

Agenda

Zoning Board of Appeals



City of Kalamazoo

Thursday, May 8, 2025

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 March 13, 2025

C. COMMUNICATIONS AND ANNOUNCEMENTS

D. PUBLIC HEARINGS

1. ZBA #25-05-05: 433 Reed Avenue. The City of Kalamazoo Public Services Department is requesting a variance from the Natural Features Protection Ordinance, Chapter 50-6.2, Subsections C and D; to authorize relief from the Wetlands and Water Resources Standards to allow the installation of new stormwater BMPs (Best Management Practices) within the required setbacks of the wetlands on the site and Portage Creek.
2. ZBA #25-05-06: 121 E. Paterson Street. Parwinder Singh is requesting a variance from Appendix A, Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Food Trailer) to operate in the Lesman's Market parking lot from May 9, 2025, to November 9, 2025 (6-months).
3. ZBA #25-05-07: 132 Reed Avenue. Christopher Patch is requesting a use variance from Appendix A, Chapter 4, Section 4.1, to authorize the use of the three dwelling units on the premises as short-term rental units, where short-term rentals (stays of less than 30 days) are not permitted in the RM-15 Zone District.

E. DISCUSSION/ACTION ITEMS

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
March 13, 2025 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Joe Hohler III, Alison Haan, Remi Harrington, Tony McReynolds, Beth van den Hombergh, and Gary Wark

Members Absent:

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

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

Chair Hohler asked if there were any changes to the agenda and Mr. Eldridge said there are none.

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

APPROVAL OF MINUTES:

Mr. Wark moved to approve the meeting minutes from February 13, 2025, as submitted, seconded by Ms. van den Hombergh. 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 leave comments for any of the property on the agenda then the public hearing will be closed on that request. The Board would 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.

The first order of business was the reconsideration for:

ZBA#25-01-03: 3607, 3619, and 3625 W. Michigan Avenue: An application for a variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Interstate Capital Development, LLC. The applicant is requesting a variance from Appendix A, Chapter 4, 4.2 Q 1.b) 1), to authorize the primary building façade (facing W. Michigan Ave.) to be 318 feet in length, where the ordinance limits the primary façade to 200 feet for any multi-family residential building.

Chair Hohler explained that there was a motion to reconsider at the end of the last meeting regarding the first item on the agenda, and that motion was seconded. He said the motion was followed up in writing and, again, was seconded in writing. He then explained there needs to be a debate on the motion to reconsider and if it passes then the request can be reconsidered and if it doesn't pass, a tie vote isn't considered a pass, the issue is dead, and the prior approval stands.

Mr. Eldridge wanted to clarify, the steps of the motion of reconsideration, and stated Ms. Harrington was asked to provide an email confirmation of her motion of reconsideration, which she provided on February 18th and was seconded on February 19th by Chair Hohler, and confirmation of the reconsideration moving forward to tonight's meeting was forwarded to all board members on February 20th. Mr. Eldridge wanted the sequence recorded.

Attorney Bear wanted to state that a motion to reconsider doesn't happen often and this particular membership of the board hasn't dealt with one and wanted to go over the procedure in more detail. He stated two sets of rules are being looked at in the rules of procedure or bylaws: the provision of notice be made, in writing, 10 days after the meeting and seconded and Mr. Eldridge has stated those provisions have been complied with, and then there are Robert's Rules of Order, which lays out, in detail, what a motion to reconsider is intended to do and the procedure to be followed. He said the motion brings back, for further consideration, a motion already voted on and the purpose, according to Robert's Rules, is to permit correction of hasty, ill-advised or erroneous action, or to take into account added information or a change situation that has developed since the taking of the vote, so essentially they are looking at what occurred when the previous motion was, the procedure and was it proper, and was the proceeding fair and conducted properly. He added that a motion to reconsider proposes no specific change in the decision, but that the main motion be reopened since it has been acknowledged and seconded and the Chair needs to acknowledge it, as with any motion, then the board considers the motion and can debate whether the original motion should be reopened or not and there will be no presentations or public comment on this motion and if the motion is rejected, the original decision on the main motion goes back into effect but if the motion to reconsider is adopted, the original question is put back before the board, according to Robert's Rules, in the same position it was before, so it will be started over from the beginning as if there was never a vote on it and the case will be presented again. He then asked if there were any questions and there were none.

Chair Hohler wanted to remind everyone that the motion to reconsider is regarding the granting of the dimensional variance, which is item number one of the agenda for 3607, 3619, and 3625 West Michigan Avenue, and at the last meeting there was a four to two vote to approve the request, he then invited Ms. Harrington to state what her motion was so there is clarity regarding her reconsideration.

Ms. Harrington stated she initially voted yes for the dimensional variance because she was taking into consideration the need for more housing in Kalamazoo, and affordable housing specifically, and in spite of her initial vote against this project, and since it passed, that in order to make it feasible, the dimensional variance for the facade should be granted just so the project could happen. She stated that after the vote it didn't feel fair and equitable and to her, her vote felt inconsistent with the principle and the precedent that city staff and the board has outlined, considering this was a self-imposed restriction and circumstance that required a workaround that was a design issue and shouldn't have been placed in the lap of this board and that was the bottom line for her. She added that she has read the seven tenets over and over again that require that the substantial evidence in the record that all of the following standards are met and the way she is interpreting the standards, she didn't interpret it to be aligned with what the board is being asked to uphold and she's willing to look at additional information. She stated she sees all of the letters of support and she's not in opposition of us needing more affordable housing in the city of Kalamazoo, she still feels this is a self-imposed restriction and she's going to vote no.

Chair Hohler stated that at the meeting he was the second and he was also the second in writing. He stated at the last meeting he voted to deny the application because he did not see the hardship or any prevention of the use of the property due to the zoning and he knows that there were some things that changed in the zoning midstream or somebody didn't notice the length and didn't point out that there was going to be a problem at some point, but ultimately it came down to the project is too long and the zoning isn't preventing the company from doing the project within the zoning requirements, they just need to make it smaller, and that isn't a hardship to him so he voted to deny, which was consistent with his vote at the last meeting for the gentleman with the garage request. He stated he knows these are different requests but the board, essentially, told him he needs to move his garage because it is too close to the property line and to be fair, it is a movable garage and even though it would cost to move it, the board still told him he had to move it and for consistency if he voted no on his request, he has to vote no on this request as well. Chair Hohler said to be clear, his no vote doesn't prevent that gentleman from having the garage, he just has to move it, and his no vote on this doesn't prevent the use of the property, it can still be used, just not to the extent requested. He added that he is aware of, and read, the letters from various members of the community, he appreciates everything that was said and he agrees with the sentiment regarding the need for more housing, he also agrees that this project will clean up that area, and it needs to be cleaned, but divorcing it from the zoning he feels it's a good thing and a good idea however, as ZBA members he sees them as sort of stewards and they grant variances where the criteria warrants it, and deny them where it doesn't. He said looking at the dimensional variance review sheet that can be found online with the agenda packet, he disagrees with some of the particular findings in there and they are as follows: 1) 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? He said he agrees there is a slight of unusual topography but the property can still be used just not to the extent they would like. 2) Are there special circumstances, which are not the result of the actions of the applicant or property owner, of the land that would impact the project? He would say yes, there are some special circumstances, it needs to be cleaned and that's going to take some money however, that does not prevent compliance with the zoning. 3) Does the ordinance deprive the applicant of the rights enjoyed by other property owners in the same zone district? He answered no it does not, they still have perfect use of the property, just not to the extent they would like. 4) Is this a 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 the ordinance? He said no, they can still put an apartment block on it just not to the extent they would like. 5) Will the granting of the variance negatively affect

adjacent land? He stated this one he can agree with, that it will, generally speaking, have no negative effect on the adjacent land other than it violates the zoning ordinance. 6) Will the granting of the variance be generally consistent with the purpose and intent of the ordinance? He said he believes the zoning requires a maximum of 200 feet of frontage and they are looking for 318, which is a greater than 50% variance from the zoning and, again, that's not consistent and the purpose and intent of this ordinance. He stated there was more criteria but he didn't think that it was relevant and he generally disagrees with most of these findings but what it comes down to is there's nothing in the property that prevents this owner from developing it in some fashion, just not to the extent they want and he's not prepared to look the other way simply because we want the property cleaned up, or to get rid of some blight. He stated if this is an ends-focused body, then any means that are put in front of them are going to have to be acceptable, and that's what he refuses to do. He added that's why he is stringent with a lot of these and it's not on the board to ignore the zoning, they zoned them in a certain way because they wanted them a certain way and he was not part of that process it's just his job to evaluate it, which is why he voted no on the initial request and why he is voting yes on the motion to reconsider, so he can continue his no vote on the underlying request.

Ms. Harrington wanted to add that another reason she filed the motion to reconsider is because when she was speaking about the gentleman with the garage and brought up the cost for him to have to move his garage, the city attorney told her that cost was not a consideration to be taken into account but when they talked about this developer, and the feasibility of it, Mr. Eldridge said this was going to be a cost based on the demolition and other things and, again that felt inequitable to her so if the board can hold this man accountable, that he wanted to be able to walk to his door from his garage, and he has a disability, and we say to him the cost doesn't matter, then it doesn't need to matter to this major developer either.

Ms. vanden Hombergh stated she understands where Chair Hohler and Ms. Harrington are coming from and she respects it, but she voted in favor and stands firmly behind her decision and added she has concerns when she hears, and this isn't the first time or to put anybody on the spot but this is the first time she's shared this concern publicly, when she hears phrases like "...look the other way, I'm not going to look the other way..." and "...we've done it for this person, we didn't do it for that person..." and that's valid and she can respect that however, in her years of experience on this board she's also heard "I have to vote my conscience...". She said they are the Zoning Board of Appeals and people come to them for an appeal and they have a responsibility to the constituents to vote as they see fit and quite honestly she's feeling resentful and angry and she wanted to explain those feelings. She stated she lives in the Westwood neighborhood and she has spoken a number of times about the changing of the zoning in her neighborhood, and it's not a secret, from Commercial-Office to Commercial and to provide some additional context half a block from her house and around the corner, there was a shooting at the Little Caesars and said it's not the city's problem but it's a contributing factor. She said around the corner from her house and approximately three buildings down, this board decided to change the zoning and staff could not support having the bank turned into a Panda Forest drive-thru and the rest of the businesses in that area didn't ask for an accommodation to have all of this traffic, and they wanted a special concession for their driveway. She stated she's angry because today when she was driving down her street, the speed limit is now 45 and she said she spoke out then that this is not Stadium Drive, this is West Main and when you drive down Stadium Drive the speed limit is 45 but people are going 55, 60 and Stadium Drive has three or four more lanes and they also have what she referred to as service lanes, but as you're driving down Stadium Drive doing 55 but the speed limit is 45 there are all these lanes, there's even an additional lane to coast off to the side to turn into McDonald's or turn

into the plaza and they don't have that. She said she isn't going to walk down her neighborhood street or push her grandkids in their strollers on that nice, paved sidewalk and the other businesses didn't have that and the zoning was changed. She said she respects their decision and won't call them out on it or put anybody on the spot because she wouldn't want someone doing it to her, but to say "I'm not going to look the other way..." or "If we do it for one we have to do it for others...", no. She added that with regard to the gentleman and his garage, she asked Mr. Eldridge for clarity on the closeness of his garage to the property line and Mr. Eldridge stated it was six inches, she stated they were talking about a small amount, a metal garage, the man has a disability, and lives in a neighborhood that is "challenged" let's say, with property values and upkeep, but he invested a significant amount of money in his home and it appeared to her that he maintained it but the city didn't drive around and say "Oh, you're in compliance..." or "You're out of compliance...", it was a neighbor, allegedly, and she believes them. She added that the city has better things to do with their time and didn't call this gentleman out, a neighbor called and complained after he built it, and he was an older gentleman with a disability that had a cane but they are the Zoning Board of Appeals and she voted yes, to let him have the variance to have his garage but now we're into the Arcadia neighborhood, which is the Westside and she kind of considers that her neighborhood. She stated she drives by that broken down, disgusting, former nursing home twice a day and it makes her sick and added that Arcadia has a long history of being a premiere, founding neighborhood of this city and there's an elementary school back there with over 400 kids two blocks from West Michigan. She said Arcadia has had issues for the past 20 some odd years with the parents of Western Michigan University students not wanting to pay tuition and board, so they come into Arcadia and have unregistered rentals and the Arcadia neighborhood has issues with transient folks, so the people that are living there are doing the best they can, they're maintaining their homes, they're supporting their city, they want to live next to a really nice elementary school and close to Western, it's a lovely neighborhood but there's this broken down nursing home for how many years. She stated she drove back there when this came before the board for the natural features on some of the trees and other things and after putting a clause in there about the quality of the hardwood trees that need to be replaced, she doesn't know about anybody else in this room or anybody else in this community, it was disgusting and scary and she felt like she was in a third world country back there. She said we've been on 60 Minutes and the national news because of our unhoused neighbors and COVID hasn't helped, housing is a serious issue, so she drove back there and there are all these windows broken out, people have afghans and sheets, and have crawled through the windows and are living there, someone cut down or cut into an old wooden shed that was there and was building fires back there in a fire pit for heat. She said there are over 400 kids in that elementary school and a delightful neighborhood here and then these people have to put up with this, so she voted in favor last time and she's voting in favor again this time. Chair Hohler asked if that means she's voting no on the motion to reconsider, and she said that is correct.

Chair Hohler stated he won't get into a tit for tat, he just wanted to say different people can agree on the application of the criteria and the findings so he doesn't take anything from it and he doesn't want anybody to take anything from it, and staff shouldn't feel singled out because he disagreed with their findings, different minds can have different findings with respect to that.

Ms. Haan stated she has a couple of things to add to what Ms. vanden Hombergh said and she appreciated her comments but it seems this decision seems to be heavily impacted by the case that was heard immediately prior, which isn't ok and they can bring back history for any hearing that comes before them and the residential garage and property should have no bearing, and there were many comments made throughout the last meeting about that and she feels like it has impacted the decision here. She said she keeps hearing people say that they aren't and shouldn't be "ends

focused” and she disagrees with that, and she’s heard many people make decisions based on the fact that they like an organization and their mission, or they don’t and she doesn't think that’s fair and you don’t have to like the fact that these are apartments, or you may love that they are, but that’s not what their job is. She said she is very concerned about housing in our community and she would really like to see these apartments go up the way they’re planned because she thinks it’s going to be a great impact for our community and she lives right there, and drives past there a minimum of twice a day, and she agrees there are police and fire trucks there all the time and it’s a safety issue for the people walking by and they want to make this a pedestrian friendly area. She added that we want students to come to Kalamazoo but if she was a parent looking over there, she wouldn’t want her 18 year old moving into an apartment near that or walking past it at night when they’ve been at parties, which is what they do because she sees it all the time, but she doesn't think that this process has been fair and that they're looking at this objectively and she doesn't believe the staff report is being gleaned fairly either, and there's more information on the staff report for tonight.

Chair Hohler asked if anyone who hasn’t spoken wanted to speak and there was no one.

Ms. Harrington said she wanted to address Ms. Haan’s issue of “fair” because equity also feels like an issue for her, but when Ms. Haan is saying it’s not fair and talking about the end product, is she saying that other representatives on the board have leveraged their affiliation or alliance with organizations, and that has informed their decision to be in support of the projects and Ms. Haan said that is absolutely what she’s saying. Ms. Harrington also said that is she saying that when Western students are walking down the street and see a blighted property, and she also recognizes the need for housing, and she drives by this property regularly, is she saying these are the reasons she made her decision and Ms. Haan said no and those were additional comments about why she, personally, would like to see this project and Ms. Harrington asked her where is the “fair” part? Ms. Haan stated the “fair” part is that she doesn't think this hearing was given objective rationale and she thinks that if the fact is that considered that she has heard, many times, people speak to the mission or values of a certain organization and saying “Oh, I really like this organization, I’m definitely going to vote yes for it…” when there is a very good staff report and case to be made for why they're asking for this. Ms. Harrington asked if the staff report is what Ms. Haan is basing her position on and Ms. Haan said not just the staff report, but she appreciates all of the information the applicant has provided. Ms. Harrington asked what she thought wasn’t “fair” and Ms. Haan stated she thinks that people made their decisions and votes based on what happened immediately prior to this case, which they disagreed on, and she heard statements about favorability toward the organization of the hearing that was had right after this one last time as well and she's heard it before and when she hears comments about not being focused on the end result, she thinks this group is often focused on the end result and it's being used inappropriately in this case. Ms. Harrington said so Ms. Haan is saying they're focused on the end result, and they shouldn't be and Ms. Haan said no, she's saying that the argument is being made right now that they shouldn't be focused on the end result but she's heard many times in the past that they are focused on the end result. Ms. Harrington asked who on the board is in opposition because herself and Chair Hohler have said they are in support of the development, but the additional 118 feet of façade is a self-imposed hardship, so they are in support of housing, that is an appropriate and approved zoning use for this property, but the additional 118 feet a facade is what they are in opposition to, so she wants to know what's not fair, since they are in support of housing and affordable housing. Ms. Haan said Ms. Harrington is saying a lot of different things to her, but she wrote down that one of them said this board shouldn’t be ends focused, and that is what she was responding to.

Chair Hohler asked the board to allow Mr. Eldridge his time.

Attorney Bear wanted to add that technically under Robert's Rules, if they aren't tied to the review criteria then they're getting off track each board member gets to speak twice, and Robert's Rules is very strict on that, and the board went way beyond that.

Mr. Eldridge said he wanted to clarify as far as equity and fairness and they shouldn't compare cases unless there is compelling similarities and what keeps coming up is a case where an individual, through enforcement action, was brought to the board for placement of a shed in the backyard without checking with the city and putting it in the wrong spot, versus a developer that is following the development processes and has been to this board multiple times to give the necessary reviews and approvals, as well as going through site plan and natural features protection board for review, so he wants to make sure that is being kept in mind. He said there are some other key points that should be weighed into this and the first is the question about the development standard itself and he thought he did an ok job of clarifying that last month, that the planning staff has real concerns about this standard because it only applies to a residential development with no commercial element, yet any other mixed use apartment building that has just a coffee shop in the basement can be over 200 feet and then he also clarified that the residential district standards, where this is coming from, is the part of the ordinance that the planning staff has not been able to update yet, but they have done all of the commercial zone districts and he thinks that's important to keep in mind that this is not a standard that has longevity in our code because we're not the community we were 25 years ago when this was put in place. He said this was put in place because of these fast built student housing projects that look like big vinyl boxes, and those are not the kind of projects we now get because of the standards that are in the ordinance when it comes to development but it is an archaic standard and something will be done about it. The last point he wanted to raise is that when it was revealed to the applicant that there was an issue with the standard, which he thinks is important to, but this project has been ongoing for a number of years and went before the NFP Board in 2022 and at that time was zoned Commercial-Community, then it came to this board for some variances because it was in a commercial zone. In October of 2023 it was rezoned to RM-15, so the city was looking at it as we should be facilitating more residential development and this shouldn't be in a commercial zone so it was rezoned and there are different standards that apply to commercial developments out of one section of the ordinance, and different standards that apply for those projects in the residential zone districts and in the staff report it was admitted fault that it was not caught quickly enough that now we're reviewing this under the residential standards that this 200 foot limitation on the front facade comes into play. He said now this project has continued down the path and it's got funding partners involved and now the situation has to be addressed, so there's more to this other than the elements of the review criteria, which he feels that those bases are clearly covered with the shape of the lot and the natural features regulations limiting where building can be placed on the site.

Attorney Bear stated that he isn't here to direct what this board does, but how this board does it and to see that they keep on track and that they follow proper procedures, opinions are opinions and that's fine but his position is neutral but they have to keep in mind that the purpose of this motion to reconsider is to determine if the previous decision was hasty, ill advised, or erroneous and you don't have to like the previous decision, but was it made properly or were there defects in that procedure?

Chair Hohler stated they got the right procedure but he believes the decision was hasty, ill advised, and erroneous and stated that before the vote they can all disagree in good faith on the criteria and

how to apply them and what their votes are and when they walk out they can all be friends and he doesn't take it personally that someone voted one way on a case or request, and he hopes that everyone else can put that aside.

Chair Hohler wanted to clarify that this is a vote for a motion to reconsider with a second. A yes vote would be to approve the motion and a no vote is to disapprove the motion and it has to be a roll call vote.

The motion to reconsider failed by a three-to-three roll call vote with Mr. Wark, Ms. Haan and Ms. van den Hombergh all voting against the motion to reconsider and Mr. McReynolds, Chair Hohler, and Ms. Harrington voting to approve the motion to reconsider. The original vote stands.

Ms. Harrington read the application for 918 Riverview Drive

ZBA#25-03-05: 918 Riverview Drive: An application for a variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by CESCO, Inc. The applicant is requesting a variance from Chapter 50-4, 4(10)(a), to authorize a variance of 2, 265 feet where a separation distance between package liquor uses of 2,640 feet is required, this results in a separation distance of 375 feet between the 13 ½ Liquor Store with alcohol sales for off-site consumption and the proposed 7-ELEVEN convenience store with planned beer and wine sales.

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.

Mandy Gauss, a representative for CESCO Inc, is asking for a dimensional variance to allow beer and wine sales at a proposed gas station at 918 Riverview Drive, which is currently a vacant Walgreens, which previously had a license for liquor, beer and wine sales but they don't want the liquor, just beer and wine. She said the ordinance restricts having multiple establishments selling liquor within 2,640 feet of each other and just to the south of the property is 13 ½ Liquor Store. She explained that the dimensional variance, in this case, driveway to driveway which is about 375 to 376 feet, depending on where you're measuring in the middle and they are asking for a variance of that dimensional restriction so they can sell beer and wine at that location. She showed examples of the Walgreens and said they did have beer, wine, and liquor and showed a floor plan of where it was located in the store, which they had shelf and cooler sales for both and they are proposing a Speedway gas station, 7-Eleven acquired Speedway in 2021, so it's a Speedway branded 7-11. She said with this development there would be a 52-foot convenience with six dispenser auto canopy, and it will have access to both Gull Road and Riverview Drive, which is the same as it is currently, and there will still be the cross access to the south to the McDonald's parcel. She showed visual of the new building and said it is a CMU building, upgraded from their 7-Eleven prototype, which hasn't yet been constructed, that she knows of, in Michigan but believes some will start construction in May. She then showed a visual of where the beer cave will be and where the wine cellar will be. She then showed a rendering of the exterior of a 7-Eleven and stated it will be a Speedway, but the inside of the building will be a combination of both layouts, and showed a rendered video of what the interior would look like so the board could see what the beer cave and wine area will look like and they can have an idea of what CESCO is requesting for their

project and it has a more modern feel than the older Speedway gas stations. She said it won't have a restaurant, but a grab and go type of food service for hot foods. She then showed photos of where the beer and wine would be located in the store and said that again, they are requesting to continue on with the sales that they had at the Walgreens and they feel they will not be in direct competition with 13 ½ and aren't doing liquor, just beer and wine and it gives customers more options and competitive pricing and better product selection. She said they also feel it helps reduce traffic issues because it has additional points of sales, which reduces unnecessary travel and benefits the customer and helps with traffic flow, so they aren't going back and forth between the two developments. She added that they think this would be a great use for this site and they are looking forward to, hopefully, coming to the city and redeveloping this site with, hopefully, beer and wine sales.

Chair Hohler asked if she could speak to some of the criteria and findings in the staff's report and Ms. Gauss stated some of what was mentioned results in more hours of sales because it's a 24-hour use, but she wanted to note state laws have to be followed so they won't sell between the hours of 2:00 am and 7:00 am. She said the special circumstances, they feel are that they are trying to redevelop a site that has already had this use and they would like to keep it to provide that service to their customers and keep what has been there since the 1990's. She said they feel it's unique because that service was there previously, so it is a unique situation. She said they don't feel it would have a negative impact on the public since it was there previously and they won't have liquor as Walgreens did so they feel it would be less of an impact but added that restricting sales puts them at an unfair advantage as well and even though the board can't take cost into consideration but limiting sales in one location because there's a similar use nearby because for the gas station use is permitted by right, if they can get state licensing, they feel they should be allowed to have the same advantages as others in the area do as well.

Chair Hohler asked for staff comments, and they were as follows: Mr. Eldridge stated that this is a good place for a gas station/convenience store and does fall in alignment with the zoning, as both uses are permissible in that Commercial-Community zone. However, the separation distance is there for a reason, and for a little background, in 2014 the city approved the ordinance amendment that put in place the half mile separation distance that impacts the placement of liquor stores, convenience stores, in gas stations that sell alcoholic beverages for off-site consumption and it was put in place because of the numerous nuisance parties and it was an idea born out of thin air, it was in reaction to problem areas in the city where there were multiple street corners adjacent to one another with a convenience store on one and, maybe, a gas station on the other and because these facilities were open late and had alcohol sales, it was a place where a congregation of people would start and continue to grow until it was a public safety issue that had to be dealt with. He said the city made the decision to amend the ordinance to address this concentration of alcohol sales and he only mentioned those three classifications, that doesn't include things like grocery stores, which are exempt from that separation distance and as we know, most grocery stores sell alcoholic beverages for off-site consumption so it's not that this ordinance is all-encompassing and restricting alcohol sales overall in the city, because there are lots of places where you can get alcohol, but he wanted to touch on that background. He said as far as the review criteria, this is a project that's going to result by redeveloping the entire site, so they're going to clear the sight of everything that's on it, which makes it hard to find a special circumstance or practical difficulty associated with the property or the buildings, so there wasn't any alignment with the first criteria. The second one, dealing with the special circumstances which are not a result of the action of the applicant is also a hard one to lean on because it's the applicant that wants to bring the alcohol sales back granted the Walgreens there prior did sell alcoholic beverages for consumption off-site. The third

criteria which talks about the literal interpretation and enforcement of the regulations depriving the applicant of use or development of the property and in this case the gas station and convenience store are permitted by right in the CC zone district, so the uses of the property are permitted and not being hindered, this incidental element they're talking about is the only thing the ordinance is putting the brakes on. Finally, is this the minimum action that makes possible the use of the land and the structure and again, the request for alcohol sales, staff didn't feel that this was a minimum action, given the fact this was roughly 85% of the required separation distance that the relief is being asked for from. The adverse effects are the reasons already mentioned regarding the reason we don't allow for the concentration of these types of businesses that sell alcohol for off-site consumption, that it can have adverse effects on the neighborhood, and the last one, that is not consistent with the intent of the ordinance, specifically the commercial activity can be negatively impacted and that is all staff has for comments.

Chair Hohler asked if there was anyone that wanted to speak in favor of the request and there were no one.

Chair Hohler asked if there was anyone that wanted to speak against the request and there was no one.

Chair Hohler asked if there were any call-in comments and there were none.

Chair Hohler closed the public hearing portion of the meeting.

FINDING OF FACT

Ms. vanden Hombergh moved the Finding of Fact as follows:

- 1) The Finding of Fact for 918 Riverview Drive shall include all information included in the notice of public hearing dated February 26, 2025, in the agenda packet staff provided for this request.
- 2) 25 notices of public hearing were sent, and no responses were received.
- 3) A public hearing was held before the board and public comments were accepted as well as additional documentation as well as voice messages, of which 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:

Mandy Gauss, representing Speedway branded 7-Eleven is asking that they be able to sell beer and wine at the Speedway gas station that will be on Riverview, where Walgreens used to be. Walgreens had a license authorizing them to sell beer, wine, and liquor and she is presenting the fact that they would like to see the future Speedway branded 7-Eleven continue those sales. She stated the Walgreen's that was there sold beer, wine, and liquor but they won't necessarily cut into sales at 13 ½ Liquor Store because they won't sell liquor. The future gas station will still have all of the access points that the Walgreens did. There are some concerns with the separation

distance and staff agreed that the corner would be great for a gas station however, while Walgreens was authorized to sell liquor, beer, and wine, the city passed an ordinance in 2014 regarding the separation between alcohol licensed sales that doesn't apply to grocery stores. The city moved forward with this ordinance change because of issues with crime, negative impacts on the neighborhoods with people congregating between the liquor stores, the pharmacies/grocery stores/having liquor licenses. There were zero comments for, against, and zero call ins.

Mr. Wark seconded the Finding of Fact.

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

Ms. van den Hombergh moved to approve the application for a variance from Chapter 50-4, 4(10)(a), to authorize a variance of 2,265 feet where a separation distance between package liquor uses of 2,640 feet is required, this results in a separation distance of 375 feet between the 13 ½ Liquor Store with alcohol sales for off-site consumption and the proposed 7-ELEVEN convenience store with planned beer and wine sales, seconded by Mr. Wark.

Discussion:

Chair Hohler said that Mr. Eldridge said grocery stores are exempt and there was a lot of talk about Walgreens and they had beer and wine and liquor, but are they considered a grocery store and Mr. Eldridge stated when the ordinance was updated, they also bolstered the definition of grocery store and no, a Walgreens would not count as a grocery store because it couldn't meet the current standard and he can't answer whether or not it met the standard at the time and based on the age of that Walgreens, it was there before the ordinance change for the separation distance. Chair Hohler asked if it could have been conforming in the 1990's and Mr. Eldridge said yes, but it could have become legal non-conforming when the new ordinance went into effect.

Chair Hohler asked if there were more questions.

Ms. Harrington asked if they bought the liquor license from Walgreens and John Krupka, who accompanied Ms. Gauss, shook his head no and Chair Hohler said he doesn't think there is a need for a liquor license for this there was talk regarding the difference between a liquor license, an SDM, and a Class C license and on-site consumption, but Mr. Eldridge stated he believes an SDM covers beer and wine sales and Ms. Gauss returned to the podium and yes, an SDM license is through the state. Ms. Harrington asked if the applicant is trying to get the same type of license Walgreens had and Mr. Eldridge said no because Walgreens also sold hard liquor and the applicant only wants to sell beer and wine.

Chair Hohler asked if they grant the variance does that back door the variance for the other because there is a distinction being made between beer and wine and liquor and if the board approves the variance for one will it automatically approve a variance for both and Mr. Eldridge replied no but the definition of liquor sales covers the sale of beer, wine and hard liquor and the separation distance applies to off-site alcoholic beverage sales at these three types of uses: convenience store, gas station, liquor store, there is no differentiating the type, it is alcohol sales at these three types of uses.

Mr. Wark stated that they can give a conditional approval for beer and wine only and Ms. vanden Hombergh asked what about the separation distance, and the ordinance for that and the people who own 13 ½ Liquor Store and Mr. Wark said he was just explaining they could make that distinction if someone wanted to make that motion and it's approved, they could make it so they couldn't come in after the fact and get a liquor license. Ms. Harrington said so 13 ½ can sell all the liquor and they can sell all the beer and wine and it'll be fair. Ms. vanden Hombergh asked what if 13 ½ closes? Chair Hohler said if 13 ½ closes then all bets are off and if they have the licensing for beer and wine and 13 ½ closes, they just have to put liquor in there and they're good to go. Mr. Krupka stated that they develop for 7-Eleven and Speedway nationally, and their merchandise mix doesn't include liquor, it's exclusively beer and wine.

Chair Hohler stated he went through the staff report and the findings are consistent with his philosophy on things, specifically three, five, and six. Number three is that the enforcement of the ordinance does not deprive the applicant of the development of a gas station or a convenience store, both of which are permitted by right and he agrees with that. Number five, specifically the second part and you can't sell for 24 hours beer and wine, but the concentration of the two alcohol sale locations open late near one another could have negative impacts on the surrounding properties and he said Mr. Eldridge spoke well about that and the 2014 change and he agrees with those findings, and lastly six and it's not consistent with the intent of the ordinance to separate specific commercial activity that could have negative impacts on the community which, again, related to what Mr. Eldridge explained about the 2014 changes and he will be voting no.

Mr. McReynolds said he doesn't see it as a problem because he doesn't think they consider that the state police and fire department are right across the street and there's not a lot of drama there, so he thinks it's ok.

Ms. vanden Hombergh said she understands where Mr. McReynolds is coming from, but what if that station moves? She said she's not comfortable saying they can accept an amendment to the zoning from 2014 because there's a police station across the street and she supports the city with the 24-zoning change regarding the separation with the sales and if the 13 ½ Liquor Store closes, the 7-Eleven Speedway will be here in a heartbeat and won't need to come to the board, they will start selling liquor and it's not like the community is not going to have that and Ms. Harrington said asked have what? Ms. vanden Hombergh said she heard that "Well, what happens if that liquor store closes?" and she said if it closes then hurray for the 7-Eleven because it will be a non-issue and they can sell everything, and Mr. McReynolds pointed out that they were told liquor isn't part of their merchandise, so they won't ever be selling liquor. Ms. Harrington said she's talking about in total and Chair Hohler said they could start beer or wine instantly and if 13 ½ ever closes they can put beer on the shelf and now the number has reset for everybody else and Ms. van den Hombergh said yes and now they can get a spirits license and can do whatever they want and Chair Hohler said he now wonders if there's anything else within a half mile and this is just the closest, but it must be or they wouldn't have asked for just a variance on this one specific thing.

Motion was denied by a five to one roll call vote with Ms. Haan, Ms. Harrington, Chair Hohler, Mr. Wark, and Ms. van den Hombergh voting against, all voting against, and Mr. McReynolds voting for.

DISCUSSION/ACTION ITEMS:

REPORTS:

Mr. Eldridge discussed the annual report for 2024. The annual report is used as a thumbnail of the activities before the board from the prior year, and staff specifically uses it to see if there are any trends of the types of variances coming before the Zoning Board of Appeals and if there are any anomalies where there are, for example, recurring building setbacks for a certain zone district and that would be something staff would have to look more closely at. The first item talked about new initiatives undertaken and the main training was Robert’s Rules of Parliamentary Procedures, led by Attorney Bear. Mr. Eldridge said this year they will do a form-based code to help the board better understand the new regulations that apply to some of the commercial zone districts, which probably won't be the only training but if there are other areas the board thinks they need to touch on, reach out to him or Attorney Bear.

The annual report also summarizes the types of variance requests that have come before the board and how many of those types of requests the board has seen. He stated there was only one use variance which was the hotel at 1500 East Kilgore converting from a hotel into apartments. The annual report also shows how many natural features protection variances were granted, two of the three being related to the Kalamazoo Country Club and the other was for the Southwest Michigan Land Conservancy.

There were no temporary use approvals last year. Lastly, it shows trends as far as how many variances overall have been in front of the board the prior year, and previous years and a summary of key takeaways as far as the reduction in the number of use variances from prior years, the comparison of dimensional variances and the reasoning on why there are less temporary use approvals coming before the board, which could be due to a number of city sponsored events as well as the addition of an event coordinator which has slowed the need for individual approvals, and finally the significant set of variances for the new downtown event center.

ADJOURNMENT:

The meeting was adjourned at 8:27 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair



Zoning Board of Appeals Staff Report

Date: **5/8/2025**

Item: **D.1.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner / Deputy Director of CP&ED
Prepared by: Pete Eldridge, AICP, Zoning Administrator

DATE: May 8, 2025

SUBJECT: ZBA #25-05-05: 433 Reed Avenue. The City of Kalamazoo Public Services Department is requesting a variance from the Natural Features Protection Ordinance, Chapter 50-6.2, Subsections C and D; to authorize relief from the Wetlands and Water Resources Standards to allow the installation of new stormwater BMPs (Best Management Practices) within the required setbacks of the wetlands on the site and Portage Creek.

BACKGROUND:

The parcel at 433 Reed Avenue is located in the Residential - Multi Dwelling District (RM-15) and the Natural Features Protection Overlay. This undeveloped 4.1-acre parcel will be transferred from the Kalamazoo Brownfield Redevelopment Authority to the Public Services Department, pending City Commission approval. This transfer of ownership is taking place as the property is mostly in the floodplain, and Public Services already has stormwater infrastructure on this parcel.

The goal of the project is to improve the handling of stormwater on the site by adding new stormwater BMPs (Best Management Practices) focused on restoring and enhancing the existing wetlands, adding a filtration device for the existing stormwater outflow, taking restorative actions near Portage Creek and adding an elevated pedestrian path/observation platform over the wetlands. This property is located in an area of the City that often sees flood conditions during heavy rain. The standards in the NFP Ordinance prohibit adding BMP's within the protective setbacks established for wetlands and water resources (Portage Creek) to limit the disruption of the natural environment.

This project went before the Natural Features Protection Review Board on April 22, 2025. The NFP Board unanimously approved a recommendation that the Zoning Board of Appeals grant relief from the wetlands and water resource setbacks to allow the installation of the new stormwater BMP's finding that this is a unique circumstance and one where adding new stormwater BMPs in this location will have a positive benefit.

As additional background, stormwater BMPs are defined in the City of Kalamazoo Zoning

Code, Chapter 50, 50-1.3, as tools used to prevent or reduce stormwater runoff and/or associated pollutants as determined by professional associations, the State of Michigan, or the federal government, such as the Michigan Low Impact Development Manual.

STRATEGIC VISION ALIGNMENT:

Environmental Responsibility - A green and healthy City.

Strategic Vision Impact:

This project aligns with the Strategic Vision goal of environmental responsibility by protecting natural resources and helping reduce water pollution and flooding.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – the community will be made aware of the project.

Appropriate Depth of Engagement:

A public hearing notice was placed in the newspaper and notices, dated April 23, 2025, were sent to the property owners and occupants within 300 feet. A notice was also sent to the Edison Neighborhood Association.

Engagement/Communication Tools:

Newspaper, mailings and applicant outreach.

FINDINGS:

Staff have made the following findings regarding this request:

Relief from the NFP Overlay District Standards in § 50-6.2 may be granted when all the following conditions are met:

[1] The parcel cannot be reasonably utilized for its zoned use without the requested relief.

BMP's have been implemented around the City to improve system-wide stormwater management. This site has a existing stormwater outflow from the public street that is untreated and the Public Services Department would like to filter contaminants out of this stormwater. However, the NFP Ordinance does not permit this work within the protective setbacks established for wetlands and water resources (Portage Creek). This is the practical difficulty which has brought about the variance application. Untreated stormwater will continue to flow into Portage Creek from this site until BMP's can be implemented.

[2] The extent of relief requested is the minimum needed to permit reasonable utilization of the site.

Yes, this is the minimum action to allow for the installation of a filtration system for the

stormwater and bioswales to further cleanse the water before it flows into Portage Creek. This has been validated by an environmental study by Keiser & Associates.

[3] It is demonstrated that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the NFP Overlay District.

Yes, the environmental firm of Keiser & Associates was hired to study the site and determine the best way possible to maximize the collection and filtering of the storm water yet minimize the impact on the natural environment. Further, the NFP Board reviewed and recommended approval of the proposed work.

[4] The requested relief is balanced by the use of conservation and/or green development tools and actions, such as utilizing stormwater BMPs from the Michigan Low Impact Development Manual that promote infiltration, restoration or expansion of a natural feature on the site, or the use of wild-type native plants or desired trees as detailed in Table 6.2-5, Replacement Tree List.

Yes, these are BMP's which are recommended in the Michigan Low Impact Development Manual. This project will also require site plan review and an EGLE Permit (Department of Environment Great Lakes and Energy), so there will be further review of this proposed BMP's project.

RECOMMENDATION:

Staff recommends approval as the requested variance meets the above criteria and the NFP Board has recommended approval also.



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 23, 2025

**RE: ZBA #25-05-05
433 Reed Avenue
Parcel #: 06-22-467-002**

Dear Property Owner:

An application for a variance from provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the City of Kalamazoo Public Services Department for 433 Reed Avenue in the Residential – Multi Dwelling District (RM-15) and Natural Features Protection Overlay.

The applicant is requesting a variance from the Natural Features Protection Ordinance, Chapter 50-6.2, Subsections C and D; to authorize relief from the Wetlands and Water Resources Standards to allow the installation of new stormwater BMPs (Best Management Practices) within the required setbacks of the wetlands on the site and Portage Creek.

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

The meeting will be held on Thursday, May 8, 2025, 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 or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

Peter C. Eldridge, AICP
Zoning Administrator

Zoning Board of Appeals Application



Submitted on	9 April 2025, 9:18AM
Receipt number	47
Related form version	14

Introduction

Have you scheduled a pre-application meeting?	Yes
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Applicant Information

Name	Tom Palumbo
Organization (if applicable)	City of Kalamazoo
Email Address	palumbot@kalamazoo.org
Phone Number	2693035142
Address	415 E Stockbridge Ave, Kalamazoo, MI 49001, USA Map (42.2779377, -85.57789799999999)
Preferred Contact Method	Email
Are you the property owner?	Yes

Property and Application Details

Property Address	433 Reed St, Kalamazoo, MI 49001, USA Map (42.275371, -85.57693499999999)
Parcel Identification Number	06-22-467-002
Zone District	RM-15
Type of Request	Natural Features Protection
Application Fee	\$300.00
Project Description & Reason for Request	The Reed Ct Floodplain & Stormwater Improvements Project seeks to enhance key aspects of the Portage Creek stream corridor and riparian areas of the subject parcel. This includes the creation of stormwater bioretention coupled with floodplain and wetland

reconnection/enhancement at the site. This proposed restoration will include annually off-lining approximately 7.4 acre-feet of untreated stormwater through the project site that is otherwise directed to the creek. Stormwater inputs would be routed through a buried mechanical treatment device for coarse sediment removal that would be out of the public view. Stormwater would then be directed through a naturalized series of treatment features to dissipate flashy flows while saturating restored wetland features providing diversified ecological habitat. These elements of the envisioned project would also provide an opportunity to link pedestrian pathways for site access and nature viewing with educational signage.

Natural Features Protection Review Criteria

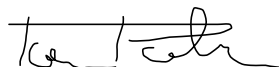
<p>Please indicate the relevant natural features and the requested variances</p>	<p>Wetlands Water Resources Woodlands</p>
<p>What variances are you requesting from the requirements for these natural features?</p>	<p>Installation of stormwater treatment devices and systems within natural feature.</p>
<p>Are there reasons the parcel cannot be reasonably utilized for its zoned use without the requested relief?</p>	<p>It is already utilized for stormwater runoff, the proposed action will improve existing conditions. This improvement is not mandated or required, but has become available through funding from Natural Resource Damage Assessment and Restoration (NRDAR).</p>
<p>Is the extent of relief requested the minimum action needed to permit reasonable utilization of the site?</p>	<p>Yes.</p>
<p>How can you demonstrate that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the NFP Overlay District?</p>	<p>This project will greatly enhance the natural features in the Overlay District.</p>
<p>Is the requested relief balanced by the use of conservation and/or green development tools and actions, such as utilizing stormwater best management practices from the Michigan Low Impact Development Manual that promote infiltration, restoration or expansion of a natural feature on the site, or use of wild-type native plants or desired trees as detailed in Table 6.2-5, Replacement Tree List?</p>	<p>Yes.</p>

Supporting Documents

Supporting Documents [2025-03-28 Plan Drawings\(red\).pdf](#)
[2023-10-24 Feasibility Study FINAL\(red\).pdf](#)

Submit

Your Signature



[Link to signature](#)

SHEET LIST:

- 1 TITLE SHEET
- 2 TOPOGRAPHIC SURVEY
- 3 DEMOLITION PLAN & TREE PROTECTION
- 4 SITE PLAN
- 5 PLAN DETAILS
- 6 SECTIONS
- 7 LANDSCAPE CONCEPTS
- 8 LANDSCAPE DETAILS
- 9 SOIL EROSION AND SEDIMENT CONTROL PLAN
- 10 WETLAND DELINEATION AND PROTECTION DETAILS
- 11 PCB HISTORICAL LOCATIONS AND SAMPLING PLAN



LOCATION MAP

The City of Kalamazoo



REED COURT FLOODPLAIN AND STORMWATER IMPROVEMENT PROJECT

FUNDING:

NOAA Restoration Center
On Behalf of the Kalamazoo River
NRDA Trustees

CONSULTANTS:

Prein&Newhof
Engineering
Services

KIESER & ASSOCIATES, LLC
Environmental Science
and Engineering Services

O'Boyle, Cowell,
Blalock, & Associates, Inc.
Landscape Architects

Merchant Environmental
and Regulatory
Consulting Services

DRAWN BY:
CHECKED BY:

revisions



**REED COURT
FLOODPLAIN
AND
STORMWATER
IMPROVEMENT
PROJECT**

**TITLE
SHEET**

DRAWING
1

KIESER & ASSOCIATES
ENVIRONMENTAL SCIENCE & ENGINEERING
536 E. MICHIGAN AVENUE, SUITE 300, KALAMAZOO, MICHIGAN 49007
ph: (269) 344-7117 fax: (269) 344-2493 www.kieser-associates.com

AND

Prein&Newhof

Description	Diam	Species	xcoord	ycoord	Description	Diam	Species	xcoord	ycoord
24" Dead	24	Dead	85.5789	42.27468	10" Walnut	10	Walnut	85.5768	42.27419
12" Dead	12	Dead	85.5767	42.27478	15" Walnut	15	Walnut	85.5766	42.27443
12" Dead	12	Dead	85.5768	42.27523	10" Walnut	10	Walnut	85.5766	42.27439
30" Dead	30	Dead	85.5765	42.27525	24" Walnut	24	Walnut	85.5766	42.27431
24" Dead	24	Dead	85.5768	42.27583	10" Hackberry	10	Hackberry	85.5766	42.27452
18" Dead Twin	18	Dead	85.5768	42.27579	10" Maple	10	Maple	85.5766	42.27457
30" Dead	30	Dead	85.5767	42.27593	14" Maple	14	Maple	85.5767	42.27456
30" Dead	30	Dead	85.5767	42.27591	22" Maple	22	Maple	85.5768	42.27461
24" Dead	24	Dead	85.5767	42.27591	10" Maple	10	Maple	85.5768	42.27464
10" Maple	10	Maple	85.577	42.27654	12" Maple	12	Maple	85.5766	42.27471
20" Basswood	20	Catalpa	85.5769	42.27648	10" Hackberry	10	Hackberry	85.5766	42.27481
10" Maple	10	Maple	85.577	42.27643	18" Maple	18	Maple	85.5767	42.27483
30" Maple Twin	30	Maple	85.577	42.27650	10" Maple	10	Maple	85.5767	42.27476
10" Poplar	10	Poplar	85.5773	42.27642	18" Walnut	18	Walnut	85.5768	42.2748
20" Poplar	20	Poplar	85.5771	42.27645	21" Walnut	21	Walnut	85.5769	42.2748
20" Poplar Twin	20	Poplar	85.5773	42.27646	15" Walnut	15	Walnut	85.577	42.27475
10" Basswood Triple	10	Catalpa	85.5773	42.27647	12" Walnut	12	Walnut	85.5768	42.27476
10" Basswood	10	Catalpa	85.5768	42.27630	12" Walnut	12	Walnut	85.5769	42.27475
30" Oak Triple	30	Oak	85.5767	42.27636	15" Walnut	15	Walnut	85.577	42.27465
24" Basswood	24	Catalpa	85.5767	42.27628	15" Walnut	15	Walnut	85.5772	42.27464
24" Basswood Pair	24	Catalpa	85.5767	42.27627	10" Elm	10	Elm	85.5773	42.2746
12" Basswood	12	Catalpa	85.5767	42.27628	15" Walnut	15	Walnut	85.5773	42.27462
12" Basswood	12	Catalpa	85.5766	42.27623	12" Walnut	12	Walnut	85.5773	42.27466
36" Basswood	36	Catalpa	85.5765	42.27618	12" Walnut	12	Walnut	85.5773	42.27466
24" Basswood Quad	24	Catalpa	85.5764	42.27612	24" Walnut	24	Walnut	85.5772	42.27476
15" Basswood Quad	15	Catalpa	85.5765	42.27600	12" Walnut	12	Walnut	85.5773	42.27485
10" Basswood	10	Catalpa	85.5766	42.27615	24" Walnut	24	Walnut	85.5772	42.27485
18" Basswood	18	Catalpa	85.5766	42.27613	15" Hickory	15	Hickory	85.5773	42.27493
12" Basswood	12	Catalpa	85.5766	42.27608	24" Walnut	24	Walnut	85.5773	42.27495
12" Maple	12	Maple	85.5766	42.27608	21" Walnut	21	Walnut	85.5774	42.27608
12" Basswood	12	Catalpa	85.5766	42.27608	12" Cherry Triple	12	Cherry	85.5775	42.27509
10" Basswood	10	Catalpa	85.5766	42.276	15" Walnut	15	Walnut	85.5776	42.27502
10" Basswood	10	Catalpa	85.5765	42.27596	15" Walnut	15	Walnut	85.5776	42.275
24" Maple Twin	24	Maple	85.5765	42.27593	18" Walnut	18	Walnut	85.5776	42.27494
10" Basswood	10	Catalpa	85.5765	42.27589	12" Walnut	12	Walnut	85.5775	42.27513
10" Basswood	10	Catalpa	85.5765	42.27584	24" Walnut	24	Walnut	85.5774	42.27522
15" Basswood	15	Basswood	85.5765	42.2758	12" Walnut	12	Walnut	85.5773	42.27522
15" Basswood	15	Catalpa	85.5765	42.27579	10" Walnut	10	Walnut	85.5773	42.27527
24" Basswood	24	Catalpa	85.5766	42.27583	12" Walnut	12	Walnut	85.5772	42.27518
18" Basswood	18	Catalpa	85.5766	42.27583	18" Walnut	18	Walnut	85.5772	42.27534
18" Basswood	18	Catalpa	85.5765	42.27573	12" Walnut	12	Walnut	85.5773	42.27531
18" Basswood	18	Catalpa	85.5766	42.2756	12" Walnut	12	Walnut	85.5771	42.27542
12" Basswood	12	Catalpa	85.5765	42.27558	10" Walnut	10	Walnut	85.577	42.27531
12" Basswood	12	Catalpa	85.5765	42.27559	10" Walnut	10	Walnut	85.5769	42.27524
12" Basswood	12	Catalpa	85.5765	42.27559	21" Walnut	21	Walnut	85.577	42.27515
24" Basswood	24	Catalpa	85.5767	42.2757	12" Walnut	12	Walnut	85.577	42.27526
30" Basswood	30	Catalpa	85.5767	42.27571	18" Walnut	18	Walnut	85.577	42.27498
30" Basswood	30	Catalpa	85.5768	42.27570	18" Locust XG	18	Locust	85.5771	42.27508
12" Basswood	12	Catalpa	85.5767	42.27574	24" Willow	24	Willow	85.5766	42.27523
12" Dead	12	Dead	85.5767	42.27574	21" Hackberry	21	Hackberry	85.5766	42.27523
12" Basswood	12	Catalpa	85.5769	42.27583	12" Walnut	12	Walnut	85.5766	42.27524
12" Basswood	12	Catalpa	85.5767	42.27529	10" Walnut Twin	10	Walnut	85.5766	42.27516
15" Basswood	15	Catalpa	85.5765	42.27537	15" Walnut	15	Walnut	85.5766	42.27513
12" Basswood	12	Catalpa	85.5765	42.27542	12" Elm	12	Elm	85.5769	42.27507
12" Basswood Quad	12	Catalpa	85.5765	42.27541	12" Elm	12	Elm	85.5769	42.27505
15" Basswood	15	Catalpa	85.5765	42.27544	12" Walnut	12	Walnut	85.5768	42.27503
10" Basswood	10	Catalpa	85.5766	42.27539	12" Walnut	12	Walnut	85.5768	42.27504
15" Basswood	15	Catalpa	85.5767	42.27539	12" Walnut	12	Walnut	85.5768	42.27503
12" Basswood	12	Catalpa	85.5767	42.27536	12" Dead	12	Dead	85.5768	42.27508
12" Basswood	12	Catalpa	85.5768	42.27543	12" Walnut	12	Walnut	85.5769	42.27494
10" Basswood	10	Catalpa	85.5769	42.27543	12" Walnut	12	Walnut	85.5769	42.27486
24" Basswood	24	Catalpa	85.5768	42.27545	18" Walnut	18	Walnut	85.577	42.27495
18" Basswood	18	Catalpa	85.5767	42.27545	15" Walnut	15	Walnut	85.577	42.27481
12" Basswood	12	Catalpa	85.5768	42.2755	27" Walnut	27	Walnut	85.5767	42.27494
15" Basswood	15	Catalpa	85.5767	42.27553	10" Walnut	10	Walnut	85.5766	42.27491
12" Basswood	12	Catalpa	85.5766	42.27548	10" Walnut	10	Walnut	85.5766	42.27493
15" Basswood	15	Catalpa	85.5765	42.27557	30" Walnut	30	Walnut	85.5765	42.275
15" Maple Triple	15	Maple	85.5767	42.27557	16" Walnut	16	Walnut	85.5773	42.2754
18" Basswood	18	Catalpa	85.5767	42.27563	16" Catalpa	16	Catalpa	85.5774	42.27554
36" Basswood	36	Catalpa	85.5767	42.27565	12" Dead	12	Dead	85.5775	42.27558
10" Basswood	10	Catalpa	85.5768	42.27563	12" Walnut	12	Walnut	85.5774	42.27564
10" Basswood	10	Catalpa	85.5768	42.27573	12" Walnut	12	Walnut	85.5774	42.2757
15" Walnut	15	Walnut	85.5767	42.27517	12" Walnut	12	Walnut	85.5773	42.2757
15" Walnut	15	Walnut	85.5765	42.2752	12" Dead	12	Dead	85.5773	42.27567
12" Walnut Twin	12	Walnut	85.5766	42.27534	12" Walnut	12	Walnut	85.5773	42.27579
12" Elm	12	Elm	85.5769	42.27505	12" Walnut	12	Walnut	85.5771	42.27567
12" Dead Cluster	12	Dead	85.5768	42.27507	12" Walnut	12	Walnut	85.5772	42.2759
15" Dead Twin	15	Dead	85.5774	42.27548	12" Walnut	12	Walnut	85.5771	42.276
15" Dead	15	Dead	85.5774	42.27550	10" Walnut	10	Walnut	85.5771	42.27607
12" Walnut	12	Walnut	85.5774	42.27555	10" Dead	10	Dead	85.5771	42.27609
15" Maple	15	Maple	85.577	42.27578	12" Dead	12	Dead	85.577	42.27614
10" Elm	10	Elm	85.577	42.276	24" Maple	24	Maple	85.5769	42.27624

LIST OF TREES GREATER THAN 10" DIA.

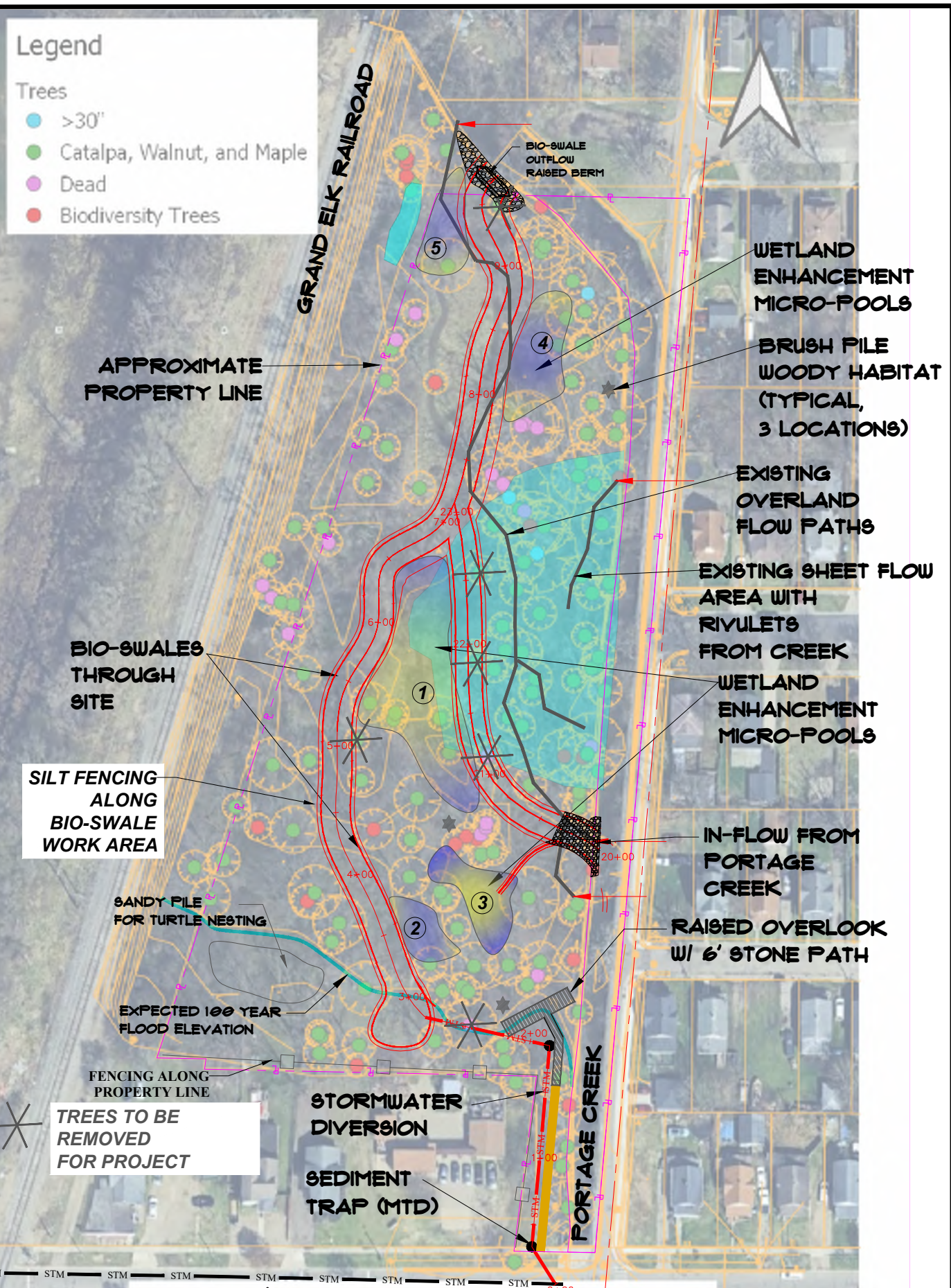
PARCEL AREA = 4.23 ACRES

PORTAGE CREEK = 0.65 ACRES

WOODLANDS = 3.57 ACRES

SURVEYED TREES 165 TREES > 10" DIA.

TREES REMOVED FOR PROJECT 6



DEMOLITION & TREE PROTECTION

SCALE 1"=50'

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 ENVIRONMENTAL SCIENCE & ENGINEERING
 536 E. MICHIGAN AVENUE, SUITE 300, KALAMAZOO, MICHIGAN 49007
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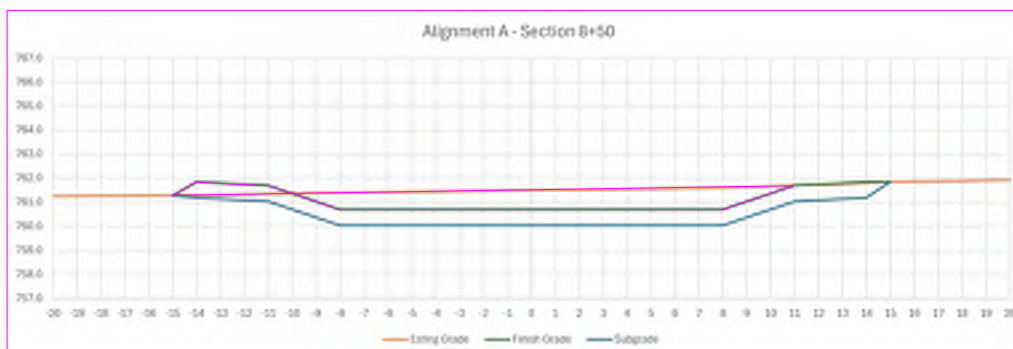
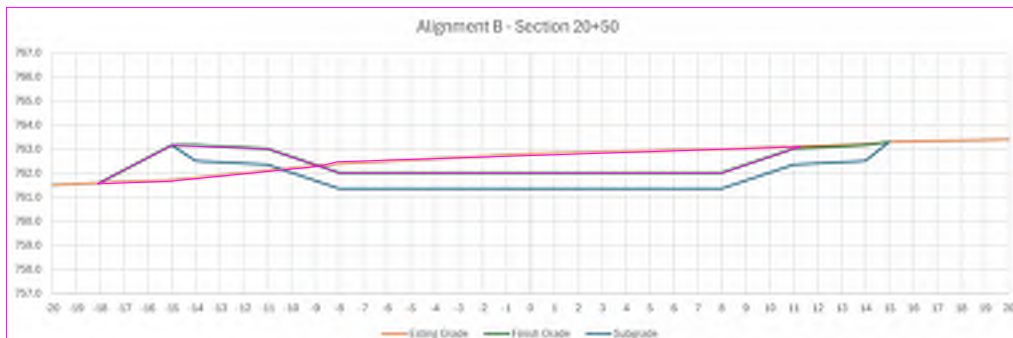
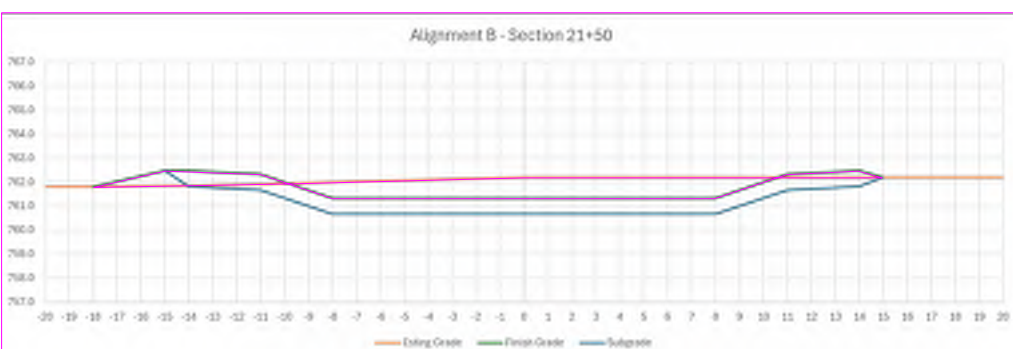
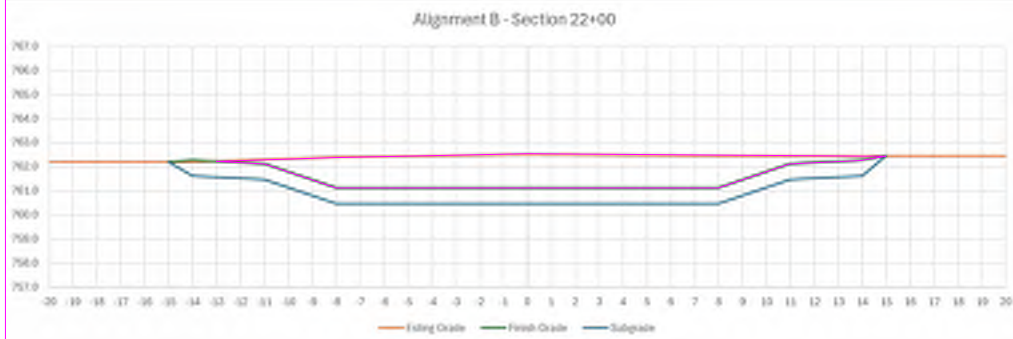
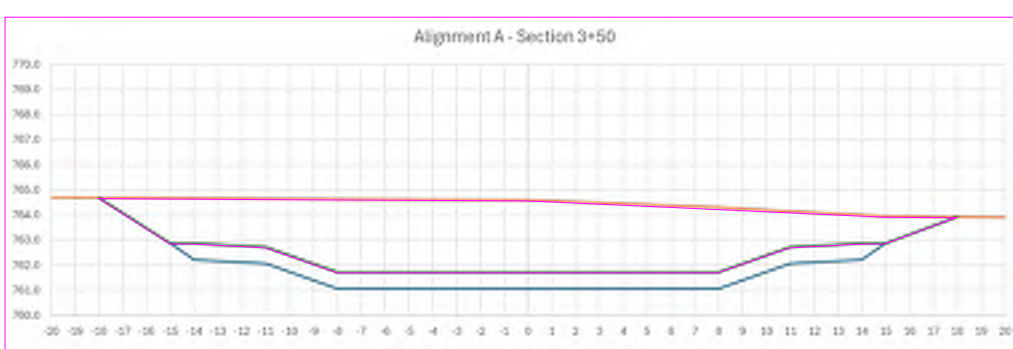
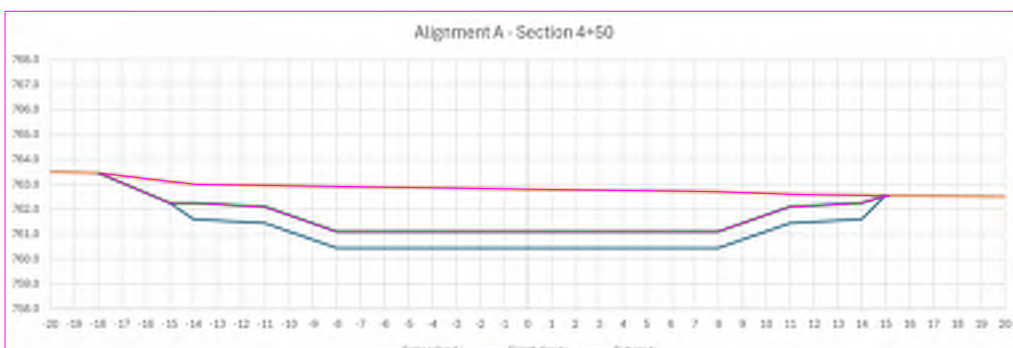
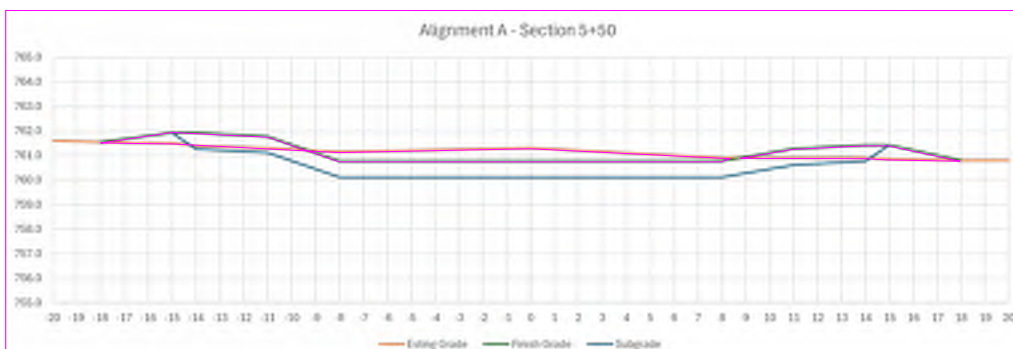
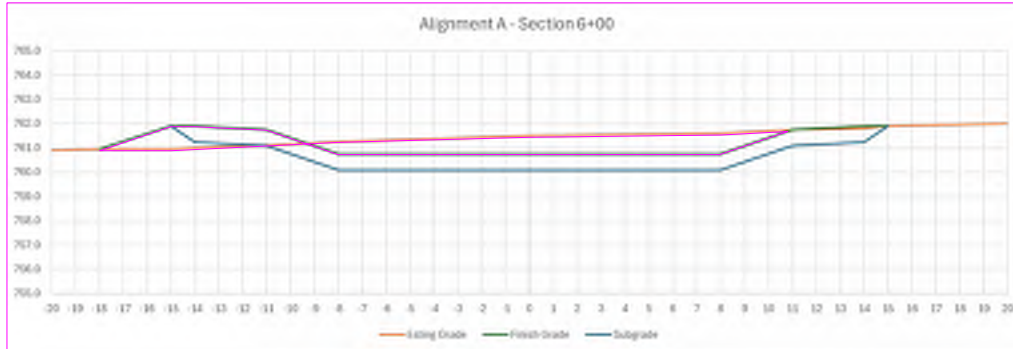
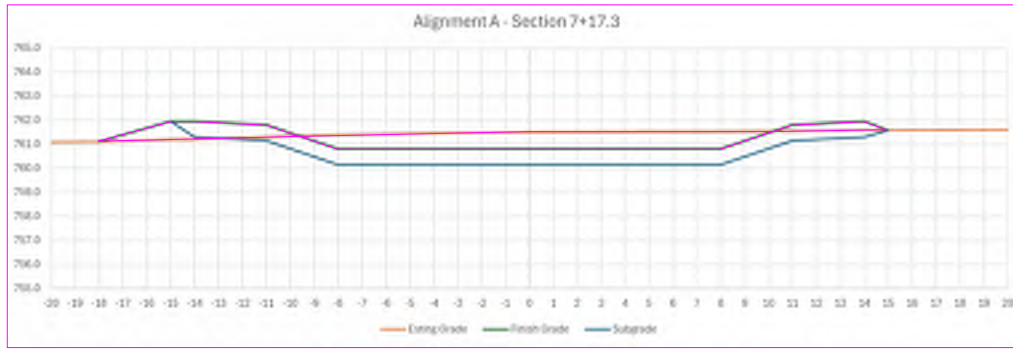
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REED COURT FLOODPLAIN AND STORMWATER IMPROVEMENT PROJECT

DEMOLITION & TREE PROTECTION

DRAWING
3



SECTIONS

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PORTAGE CREEK RENAISSANCE: REED COURT RESTORATION PROJECT

SECTIONS

DRAWING
6



CONCEPT REDERINGS OF VIEWING DECK.

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 ph: (269) 344-7117 fax: (269) 344-2493 www.kieser-associates.com
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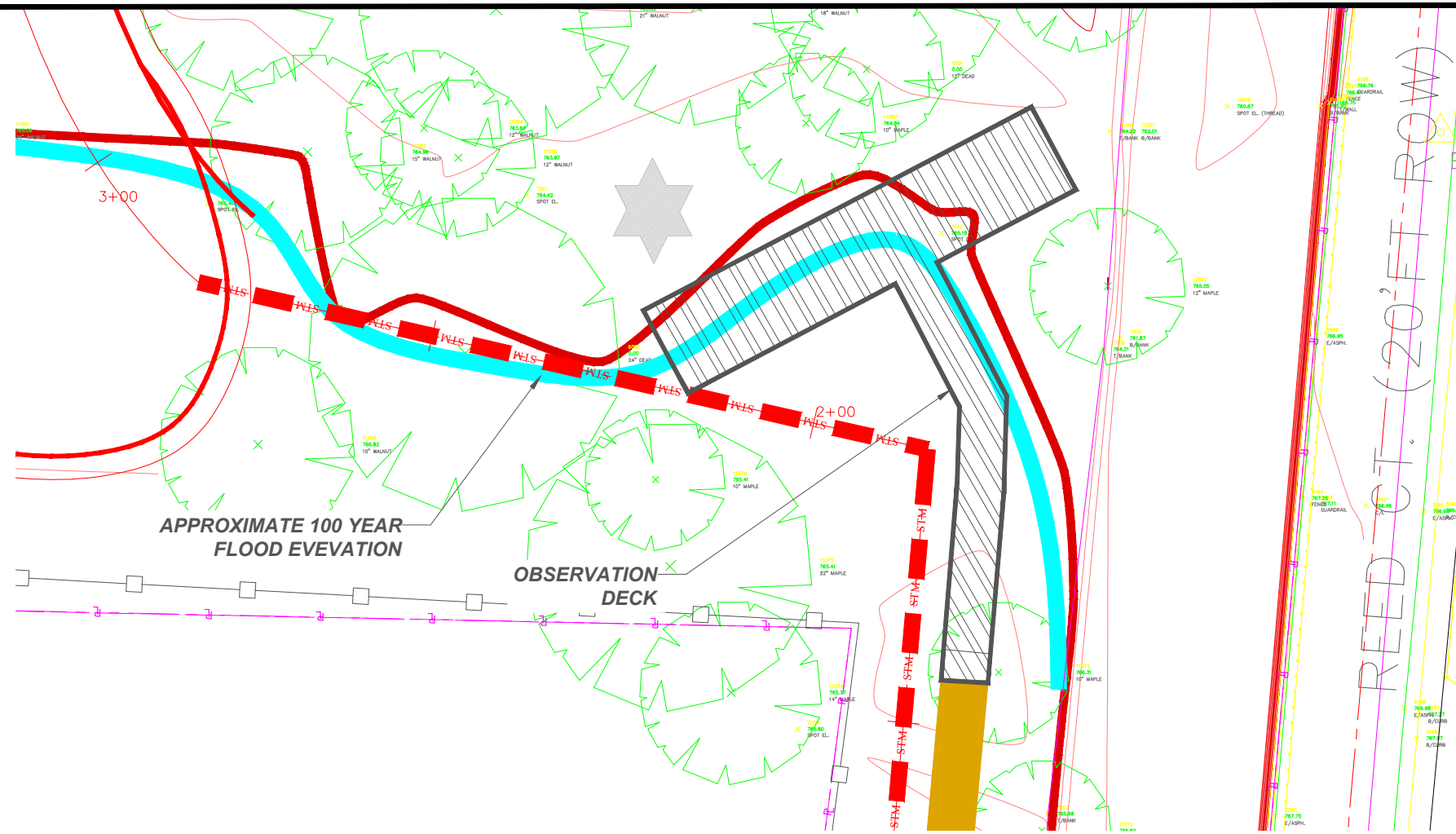
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**REED COURT
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 AND
 STORMWATER
 IMPROVEMENT
 PROJECT**

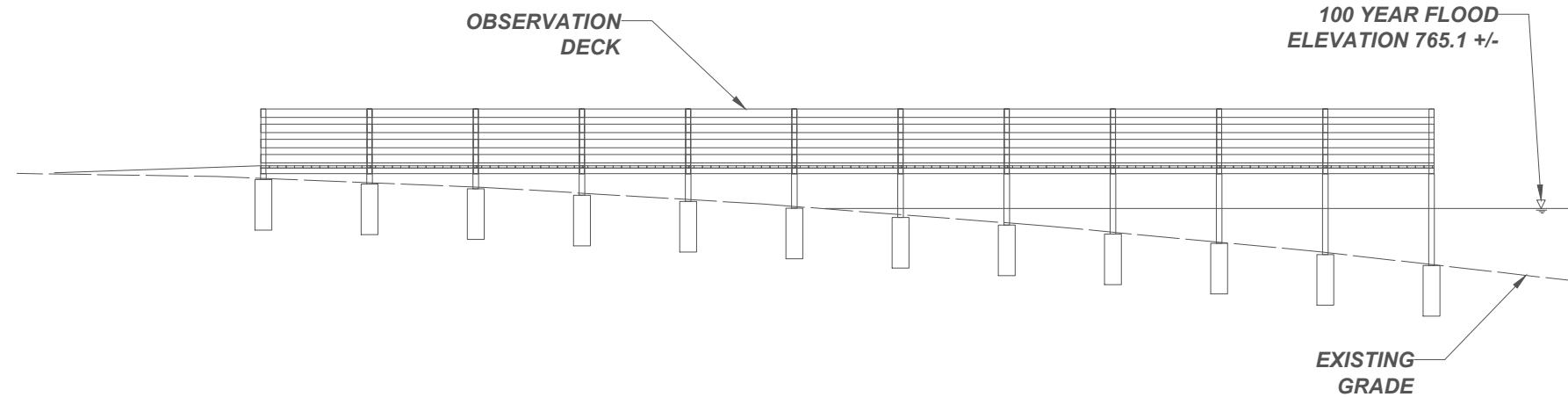
**LANDSCAPE
 CONCEPTS**

DRAWING
7



PLAN VIEW

1"=10'



LONGITUDE SECTION

1"=5'

CONCEPT DETAILS OF VIEWING DECK.

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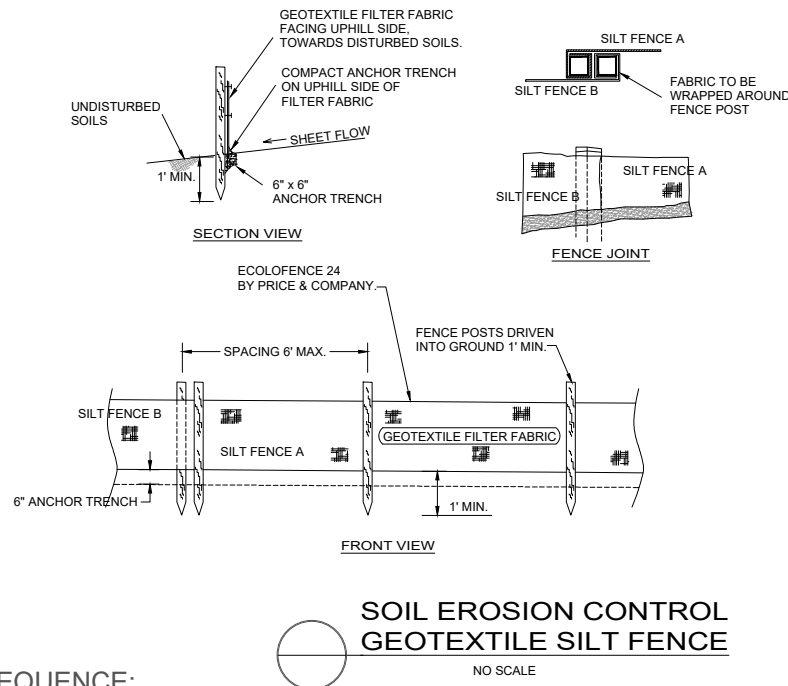
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**REED COURT
 FLOODPLAIN
 AND
 STORMWATER
 IMPROVEMENT
 PROJECT**

**LANDSCAPE
 DETAILS**

DRAWING
8

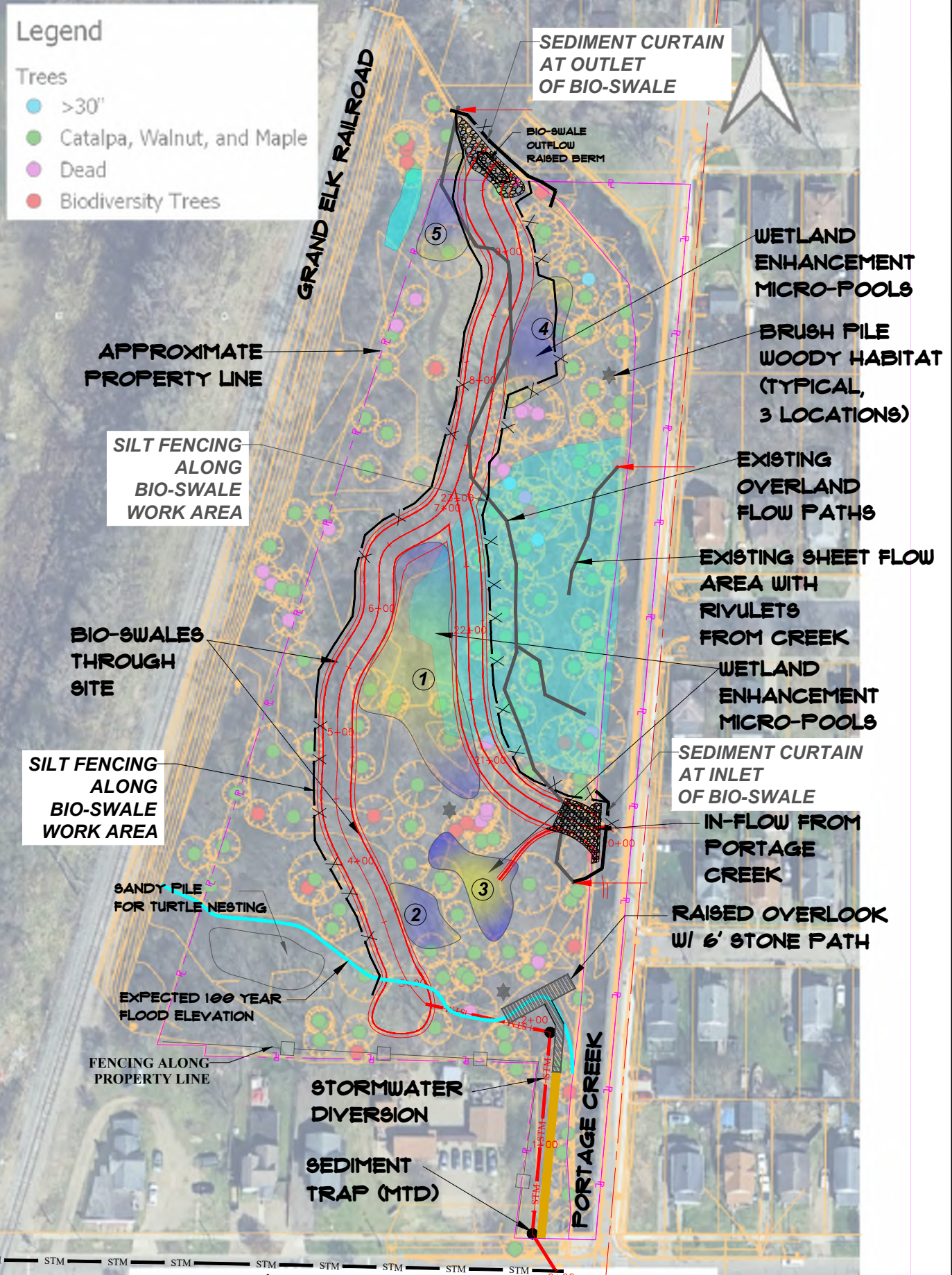


SOIL EROSION CONTROL
GEOTEXTILE SILT FENCE
NO SCALE

WORK SEQUENCE:

PROJECT IS THE RECLAMATION OF A BROWNFIELD SITE, THE PROJECT WILL BE UNDER FULL SOIL EROSION AND SEDIMENT CONTROL (SESC) MEASURES PRIOR TO CONSTRUCTION THROUGH COMPLETION.

- SILT FENCING AND SEDIMENT CURTAINS SHALL BE INSTALLED PRIOR TO ANY WORK.
- ONCE SESC MEASURES ARE IN PLACE, ALL WORK SHALL PROGRESS ALONG THE BIO-SWALE CORRIDOR TO MINIMIZE ANY DISTURBANCE OUTSIDE OF CONTROLLED AREAS. ALL EXCAVATION AND PLACEMENT OF MATERIAL SHALL STAY INSIDE OF A 30' WIDE WORK AREA, AND ALL THE EXCAVATED SOILS MUST BE REMOVED FROM THE SITE EXCEPT FOR CLEAN SAND USED FOR FILL TO SHAPE GRADE.
- THE EXCAVATION AND THE BIO-SWALE PLACEMENT SHALL TAKE PLACE SIMULTANEOUSLY. FIRST, CLEARING OF THE 30' WORK AREA, THEN EXCAVATION AND INSTALLATION OF THE BIO-SWALE STARTING ON THE MOST NORTHERN END AND PROGRESSING SOUTH TO REED STREET WITH THE SECOND BIO-SWALE TO PORTAGE CREEK INCLUDED IN THAT PROGRESSION.
- EACH 50' SECTION OF BIO-SWALE SHALL BE EXCAVATED AND INSTALLED BEFORE THE NEXT SECTION IS BEGUN. THIS WILL ENSURE THAT THE PROTECTION OF PORTAGE CREEK WHICH IS PARAMOUNT AT ALL TIMES. ALSO, THE MICRO-POOLS AND WETLAND ENHANCEMENTS SHALL BE COMPLETED SIMULTANEOUSLY ALONG WITH THE BIO-SWALES AS THE BIO-SWALE CORRIDOR WILL BE THE ONLY ALLOWABLE ACCESS FOR THE WORK.
- THE CONSTRUCTION OF THE OUTLET OF THE BIO-SWALE SHALL BE COMPLETED FIRST, AS IT WILL BE THE CONTROL STRUCTURE TO ANY SOIL EROSION AND SEDIMENT CONTROL.. A 10-FOOT WIDE AREA EXCAVATED IN FRONT OF EACH 50 FOOT AREA SHALL ACT AS A TEMPORARY SEDIMENT BASIN. THE BIO-SWALE ITSELF SHALL BE PART OF THE SOIL EROSION AND SEDIMENT CONTROL MEASURES. PLANTINGS AND FINISHING OF THE WORK ALONG THE BIO-SWALE SHALL BE COMPLETE IN EACH 50-FOOT SECTION SO AS TO FINISH THAT SECTION COMPLETELY.



SOIL EROSION & SEDIMENT CONTROL

SCALE 1"=50'

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 ENVIRONMENTAL SCIENCE & ENGINEERING
 536 E. MICHIGAN AVENUE, SUITE 300, KALAMAZOO, MICHIGAN 49007
 ph: (269) 344-7117 fax: (269) 344-2493 www.kieser-associates.com

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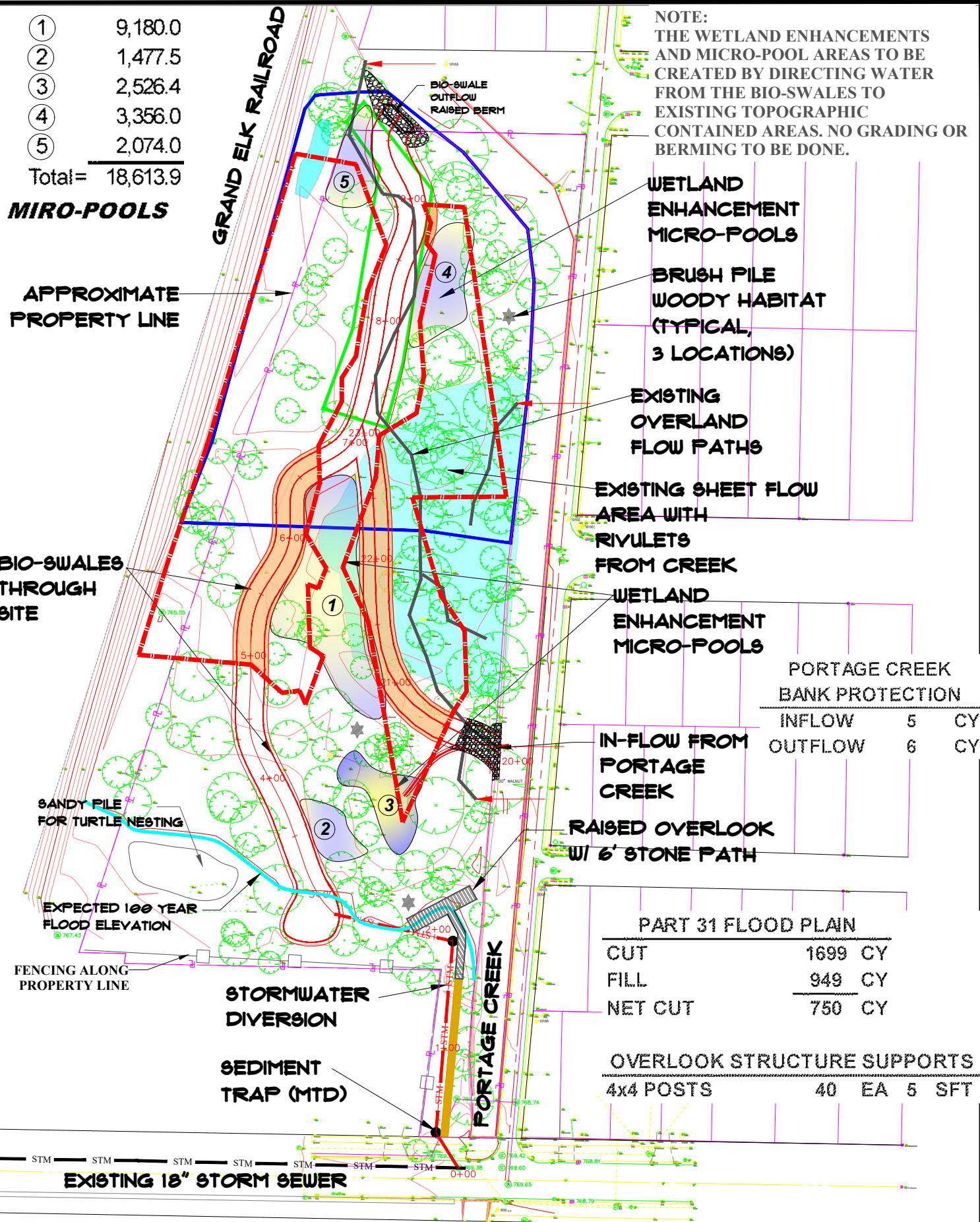
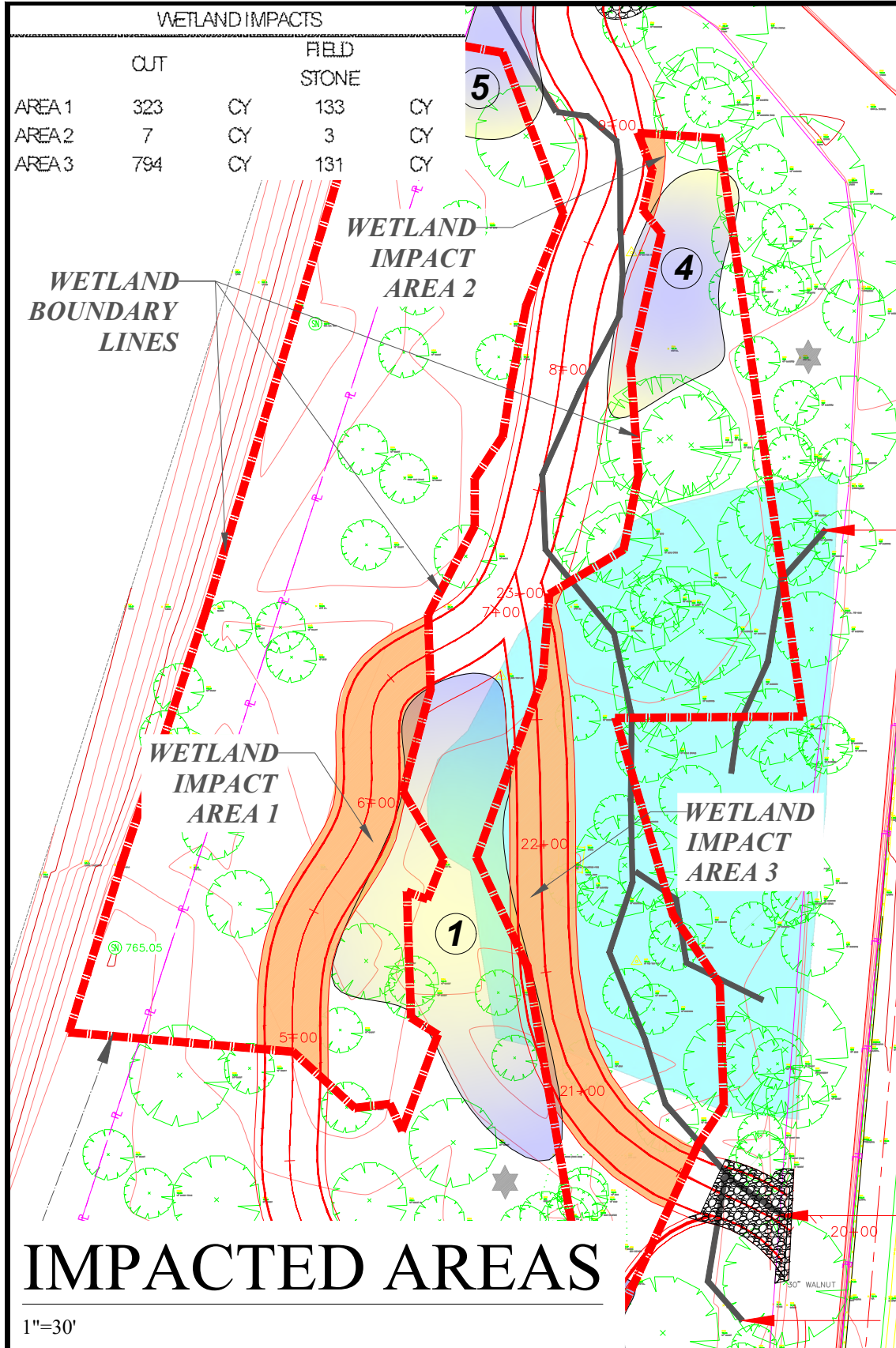
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REED COURT FLOODPLAIN AND STORMWATER IMPROVEMENT PROJECT

SOIL EROSION & SEDIMENT CONTROL

DRAWING
9



WETLAND IMPACTS PLAN

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 536 E. MICHIGAN AVENUE, SUITE 300, KALAMAZOO, MICHIGAN 49007
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THE CITY OF
Kalamazoo

REED COURT FLOODPLAIN AND STORMWATER IMPROVEMENT PROJECT

WETLAND DELINEATION & PROTECTION

DRAWING
10

To: Ryan Wilder Darnton, P.E.
NOAA Restoration Center,
On behalf of the Kalamazoo River
NRDA Trustees

Date: October 24, 2023

From: Mark S. Kieser, Senior Scientist
Kieser & Associates, LLC

cc: Anthony Ladd, City of
Kalamazoo,
Tom Wheat, P&N
Sandy Bliesener, OCBA
Bruce Merchant, MERCS

RE: Reed Court Floodplain and Stormwater Improvement Project:
DRAFT Feasibility Study

0.0. Project Overview

The purpose of this Feasibility Study was to assess options and benefits with conceptual designs for Portage Creek water quality protection, floodplain restoration, connectivity and ecological enhancement associated with a proposed Reed Court Floodplain and Stormwater Improvement Project. These initial assessment efforts have been funded by the Kalamazoo River Natural Resources Damage Assessment as administered by NRDA Trustees. This memorandum provides the first draft of the feasibility analysis for Trustee review and consideration of full project implementation. Future implementation efforts will ultimately seek alignment with the “Final Restoration Plan and Programmatic Environmental Impact Statement for Restoration” for the Kalamazoo River.¹

Owned by the City of Kalamazoo Brownfield Redevelopment authority, the 4.2-acre Reed Court Project Site is situated immediately downstream of the former Allied Paper mill operation along Portage Creek. The site has seen a range of uses and is highly disturbed. Use of this site was previously envisioned for treatment of urban stormwater runoff from City streets as part of the Portage-Arcadia Creek Watershed Management Plan. It was more recently examined for stream restoration and connectivity between upper and lower stretches of the creek through a privately-led initiative dubbed the Portage Creek Renaissance (PCR). Kalamazoo-based collaborators behind the PCR include Kieser & Associates, LLC (K&A), Prein & Newhof (P&N), Merchant Environmental and Regulatory Consulting Services, LLC (MERCS), and landscape architects, O'Boyle, Cowell, Blalock, & Associates, Inc. (OCBA).

¹ Abt Associates/Stratus Consulting Inc. 2016. Final Restoration Plan and Programmatic Environmental Impact Statement for Restoration Resulting from the Kalamazoo River Natural Resource Damage Assessment. August 2016; SC13483; 1-I-4. Available online at: [https://pub-data.diver.orr.noaa.gov/admin-record/6723/Final Restoration Plan and Programmatic Environmental Impact Statement for Restoration Resulting from the Kalamazoo River Natural Resource Damage Assessment.pdf](https://pub-data.diver.orr.noaa.gov/admin-record/6723/Final_Restoration_Plan_and_Programmatic_Environmental_Impact_Statement_for_Restoration_Resulting_from_the_Kalamazoo_River_Natural_Resource_Damage_Assessment.pdf).

The opportunity to evaluate enhancement of Portage Creek and connected floodplains at this City Brownfield site was formally recommended to the Trustees by PCR collaborators as part of the 2021 Natural Resources Damage Assessment compensation funding. As a designated brownfield site, Trustee support for this feasibility study was placed with the City of Kalamazoo as project administrator. The City in turn, retained the PCR team using P&N's designation as a pre-approved engineering consultant to the City. Under this P&N lead, K&A directed feasibility study activities on the project as reported herein. These four professional organizations are herein referred to as the Reed Court Floodplain and Stormwater Improvement Project Team. As such, this draft feasibility study includes the following sections and appendices in accordance with the final approved project scope between the Trustees and the City of Kalamazoo:

- Section 1. Reed Court Restoration in the Renaissance Vision*
- Section 2. Reed Court Project Vision*
- Section 3. Feasibility Study Elements*
- Section 4. Feasibility Study Findings*
- Section 5. Projected Implementation Costs*

Supporting documents are provided as appendices that include:

- Appendix A – Reed Court Wetland Delineation Report*
- Appendix B – Summary of PCB Cleanup Results*
- Appendix C – Historic Aerial Photo Imagery*

1.0. Reed Court Restoration in the Renaissance Vision

PCR collaborators seek to encourage and promote long-term ecological restoration, water resource protection, public access, renewed community connectedness, and economic development throughout the entire Portage Creek corridor. This envisions the creek as a natural connector of riparian communities with a modern view of natural amenities and post-industrial community access. Such community transformation includes multi-sector stakeholder interest in restoring the creek in the context of an EPA-approved watershed management plan while driving recreational and economic growth. Since the end of the legacy era of paper mills along the creek, many public and private sector initiatives have worked to restore sections of Portage Creek, including the removal of PCBs and industrial blight, as well as water quality and habitat restoration. These projects underpin the objective for regaining a fully-connected, restored stream and riparian corridor that once naturally connected the region's inhabitants.

The Reed Court Floodplain and Stormwater Improvement Project directly aligns with the PCR vision of paddling unencumbered the 12.5 miles from Portage Creek's headwaters at Hampton Lake, downstream through the heart of Portage and Kalamazoo, to the confluence with the Kalamazoo River. A restored Portage Creek corridor provides the model for re-establishing a long-ignored public ecological and water resource amenity, offering fishing for brown trout and brook trout, and allowing partial (maybe one day, full) body contact without fear of adverse exposure risks. At designated launches, pedestrians could traverse on a shared walking and biking path, stopping at nearby parks, businesses, schools, and restaurants, which cater to citizenry along the creek's corridor. This corridor vision seeks to recreate a natural transportation

corridor on water, protect and enhance stream and wetland ecology and function, and reveal it as a vibrant and vital community asset. This translates well to a restored Reed Court project site as conceptualized in Figure 1.1.



Figure 1.1. Conceptual vision for restored floodplains, Portage Creek connectivity and public access.

Many obstacles remain towards achieving the full Portage Creek Renaissance vision. Obsolete spillways and low-head dams, low clearance bridges, hydraulic flashiness during storms, flooding and floodplain losses, and pollution from unmitigated stormwater discharges are just a few examples. While some infrastructure changes may take years or decades, a renaissance vision of Portage Creek will only be possible with long-range planning initiated in the present through cooperative intergovernmental and inter-organizational dedication. The Reed Court project will bolster such opportunities, showcasing creek and floodplain restoration benefits while placing high priority on natural resources with wise riparian development and restored uses focused on naturalized connectivity within the corridor.

2.0. Reed Court Project Vision

The proposed Reed Court Floodplain and Stormwater Improvement Project is located along the west bank of Portage Creek north (downstream) of Reed Avenue on a City-owned brownfield parcel located between Reed Avenue, Stockbridge Street and Reed Court (see Figure 2.1). The 4.2-acre property address is 433 Reed Avenue with parcel ID 06-22-467-002.

In alignment with the broader vision of the Portage Creek Renaissance, the Reed Court restoration project proposes to enhance key aspects of the stream corridor and riparian areas of this parcel. This includes the creation of stormwater bioretention coupled with floodplain and wetland reconnection/enhancement at the site. This proposed restoration will include annually off-lining approximately 7.4 acre-feet of untreated stormwater through the project site that is

otherwise directed to Portage Creek. Stormwater inputs would be routed through a buried mechanical treatment device for coarse sediment removal that would be out of the public view. Stormwater would then be directed through a naturalized series of treatment features to dissipate flashy flows while saturating restored wetland features providing diversified ecological habitat. These elements of the envisioned project would also provide an opportunity to link pedestrian pathways for site access and nature viewing with educational signage.

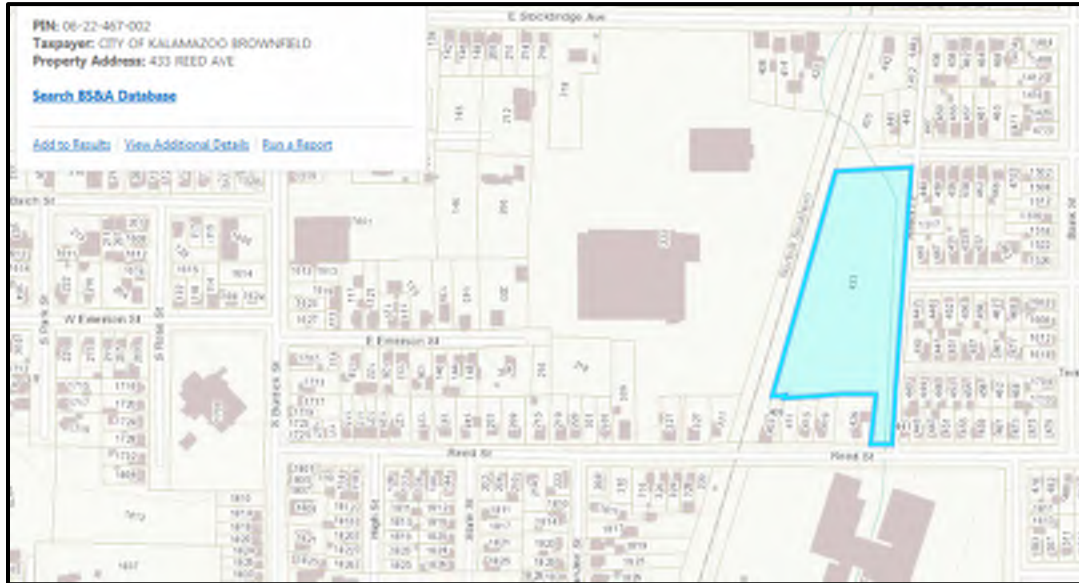


Figure 2.1. Kalamazoo City GIS Property Map with Project Site highlighted. (Source: Kalamazoo City Geospatial Information Services, accessed 5/7/20).

Full project implementation, if approved by the Trustees, is intended to build upon similar riparian area design components of the KVCC Culinary Campus site improvements, downstream of this Reed Court property (Figure 2.2). The project will also connect to the completed creek and floodplain restoration up to the removal of the Alcott Street dam, immediately upstream of the project site (Figure 2.3).



Figure 2.2. Portage Creek and floodplain reconnection downstream of the Reed Court Project Site and immediately upstream and adjacent to the KVCC Culinary Campus (during restoration--above photo, and 5 years post-construction--below).

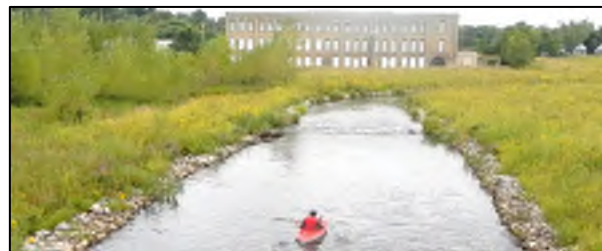


Figure 2.3. Portage Creek and Floodplain Restoration immediately upstream of the project site and below the removed Alcott Street dam at the former Allied Paper Mill site.

As proposed to the Trustees, goals and objectives for the Reed Court Floodplain and Stormwater Improvement Project include:

- 1) Reduction of direct stormwater inputs to Portage Creek (reduced pollutant loading)
- 2) Naturalized creek corridor connectivity with enhanced floodplain areas (native habitat and vegetation)
- 3) Recognition of, and integration with future Kalamazoo River Valley Trailway (KRVT) considerations where possible
- 4) Public access and education (signage)
- 5) Continued Portage-Arcadia Creek and Kalamazoo River water quality improvements (WMP and TMDL goals).

3.0. Feasibility Study Elements

To best assess and conceptually design a creek and ecological restoration project on Portage Creek and its floodplain at the Reed Court Brownfield Redevelopment site, the feasibility study included Project Team assessments of:

1. Mutual agency, City and Project Team site visits and observations.
2. Assessment of current on-site vegetation
 - a. Natural features to preserve
 - b. Invasive species to remove/prevent
3. Wetland delineation
4. Topographic assessment of the existing site and possibilities for enhanced connections of the stream to the floodplain.
5. EPA data review to identify potential remaining PCB hotspots.
6. Current and historic aerial photograph reviews to identify historic changes and seasonal shifts.
7. Stakeholder and surrounding property owner engagement to identify public outreach needs.
8. Stormwater infrastructure and hydraulics analysis.
9. Review of existing and planned stormwater, wetlands, floodplains, and trailway options to ensure proper coordination for future improvements.
10. Preparation of conceptual engineering drawings and landscape architectural renderings, public access possibilities and limitations, and linkages to other restoration efforts.
11. Projected water quality, hydrology, ecology, and social benefits.
12. Estimation of implementation costs.

Section 4 of this memorandum presents draft findings of elements 1-11 above; Section 5 provides estimates of project implementation costs (element 12).

4.0. Feasibility Study Findings

Findings of this draft feasibility study are presented here to address considerations for Trustee consideration of full project implementation. These touch on stakeholder coordination,

preliminary community outreach, baseline data collection, and conceptual engineering/costing of the project.

4.1. Joint On-site Walkover

Before the Project Team initiated project efforts, representatives of the Trustees met at the Reed Court Brownfield Redevelopment project site with City of Kalamazoo officials to jointly discuss the proposed project and site conditions. This walkover included general discussions of project improvement options, and both City and Trustees interests in site restoration. This early walkover aided in initiating collaborative discussions between the Project Team, the City and Trustees as a kick-off for the project efforts. Additional communications with the City officials and Trustees occurred periodically during the development of these concept plans to keep the project stakeholders involved in the conceptual project development process.

4.2. Current On-Site Vegetation

The feasibility study assessed important natural features at the site and detailed where native Michigan vegetation could be incorporated into the riparian, wetland, and upland areas as a part of on-site stormwater treatment, riparian restoration, and wildlife habitat creation. This was accomplished through K&A on-site surveying of existing vegetation and natural features throughout the proposed project site in the summer of 2022. This included the identification of beneficial or unique natural features to preserve and protect, as well as invasive or harmful species which will need to be managed or removed to prevent their spread.

Natural features considered vital to preserve targeted Michigan native species, rare or endangered species, and well-established vegetation. The latter includes trees which may or may not be native to Michigan but provide important wildlife habitat or aesthetic value to the project site. Invasive species present were identified using Michigan DNR lists of terrestrial, wetland, and aquatic invasive species. These efforts took place in tandem with a wetland delineation (see Section 4.3).

Before the vegetation survey was conducted, K&A compiled a watchlist of rare and endangered species in Michigan that could potentially be found at the site (Table 4.1). K&A utilized the list to determine if the Reed Court floodplain site was critical habitat for native and endangered species. The compilation of the rare and endangered species list will also be used to inform the various ecological aspects of project development if restoration moves forward.

The vegetation survey was conducted on Thursday, August 25, 2022, in tandem with the wetland delineation. The survey examined three sample sites with notation of vegetation in three strata: tree, sapling/shrub, and herbaceous. The three strata were surveyed in sampling plots with radii of 30 ft, 15 ft, and 5 ft, respectively. Plants were identified using the 2016 National Wetland Plant List in combination with identification apps such as Seek and I-Naturalist for mobile devices.

Table 4.1. List of rare and endangered species in Michigan considered for site observations.

Michigan Rare and Endangered Speices Watchlist	
Common Name	Scientific Name
Animals	
Snuffbox	Epioblasma triquetra
Creek chubsucker	Erimyzon claviformis
Lambda snaggletooth	Gastrocopta holzingeri
Indiana bat	Myotis sodalis
Mitchell's satyr	Neonympha mitchellii mitchellii
Pugnose shiner	Notropis anogenus
Regal fritillary	Speyeria idalia
Plants	
Gattinger's gerardia	Agalinis gattingeri
Cream wild indigo	Baptisia leucophaea
Kitten-tails	Besseyia bullii
Straw sedge	Carex straminea
White gentian	Gentiana alba
Bowman's root	Gillenia trifoliata
Climbing fern	Lygodium palmatum
Virginia bluebells	Mertensia virginica
Orange- or yellow-fringed orchid	Platanthera ciliaris
Swamp or Black cottonwood	Populus heterophylla
Few-flowered nut rush	Scleria pauciflora
Fleshy stitchwort	Stellaria crassifolia

A total of 37 species were observed throughout the 3 sampling locations, none of the rare and endangered species that were compiled before the survey in Table 4.1 were found at the site. These are provided in Table 4.2.

Out of the 37 recorded species, 4 invasive species were found. The invasive species present throughout the site were common buckthorn (*Rhamnus cathartica*), amur honeysuckle (*Lonicera maackii*), purple loosestrife (*Lythrum salicaria*), and common periwinkle (*Vinca minor*). Of these invasive species, common buckthorn was the most abundant, appearing in 2 sampling locations and often the dominant vegetation in the places where it was present. During future potential implementation of the Reed Court project, careful consideration for the prevention and remediation of the spread of these invasive species would be necessary to preserve the restoration investment value of biodiversity and ecosystem services of the native biota.

During this vegetation survey, notes regarding different habitat features were also taken. One of the more unique features within the project area was, for example, a large tree that had fallen into Portage Creek, providing habitat and structural diversity for both aquatic and terrestrial species populating the site. Additionally, there were a few pools of standing water on the site near the Creek which would provide crucial habitat in the life cycle of many amphibians. Observing, preserving and/or enhancing these elements during formal site planning and engineering would be a priority in the context of overall restoration objectives.

Table 4.2. Vegetation observed in Each Stratum at 3 Sampling Locations.

	Common Name	Latin Name	Dominant	Invasive
Site 1				
Tree	northern catalpa	<i>Catalpa speciosa</i>	X	
	American black walnut	<i>Juglans nigra</i>		
	American elm	<i>Ulmus americana</i>		
	common buckthorn	<i>Rhamnus cathartica</i>	X	X
	common mulberry	<i>Morus alba</i>		
	sugar maple	<i>Acer saccharum</i>		
Saplings/Shrubs	common buckthorn	<i>Rhamnus cathartica</i>	X	X
Herbaceous	Orange jewelweed	<i>Impatiens capensis</i>	X	
	cut-grass	<i>Leersia oryzoides</i>	X	
	blue skullcap	<i>Scutellaria lateriflora</i>		
	cattail	<i>Typha sp.</i>		
	clearweed	<i>Pilea pumila</i>		
	white aster	<i>Symphotrichum lanceolatum</i>		
	water pepper	<i>Persicaria hydropiper</i>		
Site 2				
Tree	northern catalpa	<i>Catalpa speciosa</i>	X	
	sugar maple	<i>acer saccharum</i>	X	
Saplings/Shrubs	common ninebark	<i>Physocarpus opulifolius</i>	X	
	American senna	<i>Senna hebecarpa,</i>		
Herbaceous	switchgrass	<i>Panicum virgatum</i>		
	Canada goldenrod	<i>Solidago canadensis</i>	X	
	giant ironweed	<i>Vernonia gigantea</i>		
	foxglove beardtongue	<i>Penstemon digitalis</i>		
	Virginia wildrye	<i>Elymus virginicus</i>		
	big bluestem	<i>Andropogon gerardi</i>		
	black-eyed susan	<i>Rudbeckia hirta</i>		
	orange coneflower	<i>Rudbeckia fulgida</i>		
	purple loosetrife	<i>Lythrum salicaria</i>		X
	red fescue	<i>Festuca rubra</i>	X	
	New-England aster	<i>Symphotrichum novae-angliae</i>		
	false strawberry	<i>Potentilla indica</i>		
	Site 3			
Tree	sugar maple	<i>Acer saccharum</i>	X	
	common hackberry	<i>Celtis occidentalis</i>		
	black willow	<i>Salix nigra</i>		
	American Elm	<i>Ulmus americana</i>	X	
Saplings/Shrubs	common buckthorn	<i>Rhamnus cathartica</i>	X	X
	Amur honeysuckle	<i>Lonicera maackii</i>		X
	American Elm	<i>Ulmus americana</i>		
Herbaceous	blue violet	<i>Viola sororia</i>	X	
	Canadian moonseed	<i>Menispermum canadense</i>		
	false strawberry	<i>Potentilla indica</i>		
	Virginia creeper	<i>Parthenocissus quinquefolia</i>	X	
	common periwinkle	<i>Vinca minor</i>		X
	Virginia wildrye	<i>Elymus virginicus</i>		
	common buckthorn	<i>Rhamnus cathartica</i>	X	X
	giant goldenrod	<i>Solidago gigantea</i>		
	creeping jenny	<i>Lysimachia nummularia</i>		
	poison ivy	<i>Toxicodendron radicans</i>		

4.3. Wetland Delineation

K&A conducted a full wetland delineation on the project site in tandem with the vegetation survey to determine and demarcate the extent of existing wetlands within the project boundaries. The wetland delineation provided critical information for this feasibility study to better define site topographic contours as well as provide valuable information on the size and function of wetlands at the site.

In total, 1.53 acres of the site were delineated as wetlands. These areas were divided by the remnants of the construction grid used in the PCB Remediation efforts in 2011-2012. The divided wetland areas are 0.92 and 0.61 acres respectively (Figure 4.1). These conditions will necessitate wetlands permitting requirements for future restoration efforts. The full wetland delineation report can be found in Appendix A.



Figure 4.1. Delineated wetlands at the Portage Creek and Floodplain Restoration project site.

4.4. Topography of the Existing Site

The existing project location lies within the A/E zone and X zone of the floodplain with approximately 3.4 acres (or 81.3%) of the property lying within the floodplain. The property is listed by the City of Kalamazoo natural features protection ordinance and has been selected as a protected natural feature by the City of Kalamazoo Code of Ordinances.

Topography of the site was determined using existing topographic maps, such as the Kalamazoo City GIS contour maps, as well as on-site confirmation of contours through the wetland delineation efforts. Topographic contours were compared to USGS datum to help assess potential floodplain connections of the stream to the floodplain, as well as possible placement of a stormwater treatment elements. Creek channel topography was also compared to USGS water level and flow data for Portage Creek, gathered over the past several years at the Reed Avenue USGS gaging station. Updated site topography by Prein & Newhof was also collected during early summer of 2022 with utility updates provided to K&A in December of 2022 for project site conceptualizations (see Section 4.10).

From the compilation of these data, it was determined that the terrain of the site is relatively low-lying with an elevation range of 759-770 feet. These flat conditions are what maintain the wetland ecosystems and existing floodplain area found within the site. Figure 4.2 displays survey contours at the site and surrounding areas, highlighting Portage Creek in blue. Figure 4.3 displays these elevation contours in relation to the project site boundaries, the flood plain and Creek.



Figure 4.2. Topographic contours and Portage Creek highlighted adjacent to Project Site in blue. (Source: Kalamazoo City Geospatial Information Services, accessed 5/7/20).

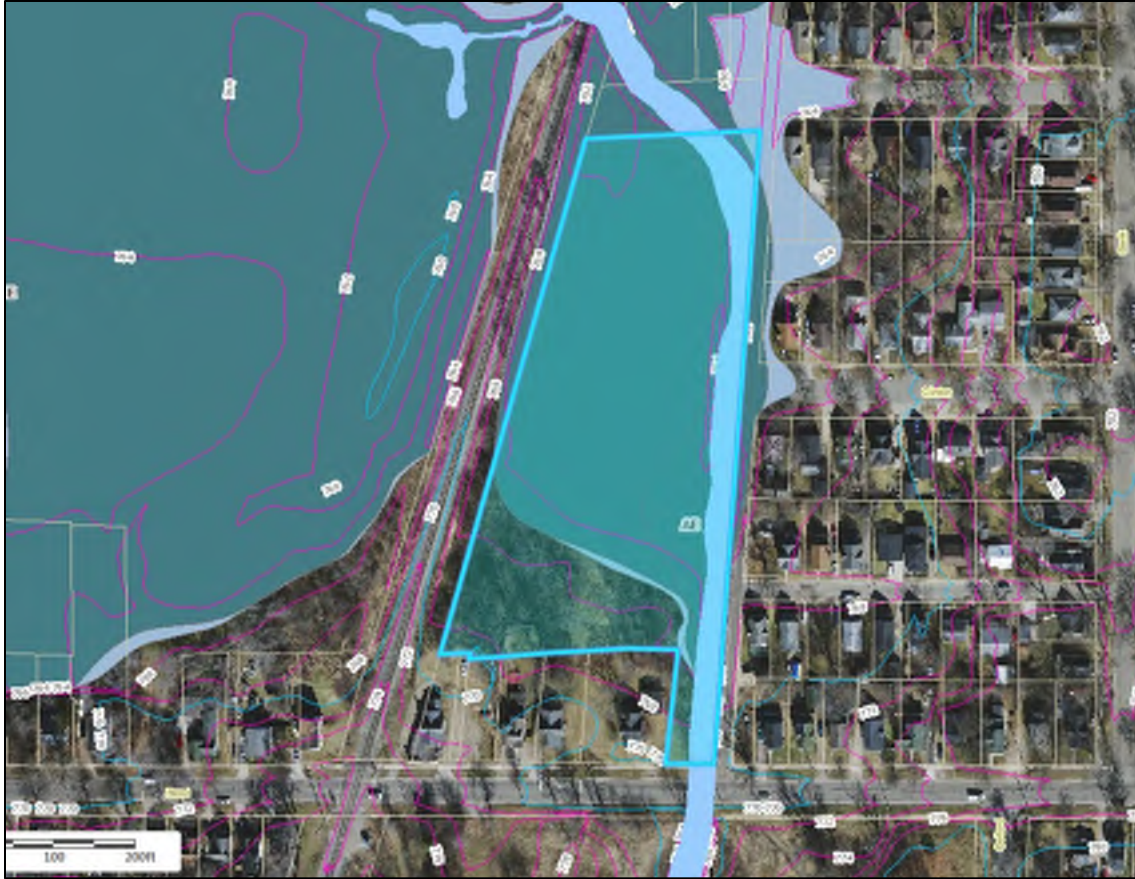


Figure 4.3. Topographic contours and Portage Creek with floodplain in green, highlighted in relation to the Project Site (outlined in blue) (Source: Kalamazoo City Geospatial Information Services, accessed 5/7/20).

4.5. EPA Data Review – Potential Pollutants

As part of the Superfund Site cleanup of legacy PCB pollution resulting from historic paper mill discharges to Portage Creek, the U.S. EPA Region V conducted select PCB removal efforts at the Reed Court project site from 2011-2012. The northern portion of this Reed Court Brownfield Redevelopment Site where these actions occurred, was referred to as “Portage Creek Area SA7”. These previous actions were part of the “Time-Critical Removal Action (TCRA)” efforts initiated by the USEPA. At SA7, these included the removal of PCB-laden soils in select riparian uplands of Portage Creek, in the northern extent of the Reed Court project site.

An EPA contractor map showing this previous project remediation area (and access road configuration associated with TCRA actions) can be found in Figure 4.4. “Removal Grids” in Figure 4.4 depict where the upper two feet of contaminated soils were removed from “high priority” areas in SA7 and backfilled with clean soils. Remaining PCB concentrations below excavated soils had levels of <1 ppm. Low priority areas in SA7 where there was no soil removal had PCB concentrations less than 10 ppm.

As part of the Reed Court restoration feasibility study, K&A along with Project Team member, Bruce Merchant conducted a review of EPA public records for the cleanup of SA7. This included comparing pre-project soil cross-section results with post-project soil cross-section

results, as well as a review of reported project operations. (The summary of the EPA data review by Bruce Merchant can be found in Appendix B.)



Figure 4.4. Soil PCB Remediation Site Map for SA7 TCRA. (Source: US EPA Region V, accessed 5/7/20).

From TCRA operational documentation, Figures 4.5 and 4.6 show where monitoring occurred in relation to site topography. This information is highly relevant to future site restoration options.

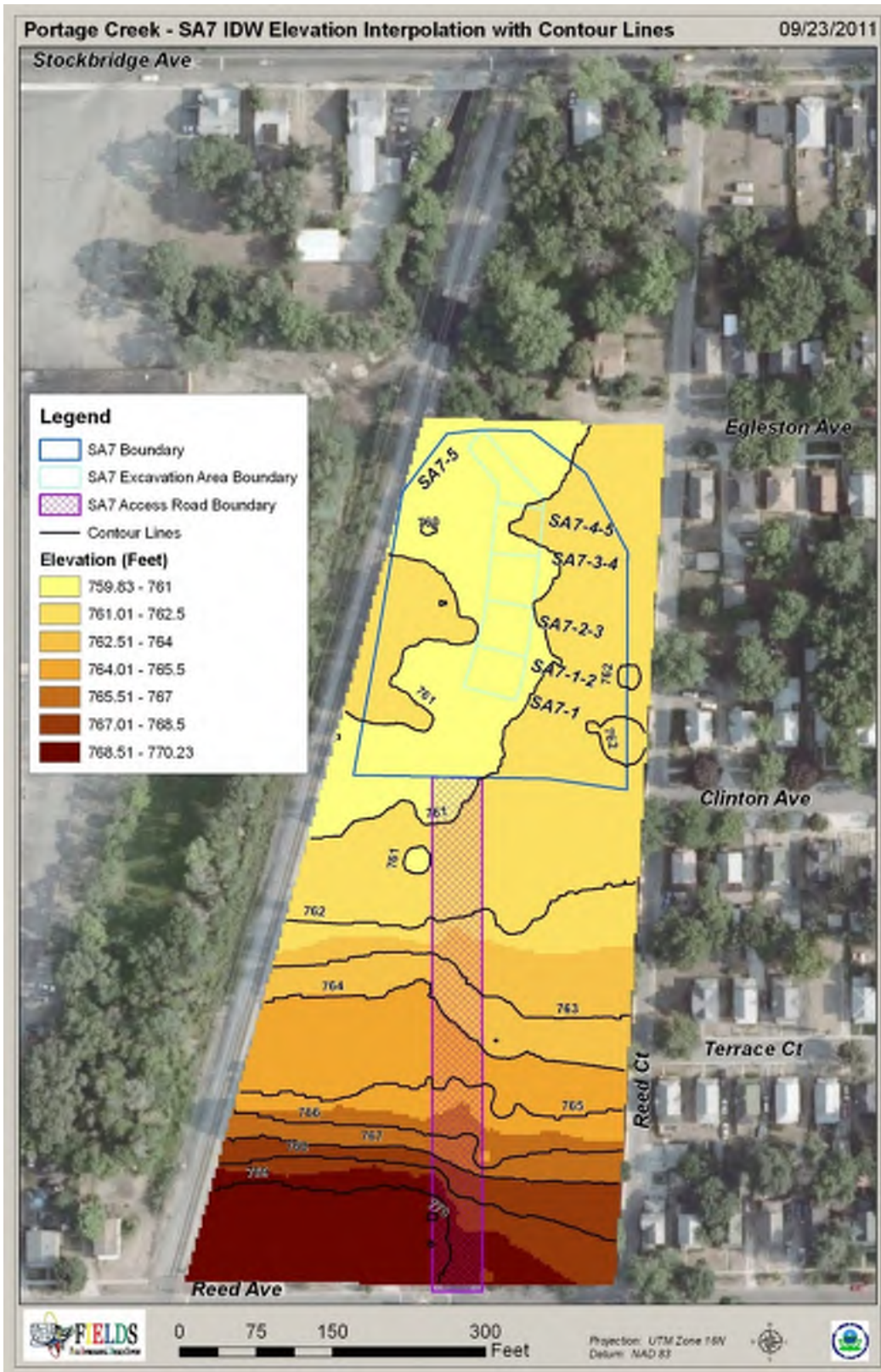


Figure 4.5. Site elevations in relation to previous TCRA activities at the Reed Court site.
(Source: US EPA Region V).

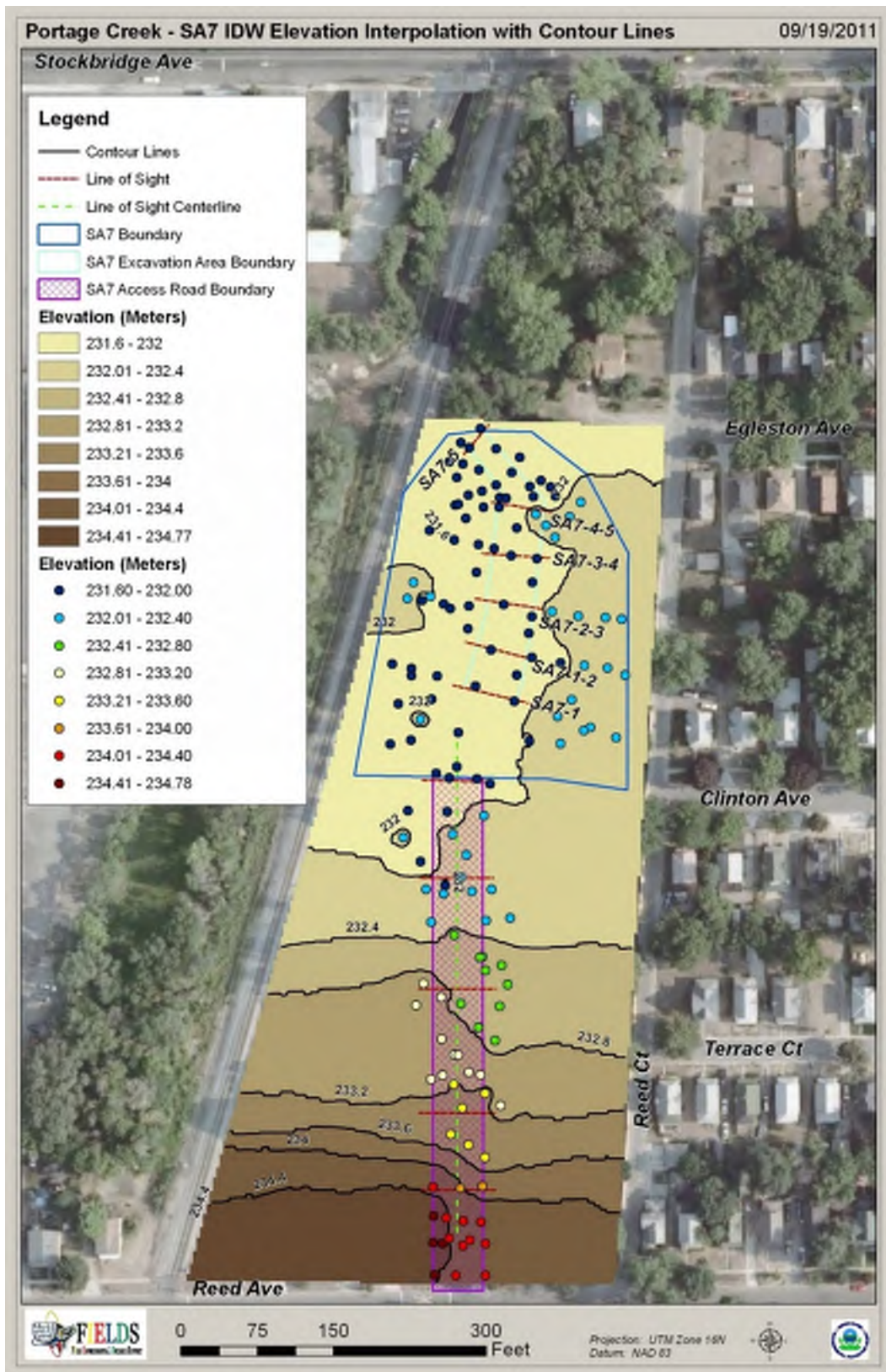


Figure 4.6. Site elevations in relation to previous TCRA sampling activities at the Reed Court site. (Source: US EPA Region V).

Identification of potentially remaining PCBs in areas that may be disturbed under restoration plans will be a critical step in future implementation efforts. This will be necessary to ensure the proposed restoration project can be undertaken safely and that the proper steps for remediation and protection of future water quality and community health are taken. As the future project lead, the City would likely need to obtain approvals from the Superfund program before future earth-moving activities occurred.

4.6. Review of Current and Historic Aerial Photographs

K&A reviewed current and historic aerial photographs of the proposed project site to identify any historic changes, such as the identified EPA cleanup efforts, that have taken place on the site, as well as natural seasonal shifts. This review allowed K&A to better understand the nature of the project site and the extent of the connection between the floodplain and the creek channel during normal or extreme wet weather and high-flow events. Aerial photographs also provided additional confirmation for findings of the on-site vegetation and wetland delineation efforts. Photos for discussion herein are presented in Appendix C. An electronic compilation of these photos, illustrating the minimal changes to the landscape in the past 20 years, can be found at: https://www.kieser-associates.com/s/Reed_Court_Historical_Photos.mov.

Historic aerial photographs of the site revealed that the project area has not been significantly altered since 1999. The most notable alteration to the landscape was the construction grid used in the TCRA PCB remediation efforts in 2011-2012. K&A was involved in the re-planting plans of these disturbed areas that included tree, shrub and grass mixes. Follow-up inspections by K&A revealed early limited successes for larger re-plantings, but also extensive invasive plant species growth by 2013. With time, aerial photos reveal that the overall vegetation disturbance impacts of these remediation efforts on the landscape quickly vanished with re-establishment throughout disturbed areas. No drastic seasonal shifts or alterations in the floodplain during wet weather events were otherwise noticed in the review of the historic aerial photographs.

4.7. Identify Stakeholders and Surrounding Property Owners

Public tax records, as well as access records from the EPA remediation project, were accessed to identify existing property owners surrounding the proposed project site. Additionally, important stakeholders as well as potential public outreach needs were identified through this process by Project Team member, OCBA. This effort was intended to ensure that the project had public support and that post-feasibility study project updates could be provided to relevant individuals. These initial outreach efforts were first coordinated with the City of Kalamazoo.

During the course of these initial project feasibility discussions with City of Kalamazoo Brownfield Redevelopment staff and the City's neighborhood liaison, the City believed it was too soon for broad public outreach. Their sense was that it is too early to meet with local residents; rather, they would meet with the Edison Neighborhood Association Board and forecast City interest in the project to enhance ecological benefits of the creek and adjacent wetlands at the site.

Of greatest concern to the neighbors in this area of the City is flood mitigation. The City identified that they are separately looking at large-scale downstream engineering to address this concern. City staff therefore suggested they would hold only preliminary conversations to clarify that the Reed Court project is ‘restoration of lost uses that may have some flood improvement benefits,’ but is not expressly a flood plain mitigation project. They believe that more detailed project communications should only include broader public engagement when and if there is a commitment on the part of Trustees to advance site restoration efforts. Otherwise, project conversations now might only bring public frustration and disappointment if there are no future funding commitments. To accommodate and support the City’s management of public expectations, more engaged public outreach would be part of future project implementation.

Public access to the project area was also discussed with the City in the context of transient homeless individuals periodically occupying the site. This, combined with the City of Kalamazoo Parks Department’s limited interest in maintaining substantial community access amenities, led the Project Team to reduce public access options in conceptual planning.

Of related note, K&A accessed federal² and state³ Environmental Justice screening tools for the site and surrounding areas. These highlight the disproportionate amount of low-income and minority individuals residing near the project site, further drawing attention to a need for improved access to natural resources in the area. Implementation of the Reed Court Redevelopment project could provide a low-income, diverse, and underserved community, access to a vital, restored natural resource if the project were to advance.

4.8. Stormwater Infrastructure and Hydraulics

Prein & Newhof conducted a thorough review of the existing stormwater infrastructure in the Reed Court Project area to assist with informed decision-making regarding design of proposed stormwater treatment elements of the project. This effort initially relied on public records of Kalamazoo City storm sewers and the topography review. These reviews were coupled with on-site inspections of stormsewer inlets and outfalls by K&A to verify review findings and proceed with final conceptual design. The stormwater infrastructure review included hydraulic calculations to guide initial designs, ensuring the proposed system can adequately capture and treat stormwater runoff as originally envisioned.

Towards these ends, K&A used an Event Mean Concentration (EMC) stormwater loading approach from the Portage/Arcadia Creek Watershed Management Plan⁴ to assess potential design needs. This focused on a Medium Density land use for the 12 acres of drainage to the Portage Creek stormwater outfall at the northeast corner Reed Court/Reed Street intersection. These 12 acres cover the City of Kalamazoo storm sewer drainage footprint from paved surfaces to the immediate west and south of the project site. Load calculations resulted in an annual

² EPA EJSscreen: United States Environmental Protection Agency. 2023 version. EJSscreen. Retrieved: October 19, 2023. www.epa.gov/ejscreen.

³ MiEJSscreen: Environmental justice screening tool (draft). SOM - State of Michigan. (n.d.). <https://www.michigan.gov/egle/maps-data/miejsscreen>.

⁴ Refer to Attachment 7: Modeled and Monitored Pollutant Load Reduction Quantification at: <http://kalamazooriver.net/portage-arcadia-wmp/sections-attachments>

runoff volume estimate of 7.4 acre-feet, and corresponding sediment and total phosphorus loads of approximately 0.75 tons/year and 5.3 lbs/year, respectively.

Using the Standard Rational Method for Runoff Peak Flow ($Q_p = ciA$), anticipated peak stormwater flows (Q_p) at the site were 4.8 cfs using a Runoff constant (c) of 0.4 and Rainfall Intensity (i) of 1.0 inch/hour for the 12-acre area (A). This translated to the sizing of a Mechanical Treatment Device (MTD) that would be placed at the terminus of the current outfall, followed by redirection of flows through the project site (as discussed further in Section 4.10).

4.9. Coordination for Future Improvements

K&A communicated with the City of Kalamazoo and other stakeholders to ensure that the proposed project design aligns with existing and planned stormwater, wetlands, floodplains, and trailways projects to ensure proper coordination with future improvements. These communications helped shape the conceptual project design to fit proposed improvements on neighboring or otherwise interlinked parcels. City of Kalamazoo Engineering stressed that they had no interest in modifying the existing engineered retaining wall on the east side of Portage Creek that serves as shoring for Reed Court. This relegated instream considerations to limited rock rip rap addition at a select Portage Creek location to divert water through a restored connection to flood plain areas.

4.10. Conceptual Drawings and Renderings

The above elements of the review phase for project feasibility have led to the development of a final conceptual design for the Reed Court Floodplain and Stormwater Improvement Project. Conceptual engineering drawings and landscape architectural renderings have been prepared by K&A and OCBA, respectively and are introduced in this section.

The final conceptual design for the Reed Court Restoration project includes a stormwater diversion system, and various ecological and physical enhancements to the floodplain including micropools, and wetland diversifications with bio-swales. For Portage Creek, a naturalized rock diversion structure will drive water into enhanced floodplain connections under low flow stream conditions. Vegetative restoration will focus on native species while enhancing naturalized structural elements that will provide a diversity of habitat features for aquatic and terrestrial species. Public access amenities that could include ~~a kayak launch/landing, as well as a~~ a community boardwalk with viewing and educational features are also contemplated in the conceptual project design.

Key features integrated into the project to improve and protect water quality of Portage Creek would be a mechanical treatment device⁵ sized appropriately to capture sediment and sediment-attached phosphorus that otherwise passes directly to Portage Creek. Stormwater from the treatment device would then be redirected and integrated into natural features of the floodplain enhancements. Conceptual engineering drawings for these features are shown in Figures 4.7 and 4.8. These drawings include relevant design considerations.

⁵ For example, a Barracuda® Hydrodynamic Separator. (See: <https://www.adspipe.com/water-management-solutions/water-quality/separators/barracuda-hydrodynamic-separator>).

The proposed conceptual site design recognizes the potential need for additional PCB soil removal and HDPE liner protection beneath bioswales and micro-pools in the northern, Low Priority TCRA areas. In the High Priority TCRA area where PCB-contaminated soils have been removed, future site features will remain at least 1-2 feet above clean fill, or protected with HDPE liners where there would be excavation for these proposed site features. Pre-construction sampling is anticipated for site locations of proposed restoration features.

To help visualize the Reed Court restoration concept, OCBA produced conceptual renderings of a fully-implemented Reed Court restoration area. Figure 1.1 provided a birds-eye view of restored areas of the floodplain and wetlands as well as the visualization of public access. Renderings in Figures 4.9 to 4.12 include visualizations of the enhanced floodplain condition, public access, potential boardwalk feature and Creek access as originally envisioned for the Portage Creek corridor by the Project Team. Conceptual drawings and renderings will form the basis of next step project designs if there is interest and support following review by Trustees.

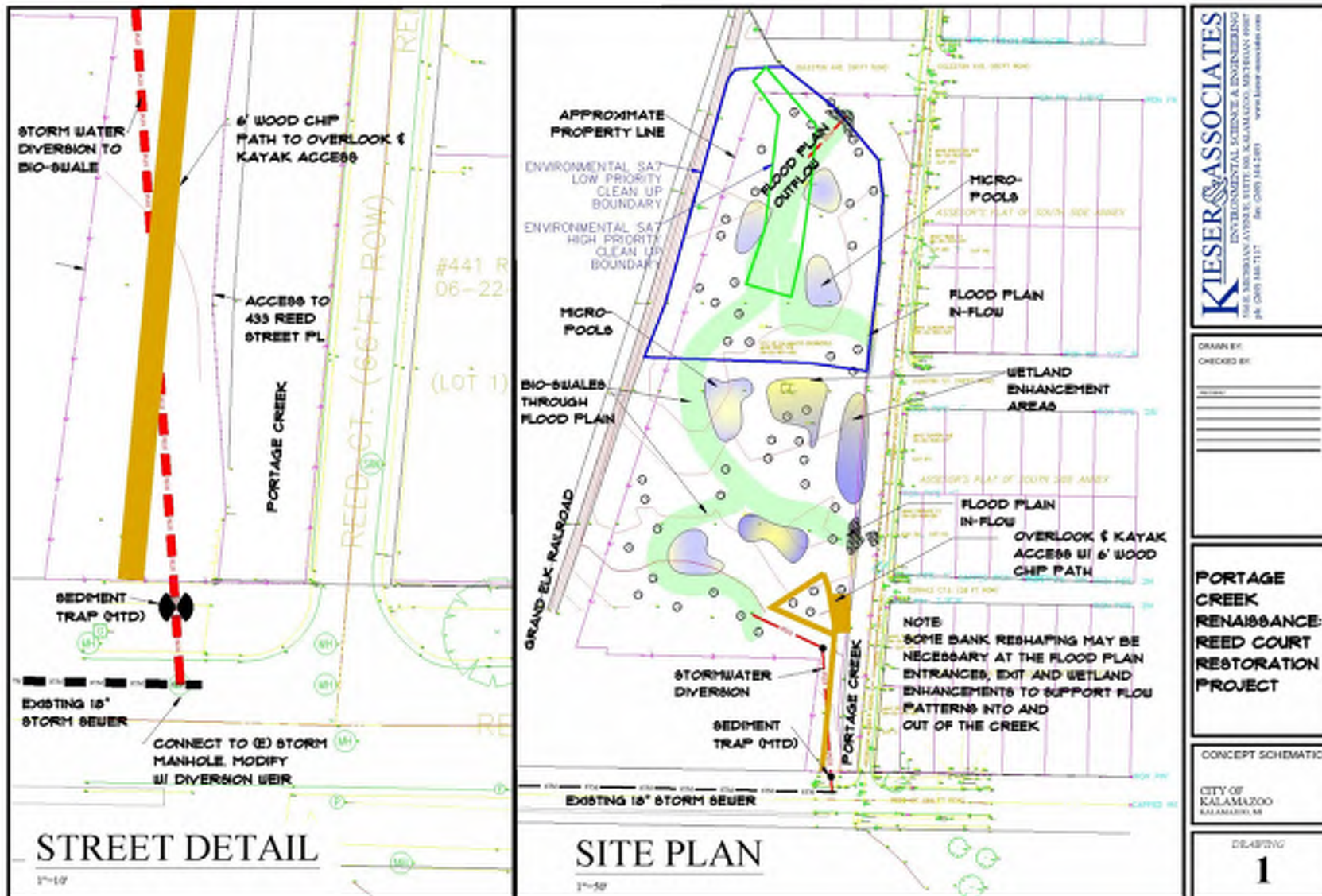


Figure 4.7. Detailed Site Plan conceptual drawing of Reed Court Floodplain and Stormwater Improvement Project with Street Detail for Stormwater Diversion into project site.

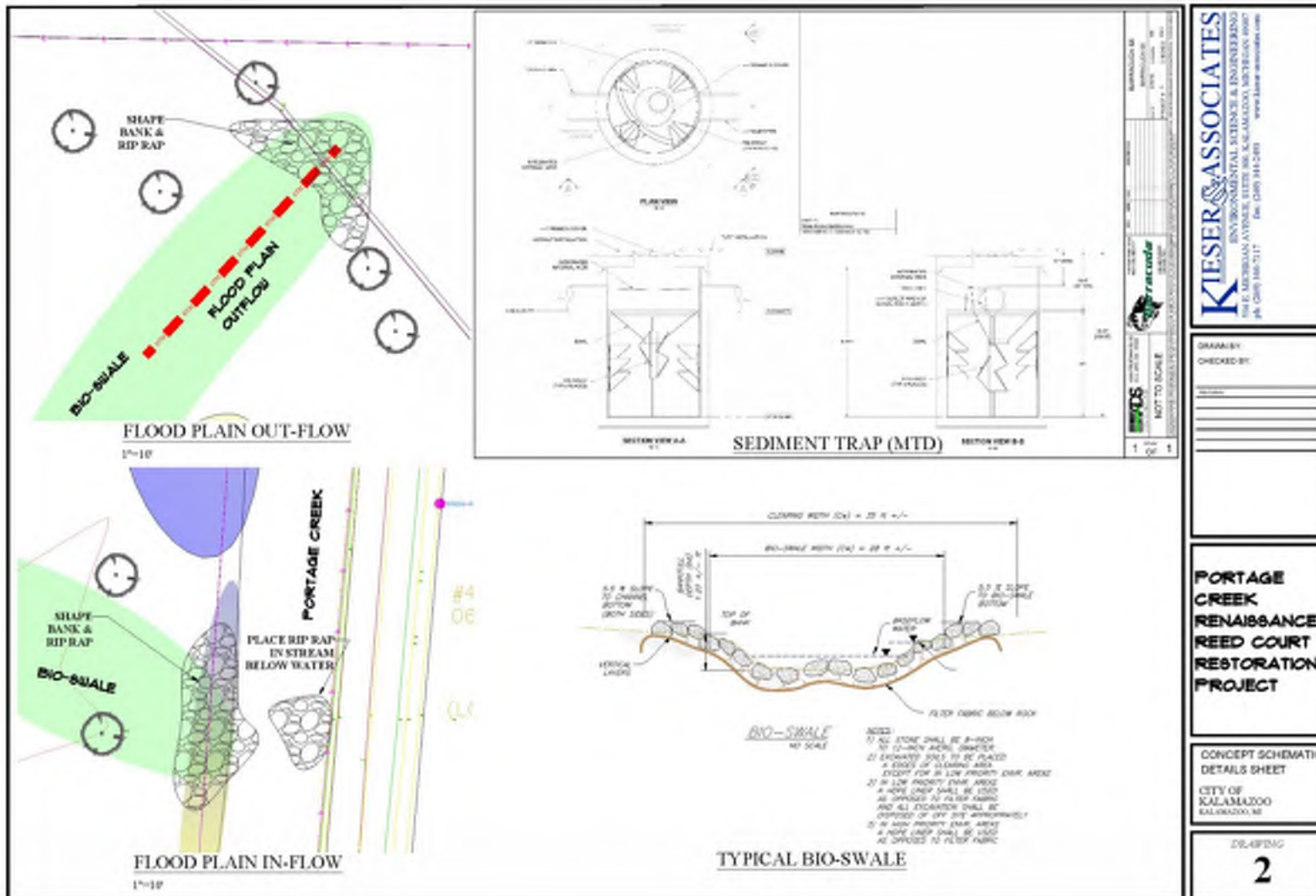


Figure 4.8. Detailed Conceptual Drawings of Reed Court Floodplain and Stormwater Improvement Project for MTD, bio-swales, flood plain inlet and outlet with Portage Creek.



Figure 4.9. Conceptual architectural renderings of Reed Court improvements (bird's-eye view looking north from public viewing deck).



Figure 4.10. Conceptual architectural renderings of Reed Court improvements (ground-level view looking north from public viewing deck).



Figure 4.11. Conceptual architectural renderings of Reed Court improvements (ground-level view looking north from the public access deck with kayak access adjacent to Portage Creek). **Note: Kayak access is no longer being considered with immediate project plans.**



Figure 4.12. Conceptual architectural renderings of Reed Court improvements (ground-level view looking west from Reed Court with Portage Creek and kayak access in the foreground).

Note: Kayak access is no longer being considered with immediate project plans.

4.11. Projected Water Quality, Hydrology, Ecology, and Social Benefits

The purpose of the Reed Court restoration project is to restore lost ecological uses as part of the NRDA as well as community benefits with long-term enhancement of the Portage Creek corridor. Anticipated benefits of project construction would include the following:

- Naturalizing and restoring the Portage Creek corridor next to Reed Court and west of the creek channel
- Addition of 1.7 acre-ft of floodplain storage by reshaping portions of the west bank of Portage Creek to divert streamflows into constructed backwater channels and bio-swales
- Enhancement of 0.5 acres of micropools within the existing 1.53 acres of on-site wetlands
- Restored Portage Creek flow connection into and out of 3.3 acres of restored wetlands and floodplains
- Incorporation of native vegetation and structural habitat into riparian, wetland, and upland areas for fish, aquatic invertebrates, amphibians and terrestrial species common to these riparian conditions
- Management of invasive plant species on-site
- Integrated on-site stormwater treatment annually receiving 7.4 acre-ft of runoff from 12 acres of medium-residential land use draining to Portage Creek
- Annual capture of approximately 0.75 tons of coarse sediments and 5.3 lbs/year of total phosphorus with a mechanical treatment device situated where it can be easily serviced by the City of Kalamazoo
- Re-direction of treated stormwater flows into restored wetlands and floodplain helping maintain wetland conditions and aquatic habitat connectivity
- Water quality protection and peak stormwater flow mitigation of 4.8 cfs otherwise discharging directly to Portage Creek
- Limited additional removal and/or partial capping of PCB-contaminated soils remaining in restored floodplain areas
- Restored/improved Portage Creek water course recreational access
- Naturalized linkage between upstream and downstream Creek and floodplain restoration efforts
- Benefits to the local community by providing green space to enjoy, improved recreation alternatives, and on-site educational signage encompassing an additional 0.8 acres of public access and 425 lineal feet of trailway and boardwalk

5.0 Projected Implementation Costs

Overall project implementation cost estimates presented here reflect current conceptual designs presented in Section 4.10. These include a range of categorical considerations that encompass:

- Site clearing and demolition to address limited remaining concrete and piping structures
- Contingency PCB sampling for locations that will be disturbed
- Potential PCB-contaminated soil removal
- Stormsewer diversions from the City's outfall to the proposed on-site treatment elements
- On-site physical enhancement for channels and micropools, flood plain inlets and outlets
- Rip rap for diversions and outfalls along Portage Creek
- Walking paths, boardwalk, benches and educational signs

- Native landscaping, tree installation and seeding
- Contingencies for general site issues (5%) and construction (15%)
- Engineering design including pre-/post-construction oversight monitoring (18%)

Project implementation costs are currently estimated at \$620,676.71. These estimates reflect current contractor bidding conditions post-Covid, however, will be subject to final design and competitive bids.

For an additional breakdown of professional services on this proposed project, Table 5.2 details anticipated efforts for the current Project Team to see the proposed Reed Court Floodplain and Stormwater Improvement Project through to completion.

Table 5. Estimated Project Implementation Costs.

Item	Description	Quantity	Unit	Unit Costs	Line Costs
1	Site Clearing and Demolition				
-	Including concrete tank enclosure and piping removal	1	LS	\$ 12,000.00	\$ 12,000.00
2	Any Required Environmental Remediation	1	LS	\$ 40,000.00	\$ 40,000.00
3	Connect to (E) Manhole				
-	Modify manhole to divert drainage & overflow	1	EA	\$ 10,000.00	\$ 10,000.00
4	Sediment Trap Structure (MTD)	1	EA	\$ 80,000.00	\$ 80,000.00
5	Stormwater Diversion Piping	260	L.F.	\$ 90.00	\$ 23,400.00
6	Manhole Installation @ Turn	1	EA	\$ 4,500.00	\$ 4,500.00
7	Outflow Installation @ Bio-Swales	1	EA	\$ 2,500.00	\$ 2,500.00
8	Bio-Swales Installation Through Site	1,206	lf	\$ 75.00	\$ 90,450.00
9	Outflow of Bio-Swales to Portage Creek	1	EA	\$ 4,500.00	\$ 4,500.00
10	Wetland Enhancements & Micro Pools				
-	Wetland Enhanced areas in Clean zones	14,910	SF	\$ 1.50	\$ 22,365.00
-	Wetland Enhanced areas in Low PCB zones	5,106	SF	\$ 5.00	\$ 25,530.00
11	Misc. Rip Rap for diversions and outfalls	100	CY	\$ 25.00	\$ 2,500.00
12	Educational Walking Path - 5' wide Chips & Fines	260	LF	\$ 7.50	\$ 1,950.00
13	Boardwalk (6' wide)	164	LF	\$ 250.00	\$ 41,000.00
14	Bench	2	EA	\$ 2,500.00	\$ 5,000.00
15	Miscellaneous Landscaping and Tree Installation				
-	Fine Grade	1	LS	\$ 2,000.00	\$ 2,000.00
-	Trees	10	EA	\$ 800.00	\$ 8,000.00
-	Meadow Seeding	5,000	SF	\$ 0.30	\$ 1,500.00
16	Education/Project Signage - Entrance Enhancement	1	LS	\$ 2,500.00	\$ 2,500.00
17	Stream Diversion along Reed Court	1	LS	\$ 20,000.00	\$ 20,000.00
18	Contingency PCB Sampling	1	LS	\$ 20,000.00	\$ 20,000.00
19	Pre/Post - Construction Monitoring	1	LS	\$ 20,000.00	\$ 20,000.00
				Subtotal=	\$ 439,695.00
				General Conditions =	5% \$ 21,984.75
				Contingency =	15% \$ 69,251.96
				Probable Construction Subtotal =	\$ 530,931.71
				Engineering and Construction oversight=	~18% \$ 89,745.00
				Probable Project Costs=	\$ 620,676.71

Table 5.2 Estimated engineering cost details for project implementation.

Task Description	Staff Time												Direct Costs	Lab Costs	Staff Total \$s	Task Subtotal (\$)
	Senior Scientist		Senior Engineer, P.E.		Environmental Engineer		Project Scientist III		Project Scientist IV		Field Technician					
	Hours	(\$225/hr)	Hours	(\$175/hr)	Hours	(\$120/hr)	Hours	(\$95/hr)	Hours	(\$85/hr)	Hours	(\$70/hr)				
Engineering and Construction Oversight	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0			0	0
Task 1 - Design Specific Data Collection	10.0	2,250	12.0	2,100	0.0	0	12.0	1,140	0.0	0	12.0	840			6,330	6,330
Task 2 - Preliminary Design	5.0	1,125	16.0	2,800	0.0	0	16.0	1,520	0.0	0	16.0	1,120			6,565	6,565
Task 3 - Design Development	2.0	450	16.0	2,800	0.0	0	16.0	1,520	0.0	0	16.0	1,120			5,890	5,890
Task 4 - Detailed Engineering	2.0	450	40.0	7,000	0.0	0	40.0	3,800	0.0	0	48.0	3,360			14,610	14,610
Task 5 - Public Meeting and Coordination	20.0	4,500	4.0	700	0.0	0	0.0	0	0.0	0	0.0	0			5,200	5,200
Task 6 - Permitting	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0			0	0
Task 6A - EGLE Permitting Wetland and Waters of the State Permitting (JPA)	10.0	2,250	24.0	4,200	0.0	0	0.0	0	0.0	0	0.0	0			6,450	6,450
Task 6B - PCB and Environmental Permitting	10.0	2,250	16.0	2,800	0.0	0	0.0	0	0.0	0	0.0	0			5,050	5,050
Task 6C - Local Construction Permitting & Stormwater	10.0	2,250	20.0	3,500	0.0	0	0.0	0	0.0	0	20.0	1,400			7,150	7,150
Subconsultants															0	0
P&N Engineering													18,000		0	18,000
Merchant Environmental Consulting													4,500		0	4,500
OCBA Architects													10,000		0	10,000
	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0			0	0
	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0			0	0
Subtotals	69.0	15,525	148.0	25,900	0.0	0	84.0	7,980	0.0	0	112.0	7,840	32,500	0	57,245	89,745
															TOTAL	89,745

WETLAND DELINEATION REPORT

Prepared for:

**Portage Creek Renaissance (PCR).
433 Reed Street, Kalamazoo, MI**

Prepared by:

**Kieser & Associates, LLC
Environmental Science & Engineering
536 E. Michigan Ave., Suite 300
Kalamazoo, MI 49007**

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OVERVIEW

The Reed Court Restoration Project is a component of the broad vision for the Portage Creek Renaissance (PCR) project, which seeks to encourage and promote long-term ecological restoration, water resource protection, public access, renewed community connectedness, and economic development throughout the entire Portage Creek corridor. K&A conducted a full wetland delineation on the Reed Court project site to determine and demarcate the extent of existing wetlands within the project area. The wetland delineation provided critical information for the redesign phase of the feasibility study and will be utilized to inform the next steps for implementing and designing the Reed Court Restoration Project.

WETLAND DELINEATION

K&A conducted a wetland delineation within the boundaries of the project area on August 25, 2022. Efforts related to the approved scope of work included:

- Desktop evaluation of proposed project locations
- A wetland delineation following the guidelines of the 1987 Corps of Engineers (USACE) *Wetlands Delineation Manual* (1987 Corps Manual) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* (USACE 2012)
- A written wetland delineation report

Methods

K&A obtained readily available site information and maps before conducting the on-site delineation. Maps and online mapping tools including Kalamazoo County Online Mapping, Soil Survey of Kalamazoo County, Michigan Wetlands Map Viewer, and aerial photographs of the property provided by Google Earth were reviewed prior to conducting the fieldwork (USDA NRCS 2019; EGLE 2019).

The methods used to conduct the delineation followed those outlined in the technical wetland delineation standards outlined in the U.S. Army Corps of Engineers (USACE) January 1987 Wetland Delineation Manual, and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual, Northcentral and Northeast Regions (Version 2.0, January 2012). The use of these guidelines is specified by the Michigan administrative rules on wetlands, Part 202 (EGLE 2019).

The USACE manual outlines a field method for identifying wetland areas and their boundaries with adjacent non-wetland areas. The 1987 USACE Wetlands Delineation Manual sites that an area is considered a wetland if the following conditions are met: the presence of hydrophytic vegetation, the existence of wetland hydrology, and the presence of hydric soils. The Regional

Supplement was developed to increase the accuracy of wetland delineations and address regional differences that could not be specified in a national document (USACE 2012).

Data collected at each sampling site was recorded on the prescribed Wetland Determination Data Form – Northcentral and Northeast Region. The wetland boundary was determined based on observed vegetation at the site location, observation of hydrology, and the presence of hydric soil. These locations were referenced using the Measure Map Pro application for iPhone/iPad.

Observed vegetation was categorized using the 2016 National Wetland Plant List (Lichvar et al. 2016). The wetland indicator status for the vegetation is based on the likelihood that a species will occur in a wetland. Obligate wetland (OBL) refers to those species that will be found in wetland areas >99% of the time. Facultative wetland (FACW) refers to species that occur in wetland areas 67% to 99% of the time. Facultative (FAC) plants are those occurring in wetlands 33% to 67% of the time. Facultative upland (FACU) species are those that occur in wetlands 1% to 33% of the time. Obligate upland (UPL) species occur in wetlands <1% of the time. Those species classified as OBL, FACW, and FAC are those typically adapted for wetland conditions. Those classified as FACU or UPL are those species typically adapted for upland conditions.

Three representative test pits were dug by hand at selected locations and observed for hydric soil and wetland hydrology indicators. Soil color (using a Munsell soil chart; Munsell Color 1975) and texture were recorded for each test pit location.

Preliminary Site Information

The project area is located on the west side of Portage Creek north (downstream) of Reed Avenue on a City-owned brownfield parcel located between Reed Avenue, Stockbridge Street, and Reed Court. The property address is 433 Reed Avenue with parcel ID 06-22-467-002, the property is roughly 4.178 acres total (Figure 1).

The topography of the site is low-lying with little elevation change and the soils within the area of the survey are dominated by urban land and urban land-Glendora complex (Figure 2). These soil types are characterized by soils in developed/urban areas. The Glendora complex, which makes up the majority of the project area, indicates urban soils that are located on floodplains and have hydric soils.

Results

This section summarizes outcomes and results associated with wetland delineation fieldwork conducted by K&A staff on August 25, 2022, within the Reed Court Project Area.

The delineation efforts performed by K&A staff revealed that 1.53 acres of the site can be classified as a wetland area (Figure 4). The total wetland area was divided into two sections by the remnants of the construction grid used in the PCB Remediation efforts in 2011-2012. The divided wetland areas are 0.92 acres and 0.61 acres respectively. Based on the information provided by the NRCS Soil Survey of Kalamazoo County and the EGLE Michigan Wetlands Map Viewer, it can be inferred that the middle section between the two wetland boundaries was most likely also a wetland area but no longer has the key wetland indicators due to the disturbances that occurred during the PCB remediation efforts.

Sample locations 1 and 3 had indicators of wetland soils, vegetation, and hydrology, while site two, which was located within the boundary of the access road, had no indication of the three criteria, eliminating it as a wetland. Detailed information acquired from the three onsite test pits confirms the wetland/upland boundaries and are documented on data sheets, which can be found in Attachment A and detailed in Figure 5. Supporting documentation includes the Michigan Wetlands Map Viewer and Soil Survey (Figures 2 & 3), which correspond with the general wetland boundaries observed on the property.

Vegetation

Vegetation identified on the Reed Court property was recorded on field data sheets (Attachment A). K&A staff identified the most abundant species from each stratum at the three representative locations. Invasive plant species, such as Amur Honeysuckle (*Lonicera maackii*) and common buckthorn (*Rhamnus cathartica*), were present throughout the project site.

In the tree stratum, the most dominant species were northern catalpa (*Catalpa speciosa*), sugar maple (*Acer saccharum*), American elm (*Ulmus americana*), and common buckthorn. Aside from northern catalpa, each of these species are commonly associated with wetland ecosystems. In the sapling/shrub stratum the most dominant species were common buckthorn and common ninebark (*Physocarpus opulifolius*), both commonly associated with wetland ecosystems. In the herbaceous plant stratum, the most dominant species were orange jewelweed (*Impatiens capensis*), cut-grass (*Leersia oryzoides*), Canada golden-rod (*Solidago canadensis*), red fescue (*Festuca rubra*), common blue violet (*Viola sororia*), and Virginia creeper (*Parthenocissus quinquefolia*). Among these species, common blue violet, common buckthorn, cut-grass, and orange jewelweed are commonly associated with wetland ecosystems. Sites 1 and 3 were more than 75% dominated by wetland species, while site 2 was only 40% dominated by wetland species, and therefore determined to be an upland site based on the vegetation criteria.

Soils

The soils observed during the wetland delineation efforts were largely similar. Generally, the wetland soils were loamy with sand components (Ug – Urban Land – Glendora complex). The wetland areas with loamy soils had pronounced redox concentrations within the soils and occasionally some pore lining. Additionally, the delineated upland area where the PCB remediation access road was located was mostly composed of sandy fill and did not have the same wetland soil indicators as was present at the other two sampling locations.

The most common hydric soil indicator observed throughout the Reed Court wetland areas was redox dark surface (F6). Generally, soils in these wetland areas, were dark and had prominent concentrations of redox and pore lining. The presence of dark mucky soils, redox concentrations, and pore linings at sites 1 and 3, further classified the locations as a wetland area. The lack of these same indicators in site 2, further established the location as an upland site. Worksheets detailing soil horizons, coloration, and texture can be found in Attachment A and photographs of the wetland soils present at the site can be found in Attachment B.

Hydrology

The primary hydrology indicators observed in the wetland sites included sparsely vegetated concave surfaces (B8) and high water tables (A2). The secondary indicator at the wetland sites was geomorphic position (D2). Hydrology indicators within the Parcel were typical of Glendora soils with rapid permeability, slow runoff, and a high water table within 1 foot of the surface. The site location next to Portage Creek keeps the water table high at sites 1 and 3. None of these primary or secondary indicators were present at site 2, the delineated upland area on the historic PCB remediation access road.

The general concave topography of the site and the presence of other wetland indicators further guided the delineation of the wetland boundaries. The field worksheets detailing the observed wetland hydrology found at the site can be found in Attachment A.

Discussion

The results of the wetland delineation performed at the Reed Court Restoration Project indicate that the PCB remediation access road that was utilized in 2011-2012 had a large disturbance on the site hydrology, vegetation, and soils, eliminating the site as a wetland area. Considerations of restoring these disturbed areas into wetlands ecosystems will be taken into consideration during the final project design.

The findings of the wetland delineation will also inform the broad vision of the Portage Creek Renaissance by conserving and restoring the natural communities found along the length of Portage Creek. Pristine wetland ecosystems provide a broad scope of benefits including species diversity, water and pollutant filtration, wildlife habitat, and carbon sequestration, maintaining these wetland conditions will not only benefit the vision for the Portage Creek Renaissance but also provide a variety of benefits to the surrounding Kalamazoo and Portage areas.

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KIESER & ASSOCIATES
 ENVIRONMENTAL SCIENCE & ENGINEERING

536 E. Michigan Ave., Suite 300, Kalamazoo, MI 49007
 phone (269) 344-7117 fax (269) 344-2493

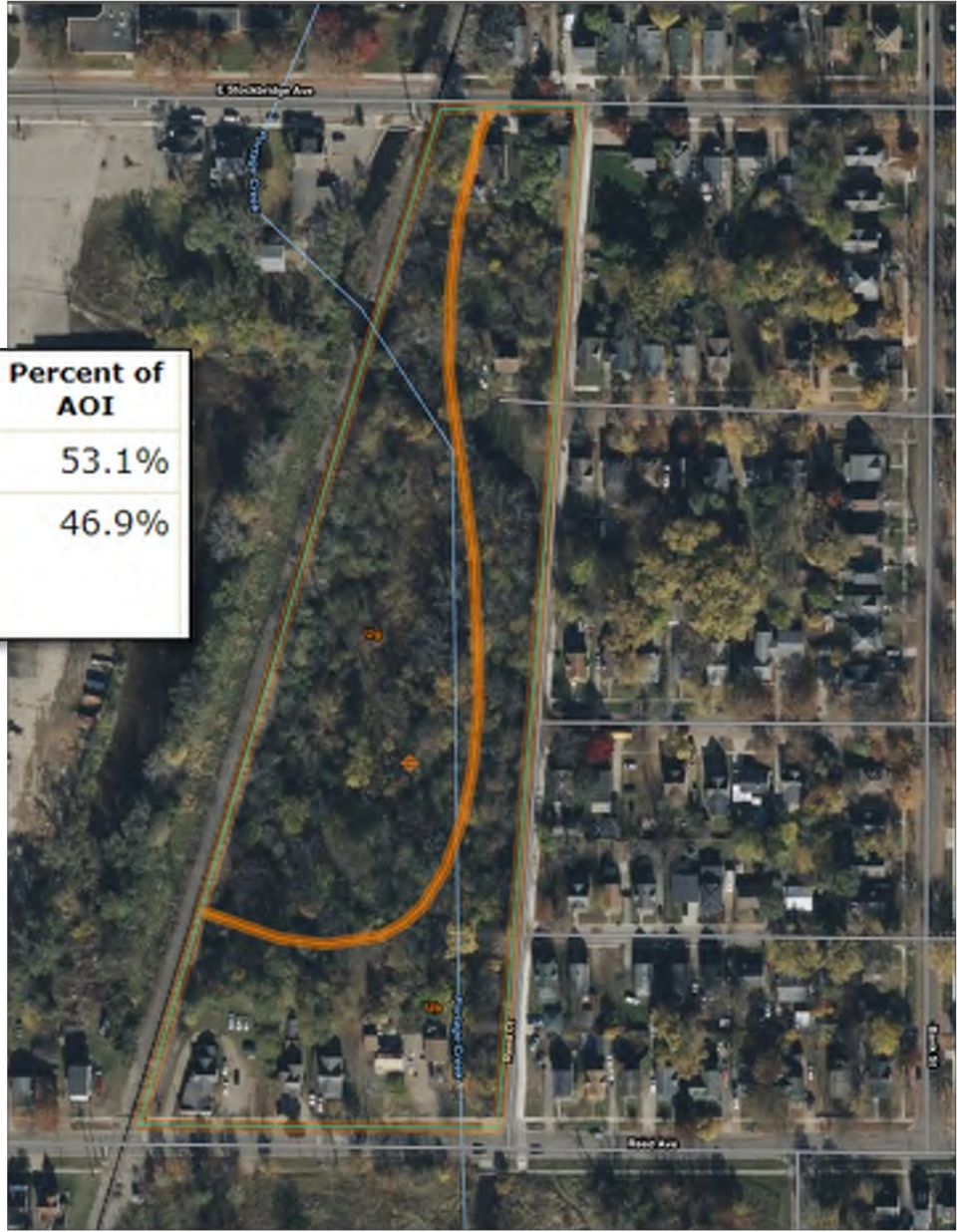
Site location map of the Reed Court Project property located in Kalamazoo County, Michigan.

(Source: Kalamazoo County Parcel Viewer Website)

<https://www.arcgis.com/apps/webappviewer/index.html?id=659542cd5d0c47ce9b8ad8c623499b81&extent=-9617703.5724%2C5116472.9416%2C-9440369.6667%2C5244428.5269%2C102100>

FIGURE

1



Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Ub	Urban land	4.3	53.1%
Ug	Urban land-Glendora complex	3.8	46.9%

KIESER & ASSOCIATES
 ENVIRONMENTAL SCIENCE & ENGINEERING
 536 E. Michigan Ave., Suite 300, Kalamazoo, MI
 49007 phone (269) 344-7117 fax (269) 344-2493

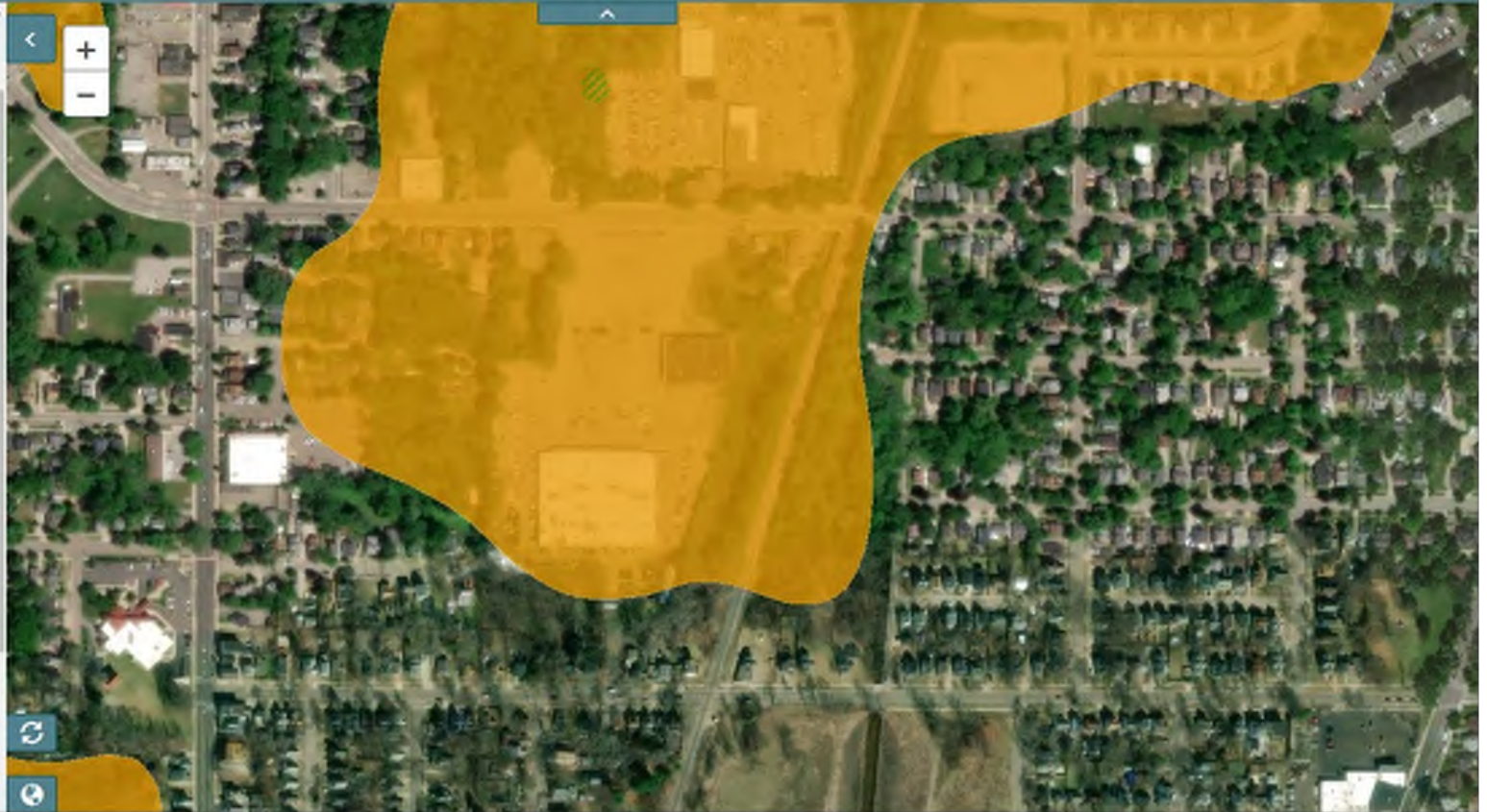
Soil map with location of the Reed Court Restoration Project, Kalamazoo County, Michigan.
 (Source: USDA Web Soil Survey, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>)

FIGURE
2

Map Legend

Change what items you see on the map by using the checkboxes

- Wetland (Hydric) Soils
- National Wetlands Inventory 2005
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Other
 - Riverine
- Potential Wetland Restoration
 - Highest Potential - Hydric and Presettlement Wetland Overlay
 - High Potential - Hydric Soils Only
 - Moderate Potential - Presettlement Wetlands Only
- Part 303 Final Wetlands Inventory
 - Wetlands as identified on NWI and MIRIS maps
 - Soil areas which include wetland soils
 - Wetlands as identified on NWI and MIRIS maps and soil areas which include wetland soils





KIESER & ASSOCIATES
ENVIRONMENTAL SCIENCE & ENGINEERING

536 E. Michigan Ave., Suite 300,
Kalamazoo, MI 49007 phone (269)
344-7117 fax (269) 344-2493

Wetland delineation areas within the Reed Court
Restoration Project Area, in Kalamazoo County,
Michigan.
(Source: MeasureMap Pro)

FIGURE
4



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 ENVIRONMENTAL SCIENCE & ENGINEERING

536 E. Michigan Ave., Suite 300,
 Kalamazoo, MI 49007 phone (269)
 344-7117 fax (269) 344-2493

Wetland delineation points and sampling locations within the Reed Court Restoration Project Area, in Kalamazoo County, Michigan.
 (Source: MeasureMap Pro)

FIGURE
5

Attachment A

Field Sheets

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Reed Court City/County: _____ State: _____ Sampling Date: 08-25-22
 Applicant/Owner: _____ Sampling Point: Site 1
 Investigator(s): _____ Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): _____ Slope (%): 1%
 Subregion (LRR or MLRA): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: _____
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (if no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (if needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No _____ Hydric Soil Present? Yes _____ No _____ Wetland Hydrology Present? Yes _____ No _____	Is the Sampled Area within a Wetland? Yes _____ No _____ If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.) 	

HYDROLOGY

Wetland Hydrology indicators: Primary Indicators (minimum of one is required; check all that apply)		Secondary Indicators (minimum of two required)	
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input checked="" type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input checked="" type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input checked="" type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)	
Field Observations: Surface Water Present? Yes _____ <u>No</u> _____ Depth (inches): _____ Water Table Present? Yes _____ <u>No</u> _____ Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes _____ No _____ Depth (inches): _____		Wetland Hydrology Present? Yes _____ No _____	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:			
Remarks: <u>Capillary fringe present? Soil wet to touch, but not saturated.</u>			

VEGETATION - Use scientific names of plants.

Sampling Point: Site 1

Tree Stratum (Plot size: <u>30 m ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Catalpa Speciosa</u>	<u>30</u>	<input checked="" type="checkbox"/>	<u>FacU</u>
2. <u>Juglans nigra</u>	<u>2</u>		<u>FacU</u>
3. <u>Ulmus Americana</u>	<u>8</u>		<u>FacW</u>
4. <u>Rhamnus Cathartica</u>	<u>30</u>	<input checked="" type="checkbox"/>	<u>Fac</u>
5. <u>Morus Alba</u>	<u>5</u>		<u>FacU</u>
6. Sycamore <u>Acer Saccharinum</u>	<u>7</u>		
7.			
<u>92</u> = Total Cover			
Sapling/Shrub Stratum (Plot size: <u>15 ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Rhamnus Cathartica</u>	<u>25</u>	<input checked="" type="checkbox"/>	<u>Fac</u>
2.			
3.			
4.			
5.			
6.			
7.			
<u>25</u> = Total Cover			
Herb Stratum (Plot size: <u>5</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Impatiens Capensis</u>	<u>75</u>	<input checked="" type="checkbox"/>	<u>FacW</u>
2. <u>Caesaria oryzoides</u>	80 <u>40</u>	<input checked="" type="checkbox"/>	<u>OBL</u>
3. <u>Scutellaria Tuberosifolia</u>	<u>25</u>		<u>OBL</u>
4. <u>Typha Sp.</u>	2 <u>2</u>		<u>OBL</u>
5. <u>Pilea pumila</u>	<u>10</u>		<u>FacW</u>
6. <u>Symphoricarum lanceolatum</u>	<u>5</u>		<u>FacW</u>
7. <u>Persicaria Hydroopiper</u>	<u>3</u>		<u>OBL</u>
8.			
9.			
10.			
11.			
12.			
<u>160</u> = Total Cover			
Woody Vine Stratum (Plot size: <u>30 ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Vitis riparia</u>	<u>35</u>	<input checked="" type="checkbox"/>	<u>Fac</u>
2.			
3.			
4.			
<u>✓</u> = Total Cover			

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 5 (A)

Total Number of Dominant Species Across All Strata: 6 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 83% (A/B)

Prevalence Index worksheet:

Total % Cover of: _____ Multiply by:

OBL species _____ x 1 = _____

FACW species _____ x 2 = _____

FAC species _____ x 3 = _____

FACU species _____ x 4 = _____

UPL species _____ x 5 = _____

Column Totals: _____ (A) _____ (B)

Prevalence Index = B/A = _____

Hydrophytic Vegetation Indicators:

___ 1 - Rapid Test for Hydrophytic Vegetation

___ 2 - Dominance Test is >50%

___ 3 - Prevalence Index is >0.0¹

___ 4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)

___ Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes No

Remarks: (Include photo numbers here or on a separate sheet.)

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Read Court City/County: _____ Sampling Date: Site 2
 Applicant/Owner: _____ State: _____ Sampling Point: _____
 Investigator(s): _____ Section, Township, Range: _____
 Landform (hill/slope, terrace, etc.): Flat Local relief (concave, convex, none): Convex Slope (%): -
 Subregion (LRR or MLRA): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: _____
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No _____	Is the Sampled Area within a Wetland? Yes _____ No _____
Hydric Soil Present? Yes _____ No _____	If yes, optional Wetland Site ID: _____
Wetland Hydrology Present? Yes _____ No _____	
Remarks: (Explain alternative procedures here or in a separate report.) <u>Former access Road?</u>	

HYDROLOGY

Wetland Hydrology Indicators:		Secondary Indicators (minimum of two required)
<u>Primary Indicators (minimum of one is required; check all that apply)</u>		
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Aquatic Fauna (B13)	<input type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Mottled Deposits (B15)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)		<input type="checkbox"/> Microtopographic Relief (D4)
		<input type="checkbox"/> FAC-Neutral Test (D5)
Field Observations:		
Surface Water Present? Yes _____ No _____	Depth (inches): _____	Wetland Hydrology Present? Yes _____ No
Water Table Present? Yes _____ No _____	Depth (inches): _____	
Saturation Present? Yes _____ No _____	Depth (inches): _____	
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION - Use scientific names of plants.

Sampling Point: Site 2

Tree Stratum (Plot size: <u>30 ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Catalpa speciosa</u>	<u>20</u>	<input checked="" type="checkbox"/>	<u>FacU</u>
2. <u>Acer saccharinum</u>	<u>5</u>	<input checked="" type="checkbox"/>	<u>FacW</u>
3.			
4.			
5.			
6.			
7.			

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 5 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 40% (A/B)

Sapling/Shrub Stratum (Plot size: 15 ft)

	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Physiocarpus opulifolius</u>	<u>10</u>	<input checked="" type="checkbox"/>	<u>FacW</u>
2. <u>Senna herbocarpa</u>	<u>2</u>		<u>FacW</u>
3.			
4.			
5.			
6.			
7.			

Prevalence Index worksheet:

Total % Cover of	Multiply by:
OBL species <u>7</u>	x 1 = <u>7</u>
FACW species <u>29</u>	x 2 = <u>58</u>
FAC species <u>48</u>	x 3 = <u>144</u>
FACU species <u>142</u>	x 4 = <u>568</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>226</u> (A)	<u>777</u> (B)

Prevalence Index = B/A = 3.438

Herb Stratum (Plot size: 5 ft)

	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Panicum virgatum</u>	<u>30</u>		<u>Fac</u>
2. <u>Solidago canadensis</u>	<u>50</u>	<input checked="" type="checkbox"/>	<u>FacU</u>
3. <u>Vernonia gigantea</u>	<u>15</u>		<u>Fac</u>
4. <u>Pansteron digitalis</u>	<u>3</u>		<u>Fac</u>
5. <u>Elymus virginicus</u>	<u>10</u>		<u>FacW</u>
6. <u>Andropogon gerardii</u>	<u>7</u>		<u>FacU</u>
7. <u>Rudbeckia fulgida</u>	<u>5</u>		<u>OBL</u>
8. <u>Rudbeckia hirta</u>	<u>5</u>		<u>FacU</u>
9. <u>Lysichiton</u>	<u>2%</u>		<u>FacU</u>
10. <u>Festuca rubra</u>	<u>60</u>	<input checked="" type="checkbox"/>	<u>FacU</u>
11. <u>Symphoricarpon noveboracense</u>	<u>2%</u>		<u>FacU</u>
12. <u>Potentilla indica</u>	<u>5%</u>		<u>FacU</u>

- Hydrophytic Vegetation Indicators:**
- 1 - Rapid Test for Hydrophytic Vegetation
 - 2 - Dominance Test is >50%
 - 3 - Prevalence Index is >3.0
 - 4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)
 - Problematic Hydrophytic Vegetation¹ (Explain)
- ¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Woody Vine Stratum (Plot size: 30)

1. <u>N/A</u>			
2.			
3.			
4.			

Hydrophytic Vegetation Present? Yes No

Remarks: (Include photo numbers here or on a separate sheet.)

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Reed Court City/County: _____ Sampling Date: _____
 Applicant/Owner: R State: _____ Sampling Point: Site 3
 Investigator(s): R Section: Township, Range: _____
 Landform (hillslope, terrace, etc.): River edge / floodplain Local relief (concave, convex, none): Concave Slope (%): _____
 Subregion (LRR or MLRA): _____ Lat: _____ Long: _____ Datum: _____
 Soil Map Unit Name: _____ NWI classification: _____
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes _____ No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes _____ No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (if needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No _____	Yes _____ No _____	Is the Sampled Area within a Wetland? Yes _____ No _____
Hydric Soil Present? Yes _____ No _____	Yes _____ No _____	
Wetland Hydrology Present? Yes _____ No _____	Yes _____ No _____	If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.)		

HYDROLOGY

Primary Indicators (minimum of one is required; check all that apply)	Secondary Indicators (minimum of two required)
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Surface Soil Cracks (B6)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Drainage Patterns (B10) ?
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Moss Trim Lines (B16)
<input type="checkbox"/> Water Marks (B1)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Sediment Deposits (B2)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Drift Deposits (B3)	<input type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Algal Mat or Crust (B4)	<input type="checkbox"/> Stunted or Stressed Plants (D1)
<input type="checkbox"/> Iron Deposits (B5)	<input checked="" type="checkbox"/> Geomorphic Position (D2)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Microtopographic Relief (D4)
<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Aquatic Fauna (B13)	
<input type="checkbox"/> Mire Deposits (B15)	
<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	
<input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3)	
<input type="checkbox"/> Presence of Reduced Iron (C4)	
<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	
<input type="checkbox"/> Thin Muck Surface (C7)	
<input type="checkbox"/> Other (Explain in Remarks)	

Field Observations:		Wetland Hydrology Present? Yes _____ No _____
Surface Water Present? Yes _____ No _____ Depth (inches): _____	Water Table Present? Yes <input checked="" type="checkbox"/> No _____ Depth (inches): <u>26 in</u>	
Saturation Present? (includes capillary fringe) Yes _____ No _____ Depth (inches): _____		
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks: <u>Porous redox, snail shells, adjacent to river,</u>		

VEGETATION - Use scientific names of plants.

Sampling Point: Site 3

Tree Stratum (Plot size: <u>30</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Acer Saccharinum</u>	<u>60</u>	<input checked="" type="checkbox"/>	<u>FACW</u>
2. <u>Celtis occidentalis</u>	<u>10</u>		<u>FAC</u>
3. <u>Salix nigra</u>	<u>25</u>		<u>OBL</u>
4. <u>Ulmus americana</u>	<u>40</u>	<input checked="" type="checkbox"/>	<u>FACW</u>
5.			
6.			
7.			

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 6 (A)

Total Number of Dominant Species Across All Strata: 8 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 75% (A/B)

135 = Total Cover

Sapling/Shrub Stratum (Plot size: <u>15</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Rhamnus Cathartica</u>	<u>60</u>	<input checked="" type="checkbox"/>	<u>FAC</u>
2. <u>Lonicera mackii</u>	<u>20</u>		<u>FACU</u>
3. <u>Ulmus Americana</u>	<u>10</u>		<u>FACW</u>
4.			
5.			
6.			
7.			

Prevalence Index worksheet:

Total % Cover of: _____ Multiply by:

OBL species _____ x 1 = _____

FACW species _____ x 2 = _____

FAC species _____ x 3 = _____

FACU species _____ x 4 = _____

UPL species _____ x 5 = _____

Column Totals: _____ (A) _____ (B)

Prevalence Index = B/A = _____

80 = Total Cover

Herb Stratum (Plot size: <u>5</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Viola Sororia</u>	<u>50</u>	<input checked="" type="checkbox"/>	<u>FAC</u>
2. <u>Max. spermum Canadense</u>	<u>15</u>		<u>FAC</u>
3. <u>Potentilla indica</u>	<u>5</u>		<u>FACU</u>
4. <u>Parthenocissus quingetola</u>	<u>20</u>	<input checked="" type="checkbox"/>	<u>FACU</u>
5. <u>Vinca minor</u>	<u>10</u>		
6. <u>Elmex virginicus</u>	<u>3</u>		<u>FACW</u>
7. <u>Rhamnus Cathartica</u>	<u>25</u>	<input checked="" type="checkbox"/>	<u>FAC</u>
8. <u>Solidago gigantea</u>	<u>7</u>		<u>FACW</u>
9. <u>Lysimachia nummularia</u>	<u>2</u>		<u>FACU</u>
10. <u>Toxicodendron Radicus</u>	<u>15</u>		<u>FAC</u>
11.			
12.			

Hydrophytic Vegetation Indicators:

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is >80%

3 - Prevalence Index is >3.0

4 - Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

152 = Total Cover

Woody Vine Stratum (Plot size: <u>30</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Menispermum Canadense</u>	<u>5</u>		<u>FAC</u>
2. <u>Vitis A. peria</u>	<u>10</u>	<input checked="" type="checkbox"/>	<u>FAC</u>
3. <u>Parthenocissus quingetola</u>	<u>15</u>	<input checked="" type="checkbox"/>	<u>FACU</u>
4.			

30 = Total Cover

Definitions of Vegetation Strata:

Tree - Woody plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody plants less than 3 in. DBH and greater than or equal to 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall.

Woody vines - All woody vines greater than 3.28 ft in height.

Hydrophytic Vegetation Present? Yes No

Remarks: (Include photo numbers here or on a separate sheet.)

Attachment B

Site Photos



KIESER & ASSOCIATES
ENVIRONMENTAL SCIENCE & ENGINEERING

536 E. Michigan Ave., Suite 300, Kalamazoo, MI 49007
phone (269) 344-7117 fax (269) 344-2493

Site photos displaying ground vegetation and soil coloration along the boundary of the delineated wetland areas within the Reed Court Restoration Project Area, in Kalamazoo County, Michigan



KIESER & ASSOCIATES
ENVIRONMENTAL SCIENCE & ENGINEERING

536 E. Michigan Ave., Suite 300, Kalamazoo, MI 49007
phone (269) 344-7117 fax (269) 344-2493

Site photos displaying soil pit and soil coloration in one of the sampling locations within the Reed Court Restoration Project Area, in Kalamazoo County, Michigan

Summary of Preliminary Data Assessment from Reed Court Site (Prepared by Bruce Merchant, March 23, 2023)

Team Contacts:

Paul Ruesch – USEPA Region 5 – On-Scene Coordinator, Emergency Response Division
James Saric = USEPA Region 5 – Remedial Project Manager – Kalamazoo River/Portage Creek Superfund Site
Dan Peabody – State of Michigan EGLE – Remediation and Redevelopment Division
Dave Harn – State of Michigan EGLE – Remediation and Redevelopment Division
Doug Koop – State of Michigan EGLE – Remediation and Redevelopment Division

Summary of Past Cleanup Activities at the Reed Court Site:

In 2011, a Time-Critical Removal Action (TCRA) by the USEPA was initiated on Portage Creek from Reed Street downstream to the Kalamazoo River. This mostly included removal of sediments within Portage Creek as well as some soil removals adjacent to Portage Creek. The area of interest is the Reed Court site and is designated within the TCRA by the USEPA as “SA-7”. This was one of the first sites addressed by the USEPA in this TCRA.

The site was assessed and a “TECHNICAL MEMORANDUM for SA7 CONTAMINATED SOIL REMOVAL OPERATIONS” was prepared. (See attached.) (<https://mail.google.com/mail/u/0?ui=2&ik=099e327986&attid=0.1&permmsgid=msg-f:1752395922907092484&th=1851c2ceaab85604&view=att&disp=inline>)

Two rectangular areas toward the north central portion of the site were excavated and a total of 876 cubic yards of contaminated soil was removed to an average depth of 24 inches. Excavated soils were disposed of in an approved landfill and clean soils were used to restore the site to original elevations. The grid pattern detailing where the soils were removed is on page 18 of the attached report. Sampling on the site after restoration in the affected areas resulted in PCB values detailed below:

0”-12” Total PCBs	0.639 mg/kg
12”-24” Total PCBs	0.632 mg/kg
0’-12” Aroclor 1248	0.763 mg/kg

Concentrations of PCBs to the northern part of the site are higher but excavation was not feasible due to the adjacent railroad right-of-way and the bridge abutment for the Stockbridge Avenue bridge over Portage Creek.

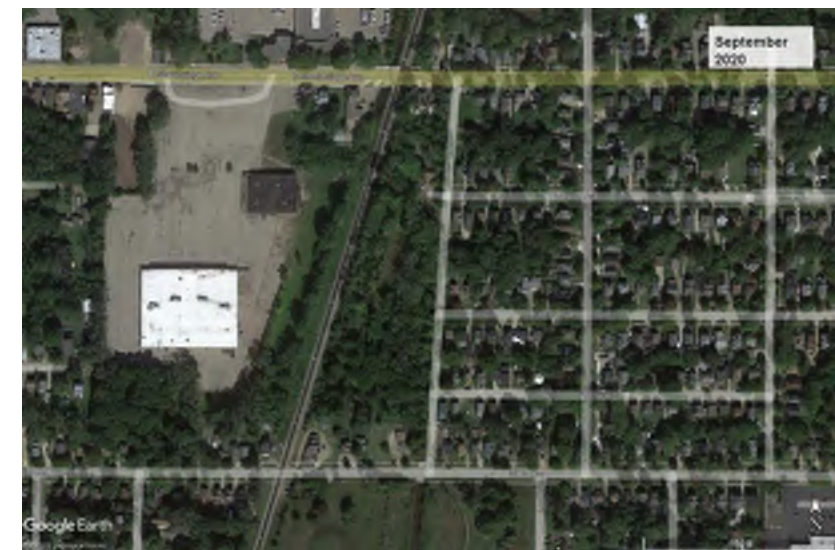
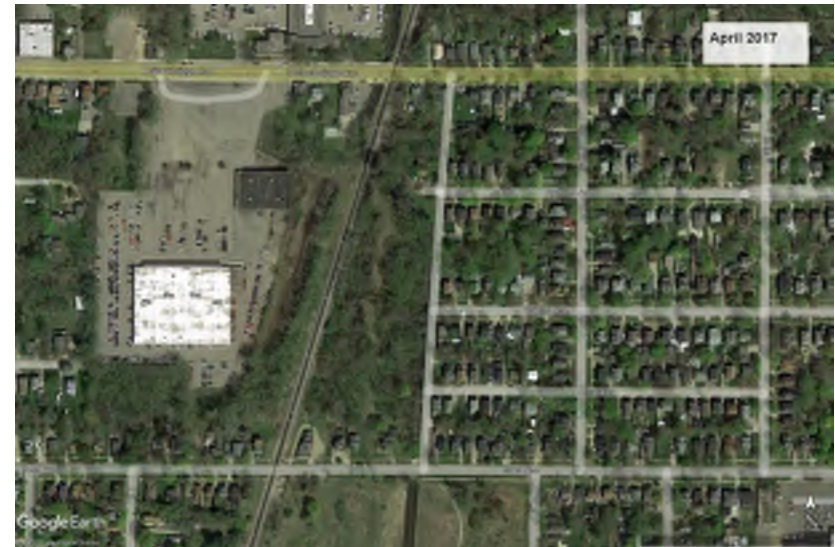
Sampling (at various depths) will need to be conducted in southern portion of the site where any work for mitigation efforts will take place. This data will then need to be evaluated (with input from USEPA-Region 5 and MEGLE staff) to determine what cleanup criteria will need to be met in those areas.

Concentrating the construction of swales and/or storm water retention areas in the areas of TRCA excavations will diminish the impact on any remaining contaminated soils, particularly if the depth of those excavations do not exceed 2 feet (24 inches.) Precisely locating the previously excavated areas in a detailed site assessment will be crucial in ensuring the least amount of potentially contaminated soils are disturbed.

Generally, USEPA indicates that residential soils must be less than 2 ppm and sediments must be at 1 ppm or less. At this time, it is not anticipated that any instream sediments will be disturbed and/or removed during this project.

APPENDIX C: Historic Google Images of the Reed Court Project Site







Zoning Board of Appeals Staff Report

Date: **5/8/2025**
Item: **D.2.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner / Deputy Director of CP&ED
Prepared by: Pete Eldridge, AICP, Zoning Administrator

DATE: May 8, 2025

SUBJECT: ZBA #25-05-06: 121 E. Paterson Street. Parwinder Singh is requesting a variance from Appendix A, Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Food Trailer) to operate in the Lesman’s Market parking lot from May 9, 2025, to November 9, 2025 (6-months).

BACKGROUND:

121 E. Paterson is .76 acres and improved with a 5,481 square-foot grocery store (Lesman's Market). The property is located in the LW-1 Zone District. The site currently has 26 off-street parking spaces, which is more than is permitted if this lot were being developed today. There are four parking spaces on the south side of the building, which is where a food trailer is located, leaving 22 off-street parking spaces for customers (which is still greater than the permitted amount).

The applicant brought the food trailer to the site in January of this year. This food trailer had not operated in the city before. I underwent the required safety inspection by the Fire Marshall, and an Electrical Permit was obtained for the power run from the building to the trailer. The applicant indicated that the plan was to keep the food trailer at this location for at least a few years. It was explained that this permanent business on the property would require site plan review, and while site plan approval was being sought, the applicant could apply for a Temporary Use Permit for 30 days of operation. The applicant indicated that 30 days would not be enough time for them to complete the site plan review process and inquired about the variance process to continue the food sales later in the year while this review was completed.

The applicant is requesting a variance from Appendix A, Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Food Trailer) to operate in the Lesman’s Market parking lot from May 9, 2025, to November 9, 2025 (6-months) to give ample time for the conclusion of the site plan review process, which would allow the food trailer to remain on the site for years as planned. Hours of operation will continue to be 11 AM to 11 PM. The food trailer will be open seven days a week. A staff-approved temporary use has been in operation since early April, and no complaints have been received, and the site has been kept clean.

STRATEGIC VISION ALIGNMENT:

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

Strategic Vision and Master Plan 2025 Impact:

The application touches on the Strategic Vision goal of completing the neighborhood by providing another food service option for the neighborhood. There are no other restaurants in this area of E Paterson Street.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – the community will be made aware of the project.

Appropriate Depth of Engagement:

A public hearing notice was placed in the newspaper and notices, dated April 23, 2025, were sent to the property owners and occupants within 300 feet. A notice was also sent to the Northside Association of Community Development.

Engagement/Communication Tools:

Newspaper, mailings and applicant outreach.

FINDINGS:

Staff has made the following findings regarding this request:

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.

This temporary use is on a commercially zoned property in the Paterson Street corridor. The site has sufficient customer parking to allocate spaces for a food trailer. The applicant is working with the store owner, who has allowed the food trailer to have water and electrical hook-up running from the building. The special circumstance is the timing of the site plan review process, which will take longer than the administrative approval for temporary uses, which is capped at 30 days.

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

This is a busy time of year for site plan review. The process could take 2-3 months, which is greater than the 30-day temporary use allowance.

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 provisions of the Ordinance without this variance approval would result in the food trailer having to shut down until the site plan review process is completed. However, the owner is concerned about losing his customer base if he stops serving food for two to three months. This is a commercial zone, and temporary sales and service businesses are permitted. Further, this variance is only for a time extension, which will expire in November of this year.

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.

The granting of the variance is the minimum action that will allow the applicant to continue to run this temporary business while the site plan review process is pursued to make it a permanent addition to this commercial property.

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

The granting of the variance will not impact adjacent properties. The food truck has been legally in operation since early April, and no complaints have been received. Furthermore, staff have observed that the site is being kept clean.

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

The granting of the variance will be consistent with the purpose and intent of the Ordinance to regulate development. This is a request for a time extension for the food trailer to complete the site plan review to become a permanent addition to the site.

7. Where the requested dimensional variance involves required landscaping, the Zoning Board of Appeals may grant a variance upon the following additional criteria: 1) existing landscaping, screening or wetlands intended to be preserved meets the intent of this section; 2) the landscape design proposed by the applicant meets the intent of this section; 3) there is a steep change in topography that would limit the benefits of required landscaping; 4) the proposed building and parking lot placement is setback well beyond the minimum required; 5) the abutting or adjacent land is developed or will be developed in the near future with a use other than residential; and 6) similar conditions to the above exist such that no good purpose would be served by providing the landscaping or screening required.

Not applicable for this temporary use application.

RECOMMENDATION:

Staff recommend the granting of the temporary use variance as it meets the review criteria.



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 23, 2025

**RE: ZBA #25-05-06
121 E. Paterson Street
Parcel #: 06-10-397-027**

Dear Property Owner:

An application for a variance from provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Parwinder Singh for 121 E. Paterson Street in the Live Work -1 District (LW-1).

The applicant is requesting a variance from Appendix A, Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Food Trailer) to operate in the Lesman's Market parking lot from May 9, 2025, to November 9, 2025 (6-months).

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

The meeting will be held on Thursday, May 8, 2025, 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 or call (269) 337-8806. The agenda will be posted at <https://www.kalamazoocity.org/boards>

Sincerely,

Peter C. Eldridge, AICP
Zoning Administrator

Zoning Board of Appeals Application



Submitted on	21 March 2025, 2:15PM
Receipt number	46
Related form version	14

Introduction

Have you scheduled a pre-application meeting?	Yes
---	-----

Applicant Information

Name	Parwinder singh
Email Address	fivestarinc119@gmail.com
Phone Number	3472052329
Address	119 E Paterson St, Kalamazoo, MI 49007, USA Map (42.303641, -85.5827235)
Preferred Contact Method	Email
Are you the property owner?	No

Property Owner Information

Name	Charanjit singh
Mailing Address	5595 Attleberry Ave, Kalamazoo, MI 49009, USA Map (42.2148099, -85.6596859)
Phone Number	2692672908
Preferred Contact Method	Email
Authorization from property owner:	Gross-Commercial-Lease-Agreement-Template.pdf

Property and Application Details

Property Address	121 E Paterson St, Kalamazoo, MI 49007, USA Map (42.303641, -85.5827235)
------------------	---

Parcel Identification Number	06-10-397-027
Zone District	LW-1
Type of Request	Temporary Use
Application Fee	\$150.00
Project Description & Reason for Request	Operating food truck

Temporary Use Review Criteria

What is the specific timeframe for which you are requesting a temporary use approval?	11 am to 11 pm 7 days week
Is the property located in one of the following districts: Commercial, Manufacturing, Parking, or Institutional Campus District, or located in a Residential Zone containing a permitted non-residential use?	Lw-1
Will the temporary use be outside of the right-of-way?	Yes
Will the temporary use be on an asphalt or concrete surface?	Yes
Will there be tents or other types of temporary structures as part of the temporary use?	Yes
Will there be adequate off-street parking for the primary use and no impact on traffic flow through the site with the addition of this temporary use (no more than 20% of the required off-street parking spaces may be occupied by temporary use)?	There is no impact to the traffic
What sort of signage is proposed, if any, with this temporary use?	Food truck

Supporting Documents

Supporting Documents [IMG_4842.png](#)

Submit

Your Signature



[Link to signature](#)

GROSS COMMERCIAL LEASE AGREEMENT

This Commercial Lease Agreement ("Agreement") made _____ by and between:

Landlord: _____ with a mailing address of _____ ("Lessor") AND

Tenant: _____ with a mailing address of _____ ("Lessee").

HEREINAFTER, the Lessor and Lessee ("Parties") agree to enter into an Agreement for the leasing of commercial real estate in accordance with the following terms:

1. **PREMISES.** The Lessee agrees to rent the property located at _____ ("Premises") together with the right of ingress and egress and the non-exclusive use of common areas, pursuant to the following terms and conditions:

2. **RENTABLE SPACE.** The total rentable space of the Premises consists of _____ Square Feet (SF).

3. **USE(S).** The Lessee shall be allowed to use the Premises for the following:

The aforementioned use(s) shall be referred to as the "Permitted Use(s)". Any use by the Lessee that does not correspond to the Permitted Use(s) shall be by prior written consent of the Lessor only.

4. **INITIAL TERM.** This Agreement shall have an initial period of _____ months beginning _____ and ending on _____ ("Initial Term").

5. **MONTHLY RENT.** The rent amount for the initial period shall be: \$ _____ paid on the _____ day of every month and: (check one)

- Shall remain the same during the Initial Term.

- Shall increase during the Initial Term as follows:

1st Period:

- From _____ to _____
- Monthly Rent: \$ _____

2nd Period:

- From _____ to _____
- Monthly Rent: \$ _____

6. SECURITY DEPOSIT. Under the terms of this Agreement: (check one)

- The Lessee shall not be required to pay a Security Deposit.

- The Lessee shall be required to pay \$_____ as a non-interest bearing security deposit to secure the performance by Lessee of the provisions and conditions of this Agreement ("Security Deposit"). The Lessee shall pay the Security Deposit to the Lessor at the execution of this Agreement. In the event Lessee fails to pay the Rent or otherwise defaults on any provision herein, Lessor may apply the whole or any part of the Security Deposit to the payment of any sum in default or any of Lessee's damages as a result of default. If any portion of the Security Deposit is applied, Lessee, upon demand by Lessor, shall deposit an amount sufficient to return the Security Deposit to its original amount. Should Lessee comply with all of the covenants and conditions of this Agreement, the Security Deposit or any balance thereof shall be returned to within ____ days of the expiration of the Term.

7. LATE FEE. If any payment or charges due by the Lessee to the Lessor are not made within ____ calendar days, the Lessor shall: (check one)

- Not charge a late fee.

- Charge a late fee in the amount of: (check one)

- \$_____ for each day occurrence Rent is late.

- ____% of balance shall accumulate for each day occurrence Rent is late.

8. RENEWAL OPTIONS. The Lessee shall: (check one)

- Not have the option to renew this Agreement.

- Have the option to renew this Agreement by providing at least ____ days' notice before any ending termination date. The Lessee shall have ____ renewal period(s) as follows:

1st Renewal Period:

• From _____ to _____.

• Monthly Rent: \$_____

2nd Renewal Period:

• From _____ to _____.

• Monthly Rent: \$_____

The Initial Term and any renewal periods shall be referred to as the "Term".

9. UPFRONT PAYMENT. Upon the execution of this Agreement, Lessee shall pay to Lessor the following: (check one)

- First Month's Rent of \$_____

- Last Month's Rent of \$_____

- Security Deposit of \$ _____

10. POSSESSION. Possession shall commence on _____ unless otherwise agreed upon. Lessor shall use due diligence to give possession as nearly as possible at the beginning of the Term. Rent shall be prorated taking into account any delay in providing possession, but the Term shall not be extended as a result of such delay. Lessee shall make no other claim against Lessor for the delay in obtaining possession of the Premises.

11. LESSOR INDEMNITY AND LIABILITY INSURANCE. Lessor shall indemnify, defend and hold Lessee harmless from all loss, liability, costs, damages, and expenses that may occur or be claimed with respect to any person or persons, or property on or to the common areas, resulting from any act done or omission by or through Lessor, its agents, employees, invitees, or any person. Lessor shall maintain, at all times during the Term, comprehensive general liability insurance with an insurance company licensed to do business in the state in which the common areas are located and satisfactory to Lessee, properly protecting and indemnifying Lessee with single limit coverage of not less than \$ _____ for personal injury, and \$ _____ for death of persons and \$ _____ for property damage.

12. PROPORTIONATE SHARE. If the Premises are a part of a multiple tenancy complex, the responsibility of Lessee for costs are determined by taking a percentage of the total cost of the expenses based upon the rentable floor space in said complex occupied by Lessee. It is agreed the Premises is _____% ("Proportionate Share") of the total floor space in the building.

- a. Lessor may, with notice to Lessee, elect to perform and provide certain maintenance and services pertaining to the entire building or area of which the Premises are a part, including, but not limited to, landscaping, trash removal, lawn maintenance, common area lighting, watering, paving maintenance, and snow removal. In such event, Lessee shall reimburse Lessor for its Proportionate Share of such maintenance services.
- b. Within ninety (90) days following the end of each year during the Term, Lessor shall furnish Lessee a written statement covering the lease year just expired (measured from the Commencement Date), showing in reasonable detail a general breakdown of the total operating costs, the amount of Lessee's obligation relating thereto, and the total payments made by Lessee.

Lessee agrees to conduct its business in a lawful and legal manner and in a way that provides quiet enjoyment to the rest of the Lessees in the complex, including, but not limited to, mitigation and limitation of noise, vibration, odor, trash, or fumes. In the event Lessor receives complaints from other Lessees in the building or complex and determines, in its sole reasonable judgment, that Lessee is conducting its operations in a manner so as to be objectionable to other Lessees, Lessee shall, upon notice from Lessor, promptly modify its operations to eliminate such objections.

13. EXPENSES. It is the intention of the Parties that this Lease be considered a "Gross Lease" and as such, the Base Rent is the entirety of the monthly rent. Therefore, the Lessee is not obligated to pay any additional expenses which includes utilities, real estate taxes, insurance (other than on the Lessee's personal property), charges or expenses of any nature whatsoever in connection with the ownership and operation of the Premises. The Lessor shall be obligated to maintain the general exterior structure of the Premises, in addition, shall maintain all major

systems such as the heating, plumbing, and electrical. The parking area shall be maintained by the Lessor including the removal of any snow or environmental hazards as well as the grounds and lands surrounding the Premises. The Lessor shall maintain at their expense casualty insurance for the Premises against loss by fire which may or may not include any extended coverage. The Lessee will provide and maintain personal liability and property damage insurance as a lessee, at least to the limits of One Million Dollars (\$1,000,000.00), that will designate the Lessor as an "also named insured", and shall provide the Lessor with a copy of such insurance certification or policy prior to the effective date of this Lease.

14. LESSOR'S RIGHT OF ENTRY. Lessor or Lessor's agent may enter at reasonable hours to inspect or show the Premises to prospective lenders and purchasers, and to do anything Lessor may be required to do hereunder or which Lessor may deem necessary for the good of the Premises or any building of which they are apart. During the last ____ days of the Term, Lessor may display a "For Rent" sign on the Premises and show the Premises to prospective lessees.

15. DAMAGE BY CASUALTY. If during the Term or previous thereto, the Premises shall be destroyed or so damaged by fire or another casualty as to become un-leasable, then, at the option of Lessor, this Agreement shall terminate from the date of such damage or destruction. Lessor shall exercise this option to so terminate this Agreement by notice in writing delivered to Lessee within ____ days after such casualty. Upon such notice, Lessee shall immediately surrender said Premises and all interest therein to Lessor, and Lessee shall pay Rent up until the date of casualty. If Lessor does not elect to terminate this Agreement, this Agreement shall continue in full force and effect, and Lessor shall expeditiously repair the Premises, placing the same in as good a condition as they were at the time of the damage or destruction. Rent shall be prorated taking into account the amount of time Lessee is unable to occupy the Premises. If the Premises are slightly damaged by fire or another casualty but still leasable, then Lessor shall expeditiously repair the same with no rent proration. Lessee may not make a claim for compensation because of any inconvenience or loss of business arising from the necessity of repairing any portion of the building or the Premises.

16. NOTICES. Any notice hereunder shall be sufficient if sent by certified mail and addressed to:

Lessor: _____

Lessee: _____

17. ASSIGNMENT AND SUBLETTING. Lessee shall not assign, transfer, or encumber this Agreement in any way and shall not sublease the Premises or any part thereof or allow any other person to be in possession thereof without the prior written consent of Lessor, in each instance. For the purpose of this provision, any transfer of a majority or controlling interest in Lessee (whether in one or more related or unrelated transactions), whether by transfer of stock, consolidation, merger, transfer of a partnership interest or transfer of any or all of Lessee's assets or otherwise, or by operation of law, shall be deemed an assignment of this Agreement. Notwithstanding any permitted assignment or subletting, Lessee shall at all times remain directly, primarily, and wholly responsible and liable for the payment of the Rent herein specified and for compliance with all of its other obligations under the terms and provisions of this Agreement.

18. SIGNAGE AND ALTERATIONS. Lessee shall not place any signs, billboards, or advertisements upon the Premises without the prior written consent of Lessor. Lessee is responsible for the costs of any permitted signage. Lessee shall not make any material or structural alterations or additions in or to the Premises without the prior written consent of

Lessor.

- 19. TOXIC OR HAZARDOUS MATERIALS.** Lessee shall not store, use, or dispose of any toxic or hazardous materials in, on, or about the Premises without the prior written consent of Lessor. Lessee shall be solely responsible for and shall defend, indemnify and hold Lessor, and its agents and employees, harmless from and against all claims, costs, and liabilities, including attorney's fees and expenses, arising out of or in connection with the Lessee storage, use, or disposal of any toxic or hazardous material in, on, or about the Premises. Lessee's obligations under this paragraph shall survive the termination of this Agreement.
- 20. CONDITION OF PREMISES.** Lessee acknowledges that it has inspected the Premises and Lessee accepts the Premises in its current condition. At the end of the Term, Lessee, at its expense, shall (i) surrender the Premises in the same condition as existed at the time the commencement of the Term, reasonable wear and tear excepted; (ii) have removed all of Lessee's property from the Premises; (iii) have repaired any damage to the Premises caused by the removal of Lessee's Property; and (iv) leave the Premises free of trash and debris and the building in "broom clean" condition.
- 21. PERSONAL PROPERTY.** Lessor shall not be liable for any loss or damage to any inventory, goods, fixtures, improvements, or personal property of Lessee on or about the Premises.
- 22. APPLICATION OF LAW.** Lessee shall comply with all laws, ordinances, regulations and other legal requirements affecting the Premises and the use thereof, and Lessee shall indemnify, defend and hold Lessor harmless from expense or damage resulting from failure to do so.
- 23. FIXTURES.** Except for Lessee's personal property and trade fixtures, all buildings, repairs, alterations, additions, improvements, installations, and other non-trade fixtures installed or erected on the Premises, whether by or at the expense of Lessor or Lessee, shall belong to Lessor and shall remain on and be surrendered with the Premises at the expiration or termination of this Agreement. However, at Lessor's option, Lessee shall remove Lessee's alterations or improvements prior to the expiration of this Agreement and return the Premises to its original condition.
- 24. EMINENT DOMAIN.** Should all or a part of the Premises be taken under eminent domain so that the Premises are unsuitable, in Lessee's reasonable opinion, for Lessee's use, then the term of this Agreement shall terminate as of the date that title shall vest in the acquiring authority and the Rent and other charges shall be adjusted as of the date of such taking. The Lessor shall be entitled to the proceeds of the eminent domain award made to Lessor. Nothing herein shall be construed to prevent Lessee from separately pursuing a claim against the requisite authority for Lessee's independent loss or damages to the extent available, provided, however, that no award to Lessee shall reduce the award to Lessor. Lessee shall have no claim against Lessor for the value of the unexpired term of this Agreement.
- 25. WAIVER OF SUBROGATION.** The parties will each look to their own insurance for recovery of any loss resulting from fire or another casualty. Lessor and Lessee release one another from such claims and waive any right of recovery of insured claims by anyone claiming through them, by way of subrogation or otherwise, including their respective insurers. This release and waiver shall remain effective despite either party's failure to obtain insurance. If either party fails to obtain insurance, it bears the full risk of its own loss.

26. DEFAULT AND REMEDIES. If: (a) Lessee fails to comply with any term, provision, condition, or covenant of this Agreement; (b) Lessee deserts or vacates the Premises; (c) any petition is filed by or against Lessee under any section or chapter of the Federal Bankruptcy Act, as amended, or under any similar law or statute of the United States or any state thereof; (d) Lessee becomes insolvent or makes a transfer in fraud of creditors; (e) Lessee makes an assignment for the benefit of creditors; or (f) a receiver is appointed for Lessee or any of the assets of Lessee, then in any of such events, Lessee shall be in default and Lessor shall have the option to do any one or more of the following: (i) enter the Premises either with or without process of law and to expel, remove and put out Lessee or any other persons thereon, together with all personal property; (ii) terminate this Agreement; (iii) Rent said Premises or any part thereof for such term or terms and at such terms and conditions as Lessor in its sole discretion may deem advisable, with the right to repair, renovate, remodel, redecorate, alter, and change said Premises. At the option of Lessor, rents received by Lessor from such reletting shall be applied in order as follows: to the payment of any indebtedness from Lessee to Lessor other than Rent due; to the payment of any costs and expenses of such reletting, including, but not limited to, attorney's fees, advertising fees, and brokerage fees, and to the payment of any repairs, renovation, remodeling, redecorations, alterations, and changes in the Premises; to the payment of Rent and additional Rent due and payable hereunder and interest thereon; and, if after applying said rentals there is any deficiency in the Rent and additional rent and interest to be paid by Lessee under this Agreement, Lessee shall pay any such deficiency to Lessor and such deficiency shall be calculated and collected by Lessor monthly. No such re-entry or taking possession of said Premises shall be construed as an election on Lessor's part to terminate this Agreement unless a written notice of such intention is given to Lessee. Notwithstanding any such reletting without termination, Lessor may at any time terminate this Agreement by reason of any default, in addition to any other remedy it may have.

27. WAIVER. The rights and remedies of Lessor under this Agreement, as well as those provided by law, shall be cumulative, and none shall be exclusive of any other rights or remedies. A waiver by Lessor of any breach or default of Lessee shall not be deemed or construed to be a continuing waiver of such breach or default nor as a waiver of or permission, expressed or implied, for any subsequent breach or default. It is agreed that the acceptance by Lessor of any installment of Rent subsequent to the date the same should have been paid shall not alter the covenant and obligation of Lessee to pay subsequent installments of Rent promptly upon the due date. Receipt by Lessor of partial payment after Lessee's default shall not be construed to be or constitute a cure of any such default. No receipt of money by Lessor before or after the termination of this Agreement shall in any way reinstate, continue, or extend the term above demised.

28. SUBORDINATION. This Agreement shall be subject and subordinate at all times to any existing mortgages and any mortgages hereinafter obtained on the Premises.

29. SUCCESSORS. The provisions, covenants, and conditions of this Agreement shall bind and inure to the benefit of the legal representatives, heirs, successors, and assigns of each of the parties hereto, except that no assignment or subletting by Lessee without the written consent of Lessor shall vest any rights in the assignee or sublessee of Lessee.

30. QUIET POSSESSION. Lessor agrees, so long as Lessee fully complies with all of the terms, covenants, and conditions of this Agreement, that Lessee shall and may peaceably and quietly have, hold, and enjoy the Premises for the Term. Such right to quiet enjoyment shall be binding upon Lessor, its heirs, successors, or assigns, but only during such party's ownership of the Premises.

- 31. AUTHORITY.** Lessor and Lessee further covenant and represent that each has full right, title, power, and authority to make, execute, and deliver this Agreement.
- 32. BANKRUPTCY.** Neither this Agreement nor any interest therein nor any estate hereby created shall pass to any trustee or receiver in bankruptcy or to any other receiver or assignee for the benefit of creditors by operation of law or otherwise during the Term or any renewal thereof.
- 33. ENTIRE AGREEMENT.** This Agreement contains the entire agreement between the parties, and no modification of this Agreement shall be binding upon the parties unless evidenced by an agreement in writing signed by Lessor and Lessee after the date hereof. If more than one Lessee is named herein, the provisions of this Agreement shall be applicable to and binding upon such Lessees, jointly and severally.
- 34. ESTOPPEL CERTIFICATES.** Lessee shall at any time upon written notice by Lessor, with notice providing Lessee no less than ten (10) days, execute, acknowledge, and deliver to Lessor or to any lender of or purchaser from Lessor a statement in writing certifying that this Agreement is unmodified and in full force and effect (or if modified, stating the nature of such modification) and the date to which the Rent and other charges are paid in advance, if any, and acknowledging that there are not, to Lessee's knowledge, any uncured defaults on the part of Lessor, or specifying such defaults if any are claimed. Any such statement may be conclusively relied upon by any prospective purchaser or encumbrances of the Premises or of the business of Lessor.
- 35. ADDITIONAL TERMS AND CONDITIONS.**

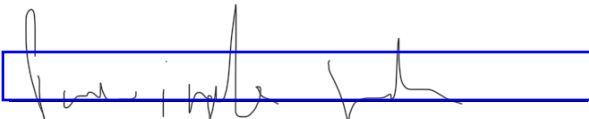
36. ATTACHMENTS. The following Attachments are incorporated herein: (check all that apply)

- Attachment A: _____
- Attachment B: _____
- Attachment C: _____

IN WITNESS WHEREOF, the parties have indicated their acceptance of the terms of this Agreement by their signatures below on the dates indicated.

Lessor's Signature:  Date: _____

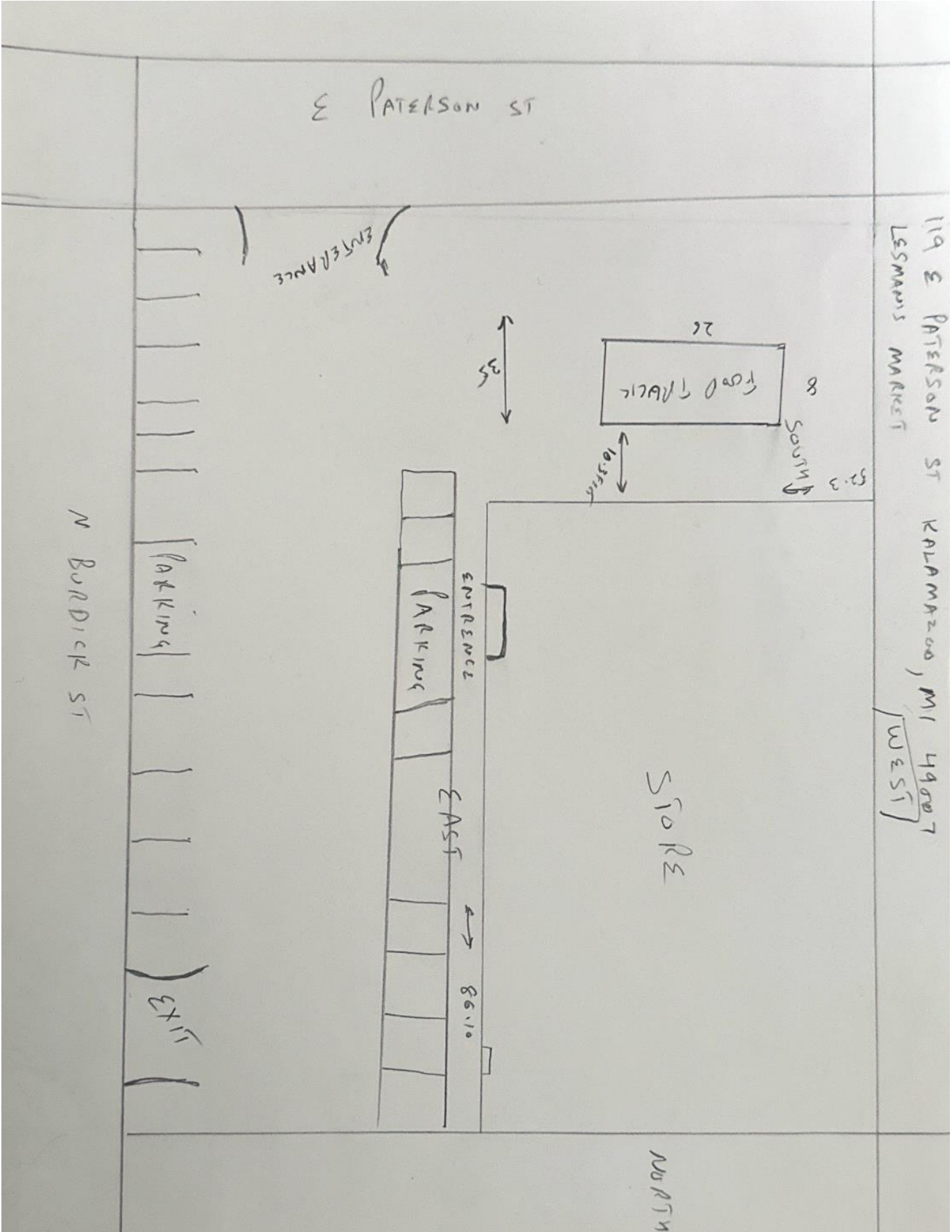
Print Name: _____

Lessee's Signature:  Date: _____

Print Name: _____

Agent's Signature: Date: _____

Print Name: _____









Community Planning and Economic Development

245 N. Rose Street, #100
Kalamazoo, MI 49007
PH: (269) 337-8044
FAX (269) 337-8429
www.kalamazoocity.org

Parwinder Singh
119 E. Paterson Street
Kalamazoo MI 49007

April 4, 2025

Property Address: 119 E. Paterson Street – Temporary Use Approval (Food Trailer)
Parcel #06-10-397-027

REVISED LETTER

Dear Mr. Singh:

This correspondence is to confirm the APPROVAL of your application for the food trailer in the parking lot to serve food at 119 E. Paterson Street (Lesman’s Market). It is understood that this temporary use will be open for business four (6) days per week (Mon, Tues, Wed., Thurs, Fri., and Sat.) from April 4, 2025, to May 8, 2025. Hours of operation will be 11:00 AM to 11:00 PM each day. This will utilize the maximum number of days (30) that can be administratively approved for the 2025 calendar year at this location.

Please note that the food trailer must be located a minimum of 10 feet back from the sidewalk. Additionally, please keep parking lot free of litter and food containers.

If you have additional questions, please contact me in the Department of Community Planning and Economic Development at (269) 337-8806 or eldridgep@kalamazoocity.org

Sincerely,

Peter C. Eldridge, AICP
Zoning Administrator

C: NAR and PAM LLC, 119 E. Paterson Street, Kalamazoo MI 49007



Zoning Board of Appeals Staff Report

City of Kalamazoo

Date: **5/8/2025**
Item: **D.3.**

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner / Deputy Director of CP&ED
Prepared by: Pete Eldridge, AICP, Zoning Administrator

DATE: May 8, 2025

SUBJECT: ZBA #25-05-07: 132 Reed Avenue. Christopher Patch is requesting a use variance from Appendix A, Chapter 4, Section 4.1, to authorize the use of the three dwelling units on the premises as short-term rental units, where short-term rentals (stays of less than 30 days) are not permitted in the RM-15 Zone District.

BACKGROUND:

The property is in the RM-15 Zone District and is improved with a 1,862 square-foot, 2-story residential structure. It is currently being utilized as a three-unit rental and has been for the last 25 years. The number of units permitted in a structure in RM-15 is based on the lot size; 1,500 square feet of lot size is required for each dwelling unit. This lot (4,150 sq ft) can support 2 units; the third unit is legally nonconforming by 350 square feet.

The applicant purchased the property in November 2024, and has been working on making repairs to the units. There is one ground-level unit and two units on the second floor. The applicant has indicated that it has been difficult to rent due to the location. Further, it was indicated that the two units on the second floor have a narrow stairway that provides significant challenges for tenants when moving furniture and appliances into these units.

The applicant is requesting the ability to rent the units as either short-term (less than 30 days) or month-to-month, or long-term. Long term, 30 days or more, is permitted by right in the RM-15 Zone District, where rentals of less than 30 days are not. Staff have reviewed the case and evaluated the surrounding area. There are several rentals on Reed Avenue, High Street, State Street, and Vanzee Street; none of the rentals in the area are short-term rentals.

ZBA records indicate that in the last 10 years, only two short-term rental variances have been granted, and both of those were on different street types than this one, which is on a local street.

STRATEGIC VISION ALIGNMENT:

Community Planning and Economic Development Department | 245 N. Rose Street, Ste 100, Kalamazoo, MI 49007
Voice: (269) 337-8744 | Fax: (269) 337-8513 | www.kalamazoocity.org

Strategic Goals and Master Plan 2025 Impact:

None noted.

COMMUNITY ENGAGEMENT:

Inform (one-way conversation) – the community will be made aware of the project.

Appropriate Depth of Engagement:

A public hearing notice was placed in the newspaper and notices, dated April 23, 2025, were sent to the property owners and occupants within 300 feet. A notice was also sent to the Edison Neighborhood Association.

Engagement/Communication Tools:

Newspaper, mailings and applicant outreach.

FINDINGS:

Staff have made the following findings regarding this request:

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 provisions of the Ordinance do not deprive the applicant of practical use of the property. The current use of the property is three residential units. Rental records found show this has been utilized as a three-unit rental for the past 25 years.

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 special circumstances cited by the applicant are related to the structure, specifically a narrow stairwell to the second floor. This structure and many others in the neighborhood were built in the early 1900's. Most were constructed as single-family homes and later converted to multi-unit rentals. Staff do not agree that this constitutes a hardship significant enough to warrant the requested use variance.

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

The applicant did not create the circumstances referenced. The applicant has only owned the property since November 15, 2024, and has not modified the floor plan of the structure.

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.

The granting of the variance is not the minimum action that will make it possible to utilize the structure in a way that is in keeping with the spirit of the Ordinance. There are conforming alternatives. The second-floor units could be utilized as pre-furnished month-to-month rentals, which is legal in the RM-15 zone district.

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

It is unclear if short-term rentals on this property will adversely impact adjacent properties. The property does have a single-lane driveway which meets the minimum off-street parking requirement of one parking space per dwelling unit. This parking arrangement would not be typical for short-term rentals in Kalamazoo, based on prior variance applications.

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

The granting of the variance is not consistent with the Ordinance. The RM-15 Zone District is designated as residential zone district. If residential units in this zone are rented, each must be a month-to-month or long-term rental arrangement. Where short-term rentals are classified as lodging and are more similar to a hotel, motel or bed & breakfast.

RECOMMENDATION:

Staff does not support this use variance as it does not meet the above criteria.



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 23, 2025

**RE: ZBA #25-05-08
132 Reed Avenue
Parcel #: 06-27-128-013**

Dear Property Owner:

An application for a variance from provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Christopher Patch for 132 Reed Avenue in the Residential – Multi Dwelling District (RM-15).

The applicant is requesting a use variance from Appendix A, Chapter 4, Section 4.1, to authorize the use of the three dwelling units on the premises as short-term rentals units, where short-term rentals (stays of less than 30 days) are not permitted in the RM-15 Zone District.

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

The meeting will be held on Thursday, May 8, 2025, 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 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

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: Christopher Patch		Mailing Address: 4131 firethorne ridge, apt 102
City: kalamazoo	State: Michigan	ZIP Code: 49006
Phone: 802-417-0665	Email: chrishpach@gmail.com	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: christopher Patch		Mailing Address: 4131 firethorne ridge, apt 102
City: kalamazoo	State: Michigan	ZIP Code: 49006
Phone: 802-417-0665	Email: chrishpatch@gmail.com	Preferred Contact: <input checked="" type="checkbox"/> Email <input type="checkbox"/> Phone
PROPERTY INFORMATION		
Property Address(s): 132 reed ave, Kalamazoo, MI		
Parcel Identification Number(s):	Zone District (kalamazoo.org/maps):	
TYPE OF REQUEST		
<input type="checkbox"/> Dimensional Variance from Chapter(s) _____, Section(s) _____ <input type="checkbox"/> Appeal of an Administrative Decision		
<input checked="" type="checkbox"/> Use Variance to allow <u>muti unit and single</u> unit use Section(s) _____ <input type="checkbox"/> Interpretation of Zoning Ordinance, Chapter(s) _____		
<input type="checkbox"/> Natural Features Protection Variance <input type="checkbox"/> Temporary Use Approval		
Reason for Request: Reclassifying my property to permit short-term rentals aligns with Kalamazoo's zoning framework and supports the city's goals of economic development and diverse housing options. This change will be implemented responsibly, with a focus on compliance and community well-being		
ATTACHMENTS		
<input type="checkbox"/> \$ <u>383</u> Fee <input 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: 		Date:
Signature of Owner (if different than applicant):		Date:

Zoning Board of Appeals

USE VARIANCE REVIEW SHEET

General Information:

Project Description (may also provide on a separate sheet):

This request arises from a hardship that is structural in nature and not self-created. Specifically, the unit's entryway and stairwell are exceptionally narrow, making it extremely difficult to move in standard household items such as couches, mattresses, or large appliances—creating a significant barrier for long-term tenants. The unit's configuration results in extended vacancies and underutilization, while also making it poorly suited for the type of residential use intended by current zoning.

In contrast, the unit's layout and access are ideal for short-term guests, who typically do not require full-sized furnishings or long-term setups. Allowing short-term rental use for this unit would help ensure the property can be used efficiently and responsibly, without altering the structure or changing the residential character of the neighborhood.

I am committed to full compliance with Kalamazoo's short-term rental registration, licensing, and safety requirements. The unit will have clearly communicated guest rules, strict occupancy limits, and a 24/7 local contact for neighbors or city officials to reach in case of concern.

This use variance will allow the property to be put to reasonable and productive use consistent with Kalamazoo's goals for economic vitality, housing flexibility, and neighborhood harmony—without granting a special privilege, and without causing disruption to nearby properties.

Review Criteria for Use Variances:

1. Does the Ordinance deprive the applicant from using the property for a permitted use, which is a right enjoyed by other property owners in the same zone district?

Yes. Although the property is located in a zoning district that permits multi-unit residential use, two of the units within the structure have significant physical access limitations that prevent them from being reasonably used for long-term rental — a right typically enjoyed by other multi-unit property owners in the same zone.

Both of these units are accessed by an exceptionally narrow and steep stairwell, which makes it extremely difficult to move in standard household items such as beds, couches, and large appliances. This renders the units functionally unsuitable for long-term occupancy, where tenants require the ability to move in comfortably and furnish the space for extended living.

In contrast, other property owners in the district can fully utilize all of their units for long-term rental without this structural burden. The current zoning ordinance prohibits the most viable and reasonable alternative — short-term rental use, where guests typically do not require large furnishings/prefurnished and occupancy is more flexible.

This results in a deprivation of full and reasonable use of the property, creating an undue economic and functional hardship. Granting a use variance would allow these two units to be adapted for short-term rental, enabling full utilization of the property while preserving the residential character of the neighborhood and complying with city safety and licensing standards.

2. Is there a hardship that is unique to the land or structure that is not applicable to other land or structures in the same zone district?

Yes. The hardship is unique to the physical structure and internal layout of my specific property and is not commonly found in other multi-unit residential properties in the same zoning district. Two of the units in this building are accessed through a narrow, steep, and restricted stairwell, which severely limits access for moving in large furniture and appliances such as beds, sofas, and refrigerators — all of which are essential for long-term residential occupancy.

These structural challenges were not created by me, and they present a clear and ongoing obstacle to utilizing these units in the same way other property owners in the district can. Most comparable multi-unit properties in the area have more modern, accessible layouts that support traditional, long-term rental use without such limitations.

As a result, the ordinance effectively restricts the reasonable use of this property due to a unique physical condition, not a zoning classification issue. Granting a use variance to permit short-term rental for the two affected units would allow the structure to be used in a way that works with — not against — its design, while preserving neighborhood character and supporting local housing and tourism goals

3. Are the special circumstances created by actions of the applicant?

No. The special circumstances and resulting hardship were not created by any action on my part. These conditions are tied directly to the property's existing physical structure, specifically one unit that has an exceptionally narrow and difficult entryway/stairwell. This structural limitation makes it extremely challenging to move in large items such as beds, couches, or appliances, which are typically required for long-term tenants.

The awkward and restrictive access significantly limits the unit's functionality for permanent occupancy, leading to extended vacancies or high tenant turnover. These conditions existed prior to my ownership and are a result of the property's original design or past modifications. I have not altered the structure in any way that contributed to this issue.

By requesting a use variance for short-term rental in just this unit, I'm seeking to work with the physical limitations of the property without making major structural changes that could impact the surrounding neighborhood. The hardship is structural, inherent, and not self-imposed.

4. Will the granting of the variance be the minimum action necessary for the use of the land or structure that will meet the spirit of this Ordinance?

Yes. Granting this use variance is the minimum action necessary to allow for the reasonable and functional use of the structure, specifically for three units that face clear and unique access-related hardships. Each of these units is affected by narrow and steep stairwells that restrict the movement of standard furniture and appliances. In particular, the downstairs unit suffers from a hallway partially blocked by the stair structure, further limiting access and making it impractical for long-term residential occupancy.

Rather than requesting a rezoning or structural modification, I am only seeking permission to utilize these three specific units as simple option of both use short-term/long-term rentals, where guests do not typically require large furnishings or permanent setups. The remainder of the property will continue to be used as intended under the current zoning.

This request is modest, targeted, and fully consistent with the spirit of the Ordinance, as it allows the structure to be safely and reasonably used without altering the building's footprint, increasing occupancy, or changing its residential character. It also supports city goals around adaptive housing use and local economic vitality through regulated short-term rentals.

5. Will the granting of the variance negatively affect adjacent land?

No. Granting the use variance will not negatively impact adjacent land, especially considering 132 Reed Avenue is located on an already busy street with consistent vehicle and pedestrian activity. The presence of short-term guests will not materially increase traffic, noise, or disruption beyond what already exists in the area. In fact, the short-term rental use of these three structurally challenged units will likely have less long-term impact than the frequent turnover often associated with underutilized or vacant long-term rentals.

There will be no exterior modifications to the building, and the property will continue to appear and function as a well-maintained multi-unit residence. I will enforce strict occupancy limits, quiet hours, and guest policies, and I will remain fully compliant with Kalamazoo's short-term rental regulations — including safety inspections, licensing, and 24/7 local contact availability for neighbors or city staff.

Given the street's existing level of activity, the limited and responsible use of three units as short-term rentals will not meaningfully alter the nature of adjacent properties, and may even enhance the surrounding area by keeping the building fully utilized, clean, and monitored.

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

Yes. The granting of this variance is fully consistent with the purpose and intent of the zoning ordinance, which is to promote the health, safety, welfare, and orderly development of the City of Kalamazoo. This request does not seek to fundamentally change the property's use or intensity, but rather to adapt three existing units to a use that better fits the building's unique structural limitations — while still maintaining the residential character of the area.

The variance would allow for responsible short-term rental of three units that are currently difficult to rent long-term due to access issues caused by narrow stairwells and a partially blocked hallway in the downstairs unit. Instead of leaving these units vacant or underutilized, short-term rentals would ensure they are safely and productively occupied, contributing to property maintenance, neighborhood stability, and the local economy.

This request aligns with the spirit of flexibility built into the zoning ordinance to account for unique hardships, and it enables the landowner to make reasonable use of the property without creating adverse effects or requiring major structural changes. The use will remain residential in nature, with full compliance with city regulations, and will be carefully managed to avoid disruptions.

In this way, the variance supports the ordinance's goals by balancing individual property rights with community interests and allowing for a practical solution to a unique and documented hardship.



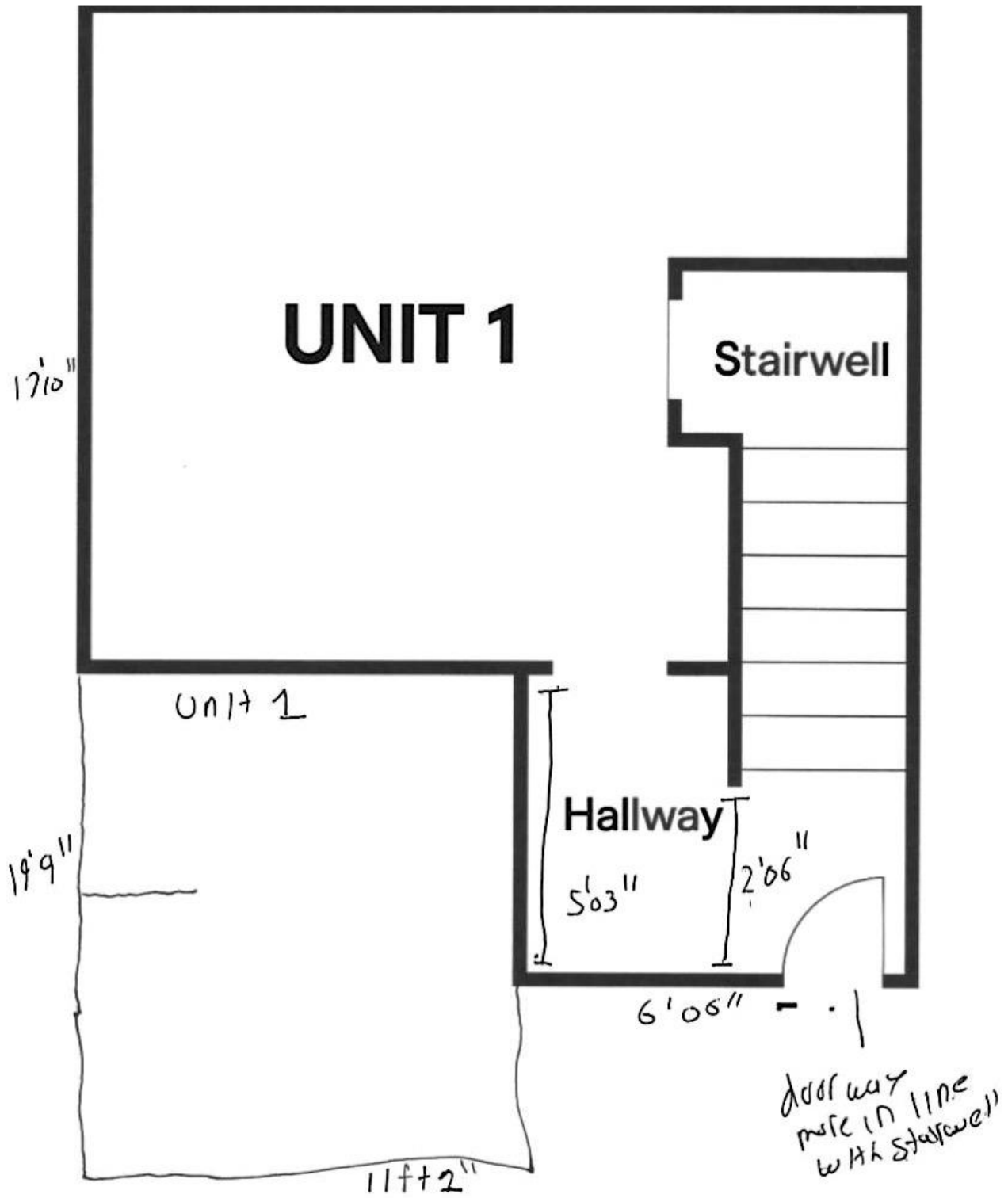




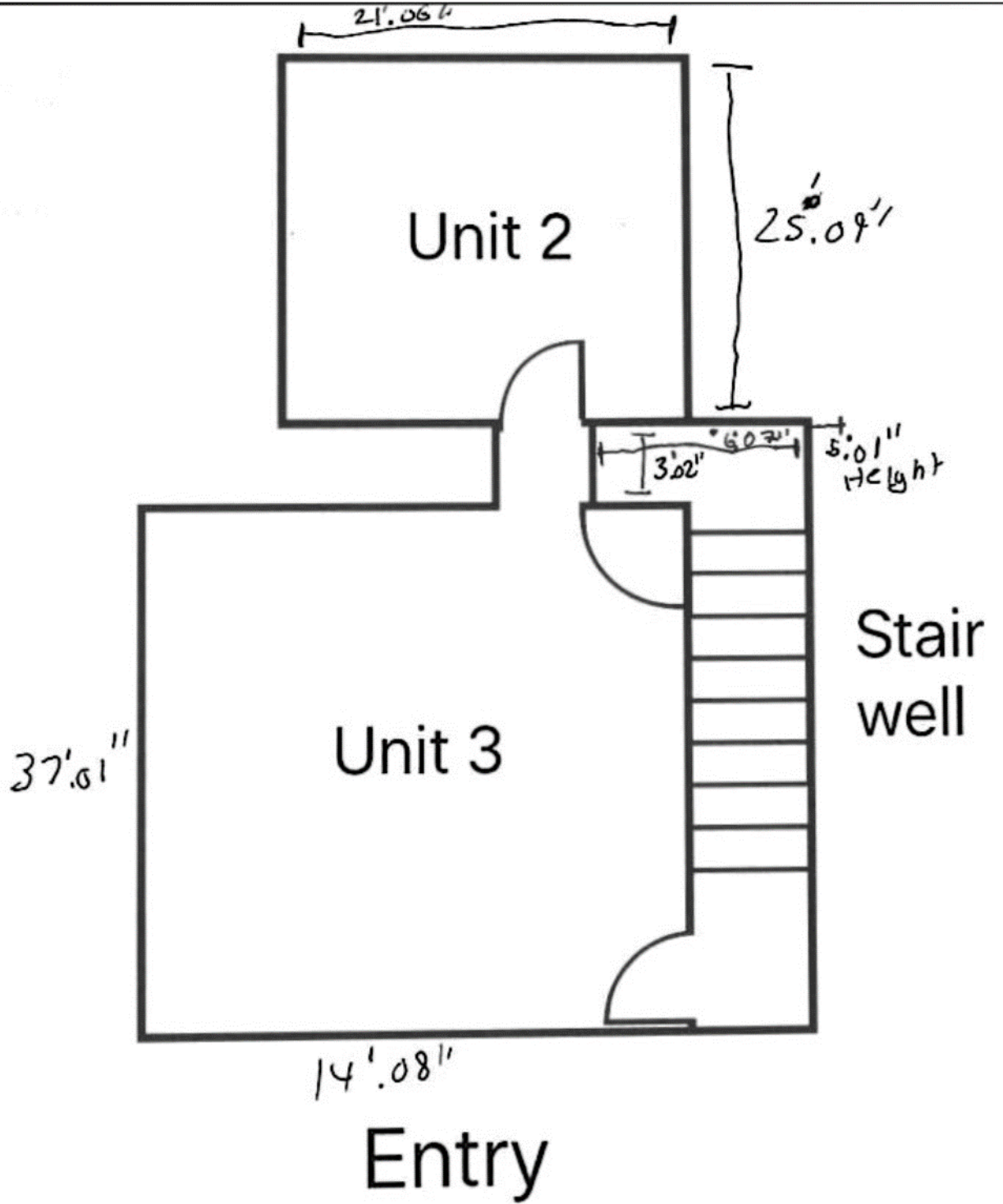
Main Entrance Facing Reed Ave./Stairwell



First Floor:



Second Floor:




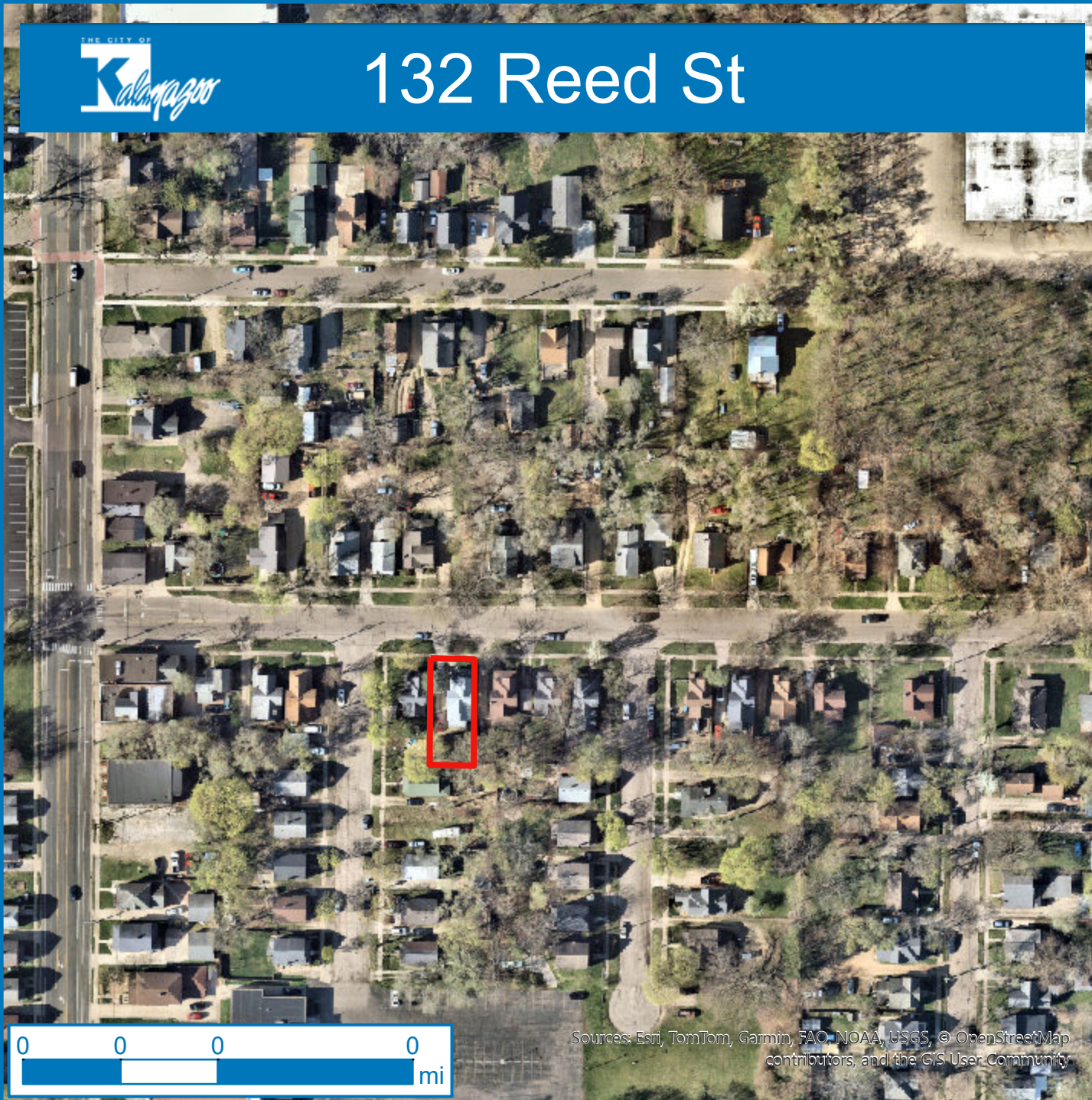


132 Reed St

LEGEND

GENERAL INFORMATION

 City Boundary







Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



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Parcels within 300' Mailing Radius 132 Reed Ave

-  Subject Property
-  Property within 300' Mailing Radius
-  Other Property
-  Zoning District Boundary

