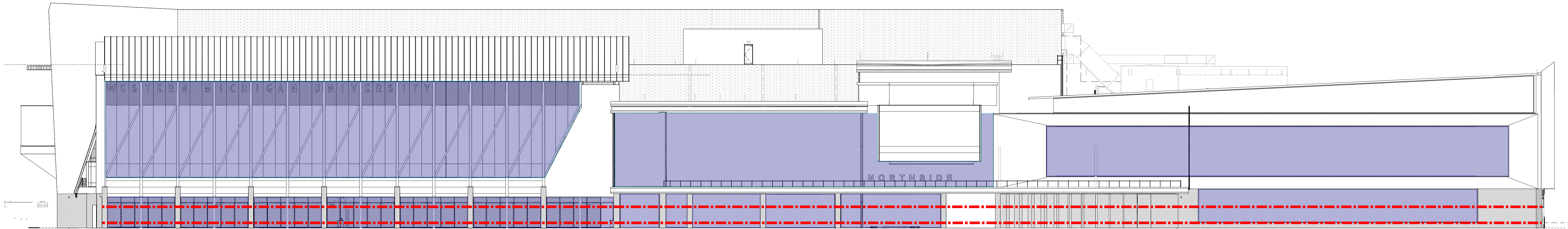


TRANSPARENT GLASS

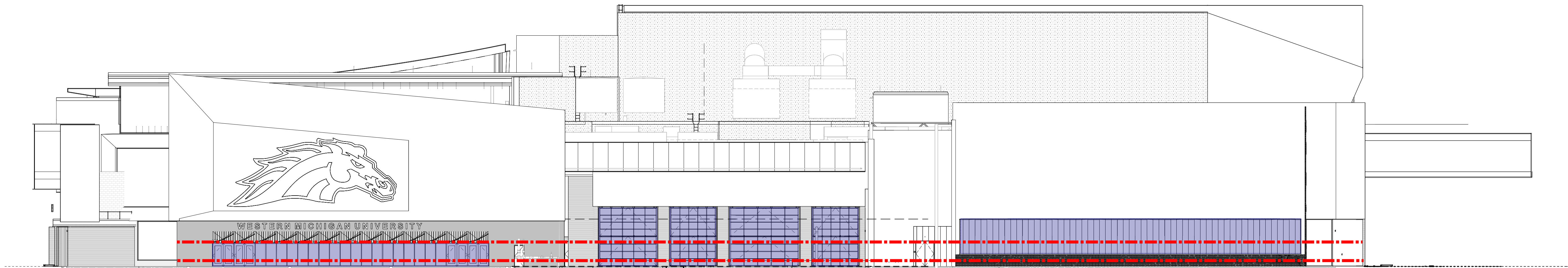
OPEN, NO GLASS

2' AND 8' ZONE AT GROUND LEVEL

| ZONING STANDARDS - FLEX LOT TYPE (50-5.6) |  |  |                                                          |  |  |                           |  |  |                               |  |  |
|-------------------------------------------|--|--|----------------------------------------------------------|--|--|---------------------------|--|--|-------------------------------|--|--|
| 1. BUILDING SITING                        |  |  | 2. HEIGHT                                                |  |  | 4. STREET-FACING FACADES  |  |  |                               |  |  |
| (a) STREET FRONTAGE                       |  |  | ZONING REQUIREMENT                                       |  |  | (a) TRANSPARENCY (MINI)   |  |  |                               |  |  |
| MULTIPLE PRINCIPAL BUILDINGS:             |  |  | MINIMUM HEIGHT                                           |  |  | ALLOWED                   |  |  | PROVIDED                      |  |  |
| YES                                       |  |  | 1 STORY, 2 STORY D2 AND D3                               |  |  | 4 STORY EVENT CENTER      |  |  |                               |  |  |
| FRONT LOT LINE COVERAGE:                  |  |  | MAXIMUM HEIGHT                                           |  |  | EVENT CENTER:             |  |  |                               |  |  |
| 70% MIN                                   |  |  | 5 STORIES D3, NO LIMIT D1 & D2                           |  |  | KALAMAZOO AVE (N)(BLANK)  |  |  | 30% GROUND & UPPER            |  |  |
| OCCUPATION OF CORNER:                     |  |  | GROUND FLOOR (FEET)                                      |  |  | KALAMAZOO AVE (N)(GROUND) |  |  | 70% BETWEEN 2'-6" ABOVE GRADE |  |  |
| YES                                       |  |  | 12'-24'                                                  |  |  | KALAMAZOO AVE (N)(UPPER)  |  |  | 20% PER FLOOR                 |  |  |
| FRONT BUILD-TO ZONE:                      |  |  | UPPER FLOORS (FEET)                                      |  |  | WESTNEDGE AVE (W)(BLANK)  |  |  | 30% GROUND & UPPER            |  |  |
| 0-10'                                     |  |  | 9'-14'                                                   |  |  | WESTNEDGE AVE (W)(GROUND) |  |  | 70% BETWEEN 2'-6" ABOVE GRADE |  |  |
| ARENA: 4'-6" - 36'-4"                     |  |  |                                                          |  |  | WESTNEDGE AVE (W)(UPPER)  |  |  | 20% PER FLOOR                 |  |  |
| PARKING DECK: 112'-4"                     |  |  |                                                          |  |  | CREEK (SOUTH) (BLANK)     |  |  | 30% GROUND & UPPER            |  |  |
| ARENA: 4'-6" - 36'-4"                     |  |  |                                                          |  |  | CREEK (SOUTH) (GROUND)    |  |  | 70% BETWEEN 2'-6" ABOVE GRADE |  |  |
| DECK: 47' WEST, 42' EAST                  |  |  |                                                          |  |  | CREEK (SOUTH) (UPPER)     |  |  | 20% PER FLOOR                 |  |  |
| CORNER BUILD-TO ZONE:                     |  |  |                                                          |  |  | PARK ST (E)(BLANK)        |  |  | 30% GROUND & UPPER            |  |  |
| 0-10'                                     |  |  |                                                          |  |  | PARK ST (E)(GROUND)       |  |  | 70% BETWEEN 2'-6" ABOVE GRADE |  |  |
| ARENA: 4'-6" - 36'-4"                     |  |  |                                                          |  |  | PARK ST (E)(UPPER)        |  |  | 20% PER FLOOR                 |  |  |
| DECK: 47' WEST, 42' EAST                  |  |  |                                                          |  |  | BLANK WALL LIMITATIONS    |  |  | YES                           |  |  |
| ROW ENCROACHMENT                          |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| YES                                       |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| (b) LOT AREA                              |  |  | 3. USES                                                  |  |  |                           |  |  |                               |  |  |
| ALLOWED                                   |  |  | ZONING REQUIREMENT                                       |  |  |                           |  |  |                               |  |  |
| PROVIDED                                  |  |  | GROUND FLOOR(S)                                          |  |  |                           |  |  |                               |  |  |
| NO SIDE YARD                              |  |  | ALL PERMITTED                                            |  |  |                           |  |  |                               |  |  |
| NO REAR YARD                              |  |  | USES PER DISTRICT                                        |  |  |                           |  |  |                               |  |  |
| 10' (ADJ. TO R)                           |  |  | UPPER FLOOR(S)                                           |  |  |                           |  |  |                               |  |  |
| (c) LOT COVERAGE                          |  |  | OCCUPIED SPACE RESTRICTIONS                              |  |  |                           |  |  |                               |  |  |
| ALLOWED                                   |  |  | FIRST TWO FLOORS; EXCEPT RESIDENTIAL PERMITTED PER 4.1-1 |  |  |                           |  |  |                               |  |  |
| PROVIDED                                  |  |  | ACCESSORY USES AND STRUCTURES                            |  |  |                           |  |  |                               |  |  |
| IMPERVIOUS SURFACE                        |  |  | SECONDARY BLDG PER 4.5-1                                 |  |  |                           |  |  |                               |  |  |
| 75%                                       |  |  | PERMITTED - DEVELOPMENT STANDARDS REQUIRED               |  |  |                           |  |  |                               |  |  |
| SEMI-IMPERVIOUS SURFACE                   |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| 15%                                       |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| (d) PARKING, LOADING AND ACCESS           |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| ALLOWED                                   |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| PROVIDED                                  |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| PARKING LOCATION                          |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| REAR YARD                                 |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| PARKING DECK                              |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| LOADING / SERVICE LOCATION                |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| REAR, SIDE, CORNER SIDE                   |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| VEHICLE ENTRANCE BAY                      |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| DRIVEWAY LOCATION                         |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| ALLEY                                     |  |  |                                                          |  |  |                           |  |  |                               |  |  |
| WESTNEDGE AND WATER ST                    |  |  |                                                          |  |  |                           |  |  |                               |  |  |
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|                                           |  |  |                                                          |  |  |                           |  |  |                               |  |  |



A  
A-502  
OVERALL NORTH (KALAMAZOO AVE - FRONT) ELEVATION  
NO SCALE



B  
A-506  
OVERALL WEST (WESTNEDGE AVE) ELEVATION  
NO SCALE

VARIANCE: TRANSPARENCY, BUILDING HEIGHTS, AND BLANK WALL LIMITATIONS  
(Zoning Code Section 50-5.6 / 4a)

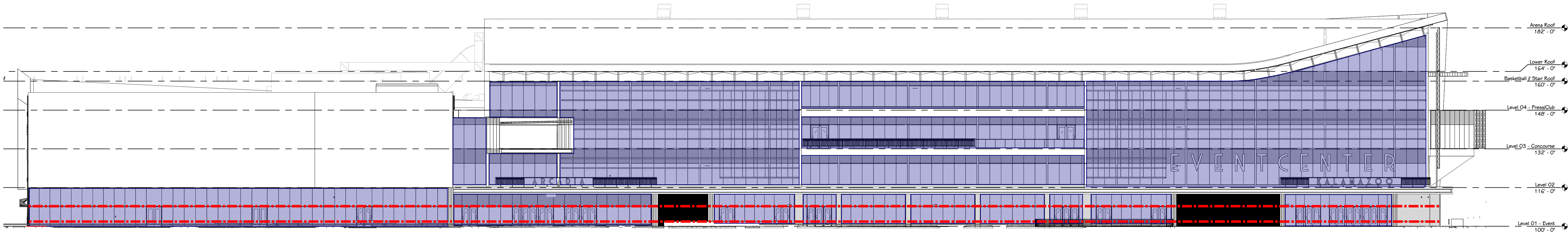


TRANSPARENT GLASS

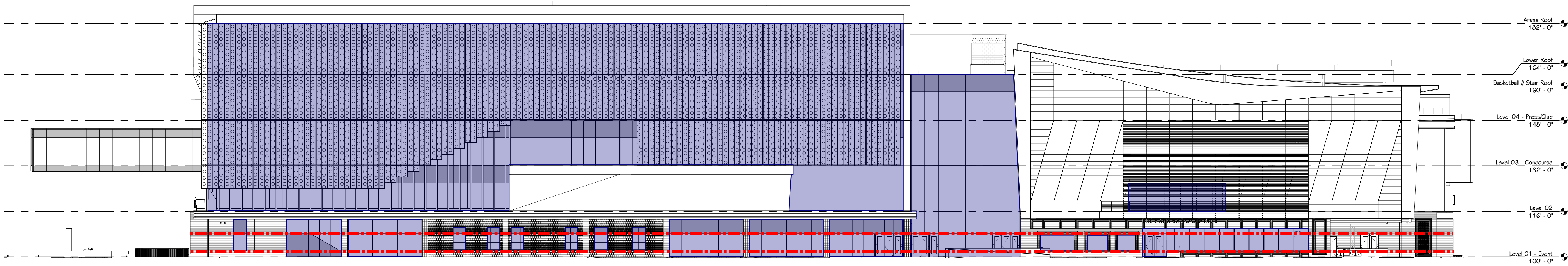
OPEN, NO GLASS

2' AND 8' ZONE AT GROUND LEVEL

| ZONING STANDARDS - FLEX LOT TYPE (50-5.6) |  |  |                         |  |  |                           |  |  |                                     |  |  |  |  |  |
|-------------------------------------------|--|--|-------------------------|--|--|---------------------------|--|--|-------------------------------------|--|--|--|--|--|
| 1. BUILDING SITING                        |  |  | 2. HEIGHT               |  |  | 4. STREET-FACING FACADES  |  |  | 5. ENTRANCE                         |  |  |  |  |  |
| (a) STREET FRONTAGE                       |  |  | (a) TRANSPARENCY (MINI) |  |  | (a) ENTRANCE:             |  |  | LOCATION                            |  |  |  |  |  |
| MULTIPLE PRINCIPAL BUILDINGS:             |  |  | MINIMUM HEIGHT          |  |  | KALAMAZOO AVE (N)(BLANK)  |  |  | FRONT FACADE, BLDG. CORNER          |  |  |  |  |  |
| FRONT LOT LINE COVERAGE:                  |  |  | MAXIMUM HEIGHT          |  |  | KALAMAZOO AVE (N)(GROUND) |  |  | STOREFRONT, STOOP                   |  |  |  |  |  |
| OCCUPATION OF CORNER:                     |  |  | GROUND FLOOR (FEET)     |  |  | KALAMAZOO AVE (N)(UPPER)  |  |  | STOOP AT GRADE (APARTMENT BUILDING) |  |  |  |  |  |
| FRONT BUILD-TO ZONE:                      |  |  | UPPER FLOORS (FEET)     |  |  | WESNEDGE AVE (W)(BLANK)   |  |  | ENTRANCE ON STREET-FACING           |  |  |  |  |  |
| CORNER BUILD-TO ZONE:                     |  |  | 3. USES                 |  |  | WESNEDGE AVE (W)(GROUND)  |  |  | FACADES                             |  |  |  |  |  |
| ROW ENCROACHMENT                          |  |  | ZONING REQUIREMENT      |  |  | WESNEDGE AVE (W)(UPPER)   |  |  | OTHER FACADE ENTRANCES              |  |  |  |  |  |
| (b) LOT AREA                              |  |  | GROUND FLOOR(S)         |  |  | PARK ST (E)(BLANK)        |  |  | TOWER                               |  |  |  |  |  |
| SIDE YARD SETBACK                         |  |  | UPPER FLOOR(S)          |  |  | PARK ST (E)(GROUND)       |  |  | SPIRE                               |  |  |  |  |  |
| REAR YARD SETBACK                         |  |  | OCCUPIED SPACE          |  |  | PARK ST (E)(UPPER)        |  |  |                                     |  |  |  |  |  |
| (c) LOT COVERAGE                          |  |  | RESTRICTIONS            |  |  | BLANK WALL LIMITATIONS    |  |  |                                     |  |  |  |  |  |
| IMPERVIOUS SURFACE                        |  |  | ACCESSORY USES AND      |  |  |                           |  |  |                                     |  |  |  |  |  |
| SEMI-IMPERVIOUS SURFACE                   |  |  | STRUCTURES              |  |  |                           |  |  |                                     |  |  |  |  |  |
| (d) PARKING, LOADING AND ACCESS           |  |  |                         |  |  |                           |  |  |                                     |  |  |  |  |  |
| PARKING LOCATION                          |  |  |                         |  |  |                           |  |  |                                     |  |  |  |  |  |
| LOADING / SERVICE LOCATION                |  |  |                         |  |  |                           |  |  |                                     |  |  |  |  |  |
| VEHICLE ENTRANCE BAY                      |  |  |                         |  |  |                           |  |  |                                     |  |  |  |  |  |
| DRIVEWAY LOCATION                         |  |  |                         |  |  |                           |  |  |                                     |  |  |  |  |  |



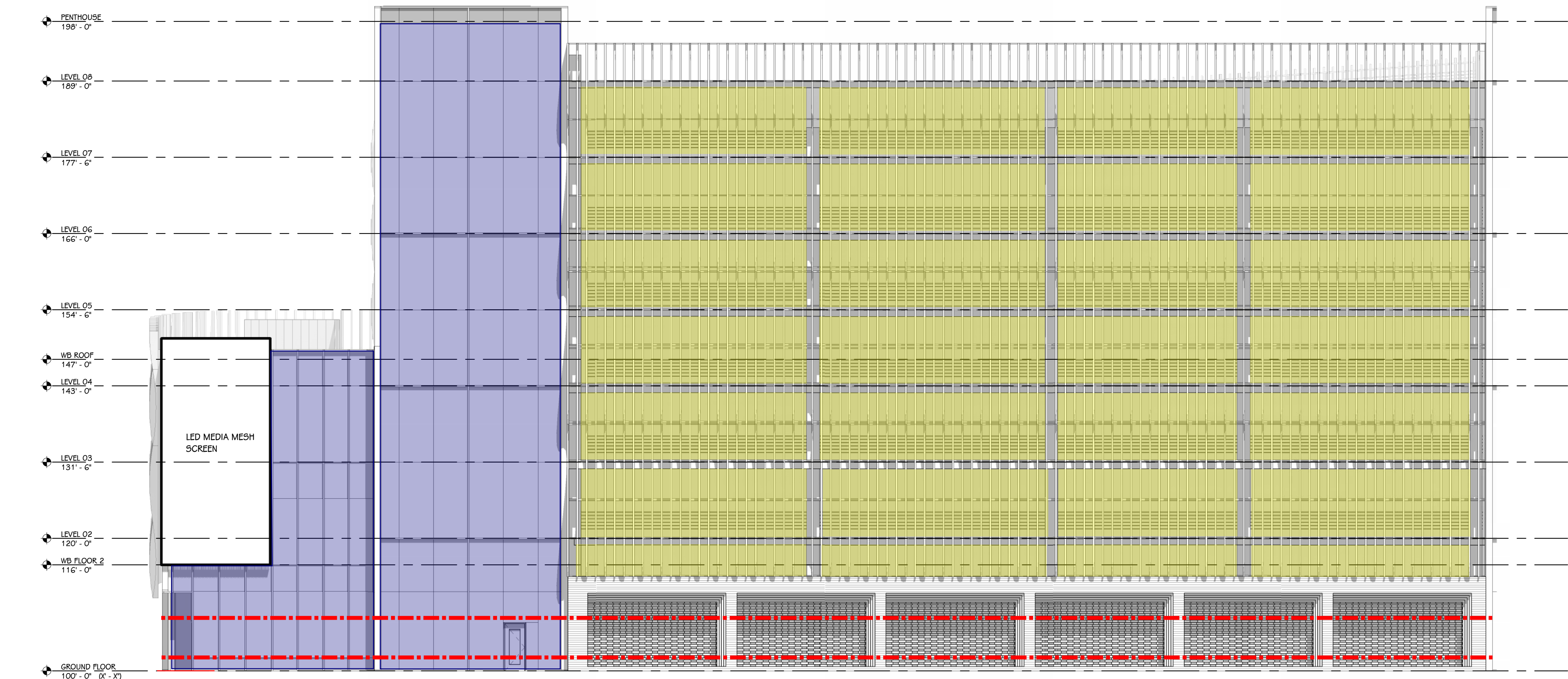
C  
A-502  
OVERALL SOUTH (CREEK) ELEVATION  
NO SCALE



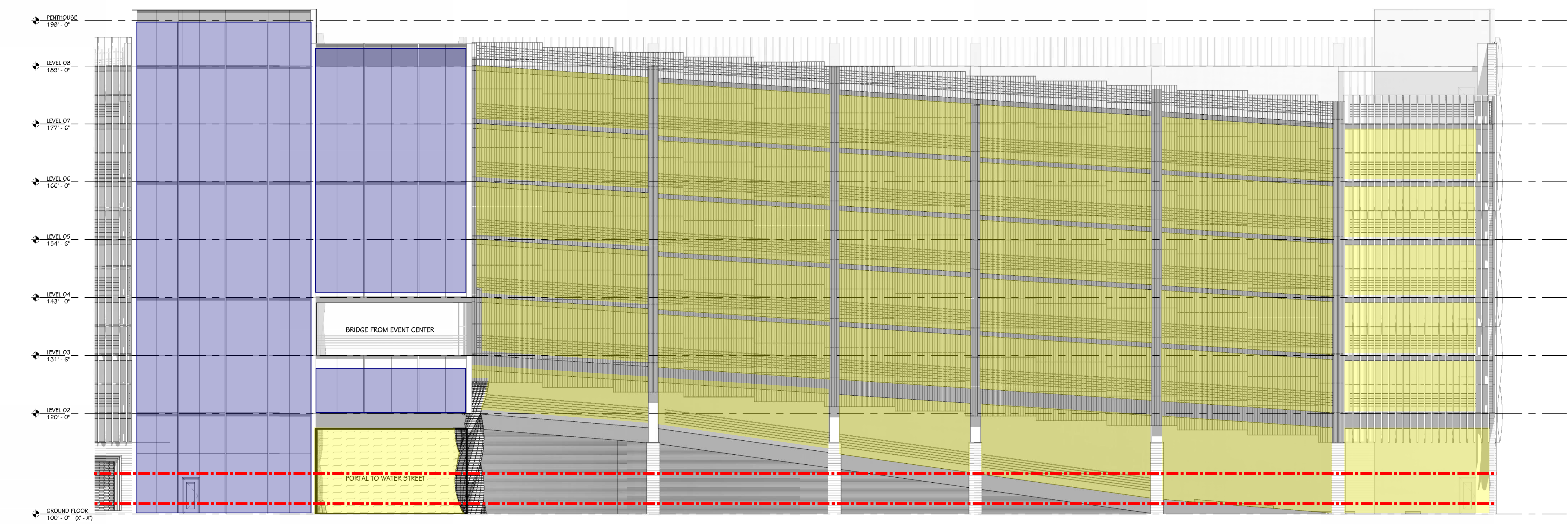
D  
A-502  
OVERALL EAST (PARK ST) ELEVATION  
NO SCALE

VARIANCE: TRANSPARENCY, BUILDING HEIGHTS, AND BLANK WALL LIMITATIONS  
(Zoning Code Section 50-5.6 / 4a)





A NE (CREEK) ELEVATION  
NO SCALE



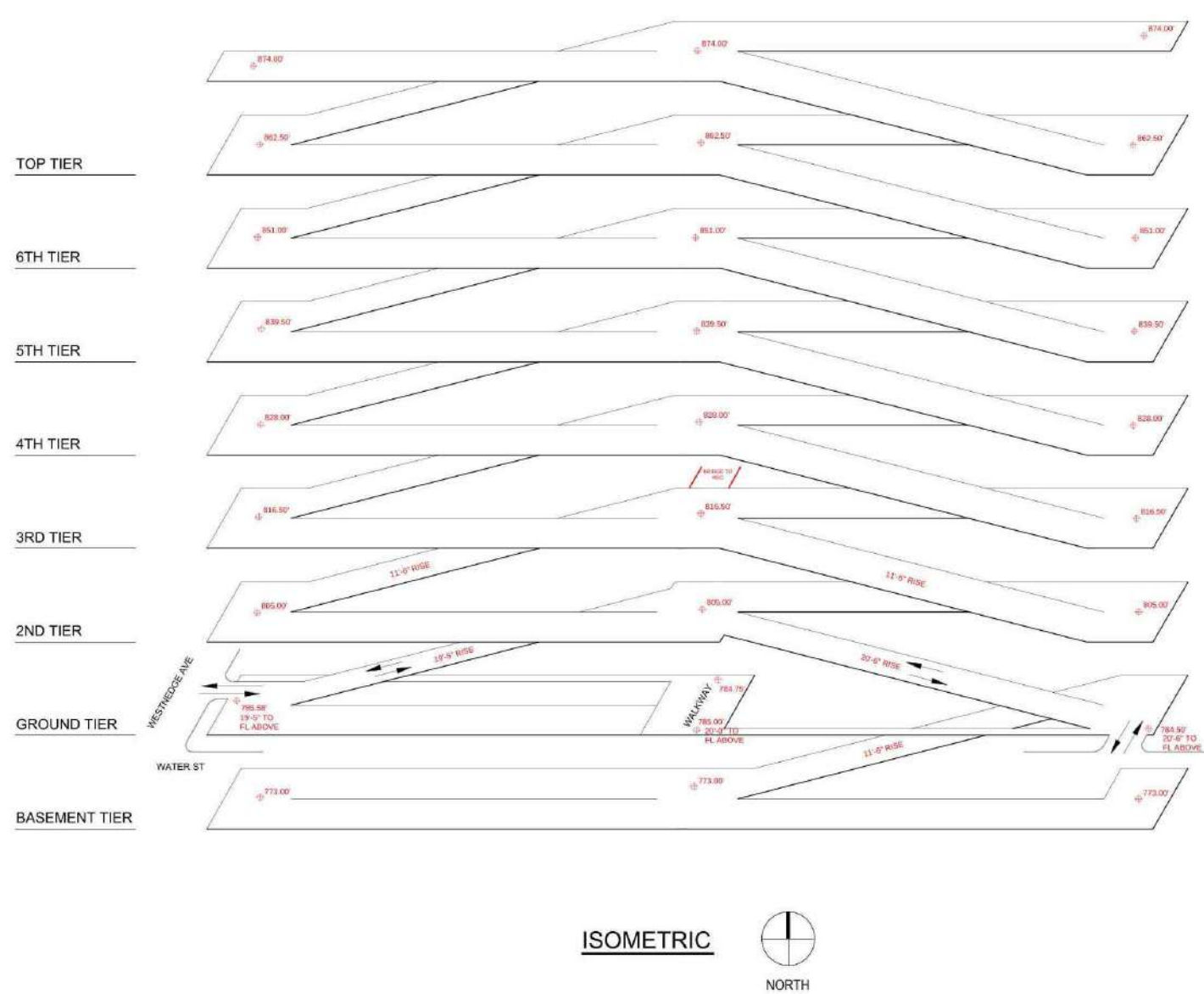
B NW (CREEK) ELEVATION  
NO SCALE

TRANSPARENT GLASS

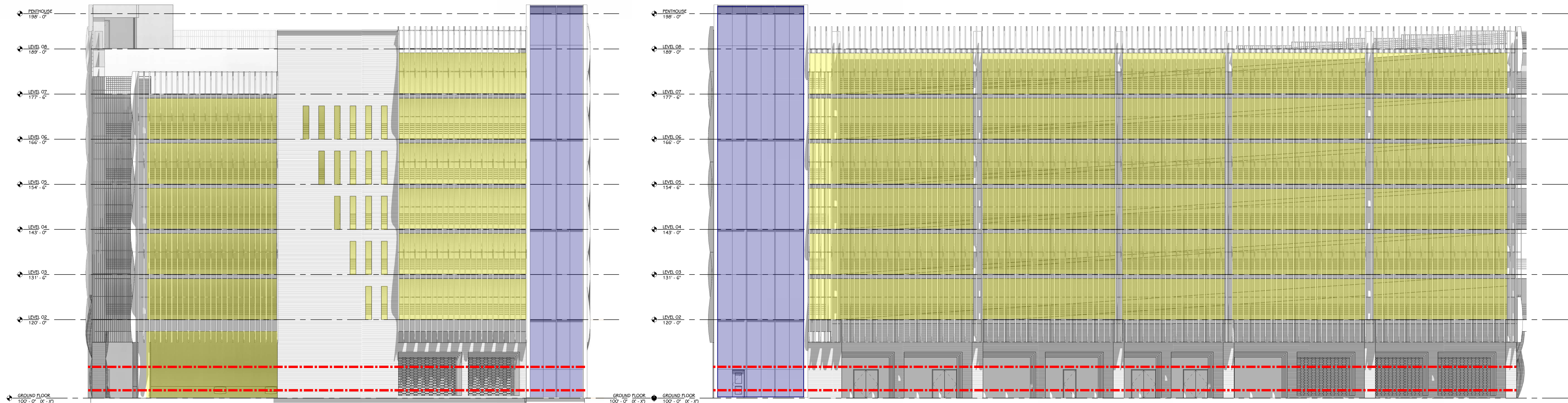
OPEN, NO GLASS

2' AND 8' ZONE AT GROUND LEVEL

| ZONING STANDARDS - FLEX LOT TYPE (50-5.6) |                                        |                                            |
|-------------------------------------------|----------------------------------------|--------------------------------------------|
| 1. BUILDING SITING                        | ALLOWED                                | PROVIDED                                   |
| (a) STREET FRONTAGE                       | YES                                    | 2                                          |
| MULTIPLE PRINCIPAL BUILDINGS:             | 70% MIN                                | 0%                                         |
| FRONT LOT LINE COVERAGE:                  | YES                                    | YES (3/4 CORNERS)                          |
| OCCUPATION OF CORNER:                     | 0-10'                                  | ARENA: 4'-8", 38'-4"                       |
| FRONT BUILD-TO ZONE:                      | 0-10'                                  | PARKING DECK: 112'-4"                      |
| CORNER BUILD-TO ZONE:                     | 0-10'                                  | ARENA: 4'-8"                               |
| ROW ENCROACHMENT                          | YES                                    | DECK: 47' WEST, 42' EAST                   |
| (b) LOT AREA                              | ALLOWED                                | PROVIDED                                   |
| SIDE YARD SETBACK                         | 0'                                     | NO SIDE YARD                               |
| REAR YARD SETBACK                         | 0' (OFF ALLEY)                         | NO REAR YARD                               |
|                                           | 10' (ADJ. TO R)                        |                                            |
| (c) LOT COVERAGE                          | ALLOWED                                | PROVIDED                                   |
| IMPERVIOUS SURFACE                        | 75%                                    | 94%                                        |
| SEMI-IMPERVIOUS SURFACE                   | 15%                                    | 0%                                         |
| (d) PARKING, LOADING AND ACCESS           | ALLOWED                                | PROVIDED                                   |
| PARKING LOCATION                          | REAR YARD                              | PARKING DECK                               |
| LOADING / SERVICE LOCATION                | REAR, SIDE, CORNER, SIDE               | WESTNEDGE AND WATER STREET                 |
| VEHICLE ENTRANCE BAY                      | ALLEY                                  | WESTNEDGE AND WATER STREET                 |
| DRIVEWAY LOCATION                         |                                        |                                            |
| 2. HEIGHT                                 | ALLOWED                                | PROVIDED                                   |
| ZONING REQUIREMENT                        | 1 STORY                                | 8 STORY PARKING GARAGE                     |
| MINIMUM HEIGHT                            | 2 STORIES                              | 8 STORY PARKING GARAGE                     |
| MAXIMUM HEIGHT                            | 12'-24"                                | 20'                                        |
| GROUND FLOOR (FEET)                       | 9'-14'                                 | 11'-8"                                     |
| UPPER FLOORS (FEET)                       |                                        |                                            |
| 3. USES                                   | ALLOWED                                | PROVIDED                                   |
| ZONING REQUIREMENT                        | ALL PERMITTED                          | STORAGE (S-2)                              |
| GROUND FLOOR(S)                           | USES PER DISTRICT                      |                                            |
| UPPER FLOOR(S)                            |                                        | STORAGE (S-2)                              |
| OCCUPIED SPACE                            | FIRST TWO FLOORS,                      | STORAGE (S-2)                              |
| RESTRICTIONS                              | EXCEPT RESIDENTIAL PERMITTED PER 4.1-1 |                                            |
| ACCESSORY USES AND STRUCTURES             | SECONDARY BLDG PER 4.5-1               | PERMITTED - DEVELOPMENT STANDARDS REQUIRED |
| 4. STREET-FACING FACADES                  | ALLOWED                                | PROVIDED                                   |
| (a) TRANSPARENCY (MIN)                    |                                        |                                            |
| DECK:                                     |                                        |                                            |
| CREEK (NORTH) (BLANK)                     | 30% GROUND & UPPER                     | 20%                                        |
| CREEK (NORTH) (GROUND)                    | 70% BETWEEN 2'-8" ABOVE GRADE          | 37%                                        |
| CREEK (NORTH) (UPPER)                     | 20% PER FLOOR                          | 100%                                       |
| WESTNEDGE AVE (W)(BLANK)                  | 30% GROUND & UPPER                     | 40%                                        |
| WESTNEDGE AVE (W)(GROUND)                 | 70% BETWEEN 2'-8" ABOVE GRADE          | 33%                                        |
| WESTNEDGE AVE (W)(UPPER)                  | 20% PER FLOOR                          | 79%                                        |
| WATER ST (S)(BLANK)                       | 30% GROUND & UPPER                     | 29%                                        |
| WATER ST (S)(GROUND)                      | 70% BETWEEN 2'-8" ABOVE GRADE          | 19%                                        |
| WATER ST (S)(UPPER)                       | 20% PER FLOOR                          | 100%                                       |
| PARK ST (E)(BLANK)                        | 30% GROUND & UPPER                     | 10%                                        |
| PARK ST (E)(GROUND)                       | 70% BETWEEN 2'-8" ABOVE GRADE          | 100%                                       |
| PARK ST (E)(UPPER)                        | 20% PER FLOOR                          | 90%                                        |
| BLANK WALL LIMITATIONS                    | YES                                    | YES                                        |
| (b) ENTRANCE:                             | ALLOWED                                | PROVIDED                                   |
| LOCATION                                  | FRONT FACADE, BLDG CORNER              | YES                                        |
| ENTRANCE TREATMENT                        | STOREFRONT, STOOP                      | STOREFRONT AT GRADE (MIXED USE BUILDING)   |
| ENTRANCE ON STREET-FACING FACADES         | 1 PER 60' OF BUILDING LENGTH           |                                            |
| OTHER FACADE ENTRANCES                    | YES                                    | YES, PER PLANS                             |
| (c) ROOF TYPE:                            | ALLOWED                                | PROVIDED                                   |
| TOWER                                     | PERMITTED                              | NO                                         |
| SPIKE                                     | NOT PERMITTED                          | NO                                         |







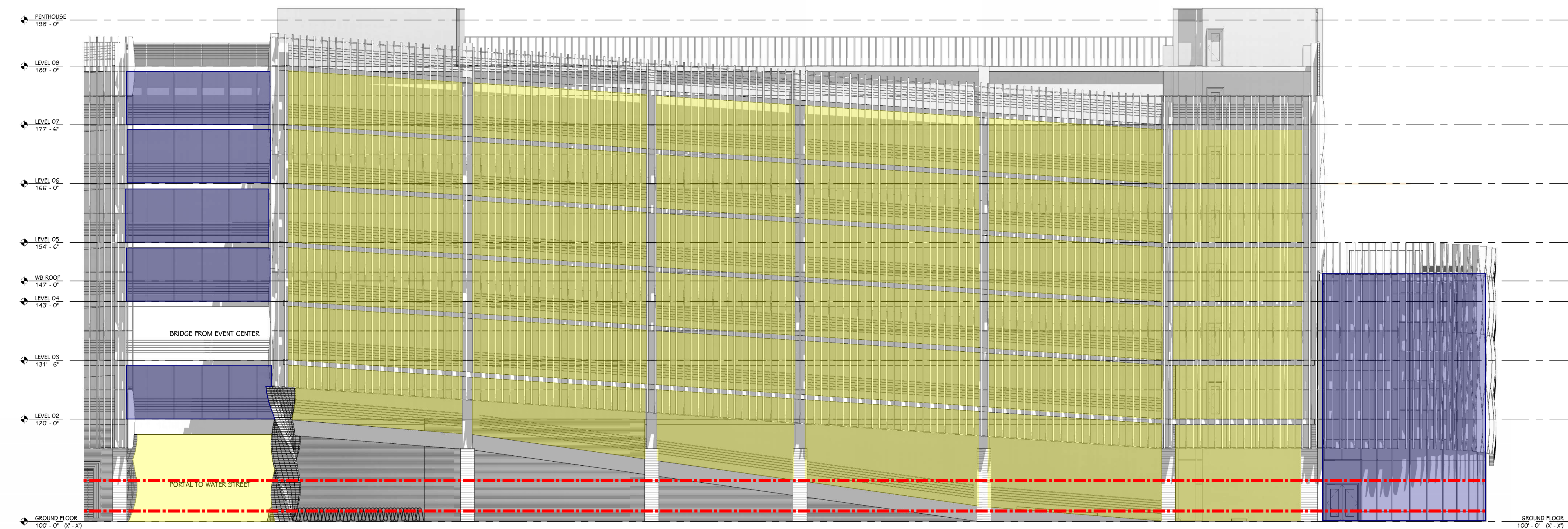
C WEST (WESTNEDGE) ELEVATION  
NO SCALE

D SW (WATER STREET) ELEVATION  
NO SCALE

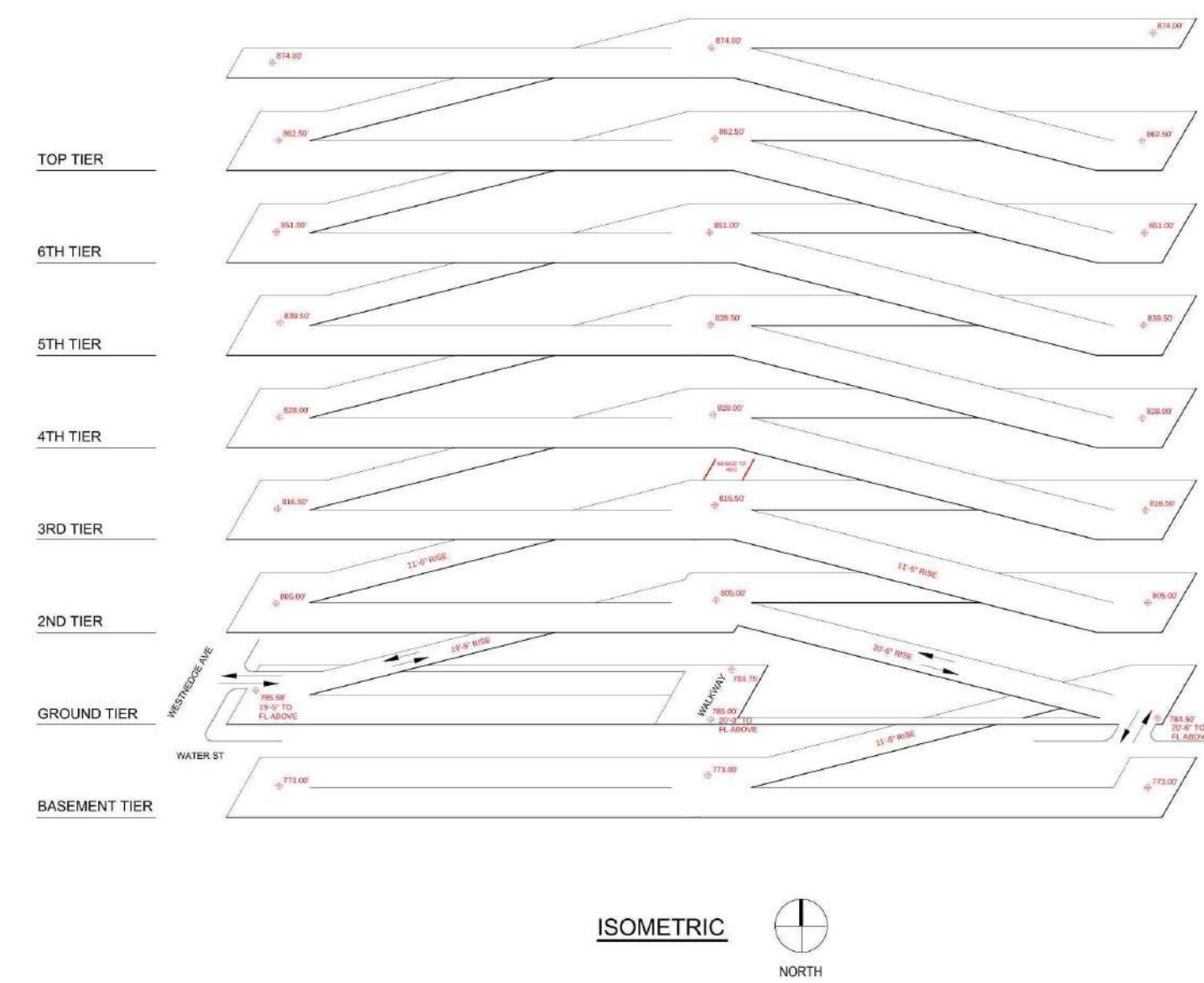
TRANSPARENT GLASS

OPEN, NO GLASS

2' AND 8' ZONE AT GROUND LEVEL

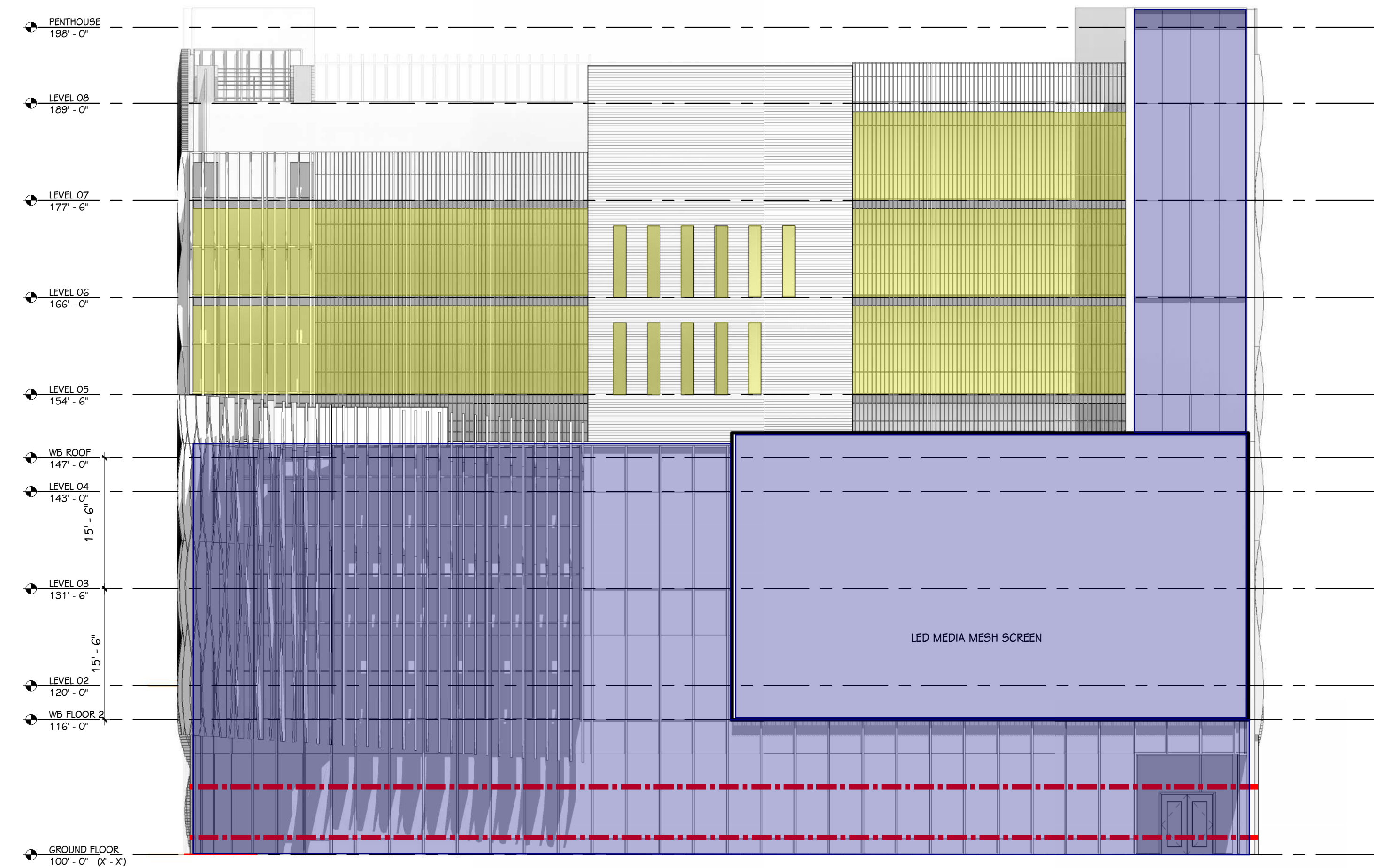


E SE (WATER STREET) ELEVATION  
NO SCALE

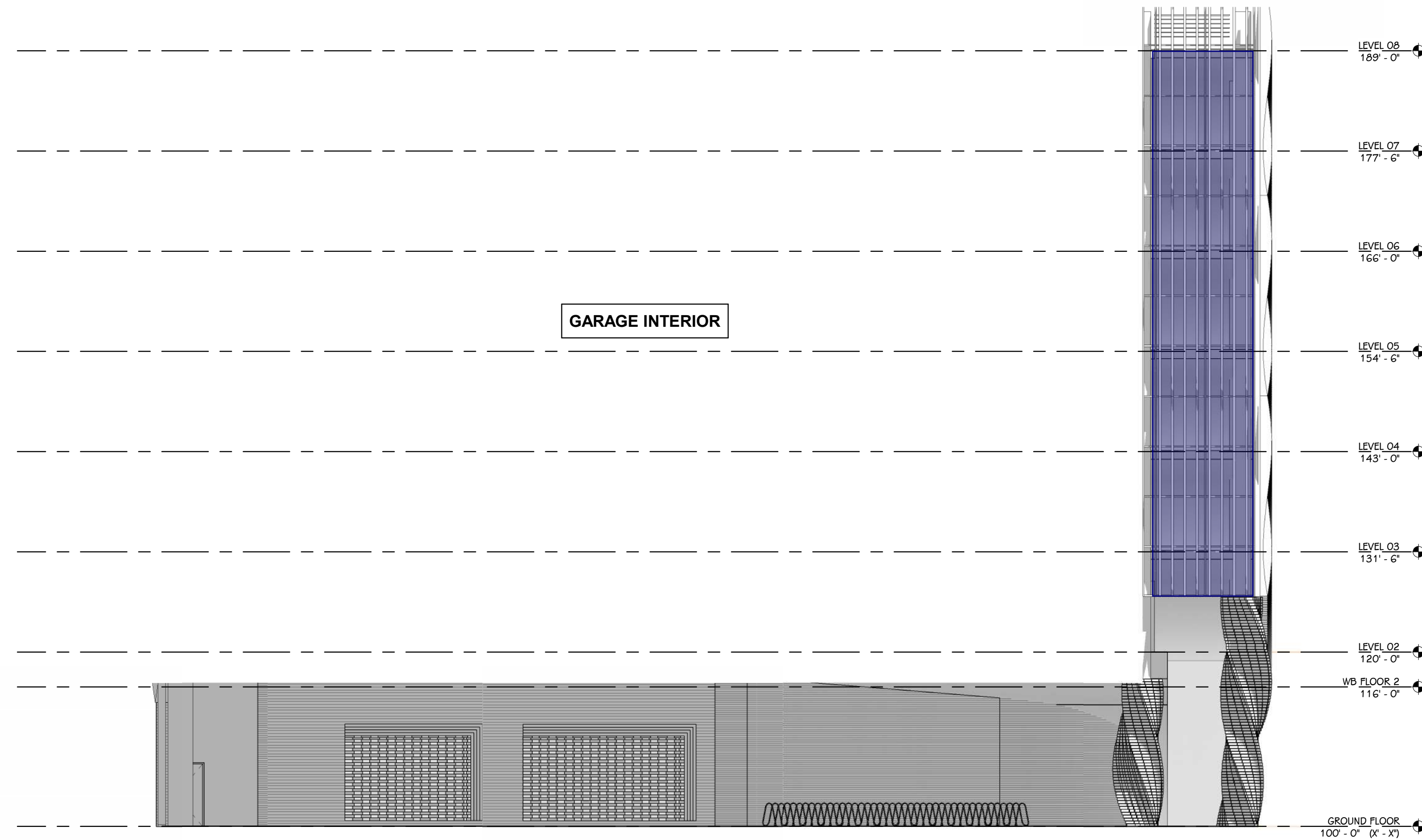


VARIANCE: TRANSPARENCY, BUILDING HEIGHTS, AND BLANK WALL LIMITATIONS  
(Zoning Code Section 50-5.6 / 4a)



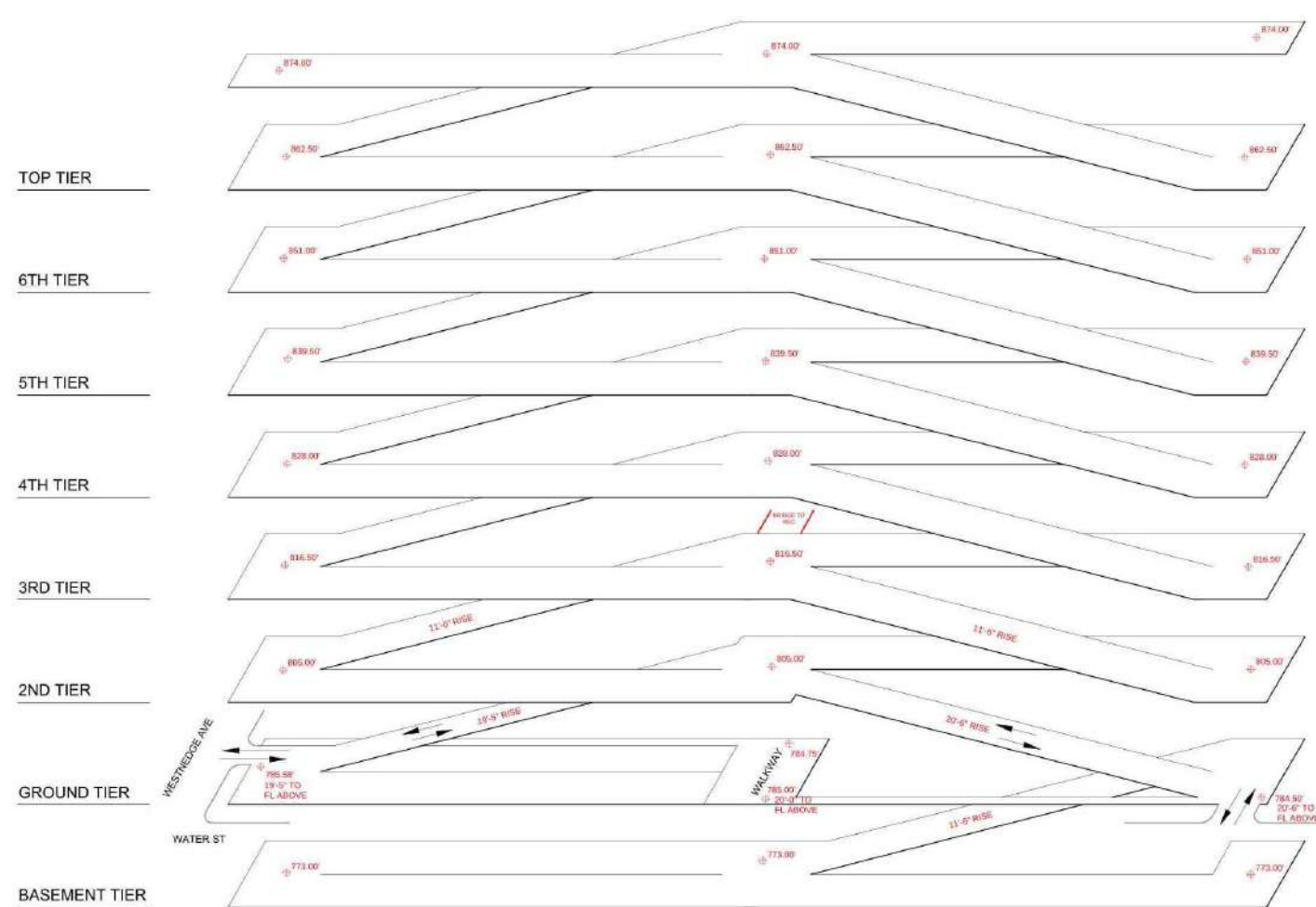


F EAST (PARK STREET - FRONT) ELEVATION  
NO SCALE

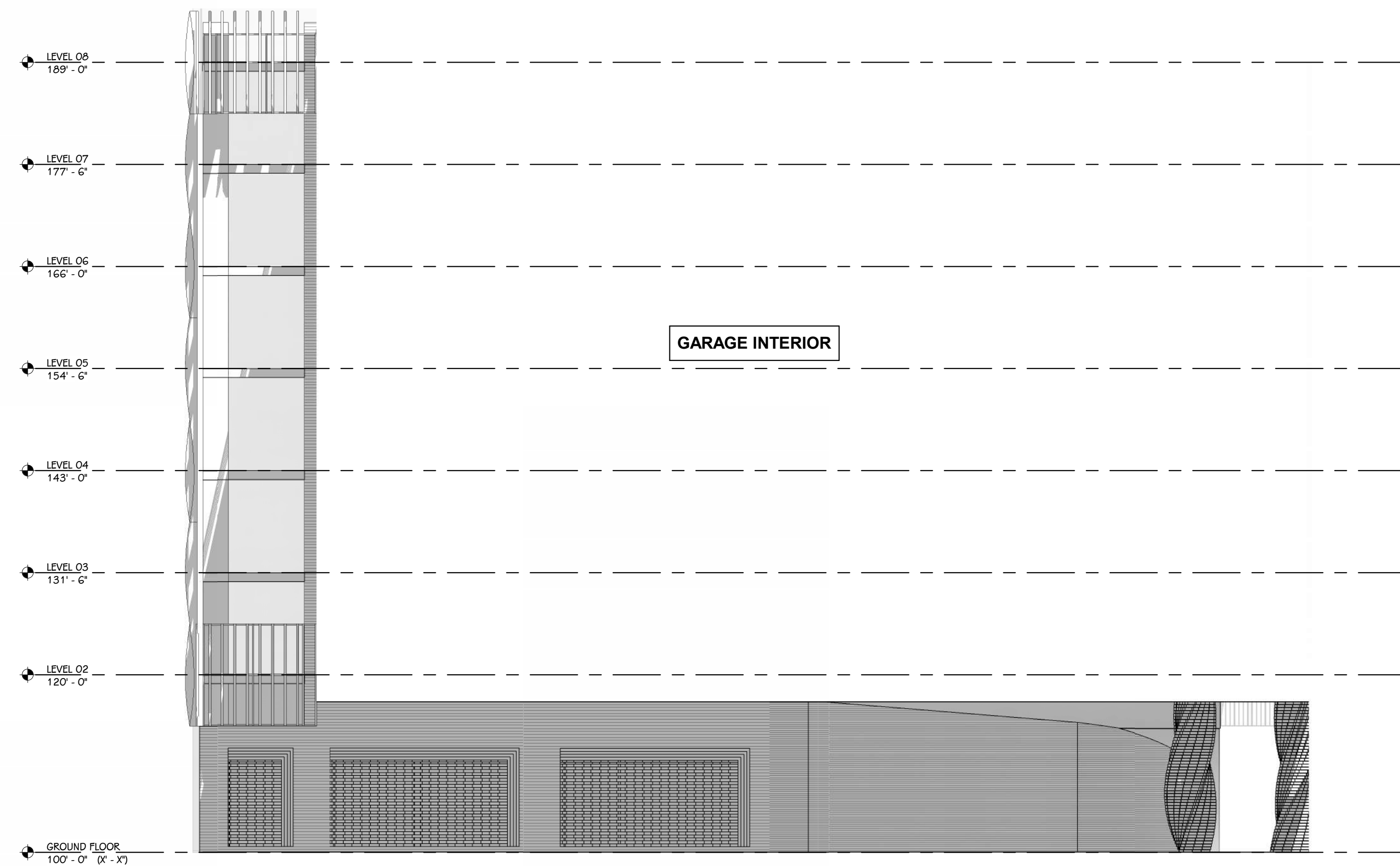


G PORTAL ELEVATION  
3/32" = 1'-0"

- TRANSPARENT GLASS
- OPEN, NO GLASS
- 2' AND 8' ZONE AT GROUND LEVEL

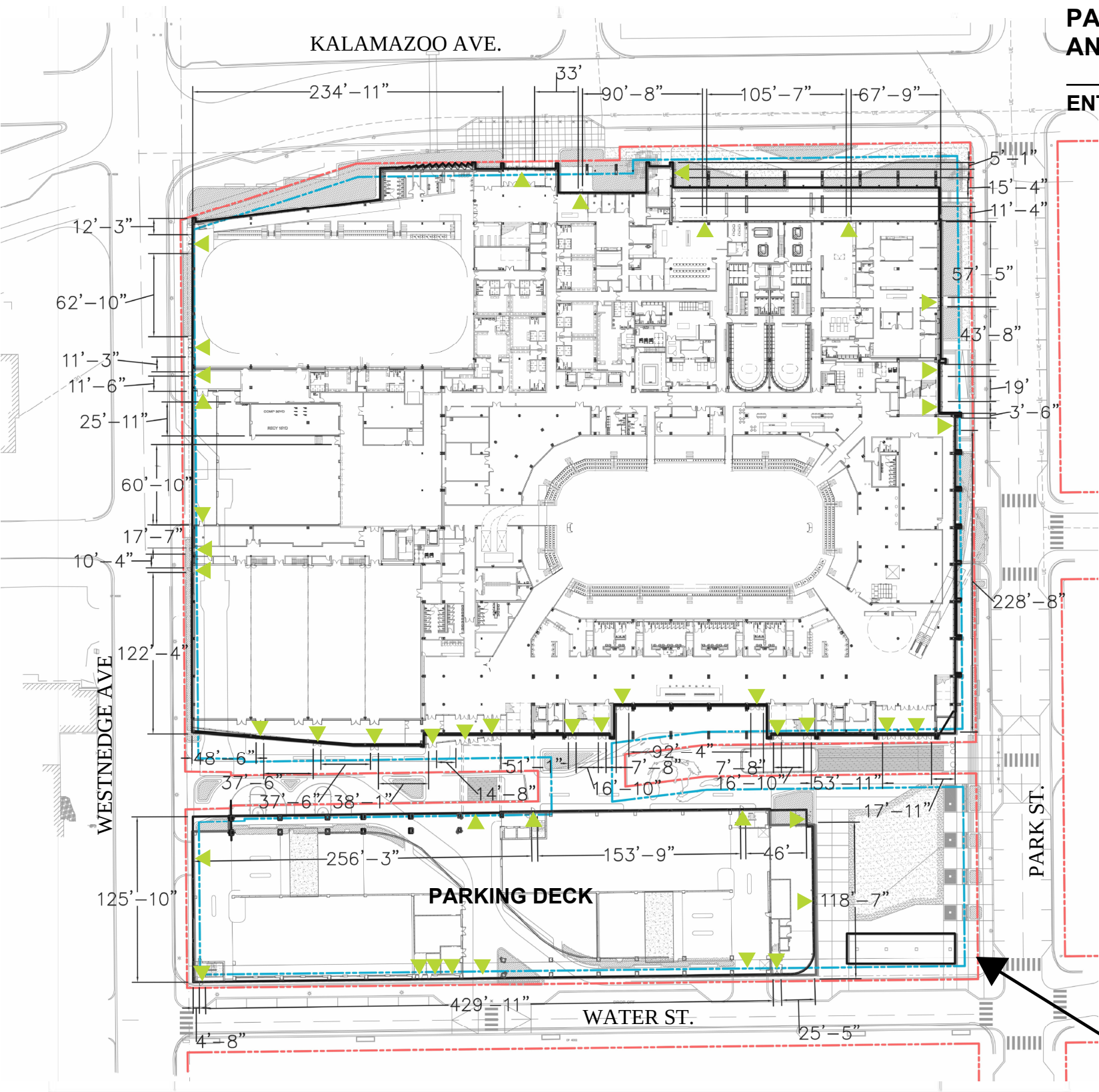


ISOMETRIC  
NORTH



H PORTAL ELEVATION  
3/32" = 1'-0"





**PARKING, LOADING  
AND ACCESS**

**REQUIRED**

**PROVIDED**

**ENTRANCES**

**1 ENTRANCE PER 60 FT**

**ARENA:**  
2238 lft perimeter  
2238 lft/ 60lft per door = 40  
Entrances

**ARENA**  
(77) 3' Doors  
29 Double and 19 Single doors  
in 30 locations

**DECK:**  
1184 lft perimeter  
1184/ 60lft per door =20  
Entrances

**DECK**  
(12) 3' Doors, 2 open  
passgeways, and 2 vehicle  
entry bays in 13 locations

**PARKING DECK**

**WATER ST.**

**PARK ST.**

PROPERTY LINE IN RED

VARIANCE : ENTRANCE LOCATIONS (Zoning Code Sections 5.6-6 #25)





## ZONING BOARD OF APPEALS

# **DIMENSIONAL VARIANCE REVIEW SHEET**

### **General Information**

Specific Project Details (may also provide on a separate sheet):

Project includes an approximate 426 thousand square foot event center that includes a new arena for Western Michigan's mens and womens basketball teams and hockey team, as well as, the Kalamazoo Wings hockey team. Along with the arena, the facility will include practice basketball courts and hockey rink, locker rooms and support spaces for all teams, as well as, a multi-purpose event space.

### **Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The Bike Parking variance request (Zoning Code sections 7.3-1) is based on the unique layout and function of the facility itself. Due to the size of this facility, the bike parking ordinance likely did not anticipate a use type like ours and we have provided fewer spots, but comparable in number to other similar facilities.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The building is located downtown so there is a limited amount of space and, therefore, we tried to maximize the efficient use of the available space.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.

Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The bike parking variance request is based on the unique function and performance requirements of the facility itself. Due to the size of this facility, the bike parking ordinance likely did not anticipate a use type like ours and we have provided fewer spots, but comparable in number to other similar facilities. The applicant has tried to meet the spirit of the Ordinance with the design and feels as though that has been achieved.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the Bike Parking variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the operation of the facility.

### **Additional Criteria for Variance Requests for Required Landscaping**

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not applicable



Are there steep changes in topography that would limit the benefits of landscaping?

Not applicable

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Not applicable

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not applicable





## ZONING BOARD OF APPEALS

# **DIMENSIONAL VARIANCE REVIEW SHEET**

### **General Information**

Specific Project Details (may also provide on a separate sheet):

Project includes an approximate 426 thousand square foot event center that includes a new arena for Western Michigan's mens and womens basketball teams and hockey team, as well as, the Kalamazoo Wings hockey team. Along with the arena, the facility will include practice basketball courts and hockey rink, locker rooms and support spaces for all teams, as well as, a multi-purpose event space.

### **Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The Blank Wall Limitation variance request (Zoning Code section 50-5.6 / 4a) is based on the unique lighting control and performance requirements of the facility itself. Spaces throughout the building require different amounts of lighting control in order for the technical function of the spaces to operate. Examples include ice hockey which cannot have direct sunlight on the ice surface, concert performances which require specialized controlled lighting and rigging interior environments.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The building is located downtown so there is a limited amount of space and, therefore, we tried to maximize the efficient use of the available space.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.



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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The Blank Wall Limitation variance request is based on the unique lighting control and performance requirements of the facility itself. Spaces throughout the building require different amounts of lighting control in order for the technical function of the spaces to operate. The blank wall areas provided are commonplace for sport arenas and concert venues. The applicant has tried to meet the spirit of the Ordinance with the design and feels as though that has been achieved.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the Blank Wall Limitation variance is consistent with the intent of the Ordinance. The blank wall areas provided are commonplace for sport arenas and concert venues.

### Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not applicable



Are there steep changes in topography that would limit the benefits of landscaping?

Not applicable

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Not applicable

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not applicable

## ZONING BOARD OF APPEALS

# **DIMENSIONAL VARIANCE REVIEW SHEET**

### **General Information**

Specific Project Details (may also provide on a separate sheet):

Project includes an approximate 426 thousand square foot event center that includes a new arena for Western Michigan's mens and womens basketball teams and hockey team, as well as, the Kalamazoo Wings hockey team. Along with the arena, the facility will include practice basketball courts and hockey rink, locker rooms and support spaces for all teams, as well as, a multi-purpose event space.

### **Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The Build-To-Zone variance request (Zoning Code sections 5.6-4) is based on the unique layout and function of the facility itself. The front of the building is set back to accommodate the KVRT trail and to provide space for bike parking. The variance sought is due to the building footprint being setback farther than the allowable distance.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The building is located downtown so there is a limited amount of space and, therefore, we tried to maximize the efficient use of the available space.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.





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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The build-to-zone variance request is based on the unique function and performance requirements of the facility itself. The building is set back along the front facade (Kalamazoo Ave.) to incorporate the KVRT bike zone and due to the function of the practice ice facility, as well as, to provide bike parking near the main entrance. The applicant has tried to meet the spirit of the Ordinance with the design and feels as though that has been achieved.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the Build-To-Zone variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the operation of the facility.

### Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not applicable

Are there steep changes in topography that would limit the benefits of landscaping?

Not applicable

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Not applicable

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not applicable

## ZONING BOARD OF APPEALS

# DIMENSIONAL VARIANCE REVIEW SHEET

### General Information

Specific Project Details (may also provide on a separate sheet):

Project includes an approximate 426 thousand square foot event center that includes a new arena for Western Michigan's mens and womens basketball teams and hockey team, as well as, the Kalamazoo Wings hockey team. Along with the arena, the facility will include practice basketball courts and hockey rink, locker rooms and support spaces for all teams, as well as, a multi-purpose event space.

### Review Criteria for Dimensional Variances

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The Building Height variance request (Zoning Code sections 50-5.6 / 2) is based on the unique layout and function of the facility itself. There is no limit to the overall building height, however, our floor to floor height exceeds the floor height requirement. We meet the ground level height requirement, however, the upper floors exceed the height requirement. The upper floor limit is 14' floor to floor, we are 16' floor to floor. The extra height is required to accommodate the various mechanical systems for the various uses in the building, as well as, for architectural treatment.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The building is located downtown so there is a limited amount of space and, therefore, we tried to maximize the efficient use of the available space.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.



Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The building height variance request is being sought for the floor to floor height requirement. There is no limit to the overall building height, however, the upper floor height limit is 14', we are providing 16' floor to floor. The extra height is required to accommodate the various mechanical systems for the various uses in the building, as well as, for architectural treatment. The applicant has tried to meet the spirit of the Ordinance with the design and feels as though that has been achieved.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the Building Height variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the operation of the facility. Note, there is not total height restriction.

### **Additional Criteria for Variance Requests for Required Landscaping**

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not applicable



Are there steep changes in topography that would limit the benefits of landscaping?

Not applicable

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Not applicable

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not applicable



## ZONING BOARD OF APPEALS

# **DIMENSIONAL VARIANCE REVIEW SHEET**

### **General Information**

Specific Project Details (may also provide on a separate sheet):

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### **Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The Driveway Width variance request (Zoning Code sections 5.6-4) is based on the unique layout and function of the facility itself. The loading zone for the event center is accessed from Westnedge Ave. Due to the size of the facility, the required loading zoning and corresponding curb cut is larger than typically allowed. The variance sought is due to the building size and function .

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The building is located downtown so there is a limited amount of space and, therefore, we tried to maximize the efficient use of the available space.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.



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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The driveway width variance request is based on the unique function and performance requirements of the facility itself. The building's size and functions require a larger loading zone. The applicant has tried to meet the spirit of the Ordinance with the design and feels as though that has been achieved.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the Driveway Width variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the operation of the facility.

### Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not applicable



Are there steep changes in topography that would limit the benefits of landscaping?

Not applicable

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Not applicable

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not applicable



## ZONING BOARD OF APPEALS

# **DIMENSIONAL VARIANCE REVIEW SHEET**

### **General Information**

Specific Project Details (may also provide on a separate sheet):

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### **Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The Entrance Location variance request (Zoning Code sections 5.6-6 No. 25) is based on the unique layout and function of the facility itself. The number and location of the entrances to the facility have been dictated by the functional and security / safety requirements of the facility. We have the quantity of linear footage and number of entrances in aggregate to meet the zoning requirement, but for functional and security reasons the entries have been grouped to control access points.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The building is located downtown so there is a limited amount of space and, therefore, we tried to maximize the efficient use of available space.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.



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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The Entrance Location variance request is based on the unique function and performance requirements of the facility itself. The number and location of the entrances to the facility have been dictated by the functional and security / safety requirements of the facility and this is the minimum necessary action to address the function of the building. We have the quantity of entrances, but they're locations exceed the required distance between entrances. The proposed layout meets required codes for proper emergency egress, as well as, security and control over the entry locations.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the Entrance Location variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the operation of the facility.

### Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not applicable



Are there steep changes in topography that would limit the benefits of landscaping?

Not applicable

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Not applicable

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not applicable



## ZONING BOARD OF APPEALS

# **DIMENSIONAL VARIANCE REVIEW SHEET**

### **General Information**

Specific Project Details (may also provide on a separate sheet):

Project includes an approximate 426 thousand square foot event center that includes a new arena for Western Michigan's mens and womens basketball teams and hockey team, as well as, the Kalamazoo Wings hockey team. Along with the arena, the facility will include practice basketball courts and hockey rink, locker rooms and support spaces for all teams, as well as, a multi-purpose event space.

### **Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The Front Line Coverage variance request (Zoning Code sections 5.6-4) is based on the unique layout and function of the facility itself. The building is recessed in a couple locations to allow incorporation of the KVRT Bike trail and to provide bike parking. The variance sought is due to the building footprint being setback farther than the allowable distance.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The building is located downtown so there is a limited amount of space and, therefore, we tried to maximize the efficient use of the available space.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.





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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The Front Line Coverage variance request is based on the unique function and performance requirements of the facility itself. The building is set back along the front facade (Kalamazoo Ave.) to incorporate the KVRT bike zone and to provide bike parking near one of the main entrances. The applicant has tried to meet the spirit of the Ordinance with the design and feels as though that has been achieved.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the front line coverage variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the operation of the facility.

### Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not applicable



Are there steep changes in topography that would limit the benefits of landscaping?

Not applicable

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Not applicable

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not applicable

## ZONING BOARD OF APPEALS

# DIMENSIONAL VARIANCE REVIEW SHEET

### General Information

Specific Project Details (may also provide on a separate sheet):

Project includes an approximate 426 thousand square foot event center that includes a new arena for Western Michigan's mens and womens basketball teams and hockey team, as well as, the Kalamazoo Wings hockey team. Along with the arena, the facility will include practice basketball courts and hockey rink, locker rooms and support spaces for all teams, as well as, a multi-purpose event space.

### Review Criteria for Dimensional Variances

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The Occupation of Corner variance request (Zoning Code sections 5.6-4) is based on the unique layout and function of the facility itself. Three of the four corners have the corners occupied. The variance sought is for the fourth corner which is the main pedestrian arrival point from downtown and we have provided a greenspace for pre and post function gathering at the corner. There are four city blocks that are being combined for this project and there is a need to provide a KVRT trail interface with the event center entrance.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The building is located downtown so there is a limited amount of space and, therefore, we tried to maximize the efficient use of the available space.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.



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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The occupation of corner variance request is based on the unique function and performance requirements of the facility itself. Three of the four corners of the Event Center satisfy the corner occupation requirement, the fourth does not. The applicant has tried to meet the spirit of the Ordinance with the design and feels as though that has been achieved.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the Occupation of Corner variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the operation of the facility. The corner is set back to accommodate the KVRT bike trail.

### Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not applicable





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Are there steep changes in topography that would limit the benefits of landscaping?

Not applicable

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Not applicable

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not applicable



## ZONING BOARD OF APPEALS

# **DIMENSIONAL VARIANCE REVIEW SHEET**

### **General Information**

Specific Project Details (may also provide on a separate sheet):

Project includes an approximate 426 thousand square foot event center that includes a new arena for Western Michigan's mens and womens basketball teams and hockey team, as well as, the Kalamazoo Wings hockey team. Along with the arena, the facility will include practice basketball courts and hockey rink, locker rooms and support spaces for all teams, as well as, a multi-purpose event space.

### **Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The transparency variance request (Zoning Code section 50-5.6 / 4a) is based on the unique lighting control and performance requirements of the facility itself. Spaces throughout the building require different amounts of lighting control in order for the technical function of the spaces to operate. Examples include ice hockey which cannot have direct sunlight on the ice surface, concert performances which require specialized controlled lighting and rigging interior environments. The blank wall areas provided are commonplace for sport arenas and concert venues.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The building is located downtown so there is a limited amount of space and, therefore, we tried to maximize the efficient use of the available space.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.

Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The transparency variance request is based on the unique lighting control and performance requirements of the facility itself. Spaces throughout the building require different amounts of lighting control in order for the technical function of the spaces to operate. The blank wall areas provided are commonplace for sport arenas and concert venues. The applicant has tried to meet the spirit of the Ordinance with the design and feels as though that has been achieved.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the transparency variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the operation of the facility.

### **Additional Criteria for Variance Requests for Required Landscaping**

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not applicable

Are there steep changes in topography that would limit the benefits of landscaping?

Not applicable

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Not applicable

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not applicable



ZONING BOARD OF APPEALS

**DIMENSIONAL VARIANCE REVIEW SHEET**

**General Information**

Specific Project Details (may also provide on a separate sheet):

Project includes an 1100 spot parking garage that serves to support the new Event Center project, as well as, a three story mixed use development. The parking garage and mixed use building are fronted on Park Street and will incorporate an open plaza.

**Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The Blank Wall Limitation variance request is based on the unique function and performance of the facility itself. The ground level of the parking garage will be screened with an architectural treatment in order to enhance the pedestrian level face to the parking structure.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The site is long and narrow, bounded by Water Street to the South and the creek to the north so we are limited to how the structure can be orientated.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.





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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The Blank Wall Limitation variance is sought due to the function of the facility itself. The applicant has tried to meet the spirit of the Ordinance with the design which includes a large open pass thru at ground level, as well as, an architectural screen at grade to help enhance the pedestrian level facade.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the Blank Wall Limitation variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the function of the facility.

### Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Does the landscaping proposed by the applicant meet the intent of this section?



Are there steep changes in topography that would limit the benefits of landscaping?

No steep changes in topography are anticipated.

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Yes, there are abutting lands that have been developed with a use other than residential.

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?



## ZONING BOARD OF APPEALS

# **DIMENSIONAL VARIANCE REVIEW SHEET**

### **General Information**

Specific Project Details (may also provide on a separate sheet):

Project includes an 1100 spot parking garage that serves to support the new Event Center project, as well as, a three story mixed use development. The parking garage and mixed use building are fronted on Park Street and will incorporate an open plaza. The open plaza ties in with the creek running thru the site and provides a welcoming public space. Trying to enclose the plaza within the center of the site would not be desirable as it would be less welcoming and would prohibit the function of the buildings spaces.

### **Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The transparency variance request (Zoning Code section 5.6-4) is based on the unique function and performance of the facility itself. The front (Park Street) facade is set back farther than the 10' code requirement to incorporate a plaza which will serve as a gathering space for events. The open plaza ties in with the creek running thru the site and provides a welcoming public space. Trying to enclose the plaza within the center of the site would not be desirable as it would be less welcoming and would prohibit the function of the buildings spaces.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The site is long and narrow, bounded by Water Street to the South and the creek to the north so we are limited to how the structure can be orientated.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.

Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The build to zone variance is sought due to the function of the facility itself. The applicant has tried to meet the spirit of the Ordinance with the design which includes a three story mixed use building with activation at ground level at the front (Park Street) facade and an open plaza. The open plaza ties in with the creek running thru the site and provides a welcoming public space. Trying to enclose the plaza within the center of the site would not be desirable as it would be less welcoming and would prohibit the function of the buildings spaces.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the build to zone variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the function of the facility.

### **Additional Criteria for Variance Requests for Required Landscaping**

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not Applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not Applicable

Are there steep changes in topography that would limit the benefits of landscaping?

No steep changes in topography are anticipated.

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Yes, there are abutting lands that have been developed with a use other than residential.

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not Applicable





ZONING BOARD OF APPEALS

**DIMENSIONAL VARIANCE REVIEW SHEET**

**General Information**

Specific Project Details (may also provide on a separate sheet):

Project includes an 1100 spot parking garage that serves to support the new Event Center project, as well as, a three story mixed use development. The parking garage and mixed use building are fronted on Park Street and will incorporate an open plaza.

**Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The Entrance Location variance request (Zoning Code sections 5.6-6 No. 25) is based on the unique layout and function of the facility itself. The number and location of the entrances to the facility have been dictated by the functional and security / safety requirements of the facility. Because of the specific use as parking garage, the number and location of entrances is limited. The parking deck plan includes a walking pass-through to help engage the ground level.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The building is located downtown so there is a limited amount of space and, therefore, we tried to maximize the efficient use of available space.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.

Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The Entrance Location variance request is based on the unique function and performance requirements of the facility itself. We meet the requirement for an entrance every 60' on the multi use building, however, we exceed the 60' dimension on the garage structure due to the access and function of the garage. Because of the specific use as parking garage, the number and location of entrances is limited. The parking deck plan includes a walking pass-through to help engage the ground level.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the Entrance Location variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the operation of the facility.

### **Additional Criteria for Variance Requests for Required Landscaping**

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not applicable



Are there steep changes in topography that would limit the benefits of landscaping?

Not applicable

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Not applicable

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not applicable



ZONING BOARD OF APPEALS

**DIMENSIONAL VARIANCE REVIEW SHEET**

**General Information**

Specific Project Details (may also provide on a separate sheet):

Project includes an 1100 spot parking garage that serves to support the new Event Center project, as well as, a three story mixed use development. The parking garage and mixed use building are fronted on Park Street and will incorporate an open plaza.

**Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The front line coverage variance request (Zoning Code section 5.6-4) is based on the unique function and performance of the facility itself. The front (Park Street) facade is set back farther than the 10' code requirement to incorporate a plaza which will serve as a gathering space for events. The ground level of the front (Park Street) will be activated at the ground level and will be fully glazed. The variance is sought due to the facade being set back from Park Street farther than the 10' build to zone requirement.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The site is long and narrow, bounded by Water Street to the South and the creek to the north so we are limited to how the structure can be orientated.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.



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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The front line variance is sought due to the function of the facility itself. The applicant has tried to meet the spirit of the Ordinance with the design which includes a three story mixed use building with activation at ground level at the front (Park Street) facade and an open plaza. The open plaza ties in with the creek running thru the site and provides a welcoming public space. Trying to enclose the plaza within the center of the site would not be desirable as it would be less welcoming and would prohibit the function of the buildings spaces.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the front line coverage variance is consistent with the intent of the Ordinance. The building front facade is set back as far as it is to allow for a entry plaza that will serve as a gathering spot for events.

### Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not Applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not Applicable



Are there steep changes in topography that would limit the benefits of landscaping?

No steep changes in topography are anticipated.

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Yes, there are abutting lands that have been developed with a use other than residential.

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not Applicable



ZONING BOARD OF APPEALS

## **DIMENSIONAL VARIANCE REVIEW SHEET**

### **General Information**

Specific Project Details (may also provide on a separate sheet):

Project includes an 1100 spot parking garage that serves to support the new Event Center project, as well as, a three story mixed use development. The parking garage and mixed use building are fronted on Park Street and will incorporate an open plaza.

### **Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The occupation of corner variance request (Zoning Code section 5.6-4) is based on the unique function and performance of the facility itself. The front (Park Street) facade is set back farther than the 10' code requirement to incorporate a plaza which will serve as a gathering space for events. The ground level of the front (Park Street) will be activated at the ground level and will meet the transparency requirement. The variance is sought the setback distance.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The site is long and narrow, bounded by Water Street to the South and the creek to the north so we are limited to how the structure can be orientated.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.



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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The build to zone variance is sought due to the function of the facility itself. The applicant has tried to meet the spirit of the Ordinance with the design which includes a three story mixed use building with activation at ground level at the front (Park Street) facade and an open plaza. The open plaza ties in with the creek running thru the site and provides a welcoming public space. Trying to enclose the plaza within the center of the site would not be desirable as it would be less welcoming and would prohibit the function of the buildings spaces.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the build to zone variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the function of the facility.

### Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Does the landscaping proposed by the applicant meet the intent of this section?



Are there steep changes in topography that would limit the benefits of landscaping?

No steep changes in topography are anticipated.

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Yes, there are abutting lands that have been developed with a use other than residential.

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?



## ZONING BOARD OF APPEALS

# **DIMENSIONAL VARIANCE REVIEW SHEET**

### **General Information**

Specific Project Details (may also provide on a separate sheet):

Project includes an 1100 spot parking garage that serves to support the new Event Center project, as well as, a three story mixed use development. The parking garage and mixed use building are fronted on Park Street and will incorporate an open plaza.

### **Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The Occupied Space variance request (Zoning Code section 50-5.4 / 2) is based on the unique function and performance of the facility itself. The front (Park Street) facade is set back farther than the 10' code requirement to incorporate a plaza which will serve as a gathering space for events. The ground level of the front (Park Street) will be activated at the ground level and will meet the transparency requirement. The variance is sought for Water Street and Westnedge Ave. as those spaces at the ground level and upper floors will be parking spaces for vehicles.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The site is long and narrow, bounded by Water Street to the South and the creek to the north so we are limited to how the structure can be orientated.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.





## Community Planning & Economic Development

245 N. Rose Street, Suite 100 • Kalamazoo, MI 49007

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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The Occupied Space variance is sought due to the function of the facility itself. The applicant has tried to meet the spirit of the Ordinance with the design which includes a three story mixed use building with activation at ground level at the front (Park Street) facade and an open plaza. The open plaza ties in with the creek running thru the site and provides a welcoming public space. The variance is sought for Water Street and Westnedge Ave. as those spaces at the ground level and upper floors will be parking spaces for vehicles.

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the occupied space variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the function of the facility.

### Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Not Applicable

Does the landscaping proposed by the applicant meet the intent of this section?

Not Applicable



Are there steep changes in topography that would limit the benefits of landscaping?

No steep changes in topography are anticipated.

Are the proposed building and parking lot locations setback beyond the required setback?

There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Yes, there are abutting lands that have been developed with a use other than residential.

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?

Not Applicable



ZONING BOARD OF APPEALS

**DIMENSIONAL VARIANCE REVIEW SHEET**

**General Information**

Specific Project Details (may also provide on a separate sheet):

Project includes an 1100 spot parking garage that serves to support the new Event Center project, as well as, a three story mixed use development. The parking garage and mixed use building are fronted on Park Street and will incorporate an open plaza.

**Review Criteria for Dimensional Variances**

*ZBA will review all Dimensional Variance requests using the following criteria. Please reach out to staff if you have questions.*

Are there conditions, like unusual topography, the shape of the lot or structure that are not commonly found on other lots or structures in the same zone district that make this request unique?

The transparency variance request is based on the unique function and performance of the facility itself. The ground level of the parking garage will be screened with an architectural treatment in order to enhance the pedestrian level face to the parking structure. The transparency provided on the parking deck is consistent with similar parking structures.

Are there special circumstances which are not the result of the actions of the applicant or property owner of the land that impact the project?

The site is long and narrow, bounded by Water Street to the South and the creek to the north so we are limited to how the structure can be orientated.

Does the Ordinance deprive the applicant of rights enjoyed by other property owners in the same zone district?

No rights of the applicant are deprived by the Ordinance.



## Community Planning & Economic Development

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Is this the minimum action which will make it possible to use the lot or structure in a manner that does not negatively impact the public and meets the spirit of this Ordinance?

There are several variances being sought. The transparency variance is sought due to the function of the facility itself. The applicant has tried to meet the spirit of the Ordinance with the design which includes a large open pass thru at ground level, as well as, an architectural screen at grade to help enhance the pedestrian level facade. The transparency provided on the parking deck is consistent with parking structures in general

Will the granting of the variance negatively affect adjacent land?

We do not feel the granting of the variance will negatively affect the adjacent land. To the contrary, this facility is intended to have a positive impact on the adjacent land and to the community as a whole.

Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?

We believe the granting of the transparency variance is consistent with the intent of the Ordinance. As noted in the presentation, we have sought to meet intent of the Ordinance as much as possible and still satisfy the function of the facility.

### Additional Criteria for Variance Requests for Required Landscaping

Does existing landscaping, screening or wetlands planned to be preserved meet the intent of the Ordinance?

Does the landscaping proposed by the applicant meet the intent of this section?



Are there steep changes in topography that would limit the benefits of landscaping?

No steep changes in topography are anticipated.

Are the proposed building and parking lot locations setback beyond the required setback?

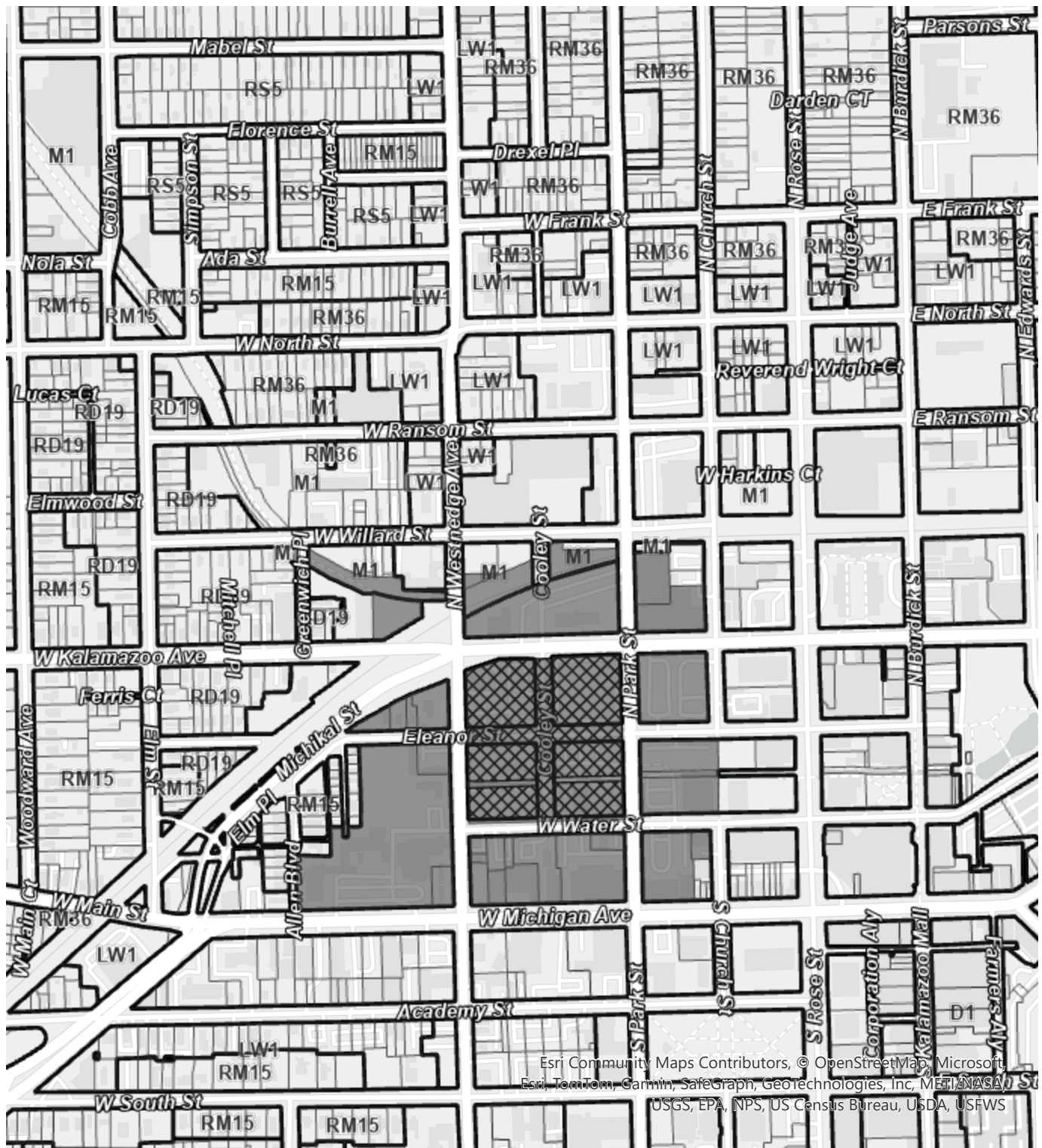
There are a couple locations where the building is setback further than the required setback. There is a separate variance being sought to address those locations.

Are there abutting lands developed or could be developed in the near future with a use other than residential?

Yes, there are abutting lands that have been developed with a use other than residential.

Do similar landscaping conditions exist which would result in no added benefit if additional landscaping or screening was provided?





# Parcels within 300' Mailing Radius

## 411 W Kalamazoo Ave

