

Agenda

Zoning Board of Appeals



City of Kalamazoo

Thursday, June 12, 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 May 8, 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 #25-06-08: 2139 Ridge Road. Caleb Salter on behalf of the property owner, is requesting a dimensional variance from Appendix A, Chapter 5, Section 5.1, to authorize relief of 7.5 feet from the average front building setback of 9.5 feet.
3. ZBA #25-06-09: 4423 W. KL Avenue. Jesus Barraza is requesting a variance from Appendix A, Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Food Truck) to operate in the parking lot at 4423 W. KL Avenue from June 13, 2025, to December 13, 2025 (6-months).
4. ZBA #25-06-10: 1516 Rockledge Court. B Diamond Infra, LLC is requesting a use variance from Appendix A, Chapter 4, Section 4.2 W 5, to authorize a use variance to construct a new 150-foot monopole-style telecommunications tower at this location which would replace the current 150-foot lattice-style tower.

E. DISCUSSION/ACTION ITEMS

1.

F. REPORTS

G. ADJOURNMENT

**MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
May 8, 2025 - 7:00 p.m.
CITY COMMISSION CHAMBERS**

Members Present: Joe Hohler III, Alison Haan, Remi Harrington, Tony McReynolds, Gary Wark, and Alan Sylvester (Alternate)

Members Absent: Beth van den Hombergh

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

Chair Hohler called the meeting to order at 7:05 p.m.

Chair Hohler asked if there were any changes to the agenda and Mr. Eldridge said yes. He will ask for volunteers for board member interviews.

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 March 13, 2025, as submitted, seconded by Mr. McReynolds. 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 four minutes. Following that those in opposition will be invited to speak for four 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.

Ms. Harrington read the application for 121 East Paterson Street into the record.

ZBA#25-05-06: 121 East Paterson Street: An application for a use variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Parwinder Singh. 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 (six months).

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

Mr. Inderjit Singh stated they have a temporary 30-day approval for the use and was told by the city they need to extend it for six months, then they can make it permanent via site plan review. He stated the food truck is on site at this time and they have all of the approvals needed from the fire marshal and the county health department for permanent use, but this six-month use is the final hurdle. He also stated he has four letters of support from customers and stated if the board needs more, he can get them. He said the food truck features Indian food, with some American food mixed in. Mr. Eldridge asked that Mr. Singh give him the letters and email the customers addresses, he then passed the letters around to the board and stated the letters were from property owners and customers.

Chair Hohler asked for staff comments, and they are as follows: Mr. Eldridge stated that the food truck showed up at the property in January of 2025 and the property owner was unaware of the process for the temporary approval and has been patiently working through all of the steps because to have a food truck or food trailer, you need a food service license from the health department, a food safety certificate from the fire marshal, and you need to have zoning approval. He said that, administratively they can approve a food truck or a food trailer in a commercial parking lot for up to 30 days per calendar year and the plan was to make this a permanent addition to the Lesman's Market parking lot, so they've worked with the applicant on what the process steps look like, the ones allowed under the city ordinance to make a food truck or trailer into a permanent addition to the commercial uses on a property, but it has to go through site plan review. He stated they are pursuing site plan approval but that is a minimum of three months, but what the city has come up with was getting all of the approvals in place with the fire marshal and on the zoning side for temporary approval, which got them 30 days, so they could open for business and they wanted to know what would happen after the 30 days while they're going through site plan review, which is where the Zoning Board of Appeals comes in. He added that they're requesting a time extension to continue to operate this business for six months while they pursue site plan approval to make it a permanent use on the property.

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

He asked if anyone wanted to speak against the applicant and there was no one.

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

Chair Hohler closed the public hearing.

FINDING OF FACT

Mr. McReynolds moved the Finding of Fact as follows:

- 1) The Finding of Fact for 121 East Paterson Street shall include all information included in the notice of public hearing dated April 23, 2025, and the agenda packet provided by staff.
- 2) 60 notices of public hearing were sent and there were no responses other than the four letters of support presented by the applicant.
- 3) A public hearing was held before the board and public comments were accepted.
- 4) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following:

The timing of the site plan approval can take up to three months whereas a temporary use approval is quicker and is good for 30 days. During the site plan review process the applicant would like to remain on the property during that time.

Mr. Wark seconded the Finding of Fact.

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

Ms. Haan made a motion to approve the application for 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 (six months), seconded by Mr. McReynolds.

Discussion:

Chair Hohler asked if this use is appropriate for this area with other approvals and Mr. Eldridge stated yes and he tried to put that in with special circumstances as far as the timing and getting them through site plan review but still wanting to actively use the food trailer during the process. Chair Hohler asked if they were foreseeing any site plan review, or other problems and Mr. Eldridge stated not at this time, and the property has been kept clean and there have been no complaints, so things are off to a good start. Chair Hohler said it seems as if the applicant is being cooperative, and actively trying to work within the ordinance requirements and Mr. Eldridge stated that they are working on a layout for the plan right now, which they will submit with the pre-application step of the site plan review. Chair Hohler asked if this approval goes through, can they finish site plan review in August or September, then it can be there permanently and Mr. Eldridge said yes, then the variance will no longer be necessary.

Mr. Sylvester asked if this is a new tactic to get people into and past the site plan review process because of the length of time site plan review takes and is this a common practice in the past and Mr. Eldridge said he wouldn't call it a new tactic and that this isn't the first time this has been done, as this board has granted time extensions in the past and added he doesn't think this will be the last time because there seems to be a lot more food truck and food trailer activity. He stated they normally look at the track record of that particular temporary business, the location they are at, and that it's not going to cause an undue hardship to allow them more than just 30 days at that particular site. He added that they have looked at this particular site and sent out a number of public notices and have not received any negative responses but to answer his question, this has been done before, and it will definitely be helpful in this instance to give more time to a temporary use, and they're following the city processes, but there is no way to speed up the site plan review process.

Chair Hohler stated he believes there was one done for a barbeque truck a couple of years ago, but not for it to be permanent and Mr. Sylvester stated it just struck him as interesting that this is being used as a bridge to a permanent use, and he feels it's a good thing. Mr. Eldridge said it allows staff the allowance of 30 days to approve a temporary use, but it makes any temporary use that is going to be in place more than 30 days have to go through this more involved process, so it's a "check and balance" so to speak. Ms. Harrington added that one was done for a COVID testing site and one for the barbeque site and Mr. Eldridge added that there was one done for a food truck on Portage Street, just north of I-94, which he believes was a four-month approval.

Chair Hohler asked if there was any more discussion and there was none. Chair Hohler wanted to add that he felt the staff report and all of its findings are appropriate under the various standards or factors that they have to apply, and he doesn't have any quibbles with any of them, especially in light of the anticipation that it will be approved in site plan anyway.

Motion was approved unanimously by a roll call vote.

Ms. Harrington read the application for 132 Reed Avenue into the record.

ZBA#25-05-07: 132 Reed Avenue: An application for a variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Christopher Patch. 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 rental 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 a variance only regarding the items described above.

Mr. Christopher Patch, the owner of the property, is requesting a variance for his property and said that he is asking for a variance because his acquired property has a very narrow stairway and a steep stairwell and it is difficult to move standard furniture like beds, couches, and appliances, which makes it functionally unsuitable for new people who move in, and long-term rentals. He said what he's trying to do is get a pre-furnished short-term rental, which would be more of a solution and would also be easier to manage and would allow the property to be used more reasonably and productively without having to make structural changes. He stated this wasn't a

self-created issue, but one that he got when he bought the property, he hasn't made any modifications to it, and there would be no impact to the neighborhood. He added there will be no exterior changes and the Kalamazoo short-term rental guidelines will be followed, such as licensing, inspections, quiet hours, and a local 24-7 contact will be available for neighbors and city officials. He said it is located on a busier street and, to the best of his ability, there will be no attempts of disruption of traffic and that it will remain residential in nature and it will be owner occupied, as he has just moved into one of the units and said that when he moved his couch into the unit he's in, he had to move it in through the balcony, and it was a three man process, which he didn't feel was safe. He directed the board to the provided pictures in the staff report and said the holes in the walls were from trying to use the narrow stairway to get furniture into the narrow doorways. He added that he wants to use the building in a way that matches its structure, as short-term rentals without changing the neighborhood or avoiding any city requirements. He then referenced pictures of unit one, and said the hallway to the end of the railing for the stairwell is two feet and it's hard to get around or get anything into unit one. He said the hallway is five feet but, horizontally, comes out six feet and the doorway has minimal space to open for the stairwell. He then went upstairs to units two and three and stated there's three feet of access, vertically, and six feet horizontally, and what is unseen because he couldn't show it in the pictures, is a 45-degree angle in the hallway that makes it more difficult to move in large furniture, but Mr. Eldridge came in and took additional pictures of that space.

Chair Hohler asked for staff comments and Mr. Eldridge replied explained that as far as short-term rentals go, the city looks at them as a form of lodging like a hotel or motel as mentioned in the staff report, and does allow them however, those are in certain districts such as the Downtown Zone ie: D-1, D-2, D-3, the Live-Work 1 and 2, Node, CC and CC-2 Commercial-Community Districts, and the M-1 and 2 Manufacturing Zone Districts, where lodging type uses are permitted by right however, short-term rentals are not permitted in the Residential Districts and are also not a special use. He explained that this is in the RM-15 Residential, Multi-Dwelling Zone District and he tried to lay out some points in the findings of the staff report that the ordinance doesn't deprive practical use of the property because it can be used as three rental units and there is no hardship as this has been used as a regular rental for at least the past 25 years. He said there are other structures in the neighborhood of similar age and he doesn't know if they have stairwells like this or not, but they are of similar age and there are conforming alternatives and the second floor has two units that can be pre-furnished and can be rented out as such and while it may be expensive, the staircase can be modified to be more user friendly for getting items up to the second floor units, so staff didn't indicate support for this variance.

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

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

Chair Hohler asked if there were any phone calls and there were none.

Chair Hohler closed the public hearing.

FINDING OF FACT

Ms. Haan moved the Finding of Fact as follows:

- 1) The Finding of Fact for 132 Reed Avenue shall include all information included in the notice of public hearing dated April 23, 2025, and the agenda packet staff provided for this request.
- 2) 94 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.
- 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:

The facts presented whether there were unnecessary hardships based on special circumstances, the owner, Christopher Patch, acquired this hardship. There is a very narrow stairway with dimensions and angles that make it very difficult for long-term renters moving in and out with their furniture and items. The applicant states there is no impact to the neighborhood and no exterior changes to be made and he has moved into one of the units and had to move his couch via the balcony and holes were created when attempting to move furniture via the stairwell. Mr. Eldridge noted that there are conforming alternatives and modifications are possible and there were no shared facts whether there would be effects on adjacent land, but short-term rentals aren't allowed in the RM-15 Zone.

Mr. McReynolds seconded the Finding of Fact.

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

Ms. Haan moved to approve the application for a 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, seconded by Mr. McReynolds.

Discussion:

Mr. Wark asked if there was any plan to change the zoning regarding short-term rentals and Mr. Eldridge stated there are plans to have public meetings to make changes to the Residential Zone Districts in 2026. Ms. Harrington asked if that would include short-term rentals and Mr. Eldridge stated that the discussion will include all of the above such as single dwelling zoning versus multi-dwelling zoning, as well as where and under what circumstances short-term rentals should be permissible.

Chair Hohler asked if it would change if the whole property was being used as a short-term rental instead of the owner living in one of the units or a single-family home being used as a short-term rental and Mr. Eldridge stated that all short-term rentals are in the same lodging category, which is less than 30 days and is allowed on non-residential zones. He added that there are rooming

houses allowed in certain residential zone districts with special use, which goes through the planning commission for review and approval but that doesn't include short-term rentals.

Mr. Sylvester wanted to follow up with that and asked if a year from now, possibly, it would be a different set of circumstances confronting the applicant and Mr. Eldridge said he doesn't know if it would be a different set of circumstances because the city gets complaints annually about short-term rentals and disruptive behavior enforcement action is taken, but there are only a handful a year. He said he believes during the public meetings there will be two different camps that'll be commenting.

Chair Hohler asked that if the board gives approval for short-term rental in this instance, will it carry on with the property forever and Mr. Eldridge said yes.

Ms. Harrington said she will vote in favor.

Chair Hohler said he will vote no based on the staff report, especially because numbers one and two are right on the money and he doesn't need to recap them other than to say he agrees and Ms. Harrington asked him to read them out. Number one states the literal interpretation and enforcement of the terms of the provisions of this ordinance... would deprive the applicant for all practical purposes, from using the property for a limited use identified in the zoning ordinance. He said the findings are that the provisions of the ordinance do not deprive the applicant of practical use of the property. Current use of the property is three residential units, rental records found show that this has been utilized as a three-unit rental for the past 25 years and it would continue in its current use. Number two states there is an unnecessary hardship based on special circumstances or conditions peculiar to the land or structure and the special circumstances, according to the staff report and cited by the applicant, are related to the structure, specifically a narrow stairwell to the second floor. The structure, and many others in the neighborhood, were built in the early 1900s, most were constructed as single family homes and later converted to multi-unit rentals. Chair Hohler stated he lives in one of these types of homes and they all have narrow stairwells and weird ceilings and that's the nature of the home and it can still continue to be used for what it's being used for now, but there may be easier ways that it could be used, but that isn't a special circumstance or unnecessary hardship to him.

Mr. Wark asked if the property is certified as a rental and Mr. Patch stated yes, he just got it certified about two months prior and he believes that the layout has been grandfathered in because, as Mr. Hohler said, it's an older building. Mr. Sylvester asked if the certification is as a three-unit and Mr. Patch said yes.

Ms. Harrington stated we need more types of housing to be available for our constituency and in the midst of the housing crisis, we need to be more innovative to people's needs in order to support our community being housed how they want to be housed, and that should be taken into consideration and advisement. Chair Hohler said he agrees with her sentiment and paints himself to be the bad guy when he agrees to the ends that people are trying to accomplish and added that the board has to remember the standards they are supposed to apply and work within them. He added that this isn't to attack Ms. Harrington, but that is the reason why sometimes his votes run counter to his preferences for the way things should go, it's because the standards are what they are and it isn't their job or his job to reject them because he disagrees with what they're trying to

do or the ends and he isn't saying that Ms. Harrington is. Ms. Harrington stated that she doesn't think that, and she doesn't think he's a bad guy at all, she just always takes into consideration that slavery used to be legal, so she's always willing to challenge whatever the written law is in this country number one, and number two, she thinks a narrow stairwell is justification enough for her to consider this.

Ms. Haan asked how a pre-furnished, short-term rental unit would be any different than a long-term rental unit when furniture still needs to be moved in and out, and probably more often with a short-term rental and Mr. Patch stated most Airbnbs are pre-furnished and when he was doing his education at Western, he did a couple of Airbnbs, one of the was conveniently furnished for him. He stated that this unit is close to Western, in which the students could indulge in, but the furniture can stay where it is. He added that in that area off of Reed Street, it can sometimes be less than favorable tenancy, he has lived there for two months and the street is busy and sometimes and right now he has a tenant that is on a payment plan every month, he also has had to evict a tenant because political situations closed off funding for his program, so it is hard for people, especially for people in that area, to consistently pay their rent. He said he believes that, economically it would be more beneficial to have less people moving in and out and have a pre-furnished apartment but there would still be people moving in and out, but with less damage to the property.

Motion was denied by a vote of four to one with Mr. Sylvester, Mr. Wark, Chair Hohler, and Ms. Haan voting no and Ms. Harrington and Mr. McReynolds voting yes.

ZBA#25-05-05: 433 Reed Avenue: An application for a variance for the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the City of Kalamazoo Public Services Department 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.

Chair Hohler asked if this item, for the City of Kalamazoo's Public Services Department will be rescheduled and Mr. Eldridge stated yes item number one for 433 Reed Avenue will be moved to the June meeting and he will reach out to the consultant and the Public Services staff.

DISCUSSION/ACTION ITEMS:

Mr. Eldridge wanted to discuss board's volunteers for the interview committee for new board members. Ms. Harrington and Mr. Wark volunteered, Chair Hohler stated he would also volunteer if a third is needed. Mr. Eldridge stated he told the applicant there will be a two week wait and he would reach back out regarding the interviews and maybe there will be another applicant as well.

REPORTS:

ADJOURNMENT:

The meeting was adjourned at 8:58 p.m.

Submitted By _____ **Date** _____
Recording Secretary

Reviewed By _____ **Date** _____
City Staff

Approved By _____ **Date** _____
Chair

DRAFT



Zoning Board of Appeals Staff Report

Date: **6/12/2025**

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: June 12, 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

Please indicate the relevant natural features and the requested variances

Wetlands
Water Resources
Woodlands

What variances are you requesting from the requirements for these natural features?

Installation of stormwater treatment devices and systems within natural feature.

Are there reasons the parcel cannot be reasonably utilized for its zoned use without the requested relief?

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).

Is the extent of relief requested the minimum action needed to permit reasonable utilization of the site?

Yes.

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?

This project will greatly enhance the natural features in the Overlay District.

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?

Yes.

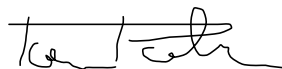
Supporting Documents

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
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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
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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	42.27506
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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
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12" Basswood Quad	12	Catalpa	-85.5765	42.27541	12" Elm	12	Elm	-85.5769	42.27505
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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
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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
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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
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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.

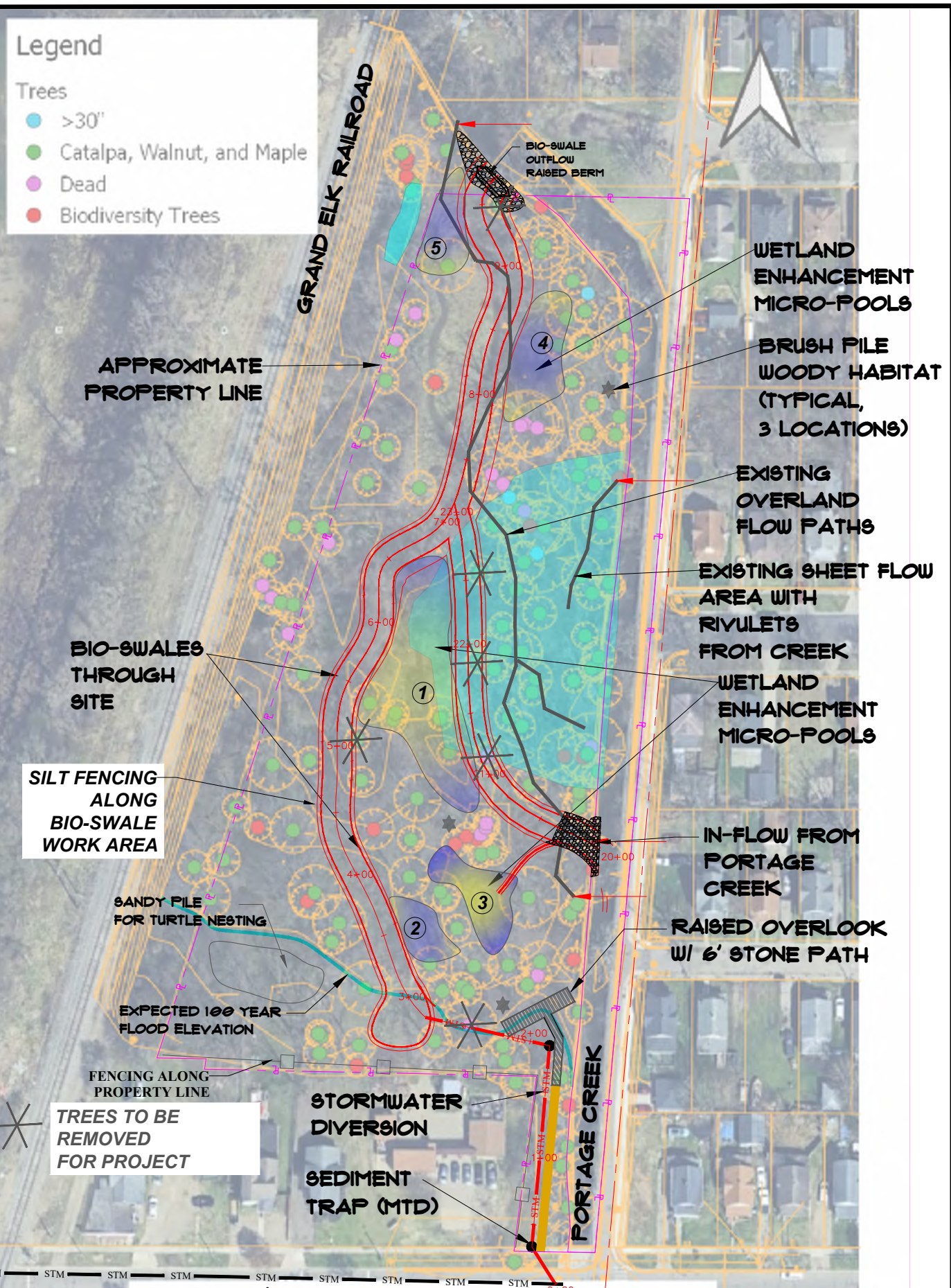
PARCEL AREA = 4.23 ACRES

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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 ph: (269) 344-7117 fax: (269) 344-2493 www.kieser-associates.com

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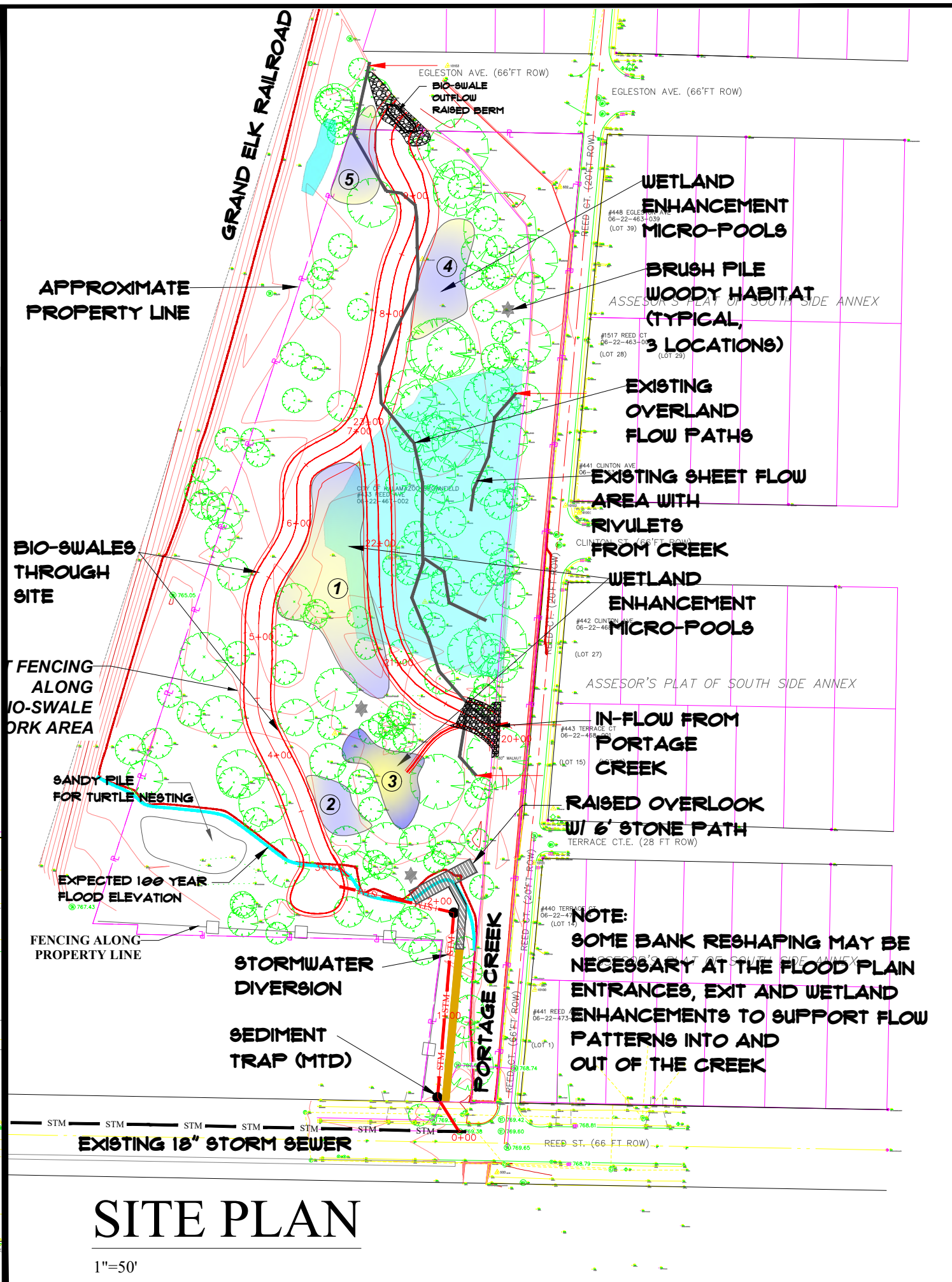
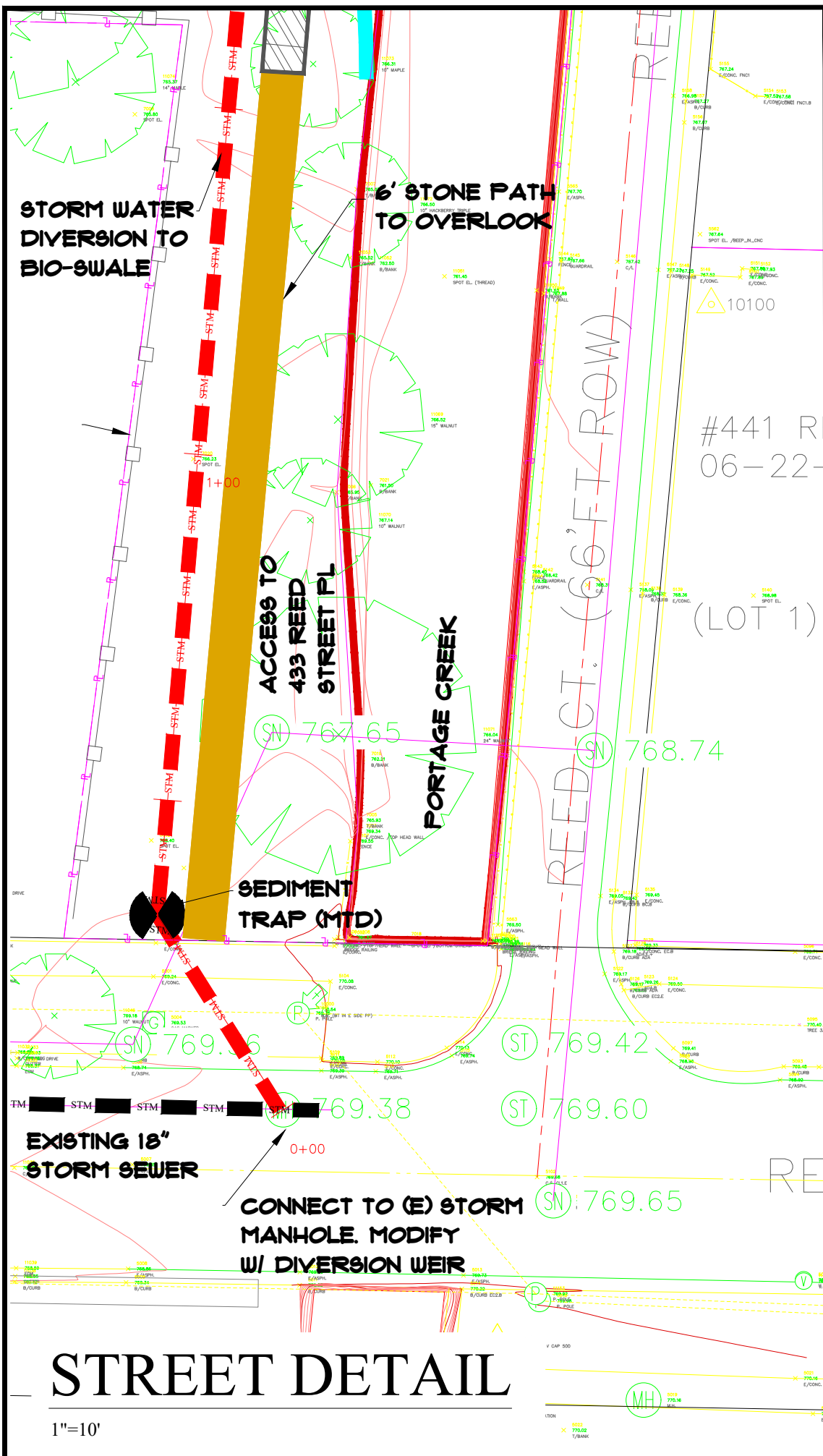
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REED COURT FLOODPLAIN AND STORMWATER IMPROVEMENT PROJECT

DEMOLITION & TREE PROTECTION

DRAWING
3



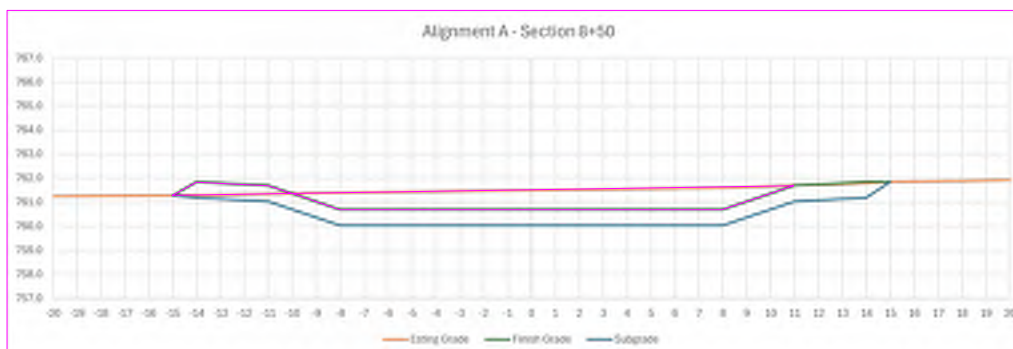
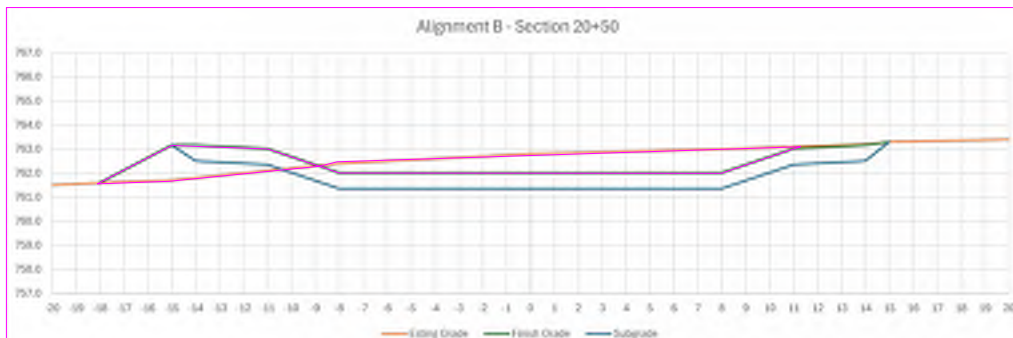
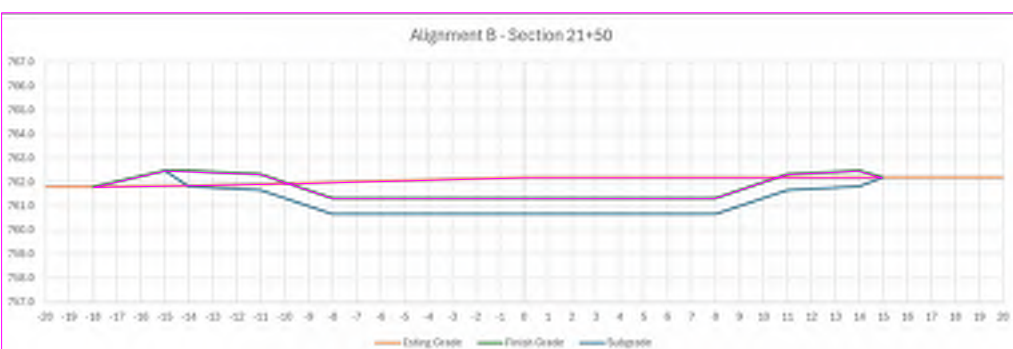
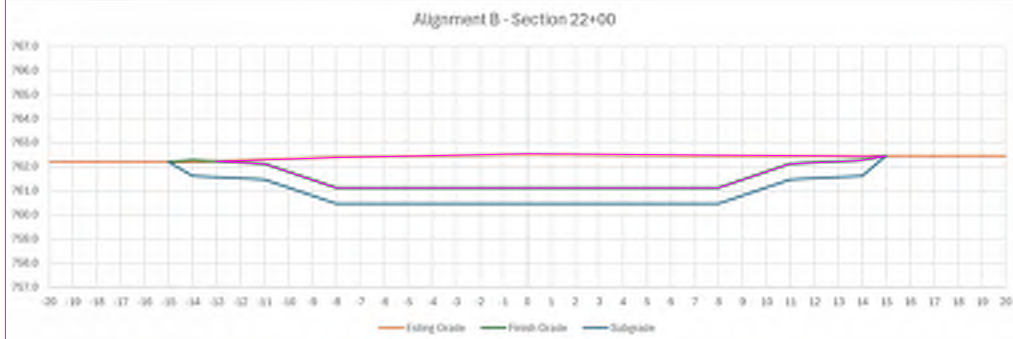
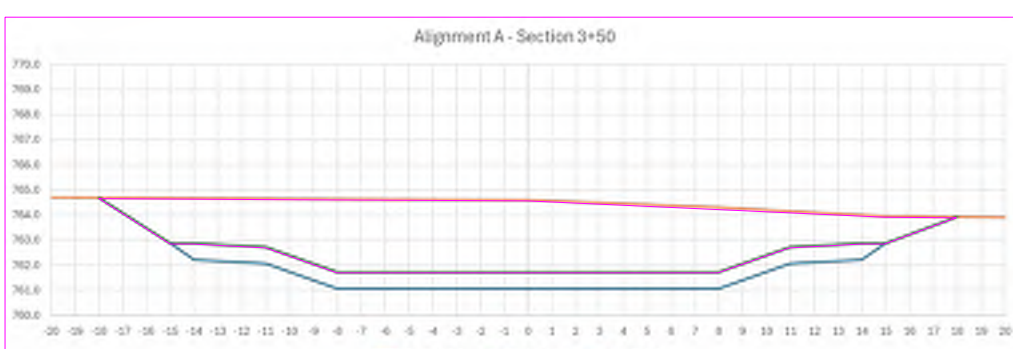
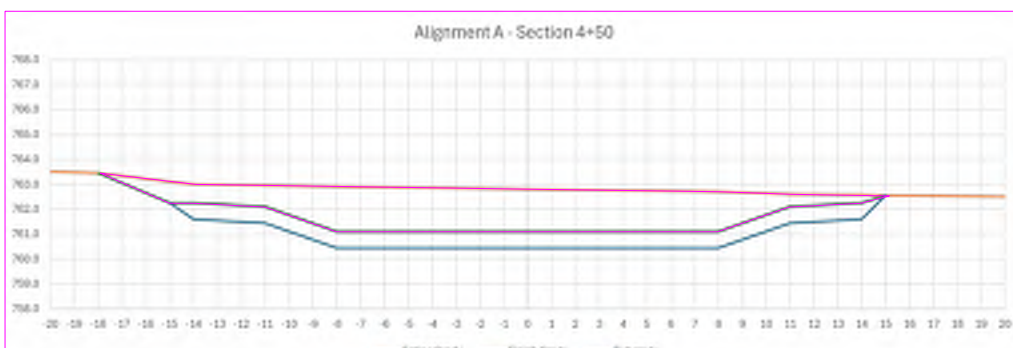
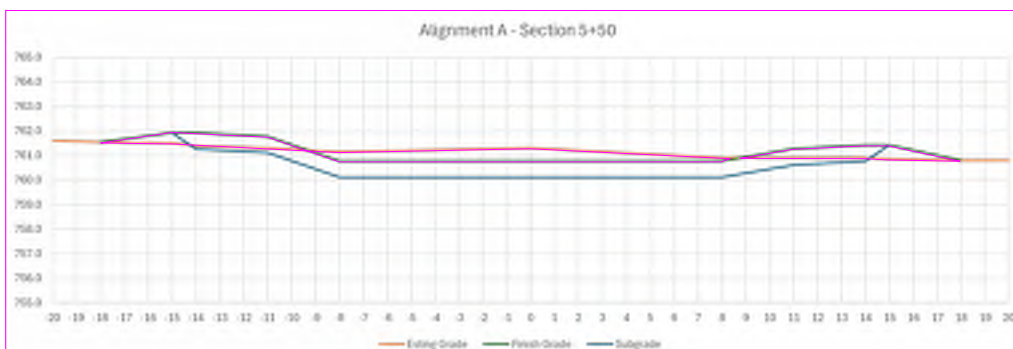
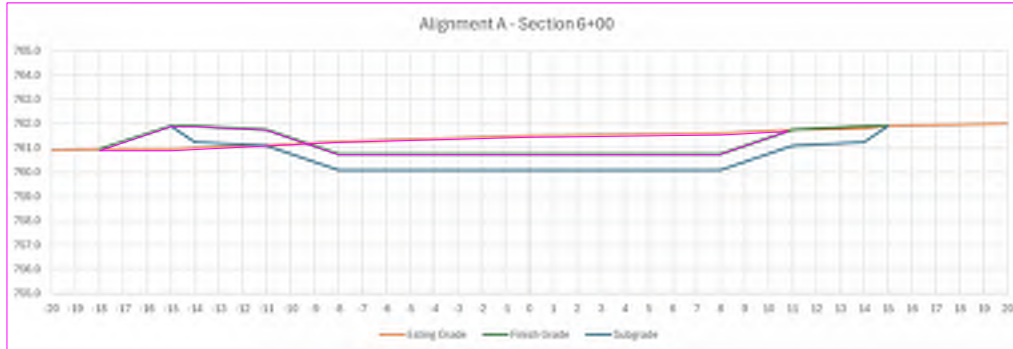
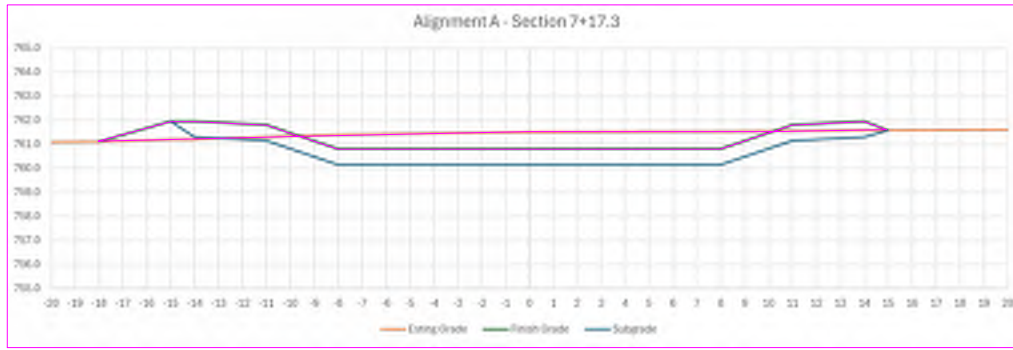
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REED COURT FLOODPLAIN AND STORMWATER IMPROVEMENT PROJECT

SITE PLAN



SECTIONS

DRAWN BY:
 CHECKED BY:



**PORTAGE
 CREEK
 RENAISSANCE:
 REED COURT
 RESTORATION
 PROJECT**

SECTIONS



CONCEPT REDERINGS OF VIEWING DECK.

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 AND
Prein & Newhof

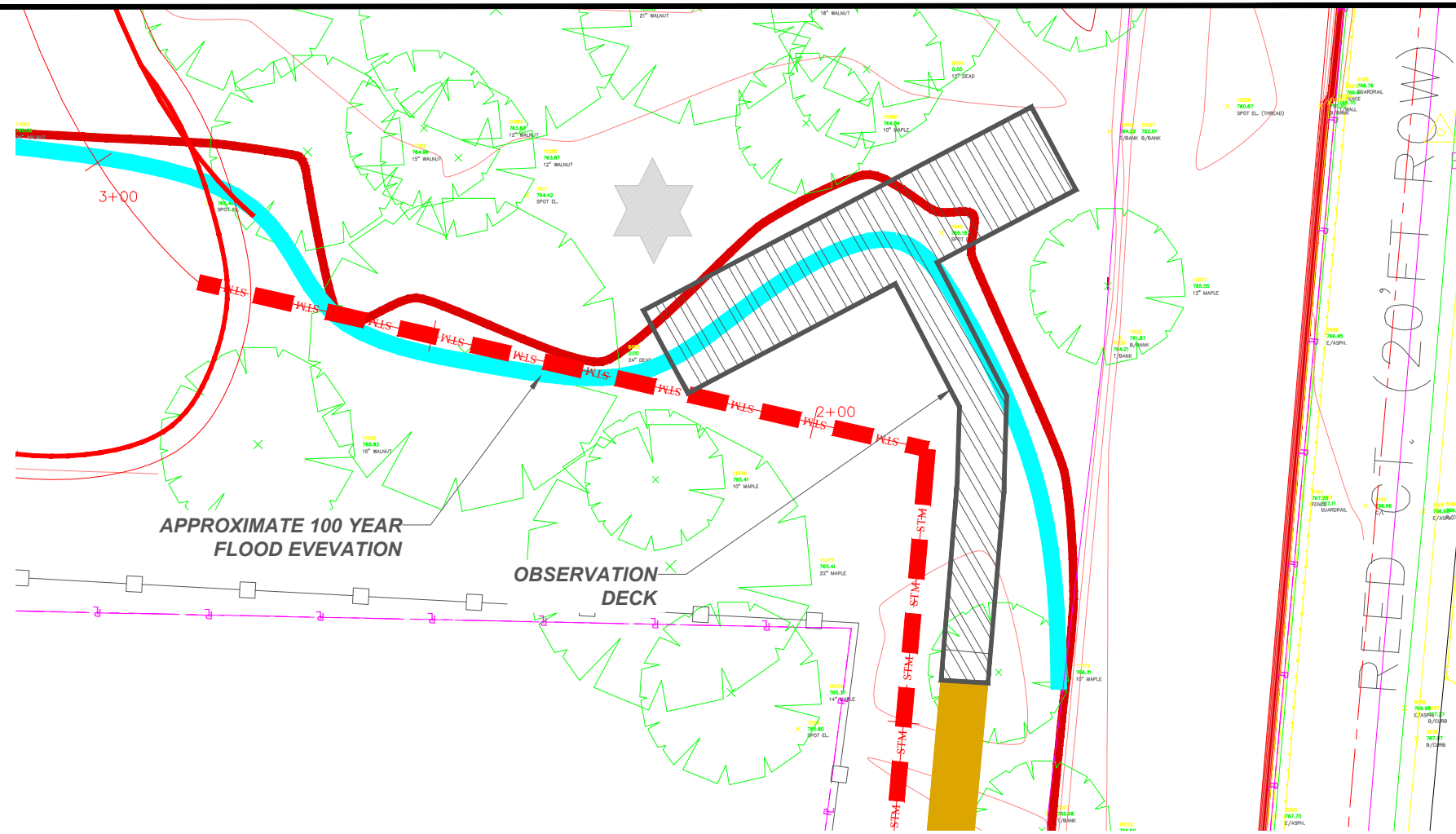
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**REED COURT
 FLOODPLAIN
 AND
 STORMWATER
 IMPROVEMENT
 PROJECT**

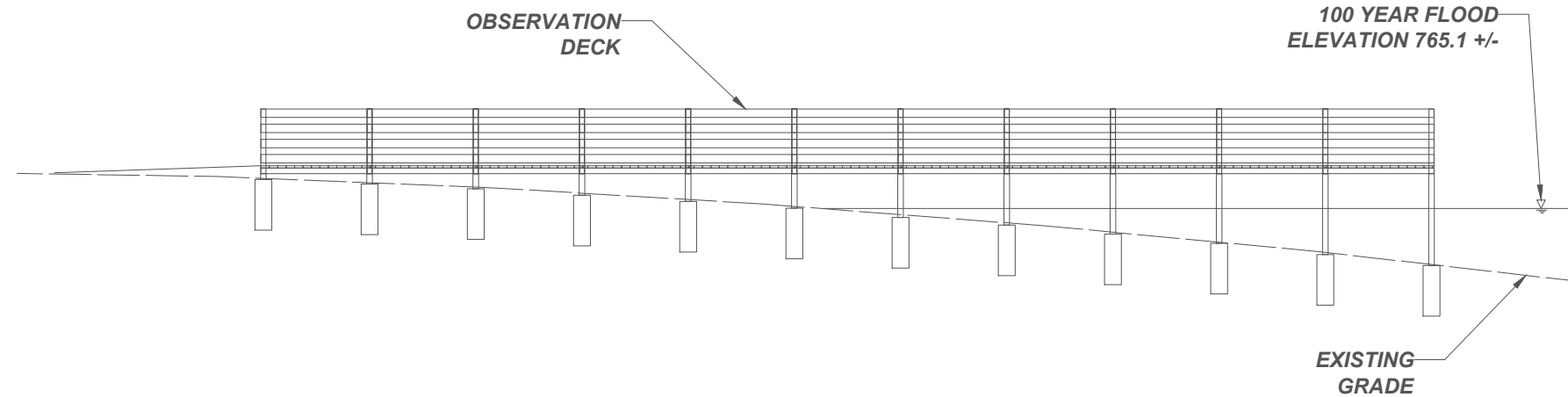
**LANDSCAPE
 CONCEPTS**

DRAWING
7



PLAN VIEW

1"=10'



LONGITUDE SECTION

1"=5'

CONCEPT DETAILS OF VIEWING DECK.

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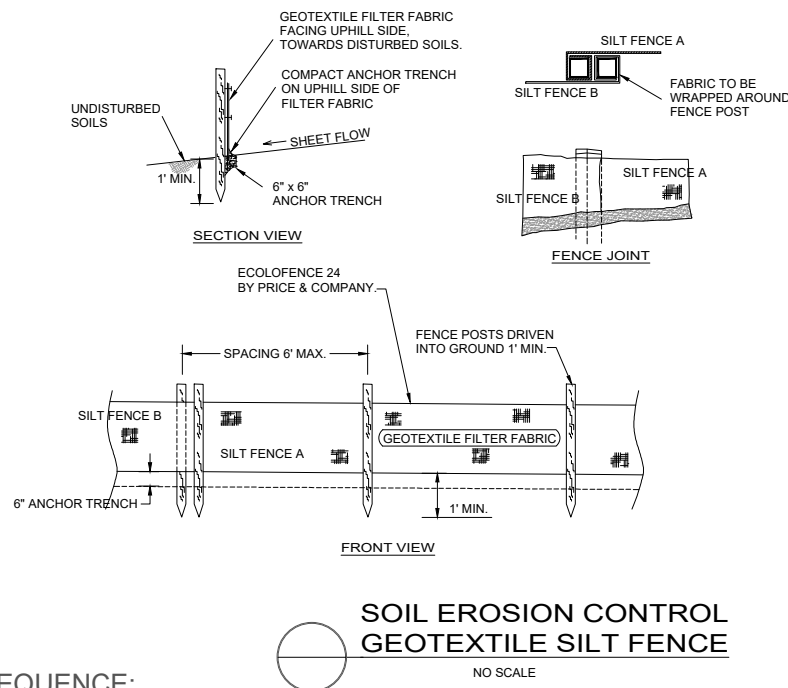
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**REED COURT
 FLOODPLAIN
 AND
 STORMWATER
 IMPROVEMENT
 PROJECT**

**LANDSCAPE
 DETAILS**

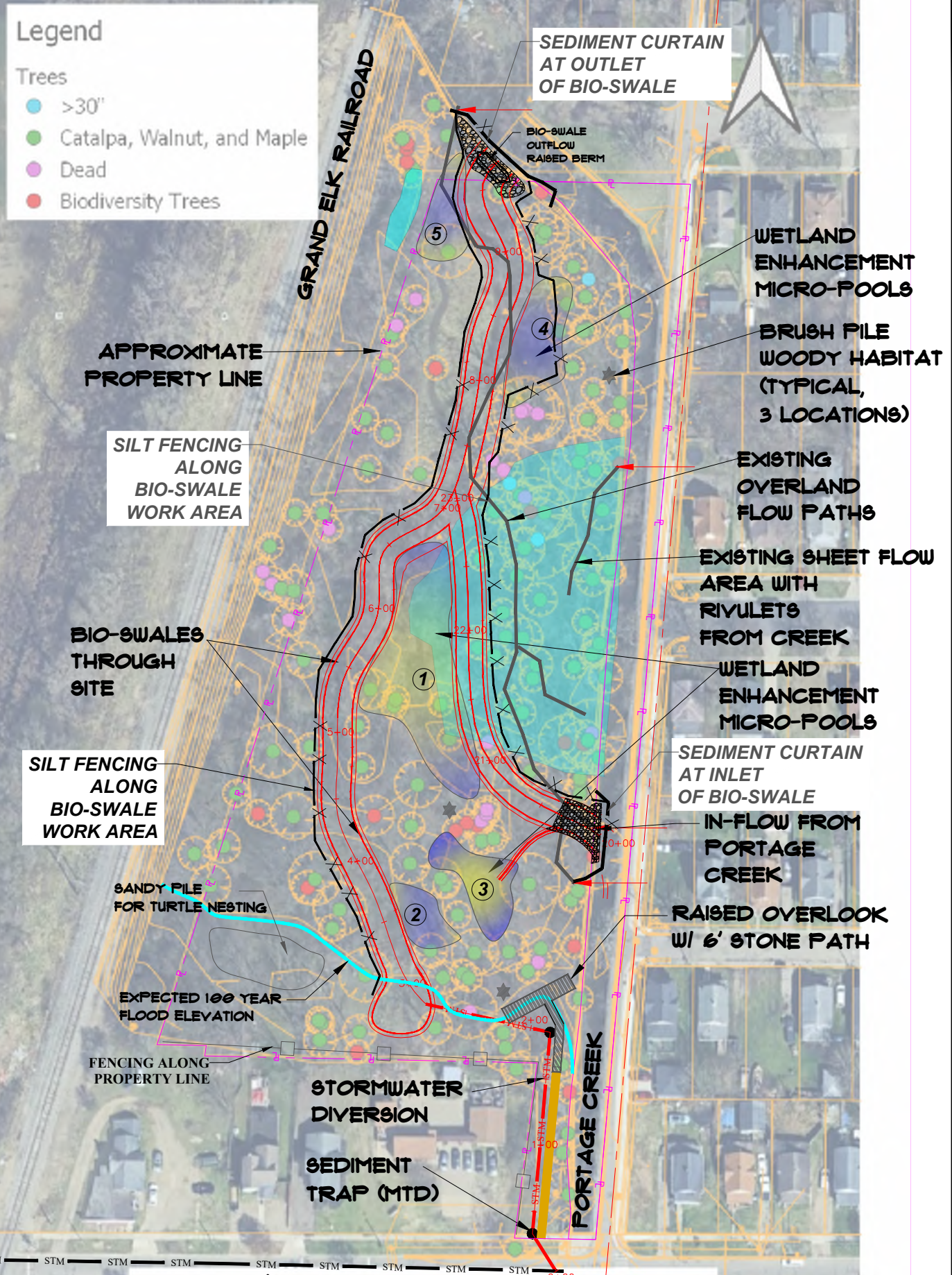
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8



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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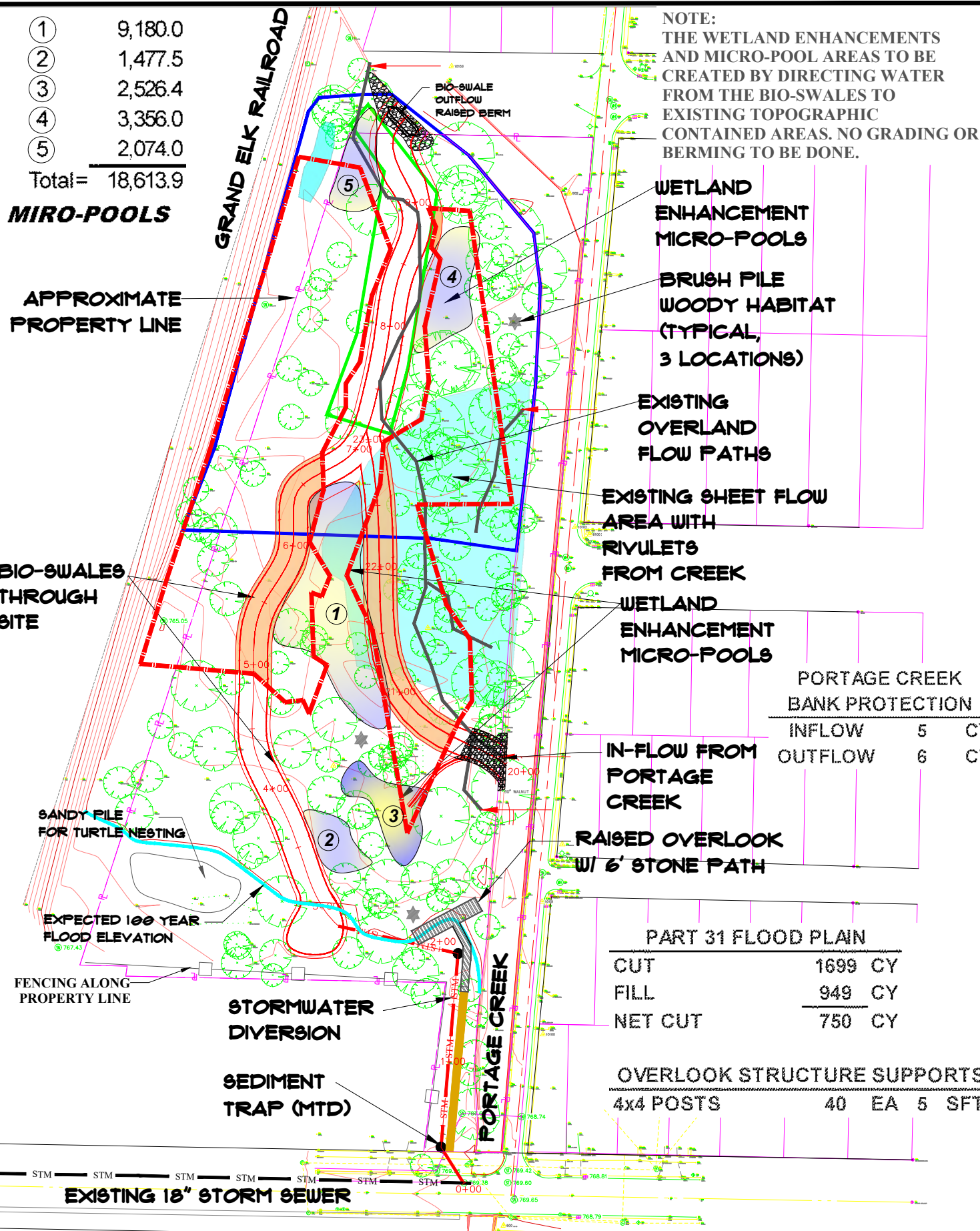
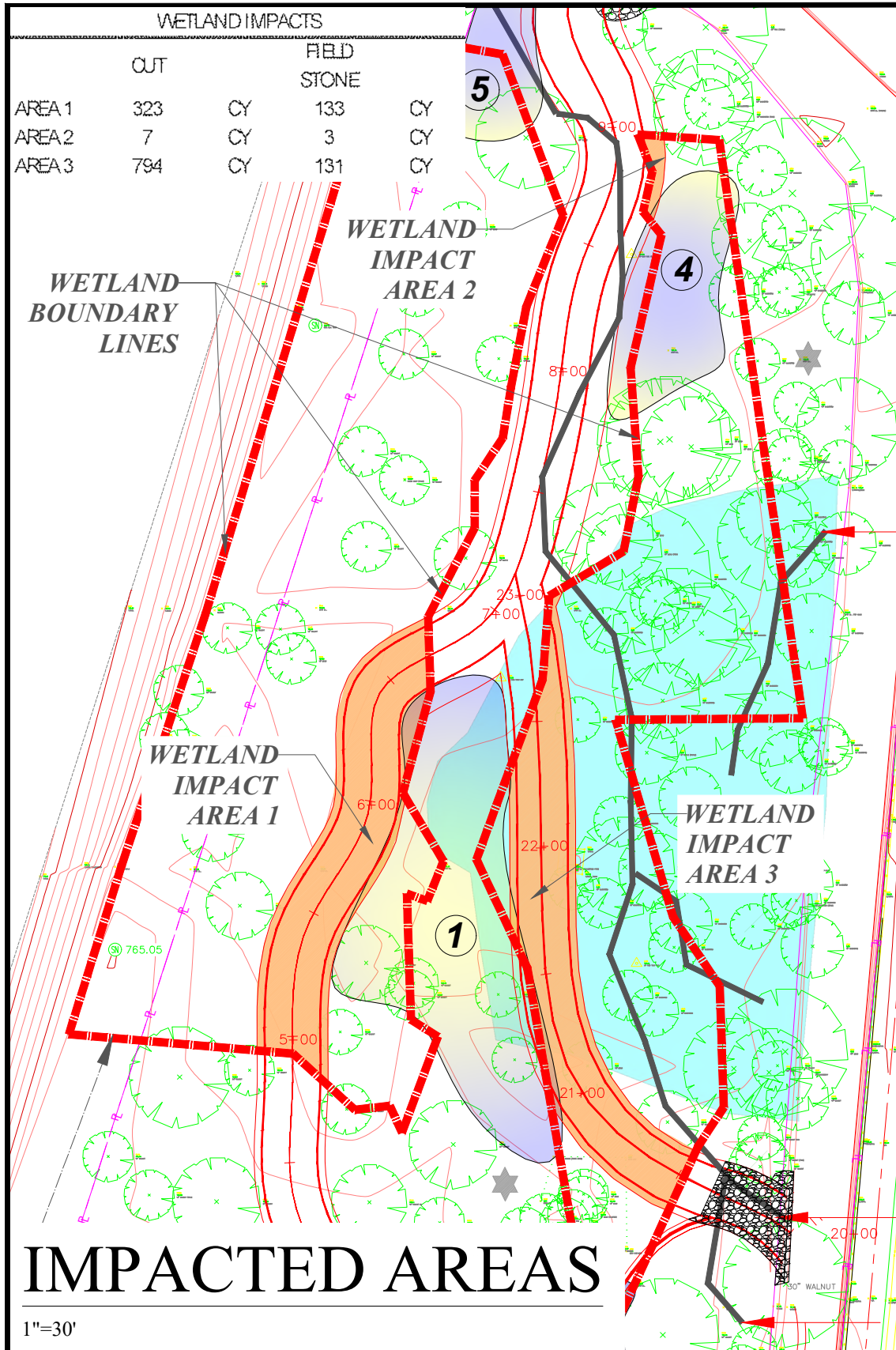
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REED COURT FLOODPLAIN AND STORMWATER IMPROVEMENT PROJECT

SOIL EROSION & SEDIMENT CONTROL

DRAWING
9



THE WETLAND ENHANCEMENTS AND MICRO-POOL AREAS ARE NOT INCLUDED IN THE WETLAND IMPACT AREAS.

THE WETLAND ENHANCEMENT AREAS TOTAL APPROXIMATELY 18,600 SQUARE FEET

WETLAND IMPACTS PLAN

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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).

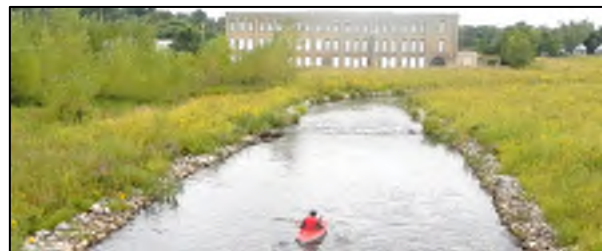


Figure 2.3. Portage Creek and Floodplain Restoration immediately upstream of the project site and below the removed Alcott Street dam at the former Allied Paper Mill site.

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).

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).

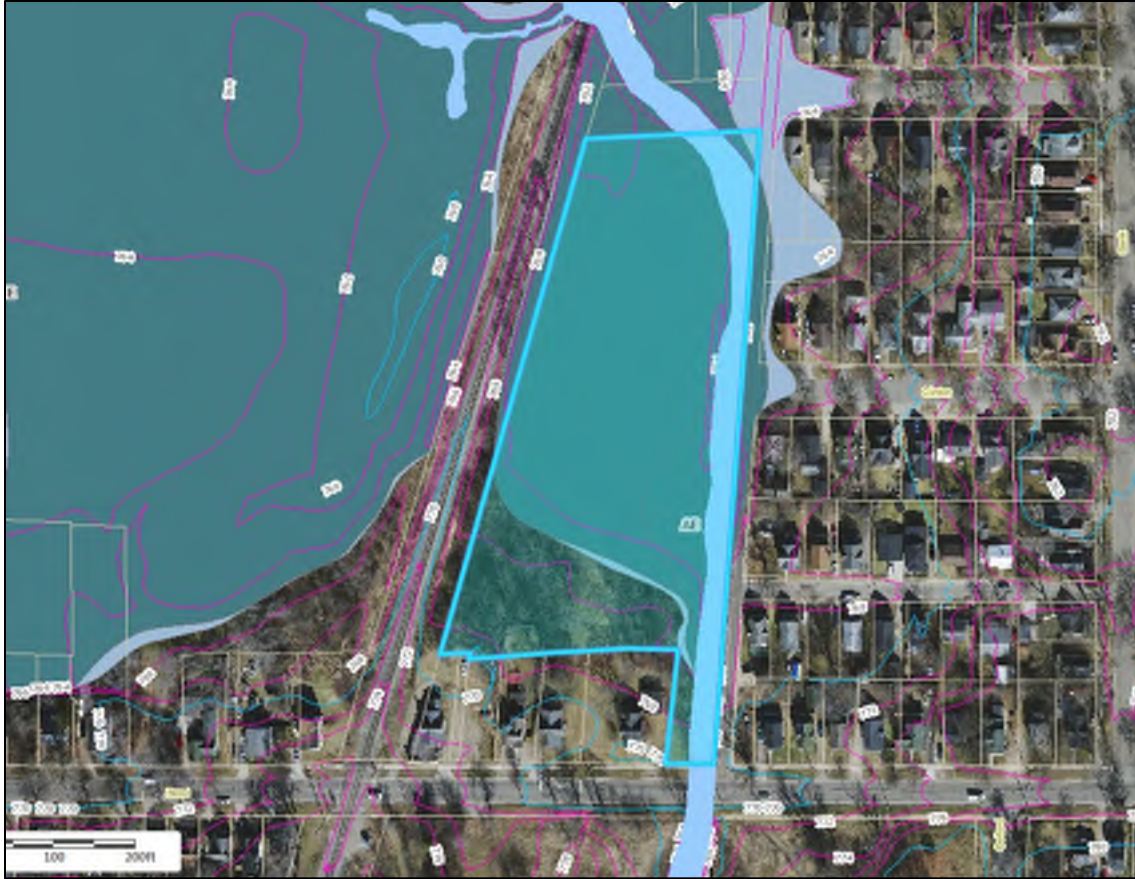


Figure 4.3. Topographic contours and Portage Creek with floodplain in green, highlighted in relation to the Project Site (outlined in blue) (Source: Kalamazoo City Geospatial Information Services, accessed 5/7/20).

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.

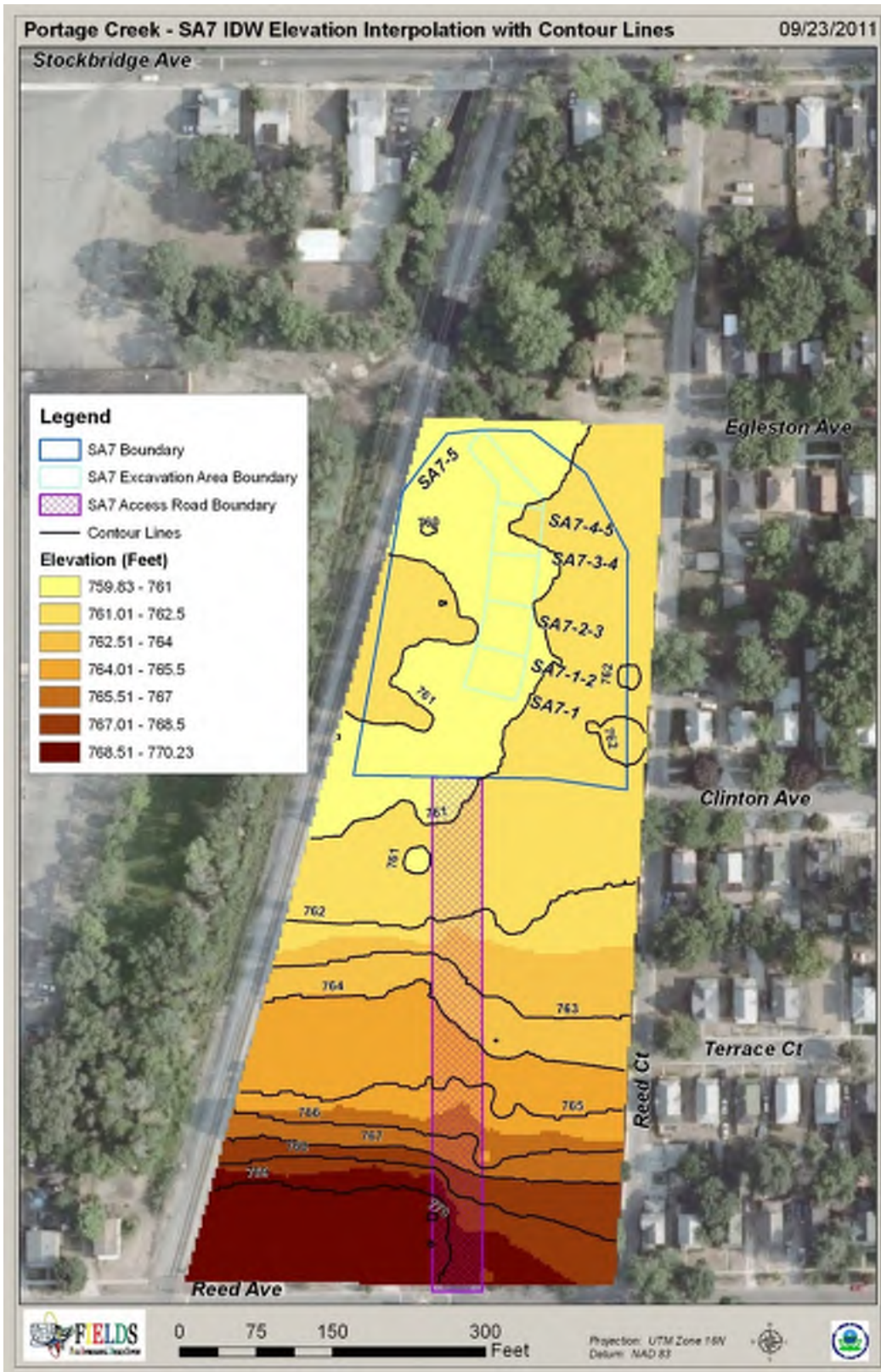


Figure 4.5. Site elevations in relation to previous TCRA activities at the Reed Court site. (Source: US EPA Region V).

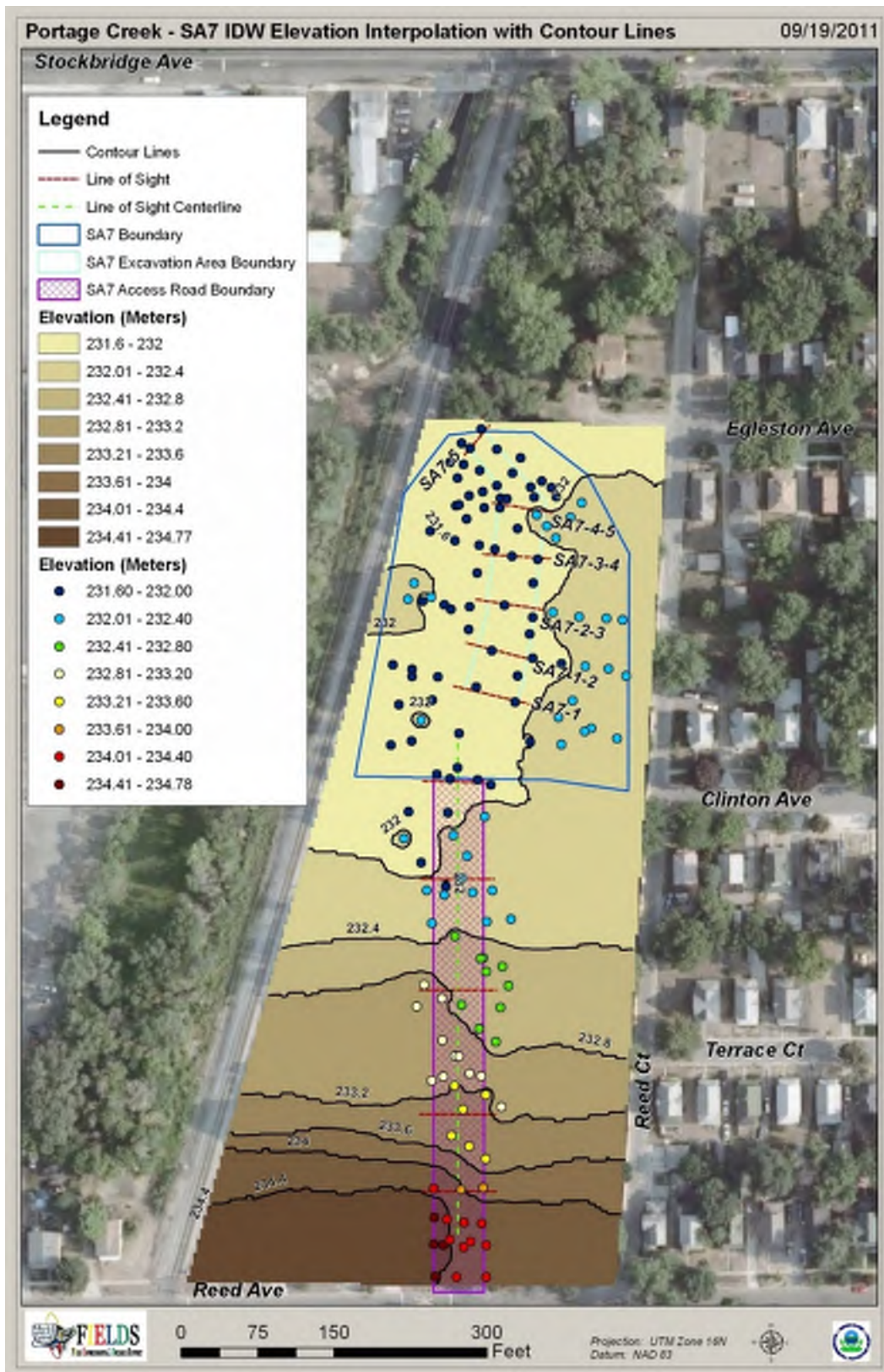


Figure 4.6. Site elevations in relation to previous TCRA sampling activities at the Reed Court site. (Source: US EPA Region V).

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~~ 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.

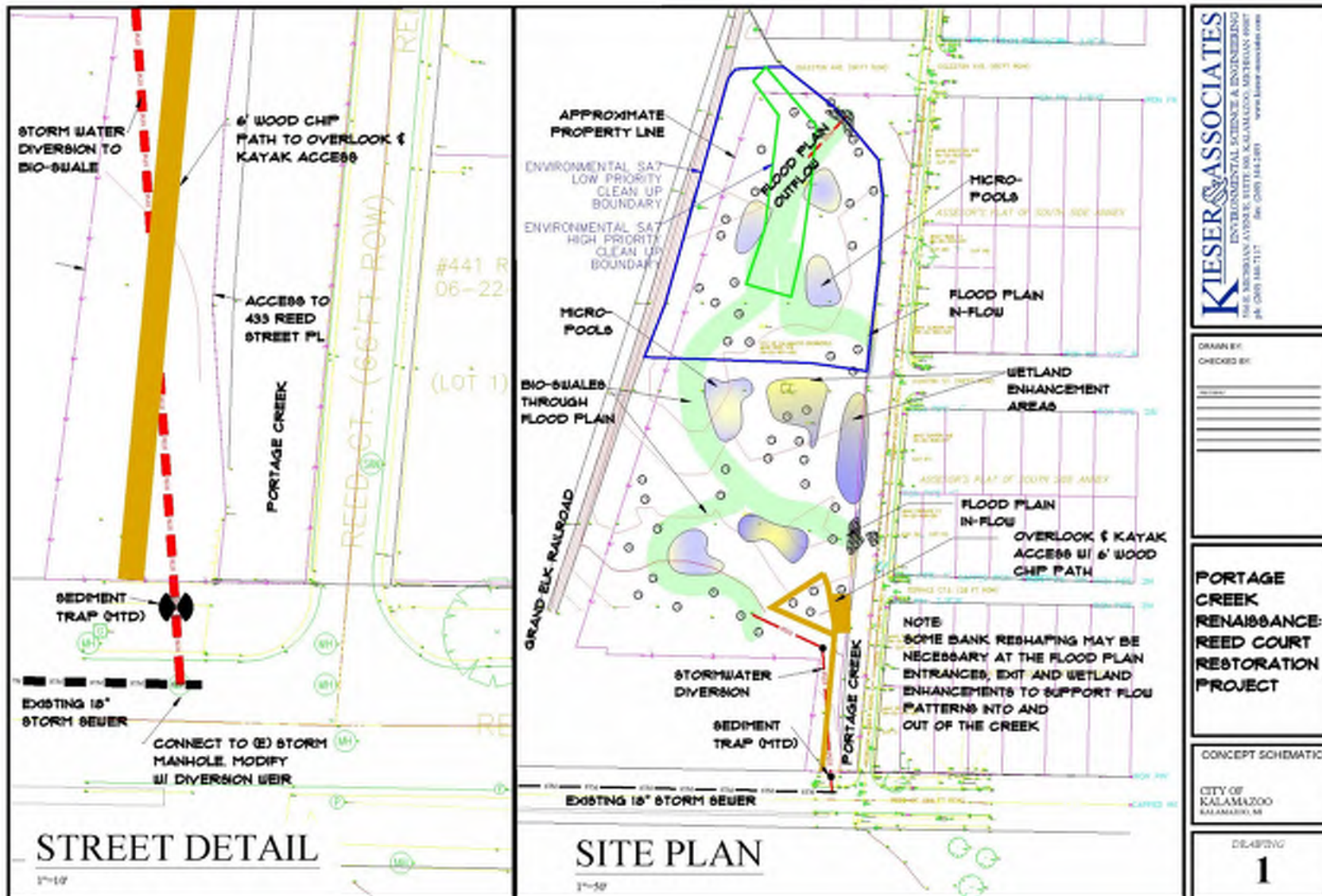


Figure 4.7. Detailed Site Plan conceptual drawing of Reed Court Floodplain and Stormwater Improvement Project with Street Detail for Stormwater Diversion into project site.

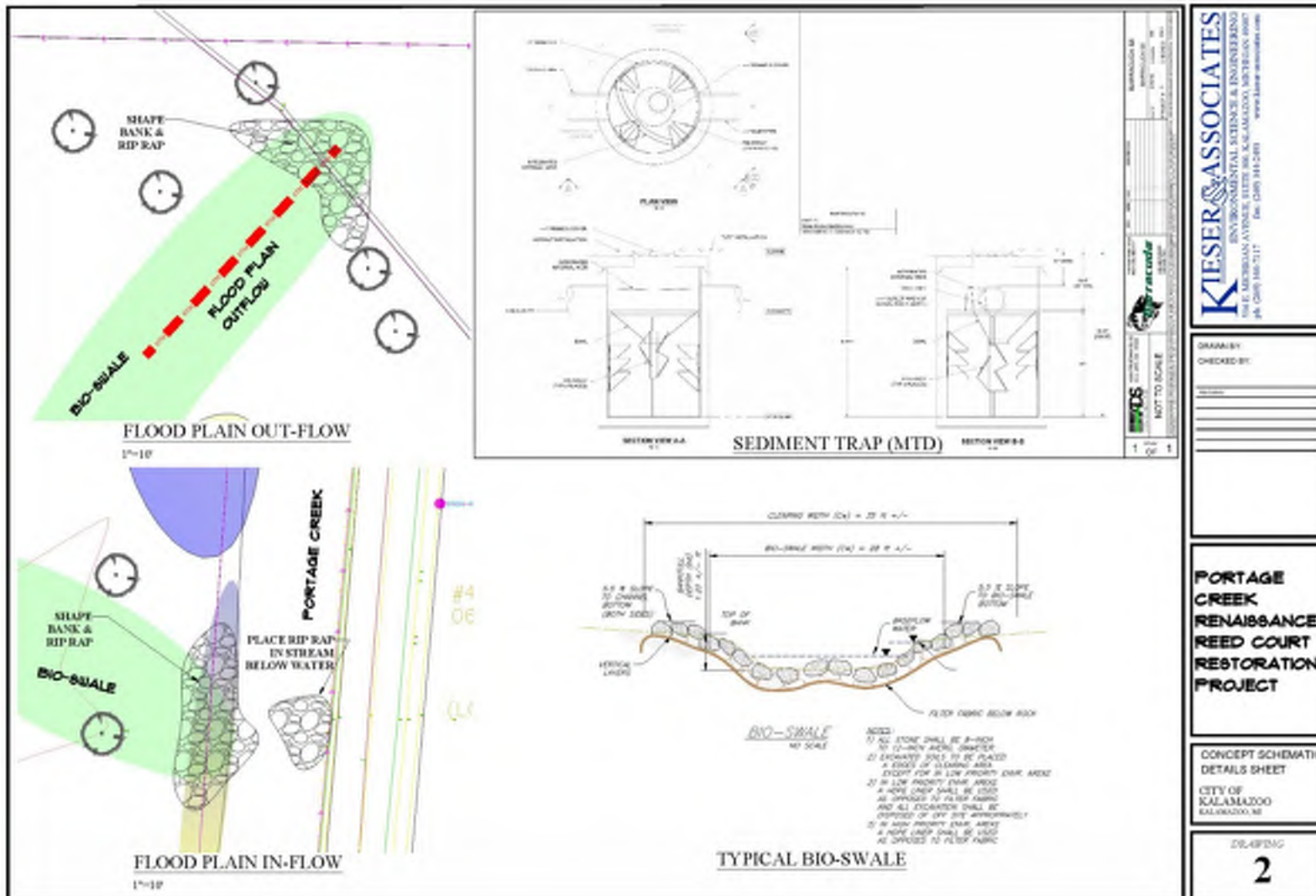


Figure 4.8. Detailed Conceptual Drawings of Reed Court Floodplain and Stormwater Improvement Project for MTD, bio-swales, flood plain inlet and outlet with Portage Creek.



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**

August 23, 2023



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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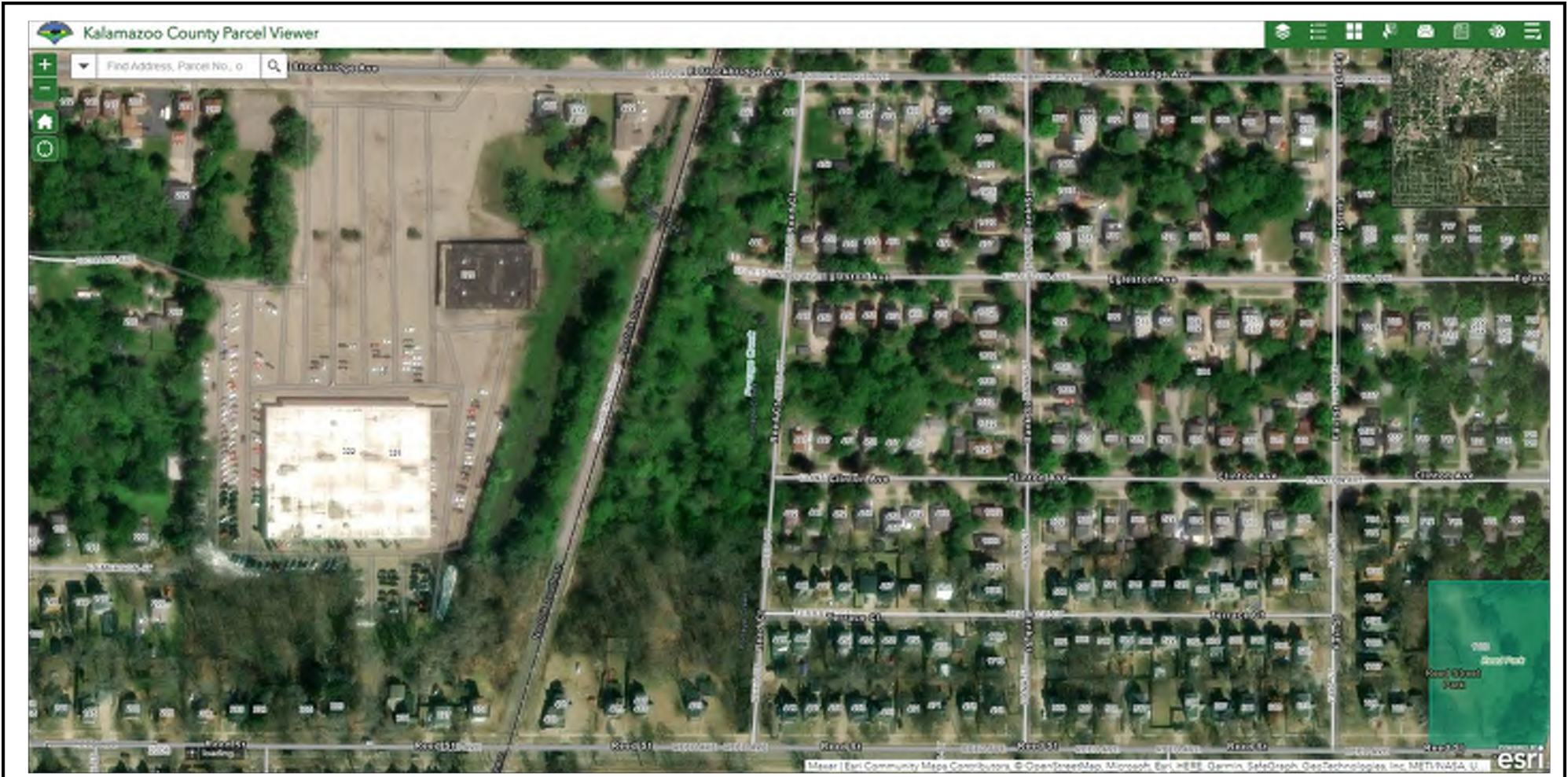
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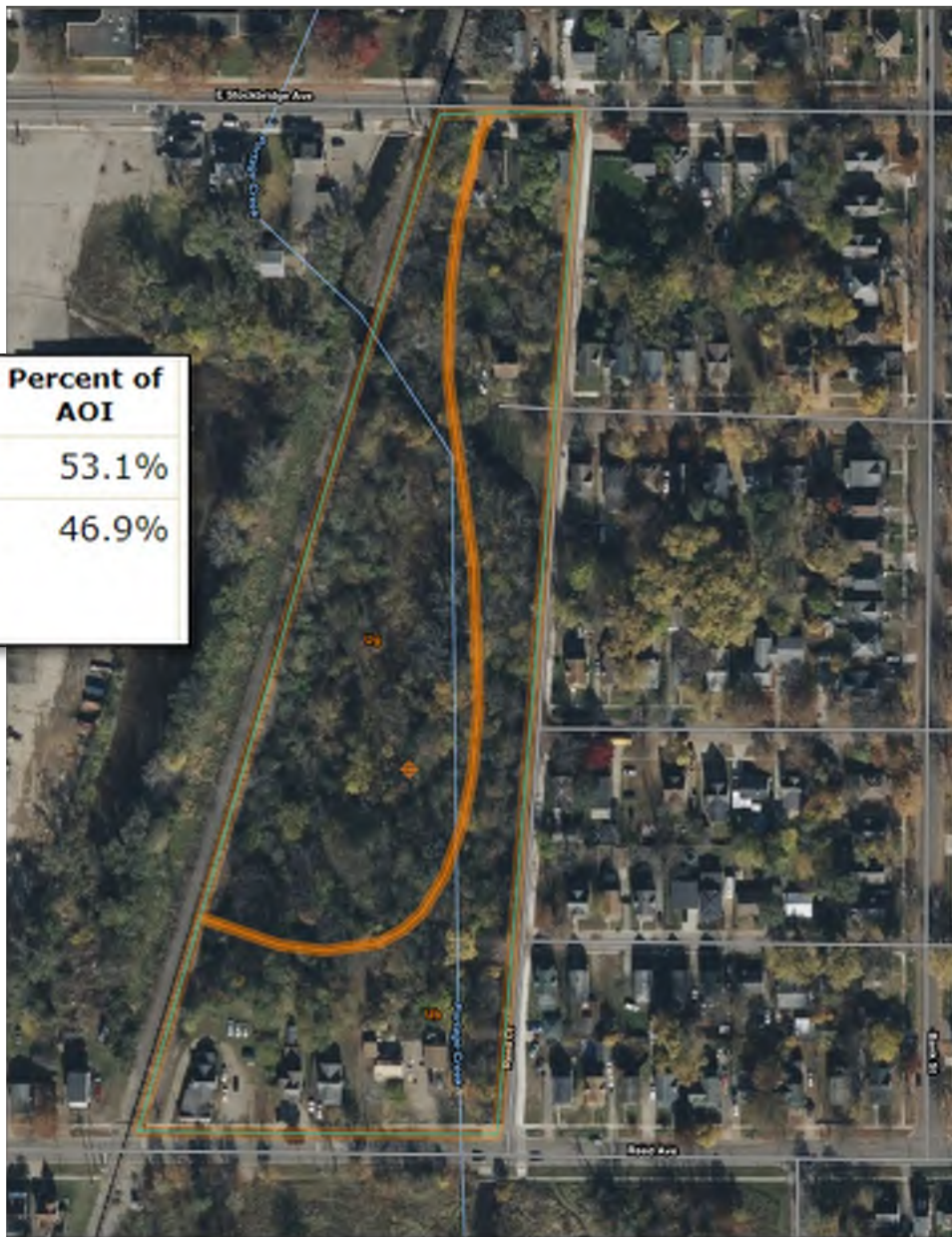


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Site location map of the Reed Court Project property located in Kalamazoo County, Michigan.
 (Source: Kalamazoo County Parcel Viewer Website)
<https://www.arcgis.com/apps/webappviewer/index.html?id=659542cd5d0c47ce9b8ad8c623499b81&ext=9617703.5724%2C5116472.9416%2C-9440369.6667%2C5244428.5269%2C102100>

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%

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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>)

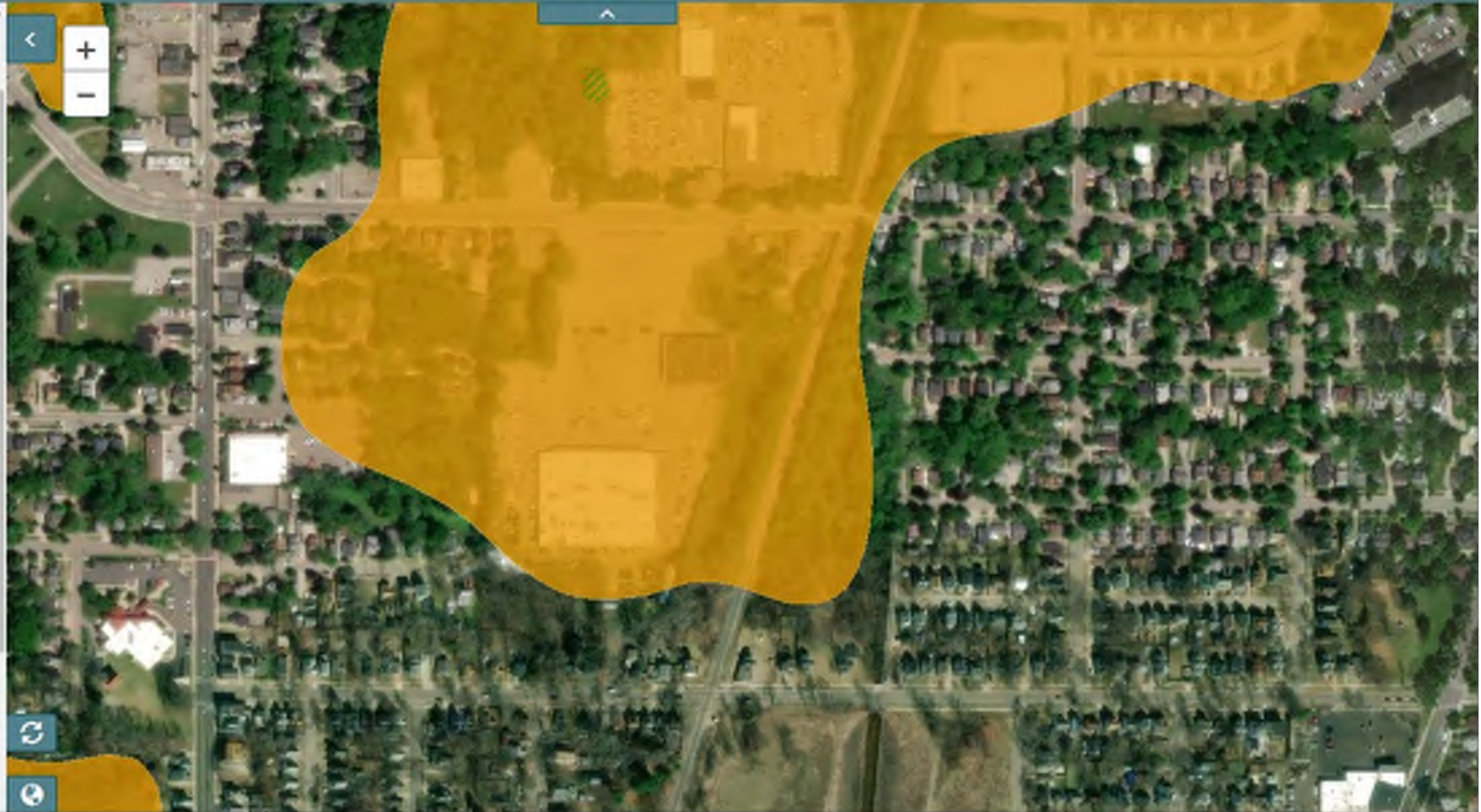
FIGURE

2

Map Legend

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

- ▼ Wetland Data
- 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





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

FIGURE
4



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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: _____ Section, Township, Range: _____ Sampling Point: Site 1
 Investigator(s): _____ 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. Butter <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>Leersia 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 Hydropiper</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 _____ 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.) <p align="center"><u>Former access Road?</u></p>	

HYDROLOGY

Wetland Hydrology Indicators:	Secondary Indicators (minimum of two required)
Primary Indicators (minimum of one is required; check all that apply) <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Mud Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<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 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 _____ No _____ Depth (inches): _____ Water Table Present? Yes _____ No _____ Depth (inches): _____ Saturation Present? Yes _____ No _____ Depth (inches): _____ (includes capillary fringe)	Wetland Hydrology Present? Yes _____ No
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. _____	_____	_____	_____
_____ = Total Cover			
Sapling/Shrub Stratum (Plot size: <u>15 ft</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>Physiocarpus opulifolius</u>	<u>10</u>	<input checked="" type="checkbox"/>	<u>FacW</u>
2. <u>Serica herbocarpa</u>	<u>2</u>	_____	<u>FacW</u>
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____
6. _____	_____	_____	_____
7. _____	_____	_____	_____
<u>12</u> = Total Cover			
Herb Stratum (Plot size: <u>5 ft</u>)	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>
<u>189</u> = Total Cover			
Woody Vine Stratum (Plot size: <u>30</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>N/A</u>	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
_____ = Total Cover			

Dominance Test worksheet:	
Number of Dominant Species That Are OBL, FACW, or FAC:	<u>2</u> (A)
Total Number of Dominant Species Across All Strata:	<u>5</u> (B)
Percent of Dominant Species That Are OBL, FACW, or FAC:	<u>40%</u> (A/B)

Prevalence Index worksheet:	
Total % Cover of:	Multiply by:
OBL species <u>7</u>	x 1 = <u>7</u>
FACW species <u>2%</u>	x 2 = <u>5</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 = <u>3.438</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.

Hydrophytic Vegetation Present? Yes No

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 (hill/slope, 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: 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): _____	Wetland Hydrology Present? Yes _____ No _____
---	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: Porous redox, snail shells, adjacent to river,

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 quinquefolia</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 >60%
 - 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 quinquefolia</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.

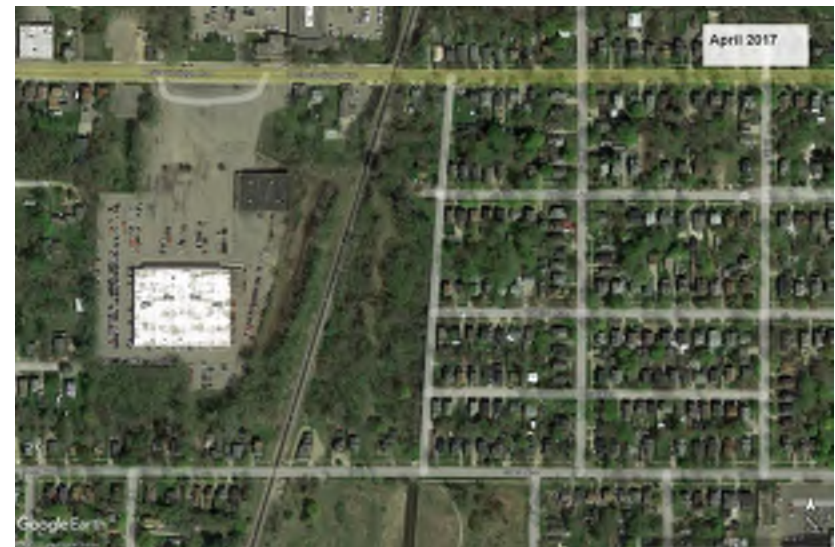
Sampling (at various depths) will need to be conducted in southern portion of the site where any work for mitigation efforts will take place. This data will then need to be evaluated (with input from USEPA-Region 5 and MEGLE staff) to determine what cleanup criteria will need to be met in those areas.

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: **6/12/2025**

Item: **D.2.**

City of Kalamazoo

TO: Zoning Board of Appeals

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

DATE: June 12, 2025

SUBJECT: ZBA #25-06-08: 2139 Ridge Road. Caleb Salter on behalf of the property owner, is requesting a dimensional variance from Appendix A, Chapter 5, Section 5.1, to authorize relief of 7.5 feet from the average front building setback of 9.5 feet.

BACKGROUND:

The property is in the RS-5 District and in the Natural Features Protection Overlay. The property is 50 feet wide and 228 feet in depth and extends from Ridge Road to Bronson Boulevard. The topographic change between Ridge Road (on the high end) and Bronson Boulevard is 74 feet. All the homes on the west side of the street were built before 1950. This home, built in 1918, is 1,256 square feet with a carport constructed at the same elevation as Ridge Road. The carport is two feet from the front property line. This property fronts both Ridge Road and Bronson Boulevard, but there is no opportunity for property access off Bronson Boulevard due to the elevation changes and the Natural Features Protection Ordinance.

The applicant, Caleb Salter, is a licensed builder working for the property owner, Christopher Macsurak. The carport is dilapidated and no longer safe to use, as the roof is falling in. The project involves demolishing the carport and constructing a new (24 ft x 28 ft) garage. The proposed garage would conform to the side yard building setbacks, where the current garage does not. The Zoning Ordinance allows for an average front setback to be applied. However, the range found was from 0 to 19 feet for garages located on the same side of Ridge Road. The average front setback is 9.5 feet, which means a 7.5-foot variance is being requested. The position of the garage, two feet from the front property line, is not out of character with other garages on the west side of Ridge Road, due to the sharp drop of the lots from the road. Additionally, there is not enough space to push the garage further back on the site, as it is already close to the house.

STRATEGIC VISION ALIGNMENT:

Strategic Vision and Master Plan 2025 Impact:

The project does not directly touch on any Strategic Vision goals. It does align with the Future Land Use Map, which identifies this property as R-1, and this is a lower-density residential use.

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 May 28, 2025, were sent to the property owners and occupants within 300 feet.

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 does not apply to other land or structures in the same zone district.

The special circumstance is that the property is a double frontage lot with significant topographic challenges. Access from one frontage (Bronson Boulevard) is not an option, and the change in elevation between Ridge and Bronson limits the developable locations on the lot itself. Additionally, the placement of the home limits the ability to move the garage further west.

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

The special circumstances of this site are not the result of the actions of the applicant. The house was constructed in 1918 on the narrow plateau along Ridge Road. Many of the dwellings and garages are positioned close to Ridge Road as a result of the steep changes in elevation on both sides.

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

The literal interpretation and enforcement of the terms of the ordinance would require the garage to be moved back very close to the front face of the house and

require a much larger retaining wall to be constructed. Additionally, there is a window on the home that faces the garage, which would be impacted. These houses were developed before the existing zoning standards, and many have garages close to the front property line.

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 this project to move forward. The project will comply with all other site development requirements, including Natural Features Protection, and will not be out of character for this block. The new garage will also be shifted over to meet the north side yard setback, which the current carport does not.

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

The granting of the variance will not adversely affect any adjacent properties. The garage will be consistent with the size and location of other garages along Ridge Road.

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 allow for the new garage to be constructed in roughly the same location as the existing carport. The location proposed is similar to other garages along Ridge Road.

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 the dimensional variance requested.

RECOMMENDATION:

Staff recommends approval of the variance as it meets the above 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

May 28, 2025

**RE: ZBA #25-06-08
2139 Ridge Road
Parcel #: 06-28-282-018**

Dear Property Owner:

An application for a variance from provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Caleb Salter on behalf of the property owner at 2139 Ridge Road in the Residential – Single Dwelling District (RS-5) and Natural Features Protection Overlay District.

The applicant is requesting a dimensional variance from Appendix A, Chapter 5, Section 5.1, to authorize relief of 7.5 feet from the averaged front building setback of 9.5 feet. The new detached garage proposed is located two feet from the front property line.

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, June 12, 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: CALEB SALTER	Mailing Address: 52216 RIVOLAKE RD	
City: THREE RIVERS	State: MICHIGAN	ZIP Code: 49093
Phone: 2695350074	Email: calebsalterhs@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 MACSURAK	Mailing Address: 2139 RIDGE ROAD	
City: KALAMAZOO	State: MICHIGAN	ZIP Code: 49008
Phone: 3127582270	Email: christopher.macsurak@icloud.com	Preferred Contact: <input checked="" type="checkbox"/> Email <input type="checkbox"/> Phone
PROPERTY INFORMATION		
Property Address(s): 2139 RIDGE ROAD, KALAMAZOO, MI 49008		
Parcel Identification Number(s): 06-28-282-018	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>setback variance</u>	<input type="checkbox"/> Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____	
<input type="checkbox"/> Natural Features Protection Variance	<input type="checkbox"/> Temporary Use Approval	
Reason for Request: Need variance for setback for replacing unsafe carport with full 2 car garage		
ATTACHMENTS		
<input type="checkbox"/> \$ _____ Fee	<input checked="" type="checkbox"/> Type Plan detailing variance request, plat, site plan, sketch plan can all be used.	
<input type="checkbox"/> Review Sheet for Request Type	Optional: Photos of property, architecture plans, etc.	
<i>Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support</i>		
SIGNATURE		
Signature of Applicant:	Date: 05/12/25	
Signature of Owner (if different than applicant):	Date: 05/13/25	



ZONING BOARD OF APPEALS

DIMENSIONAL VARIANCE REVIEW SHEET

General Information

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

We are wanting to tear down an existing carport which isn't safe to use anymore on the property to put up a normal 2 car garage.

Review Criteria for Dimensional Variances

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

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

Due to the placement of the home in proximity to the road, we are extremely limited in space to have a garage structure built like many of the other homes on this street.

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

Yes the location of the home and the distance to the road.

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

Yes the lot does not have a safe, covered parking spot like many of the other properties on this street.



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

Yes I believe so.

Will the granting of the variance negatively affect adjacent land?

I do not believe so. On the contrary I think it will improve property values on the entire street.

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

Yes I believe so.

Additional Criteria for Variance Requests for Required Landscaping

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

~~Yes I believe so.~~ *NA*

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

~~Yes I believe so.~~ *NA*

SITE PLAN

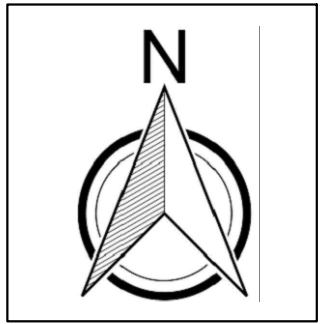
2139 Ridge Rd

Kalamazoo, MI 49008

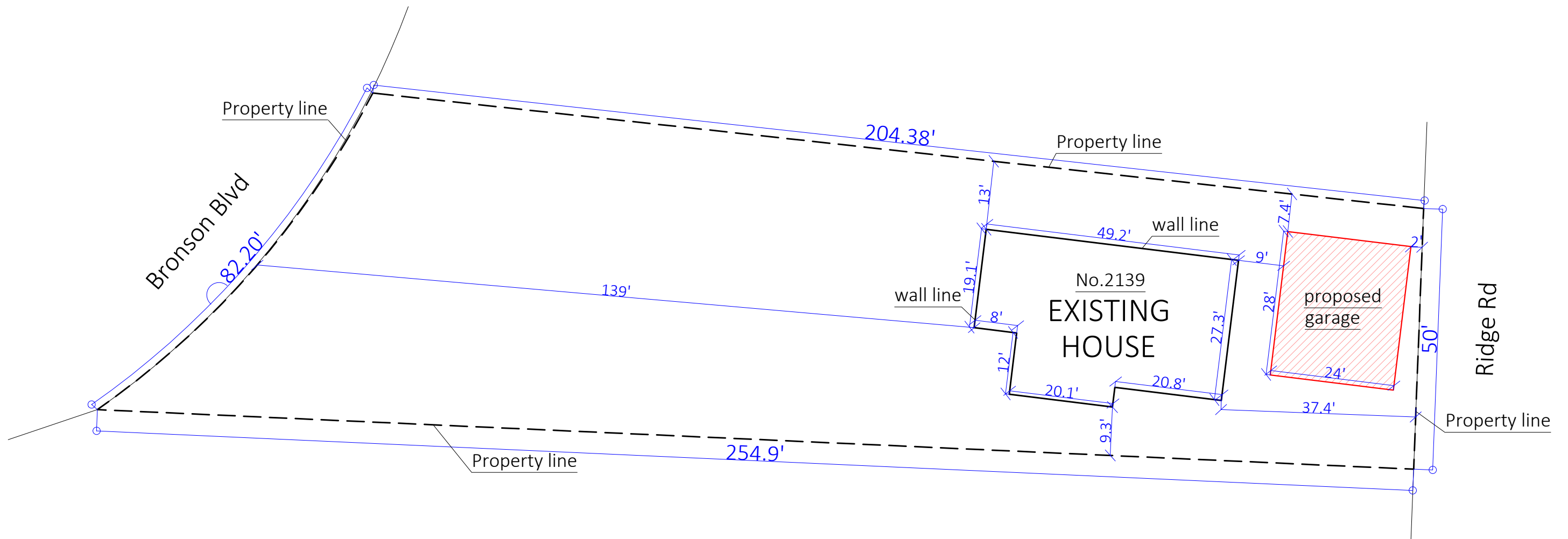
Parcel ID: 06-28-282-017

Lot area: 0.29 Acres

Paper Size: 11"x17"



scale 1"=20'



Disclaimer

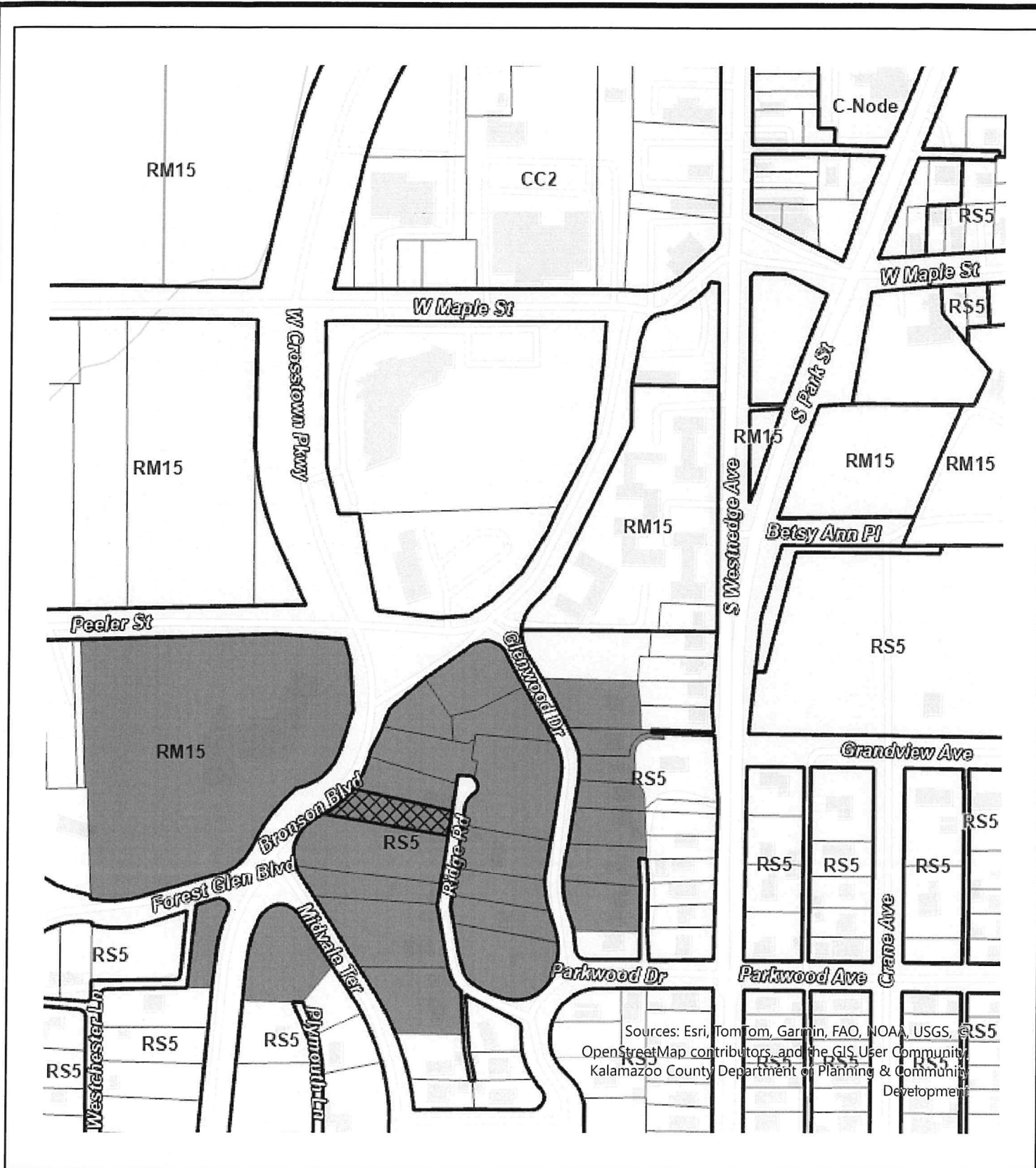
This is not a Legal Survey, nor is it intended to be or replace one.

These measurements are approximate and are for illustrative purposes only.

This work product represents only generalized location of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, object or boundary.







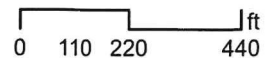




Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, OpenStreetMap contributors, and the GIS User Community
 Kalamazoo County Department of Planning & Community Development

Parcels within 300' Mailing Radius 2139 RIDGE ROAD

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





Zoning Board of Appeals Staff Report

Date: **6/12/2025**
Item: **D.3.**

City of Kalamazoo

TO: Zoning Board of Appeals

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

DATE: June 12, 2025

SUBJECT: ZBA #25-06-09: 4423 W. KL Avenue. Jesus Barraza is requesting a variance from Appendix A, Chapter 4, Section 4.3 J 7, to allow for an outdoor temporary sales use (Food Truck) to operate in the parking lot at 4423 W. KL Avenue from June 13, 2025, to December 13, 2025 (6-months).

BACKGROUND:

4423 W. KL Avenue is .55 acres and improved with a 5,153 square-foot multi-tenant building. The east tenant space is occupied by West KL Tattoo Studio and the west tenant space is currently vacant. The property is in the CC2 Zone District. The site currently has at least 20 off-street parking spaces, which is more than the maximum number of parking spaces needed for these two tenant spaces. There are three parking spaces along the west side of the parking lot, which is where a food truck will be located, leaving approximately 17 off-street parking spaces for customer and employee parking on site.

The applicant has already utilized the 30-day administrative approval to sell food from this location on Thursdays, Fridays, and Saturdays up until May 16, 2025. There were no complaints or violations reported during this time and the site was kept clean. The location worked out well and the applicant is now working with the property owner on an arrangement to lease the space to utilize it for restrooms, possible indoor seating, and supplies storage. The food cooking and service will occur from the food truck located in front of the west tenant space.

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 Truck) to operate in the parking lot from June 13, 2025, to December 13, 2025 (6-months) to provide ample time for the conclusion of the site plan review process, which would allow the food trailer to remain on the site and not be considered a temporary use. Hours of operation planned are Tuesday to Thursday, 5 PM to 10 PM, and Friday and Saturday, 5 PM to Midnight. The food trailer will be open six days a week.

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

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 'complete neighborhoods' by providing another food service option for the neighborhood. There are only a few other restaurants along this stretch of W. Michigan Avenue.

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 May 28, 2025, were sent to the property owners and occupants within 300 feet. A notice was also sent to the Arcadia Neighborhood Association.

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 along the W. Michigan Avenue corridor. The site has sufficient customer parking to allocate space for the food truck. The applicant is working with the property owner on a lease agreement and understands that site plan review will be required for the long-term placement of the food truck on the property. The applicant has initiated the site plan review process.

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

The site plan review process could take two to three months. The applicant would like the opportunity to continue to build his customer base while completing the site plan review process.

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

The provisions of the Ordinance without this variance approval would result in the food truck having to remain unused or operate elsewhere until the site plan review process is completed. 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 December 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 late March and no complaints have been received. Furthermore, staff observed that the site was 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 truck 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 recommends approval of the variance as it meets the above 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

May 28, 2025

**RE: ZBA #25-06-09
4423 W. KL Avenue
Parcel #: 06-19-358-001**

Dear Property Owner:

An application for a variance from provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Jesus Barraza for 4423 W. KL Avenue in the Commercial – Community 2 District (CC-2).

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 Truck) to operate in the parking lot at 4423 W. KL Avenue from June 13, 2025, to December 13, 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, June 12, 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



RECEIVED
MAY 14 2025
BY: CAO

ZONING BOARD OF APPEALS APPLICATION

APPLICANT INFORMATION		
Name: Jesus Barraza		Mailing Address: 3422 W. Michigan Ave.
City: Kalamazoo	State: MI	ZIP Code: 49006
Phone: 269-400-3422	Email: chinokitchen@icloud.com	Preferred Contact: <input type="checkbox"/> Email <input checked="" 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: Rogelio Almaguer		Mailing Address: 1068 Fargo Ave.
City: Kalamazoo	State: MI	ZIP Code: 49004
Phone: 269-271-6741	Email: royalmaguer12@gmail.com	Preferred Contact: <input type="checkbox"/> Email <input checked="" type="checkbox"/> Phone
PROPERTY INFORMATION		
Property Address(s): 4423 W. KL Ave. Kalamazoo, MI 49006		
Parcel Identification Number(s): 06-19-358-001	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 type="checkbox"/> Use Variance to allow _____	<input type="checkbox"/> Interpretation of Zoning Ordinance, Chapter(s) _____, Section(s) _____	
<input checked="" type="checkbox"/> Natural Features Protection Variance	<input checked="" type="checkbox"/> Temporary Use Approval	
Reason for Request: Looking to run food truck business at this property for 6 months. We would like to stay open longer than 10:00 PM and would like to know what the latest could be.		
ATTACHMENTS		
<input checked="" type="checkbox"/> \$ 150 Fee	<input checked="" type="checkbox"/> Type Plan detailing variance request, plat, site plan, sketch plan can all be used.	
<input type="checkbox"/> Review Sheet for Request Type	Optional: Photos of property, architecture plans, etc.	
<i>Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support</i>		
SIGNATURE		
Signature of Applicant:		Date: 05-14-25
Signature of Owner (if different than applicant):		Date: 05-14-25



ZONING BOARD OF APPEALS

TEMPORARY USE PERMIT REVIEW SHEET

General Information

Specific project details on temporary use (may also provide on a separate sheet):

Requesting a temporary use permit for the operation of my food truck business "Chino's Kitchen" at 4423 W. KL Ave. Kalamazoo MI 49006. Our food truck offers authentic mexican food and non-alcoholic beverages. We aim to provide a unique and convenient street food option for the local community. We are committed to adhering to all City of Kalamazoo regulations, including those related to zoning, health, safety, and noise levels. Chino's Kitchen will maintain a clean and sanitary enviornment, manage waste responsibly and ensure that our operations do not disrupt the peace and quiet of the neighborhood. We are prepared to provide all nessesary documentation, including licences, insurance, and health inspection reports to support this application. We beleive that our food truck will be a positive addition to the area, offering a valuable service without negatively impacting the community.

What is the specific timeframe for which you are requesting a temporary use approval?

We are requesting to operate Tuesday - Thursday from 5:00 PM - 10:00 PM and Friday - Saturday 5:00 PM - 12:00 AM. We would like to operate from June - December this year 2025..

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?

Commercial



Community Planning & Economic Development

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

(269) 337-8026 • www.kalamazoo.org

What is the permitted primary use of the property? Commercial

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 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)?

Yes - there is enough parking and no impact on traffic.

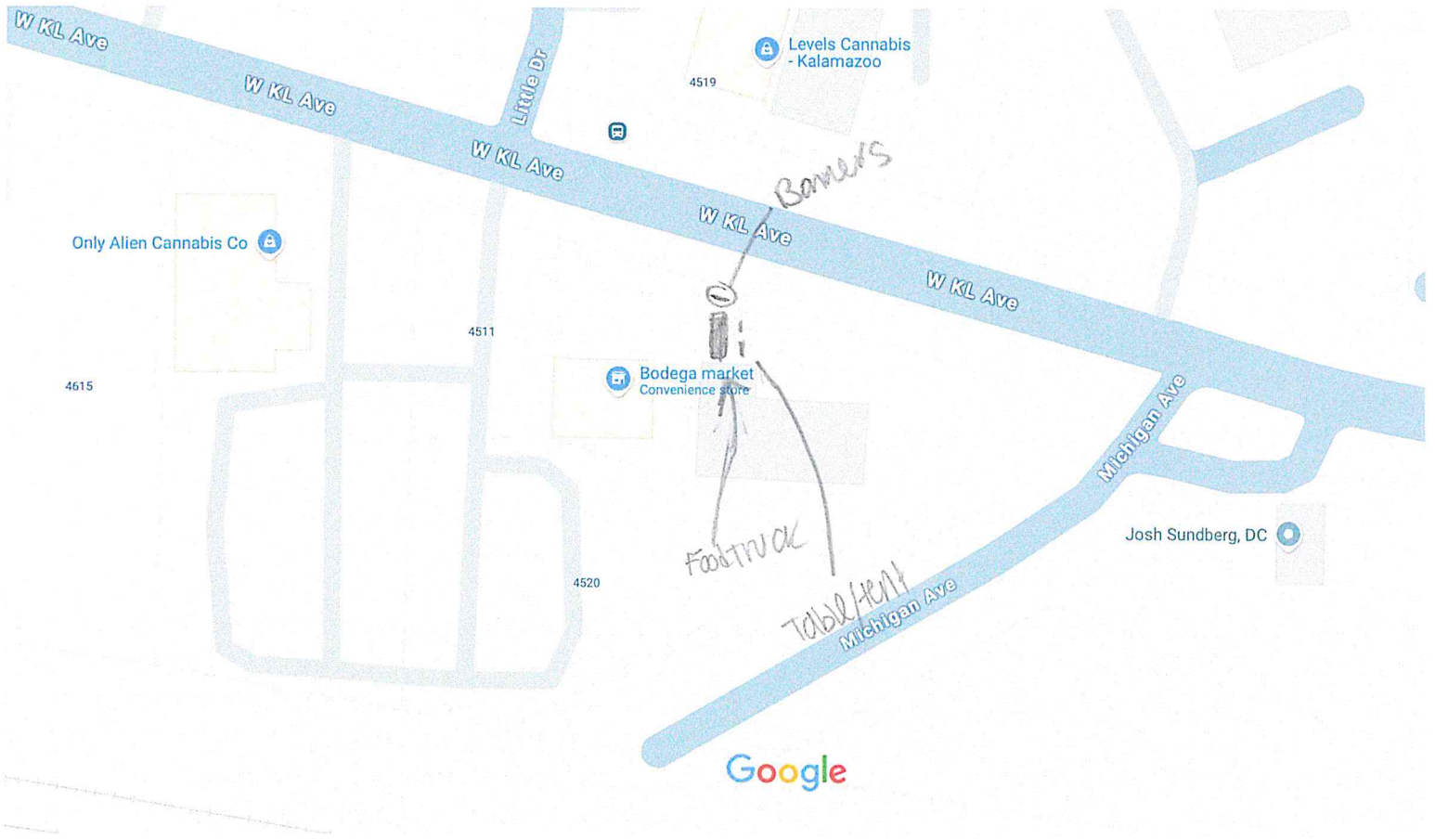
Will there be tents or other types of temporary structures as part of the temporary use?

We would like to set up a picnic table and tent for the commodity of the people.

What sort of signage is proposed, if any, with this temporary use?

~~We have TWO banners that say "Tacos", "Burritos" "Burgers" and "Open". They are not permanent and can be easily brought up and taken down while we are there.~~

Google Maps



Map data ©2025 50 ft 



7124FR SALAS IDA
1522 GULL RD STE A
KALAMAZOO, MI 49012

PROGRESSIVE
COMMERCIAL

677917 2739 PATLA12B 022 002739

Policy number: 985537258

Underwritten by:
Progressive Michigan Ins Company
August 20, 2024
Policy Period: Aug 19, 2024 - Aug 19, 2025

X BARRAZA LLC
X BARRAZA LLC
3422 W MICHIGAN AVE
KALAMAZOO, MI 49006



Welcome to Progressive

Your coverage began on August 19, 2024

Thank you for purchasing your policy from 7124FR SALAS IDA. With the #1 Commercial Auto insurer, you can rest assured that we're here for you and your business anytime with the specialized service you deserve.

Enclosed you will find

- Your Commercial Auto Insurance Coverage Summary (Declarations Page)
- Your policy contract
- Your permanent identification (ID) cards

Contact 7124FR SALAS IDA for personalized service at 1-269-381-7979

7124FR SALAS IDA provides a high level of service and counsel that is personalized to your needs and lifestyle. Please contact your agency for servicing your policy or for other insurance needs. If you need service when your agency is not available call 1-800-444-4487, 24 hours a day, 7 days a week.

Access your policy online, anytime

Don't forget that you can always log in to your policy online to make changes, pay your bill, check the status of a claim, or access policy documents anytime. Just visit us at agent.progressive.com.

Call 1-800-274-4499 to report a claim

We get to work on your claim quickly, providing clear communication throughout the claim and repair process. A dedicated, commercial claims rep will help get you back on the road—and back to work—fast.

Form WELCLTRAGENCY (02/16)

Date of this notice: 08-12-2024

Employer Identification Number:
99-4400527

Form: SS-4

Number of this notice: CP 575 G

X BARRAZA
JESUS ALBERTO BARRAZA CENICEROS SOL
3422 W MICHIGAN AVE
KALAMAZOO, MI 49006

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 99-4400527. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did **not** apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

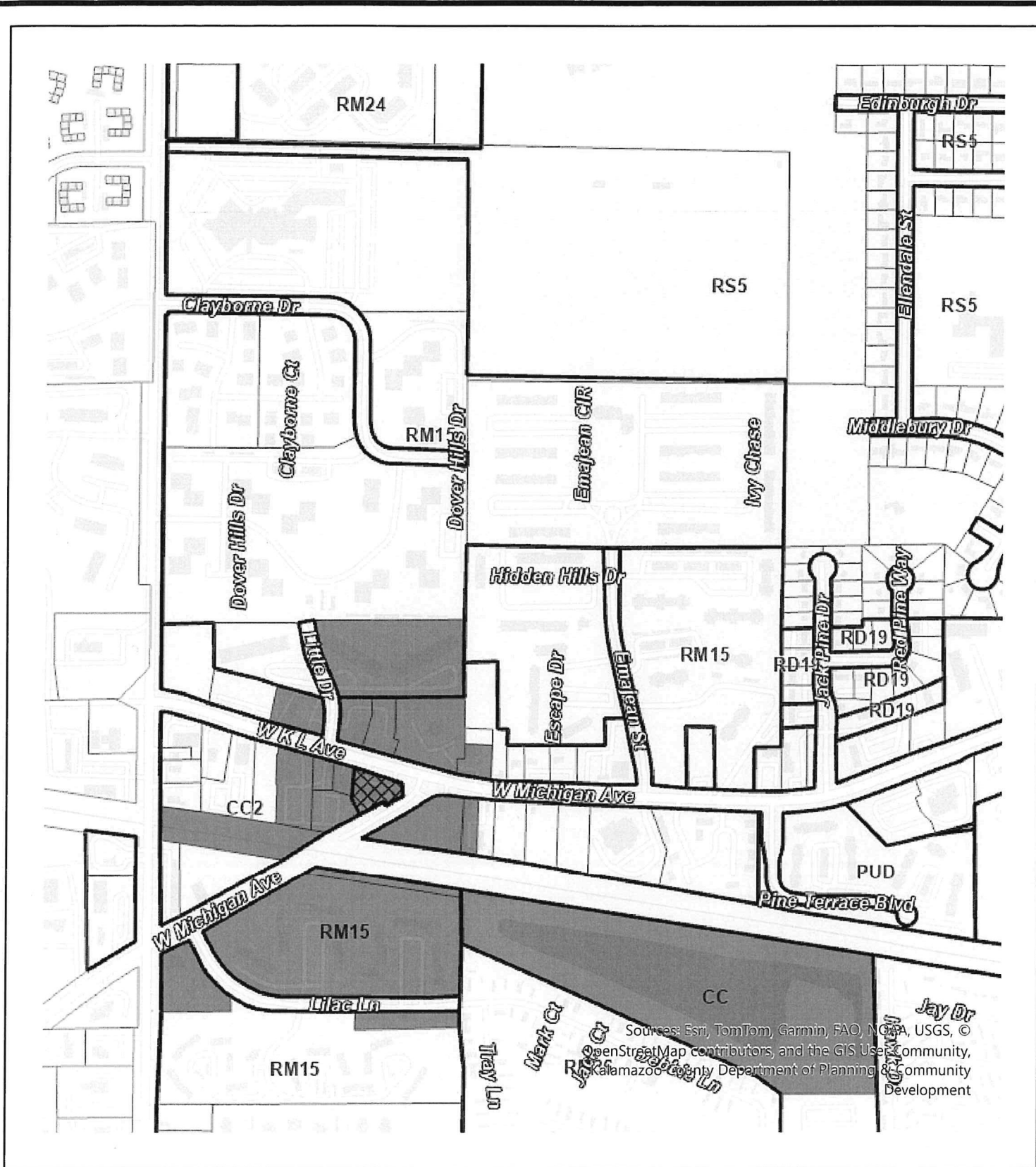
A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

4423 W. KL Avenue







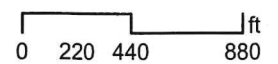
West Tenant Space and Parking Area



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community, Kalamazoo County Department of Planning & Community Development

Parcels within 300' Mailing Radius 4423 W KL AVE

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





Zoning Board of Appeals Staff Report

Date: **6/12/2025**

Item: **D.4.**

City of Kalamazoo

TO: Zoning Board of Appeals

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

DATE: June 12, 2025

SUBJECT: ZBA #25-06-10: 1516 Rockledge Court. B Diamond Infra, LLC is requesting a use variance from Appendix A, Chapter 4, Section 4.2 W 5, to authorize a use variance to construct a new 150-foot monopole-style telecommunications tower at this location which would replace the current 150-foot lattice-style tower.

BACKGROUND:

The property at 1516 Rockledge Court is in the RM-15 District. It is approximately .47 acres and improved with a single-family dwelling and attached garage. The house is owner-occupied. The existing lattice-style telecommunications tower on this property is understood to have been built around 1972. It is 150 feet in height and holds one antenna array or carrier. The tower is located approximately 30 feet from the closest property line to the north and approximately 60 feet from the home on the property. It is also approximately 80 feet from one of the apartment buildings in the Fox Ridge Apartment Complex. The required tower separation distance is one mile, and this location is just under one mile away from another telecommunication tower located northwest of this site.

B Diamond Infra, LLC is the ownership entity of the existing tower. The use variance is being requested to allow for the removal of the existing tower and replacement with a new 150-foot monopole-style telecommunications tower with capacity for three carriers. This new tower placement will be 12 feet east of the existing tower. The new setbacks would be 18 feet from the east side property line and the same distance as the current tower from the north property line of 28 feet. New easements will be established on the property for the construction of the new tower and supporting ground equipment for the carriers. The monopole design will be stronger and have a reduced fall zone, according to the information submitted. Per the engineer's letter, the monopole is designed to collapse upon itself in the event of a catastrophic failure and has a fall radius of 16 feet. This makes the proposed tower safer than the current tower, according to the applicant. The proposed tower will also allow for a primary carrier and two co-location spots as required in the Zoning Ordinance.

The Zoning Ordinance does not permit a telecommunications tower in the RM-15 District unless it is integrated into the design of a religious assembly structure, or located on park, government,

public utility, or public school land. Therefore, this is a legal nonconforming tower.

Staff do understand that a new telecommunications tower constructed at this site would improve the safety of the tower. However, the proposed tower does not align with standards for the RM-15 District with regard to the use of this property for a telecommunications tower. Further, the proposed replacement tower will exceed the height and require setbacks for the RM-15 District. It should also be noted that there are residential structures on the premises and near this site.

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 project does touch on the need for community services as mentioned in the Complete Neighborhoods goal of the Strategic Vision. Telecommunications is a vital part of connectivity for businesses and residences.

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 May 28, 2025, were sent to the property owners and occupants within 300 feet. There is no organized Neighborhood Association for the Douglas Neighborhood at this time.

Engagement/Communication Tools:

Newspaper, mailings and applicant outreach.

FINDINGS:

Staff has 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 the Zoning Ordinance, which is a right commonly enjoyed by other land in the same zone district.

The applicant is not limited in their use of the property for permitted uses in the RM-15 District. The enforcement of the terms and provisions of the Zoning Ordinance would require the applicant to find a way to continue utilizing the existing tower by either reinforcing the tower to support co-location spots for other carriers,

continuing to utilize this tower with one carrier until such time that the tower needs to be decommissioned, or redevelop the property and construct a telecommunications facility that meets the RM-15 District standards.

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.

Staff do not view the conditions stated regarding the current tower not being built to current engineering specifications or the lack of co-location as sufficient hardship to approve a use variance.

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

The special circumstances are not the result of the action of the applicant, as the applicant did not construct this telecommunications tower. This tower site has been owned by several entities over its lifespan. Technology has changed substantially since its construction, and the current ordinance does propose co-location facilities.

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 necessary to allow this project to move on to the next step of the review and approval process. This project will also require a Special Use Permit to be approved by the Planning Commission, and this project would also require Site Plan Review, so there will be additional review and approval steps for this project.

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 the adjacent land any further than it does at the present time. The proposed tower will be the same height as the current tower.

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 not be generally consistent with the Zoning Ordinance. This tower is not listed as a permitted land use in the RM-15 District.

RECOMMENDATION:

Staff do not support the granting of the use variance as the application does not meet all 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

May 28, 2025

**RE: ZBA #25-06-10
1516 Rockledge Court
Parcel #: 06-09-372-002**

Dear Property Owner:

An application for a variance from provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by B Diamond Infra, LLC for 1516 Rockledge Court in the Residential – Multi Dwelling District (RM-15)

The applicant is requesting a use variance from Appendix A, Chapter 4, Section 4.2 W 5, to authorize a use variance to construct a new 150-foot monopole style telecommunications tower at this location which would replace the current 150-foot lattice style tower.

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, June 12, 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	15 May 2025, 10:43AM
Receipt number	48
Related form version	14

Introduction

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

Name	Thomas Waniewski, Senior Vice President - Site Acquisition
Organization (if applicable)	B Diamond Infra LLC, a Delaware Limited Liability Company
Email Address	twaniewski@diamondcomm.com
Phone Number	(610) 585-6853
Address	120 Mountain Ave, Springfield, NJ 07081, USA Map (40.7079405, -74.3144899)
Preferred Contact Method	Email
Are you the property owner?	No

Property Owner Information

Name	Michael Lamar Watson
Mailing Address	1516 Rock Ledge Court Kalamazoo, MI 49007 No coordinates found
Phone Number	2695992241
Email Address	Doall9@gmail.com
Preferred Contact Method	Email
Authorization from property owner:	3. Property Owner Letter of Authorization.pdf

Property and Application Details

Property Address	1516 Rockledge Ct, Kalamazoo, MI 49006, USA Map (42.30534859999999, -85.60566089999999)
Parcel Identification Number	06-09-372-002
Zone District	RM-15
Type of Request	Use Variance
Application Fee	\$375.00
Project Description & Reason for Request	See attached Statement in Support.

Use Variance Review Criteria

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?	See Applicant's attached completed Use Variance Review Sheet.
Are the special circumstances created by actions of the applicant?	See Applicant's attached completed Use Variance Review Sheet.
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?	See Applicant's attached completed Use Variance Review Sheet.
Will the granting of the variance negatively affect adjacent land?	See Applicant's attached completed Use Variance Review Sheet.
Will the granting of the variance be generally consistent with the purpose and intent of this Ordinance?	See Applicant's attached completed Use Variance Review Sheet.

Supporting Documents

Supporting Documents	<ol style="list-style-type: none"> 1. Statement in Support.pdf 2. Applicant's Authorization for Filing.pdf 4. Use Variance Review Sheet.pdf 5. Photos of Existing 150 Foot Self Support Tower.pdf 6. ATT Letter of Support.pdf 7. 1-Mile Radius Tower Separation Map.pdf 8. Site Plans and Survey Kalamazoo (MIA39) Rev. 2 Final Zoning Drawings 2025-05-13.pdf 9. Sealed Engineer's Letter.pdf 10. MIA39-Photo Simulations.pdf 11. Public Participation Policy Request.pdf
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Submit

Your Signature



Uploaded signature image: [Tom W. Signature.jpg](#)

ZONING BOARD OF APPEALS APPLICATION

I, Thomas Waniewski, Senior Vice President - Site Acquisition, B Diamond Infra LLC, a Delaware Limited Liability Company, affirm that B Diamond Infra LLC is the Applicant in connection with the Zoning Board of Appeals Application, the Planning Commission Application, and the Waivers (collectively, the "Applications") associated with the proposed development of a new telecommunications facility at 1516 Rock Ledge Ct., Kalamazoo, MI. My signature below, as Senior Vice President - Site Acquisition of B Diamond Infra LLC, authorizes the filing of the Applications.

B Diamond Infra LLC



Thomas Waniewski

Senior Vice President – Site Acquisition

Use Variance Review Sheet

Zoning Board of Appeals

USE VARIANCE REVIEW SHEET

Project Description:

Please see the attached submitted “B Diamond Infra LLC Statement in Support of the Application for a Use Variance” (the “B Diamond Infra LLC Statement in Support”) for a detailed “Project Description”.

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?

The submitted Survey and Site Plans confirm that the proposed 150 foot Monopole Telecommunications Transmission Tower (the “Replacement Monopole Tower”) will be constructed approximately 12 feet east of the centerline of the existing 150 foot self-support telecommunications transmission tower (the “Existing Self-Support Tower”).

The Existing Self-Support Tower was built in 1972.

Therefore, the Existing Self-Support Tower has been, and is, an existing use on the 1516 Rock Ledge Court site for approximately 53 years.

As noted in the submitted and attached B Diamond Infra LLC Statement in Support –

“Unlike the Existing Self-Support Tower which, due to its inability to meet current engineering standards, is unable to support the collocation of wireless carriers in addition to the existing AT&T Mobility antenna array, the Replacement Monopole Tower, as confirmed on Sheet T-201 of the submitted Site Plans, has been designed to support at least three (3) separate antenna arrays (including AT&T Mobility antenna arrays); thereby eliminating the unnecessary proliferation of additional telecommunications transmission towers.”

Further, as stated in the submitted AT&T Mobility letter supporting B Diamond Infra LLC’s Application for a Use Variance for the Replacement Monopole Tower (the “AT&T Mobility Letter”),

“The approval from the City of Kalamazoo to swap out the exiting tower will increase the safety of the tower’s foundation as well as allow for updated equipment to be installed for better coverage for the citizens of Kalamazoo.”

We appreciate the City’s consideration of our intent to collocate on this proposed structure. We look forward to the opportunity to discuss this matter further, provide any additional information as needed, and work collaboratively to ensure the successful implementation of this project.”

Further, Kalamazoo City Code Section W.(1)(b) states that a “specific purpose” of the City of Kalamazoo Telecommunications Facilities regulations is,

“To promote and encourage shared use/collocation of transmission towers and antenna support structures as a primary option rather than construction of additional single-use transmission towers;”

Therefore, the design of the Replacement Monopole Tower to support at least 3 wireless carriers’ antenna and equipment, and the subsequent decommissioning of the Existing Self-Support Tower, confirm that B Diamond Infra LLC’s Application for a Use Variance meets a stated purpose of the City of Kalamazoo Telecommunications Facilities regulations.

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?

As stated in the B Diamond Infra LLC Statement in Support, the Existing Self-Support Tower does not meet current engineering standards; and, therefore, cannot support the collocation of additional wireless carriers’ antennas and equipment.

As previously noted in AT&T Mobility’s Letter of support,

“The approval from the City of Kalamazoo to swap out the exiting tower will increase the safety of the tower’s foundation as well as allow for updated equipment to be installed for better coverage for the citizens of Kalamazoo.”

The Zoning Board of Appeals’ approval of the B Diamond Infra LLC’s Application for a Use Variance will be the key first step in the replacement of the Existing Self-Support Tower with a new 150 foot Replacement Monopole Tower which will comply with all current engineering standards and the City of Kalamazoo building and foundation requirements; thereby, eliminating the impediments which are “unique” to the Existing Self-Support Tower.

The result will be the construction and operation of a new 150 foot Replacement Monopole Tower which will meet the City’s stated goal of promoting multiple collocations of additional wireless carriers’ antennas and equipment.

Are the special circumstances created by actions of the applicant?

As noted above, the impediments facing the Existing Self-Support Tower are and were not “created by the actions of the applicant.”

Rather, B Diamond Infra LLC is applying for this Use Variance in order to construct a new 150 foot Replacement Monopole Tower which will replace the Existing Self-Support Tower thereby eliminating and resolving the impediments (“special circumstances”) facing the Existing Self-Support Tower.

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, as noted above, the replacement of the 150 foot Existing Self-Support Tower with the new 150 foot Replacement Monopole Tower is the “minimum action necessary” to resolve the impediments (the “special circumstances”) facing the Existing Self-Support Tower by constructing a replacement tower which will comply with all current engineering standards and which is designed to support multiple wireless carriers’ antenna and equipment; thereby meeting a specific purpose of the City Telecommunications regulations -“promoting and encouraging shared use/collocation of transmission towers”.

Will the granting of the variance negatively affect adjacent land?

No, the Zoning Board of Appeals approval of the requested Use Variance will not “negatively affect adjacent land.”

Rather, the approval of the requested Use Variance will allow the construction and operation of the Replacement Monopole Tower which will support the antennas and equipment for AT&T together with additional wireless carriers which will now have the opportunity to also collocate on the Replacement Monopole Tower in order to provide critical voice, data, and emergency E911 services to the “adjacent land” and the surrounding community.

Additionally, B Diamond Infra LLC has submitted a Sabre Industries letter, signed and sealed by Robert E. Beacom, Michigan Professional Engineer, stating in part that,

“Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition...This would effectively result in fall radius equal to 16’ at ground level.”

As confirmed on Sheet C-102 of the Site plans, the “16’ fall radius” is within the property lines of 1516 Rock Ledge Court and will therefore not intrude into any “adjacent land.”

Finally, as noted above, the Existing Self-Support Tower was built in 1972, and therefore has been an existing use on the 1516 Rock Ledge Court site for approximately 53 years.

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

Yes.

Again, as noted above,

1. the Zoning Board of Appeals' approval of the B Diamond Infra LLC's Application for a Use Variance will be the key first step in the replacement of the approximately 53 year old Existing Self-Support Tower with a new 150 foot Replacement Monopole Tower which will comply with all current engineering standards and the City of Kalamazoo building and foundation requirements; thereby, eliminating the impediments (the "special circumstances") which are "unique" to the Existing Self-Support Tower; and
2. the Replacement Monopole Tower will accomplish a stated purpose of Kalamazoo City Code Section W.(1)(b), - "[T]o promote and encourage shared use/collocation of transmission towers and antenna support structures as a primary option rather than construction of additional single-use transmission towers".

B DIAMOND INFRA LLC

STATEMENT IN SUPPORT OF THE APPLICATION FOR A USE VARIANCE

APPLICANT: B Diamond Infra LLC, a Delaware Limited Liability Company

SITE ADDRESS: 1516 Rock Ledge Court, Kalamazoo, Michigan

This statement in support of an application for a Use Variance is respectfully submitted by B Diamond Infra LLC ("B Diamond") to the City of Kalamazoo Zoning Board of Appeals (the "Board").

I. SITE BACKGROUND

B Diamond is seeking approval of a Use Variance to permit a 150 foot monopole telecommunications transmission tower (the "Replacement Monopole Tower") to be constructed and operated at 1516 Rock Ledge Court, Kalamazoo, Michigan (the "Site"), as detailed in the submitted survey and site plans (the "Site Plans").

Upon receiving the Board and the Planning Commission approvals and upon the issuance of the building permit, the Replacement Monopole Tower will be constructed and the existing 150 foot self-support tower currently located at the Site (the "Existing Self-Support Tower") will be decommissioned.

AT&T Mobility is currently collocated on the Existing Self-Support Tower, and as noted in AT&T Mobility's submitted letter supporting B Diamond's applications to the Board and the Planning Commission, upon B Diamond receiving the approvals from the Board and the Planning Commission, AT&T Mobility intends to collocate on the Replacement Monopole Tower -

"The approval from the City of Kalamazoo to swap out the exiting tower will increase the safety of the tower's foundation as well as allow for updated equipment to be installed for better coverage for the citizens of Kalamazoo.

We appreciate the City's consideration of our intent to collocate on this proposed structure. We look forward to the opportunity to discuss this matter further, provide any additional information as needed, and work collaboratively to ensure the successful implementation of this project."

II. BENEFITS OF THE REPLACEMENT MONOPOLE TOWER

Unlike the Existing Self-Support Tower which, due to its inability to meet current engineering standards, is unable to support the collocation of wireless carriers in addition to the existing AT&T Mobility antenna array, the Replacement Monopole Tower, as confirmed on Sheet T-201 of the submitted Site Plans, has been designed to support at least three (3) separate antenna arrays (including AT&T Mobility antenna arrays); thereby eliminating the unnecessary proliferation of additional telecommunications transmission towers.

The Replacement Monopole Tower is in harmony with the intent and purpose of the City of Kalamazoo's "Telecommunications Regulations" –

"Code Section W.(1)(b) To promote and encourage shared use/collocation of transmission towers and antenna support structures as a primary option rather than construction of additional single-use transmission towers;"

As depicted on the submitted "1 Mile Tower Separation Map," the distance from the Replacement Monopole Tower to the nearest tower with Verizon Wireless antenna array is approximately 1 mile; and the distance from the Replacement Monopole Tower to the nearest tower with T-Mobile antenna array is approximately 1.8 miles. Therefore, the Replacement Monopole Tower presents potential collocation opportunities.

Further, the Replacement Monopole Tower will be designed and constructed to be fully compliant with the City of Kalamazoo's construction requirements

III. CONCLUSION

The Replacement Monopole Tower will have a tremendous benefit to the community because it will be designed and constructed to meet current engineering standards; thereby providing the necessary infrastructure to support AT&T Mobility and additional wireless providers together with their future equipment upgrades and modifications necessary to provide the community voice, data, and emergency services.

**Statement in Support
of the Application for a Use Variance**

B DIAMOND INFRA LLC

STATEMENT IN SUPPORT OF THE APPLICATION FOR A USE VARIANCE

APPLICANT: B Diamond Infra LLC, a Delaware Limited Liability Company

SITE ADDRESS: 1516 Rock Ledge Court, Kalamazoo, Michigan

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Photograph of Existing 150 Foot Self-Support Tower

EXISTING 150 FOOT SELF-SUPPORT TOWER



Site Plans and Survey



B Diamond

Infra LLC

**1516 ROCKLEDGE COURT
KALAMAZOO, MICHIGAN 49006
CITY OF KALAMAZOO
KALAMAZOO COUNTY
SITE NAME: KALAMAZOO
SITE ID NUMBER: MIA39 (U1226M)**

CONSULTANT:
Edge
Consulting Engineers, Inc.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
608.644.1449 VOICE
608.644.1549 FAX
www.edgeconsult.com

CLIENT:
B Diamond
Infra LLC

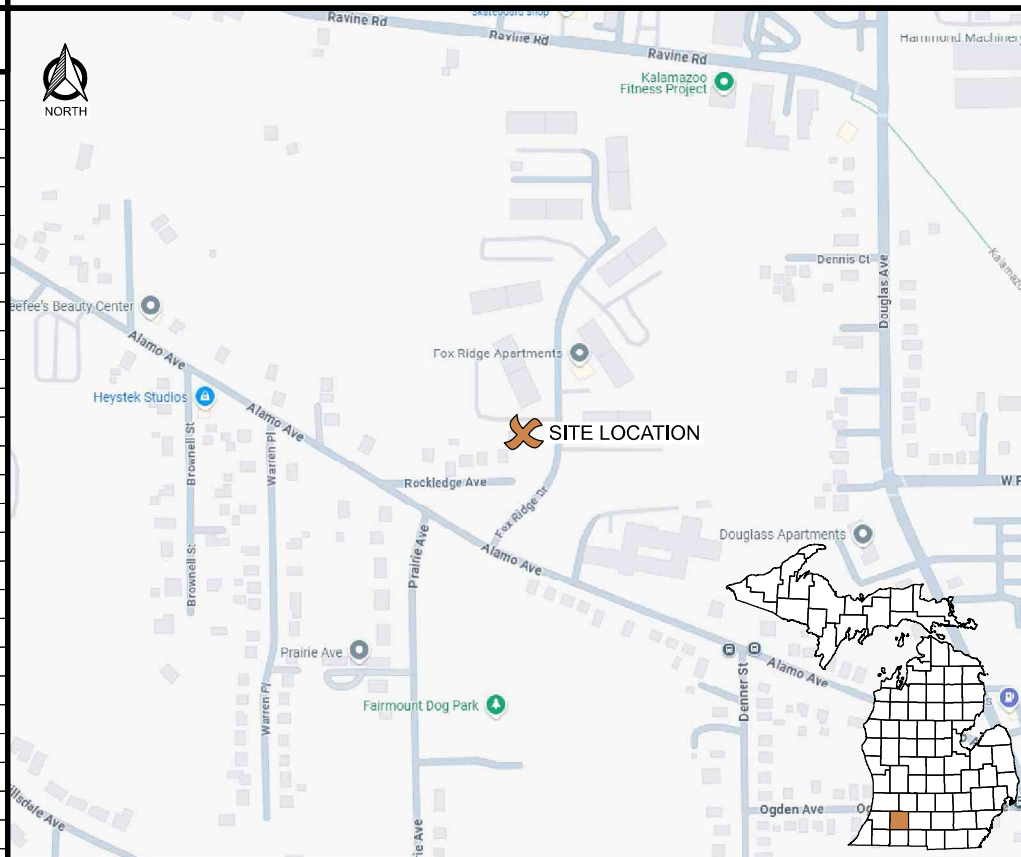
ENGINEER SEAL:

I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MICHIGAN.

SHEET INDEX

NO.:	SHEET TITLE
G-001	TITLE SHEET
S 1-3	SURVEY * * COMPLETED BY OTHERS
C-101	SITE PLAN
C-102	ENLARGED SITE PLAN
C-103	TOWER SETBACK PLAN
T-201	SITE ELEVATION

SITE LOCATION MAP



DIRECTORY

CLIENT:
B DIAMOND INFRA LLC
120 MOUNTAIN AVE.
SPRINGFIELD, NJ 07081
CONTACT: TOM WANIEWSKI
PHONE: 610.585.6853

ANCHOR TENANT:
AT&T MOBILITY CORPORATION
930 NATIONAL PARKWAY
SCHAUMBURG, IL 60173

ENGINEERING COMPANY:
EDGE CONSULTING ENGINEERS, INC.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
PROJECT MANAGER: LAURA KARCH

SURVEYOR:
WILLIAMS & WORKS
549 OTTAWA AVENUE NW
GRAND RAPIDS, MI 49503
CONTACT: BILL MCCLURE
PHONE: 616.224.1500

PROJECT INFO

SITE LOCATION:
1516 ROCKLEDGE COURT
KALAMAZOO, MI 49006

E911 ADDRESS: TBD

FCC #: 1233721

PROPERTY OWNER:
MICHAEL LAMAR WATSON
1516 ROCKLEDGE COURT
KALAMAZOO, MI 49007

TOWER OWNER:
B DIAMOND INFRA LLC
120 MOUNTAIN AVENUE
SPRINGFIELD, NJ 07081

SITE COORDINATES (PER 1-A CERTIFICATE):
AT TOWER BASE (PROPOSED TOWER)
LAT: 42°-18'-13.52" (42.3037556°)
LONG: 85°-36'-25.36" (-85.6070444°)
GROUND ELEVATION (NAVD 88): 927'

PLSS INFORMATION:
PART OF THE SW1/4,
SECTION 9, T.2S., R.11W.,
CITY OF KALAMAZOO,
KALAMAZOO COUNTY
MICHIGAN

PARCEL NUMBER:
06-09-372-002

ACCOUNT NUMBER:
RBW00151629

CUSTOMER ID:
00014312

TITLE SHEET
SITE NAME: KALAMAZOO
SITE ID NUMBER: MIA39 (U1226M)
KALAMAZOO, MICHIGAN 49006

DRIVING DIRECTIONS



TO OBTAIN LOCATION OF PARTICIPANTS' UNDERGROUND FACILITIES BEFORE YOU DIG IN MICHIGAN, CALL DIGGERS HOTLINE
TOLL FREE: 1-800-482-7171
MI STATUTE REQUIRES MIN. OF 3 WORK DAYS NOTICE BEFORE YOU EXCAVATE

UTILITY INFORMATION

ELECTRIC SERVICE PROVIDER
CONSUMERS ENERGY
CONTACT: TBD
PHONE: TBD
WORK ORDER #: TBD

FIBER SERVICE PROVIDER
TBD
CONTACT: TBD
PHONE: TBD
WORK ORDER #:

INT.	DATE:	DESCRIPTION:
TAS	03/05/2025	REV. A
TAS	04/10/2025	REV. 0
TAS	05/02/2025	REV. 1
TAS	05/13/2025	REV. 2

CHECKED BY	LMK/APK
EDGE SITE ID	S16593
EDGE PROJ. #	38684
SET TYPE	ZONING DWGS.
SHEET NUMBER	G-001

CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS/CONDITIONS ON SITE. IMMEDIATELY NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO PERFORMING ANY WORK OR BE RESPONSIBLE FOR THE SAME.

C:\38680\38684\Design\CAD\ZPD\Plan\G-001.dgn



LEGEND: (THIS SHEET)

	TO REMAIN
	TO BE RELOCATED
	TO BE REMOVED
	PROPOSED

CONSULTANT:

Edge
 Consulting Engineers, Inc.
 624 WATER STREET
 PRAIRIE DU SAC, WI 53578
 608.644.1449 VOICE
 608.644.1549 FAX
 www.edgeconsult.com

CLIENT:

B Diamond
 Infra LLC

ENGINEER SEAL:

 - APPROVED -
 SEE C-101 FOR ENGINEER'S
 STAMP AND SIGNATURE

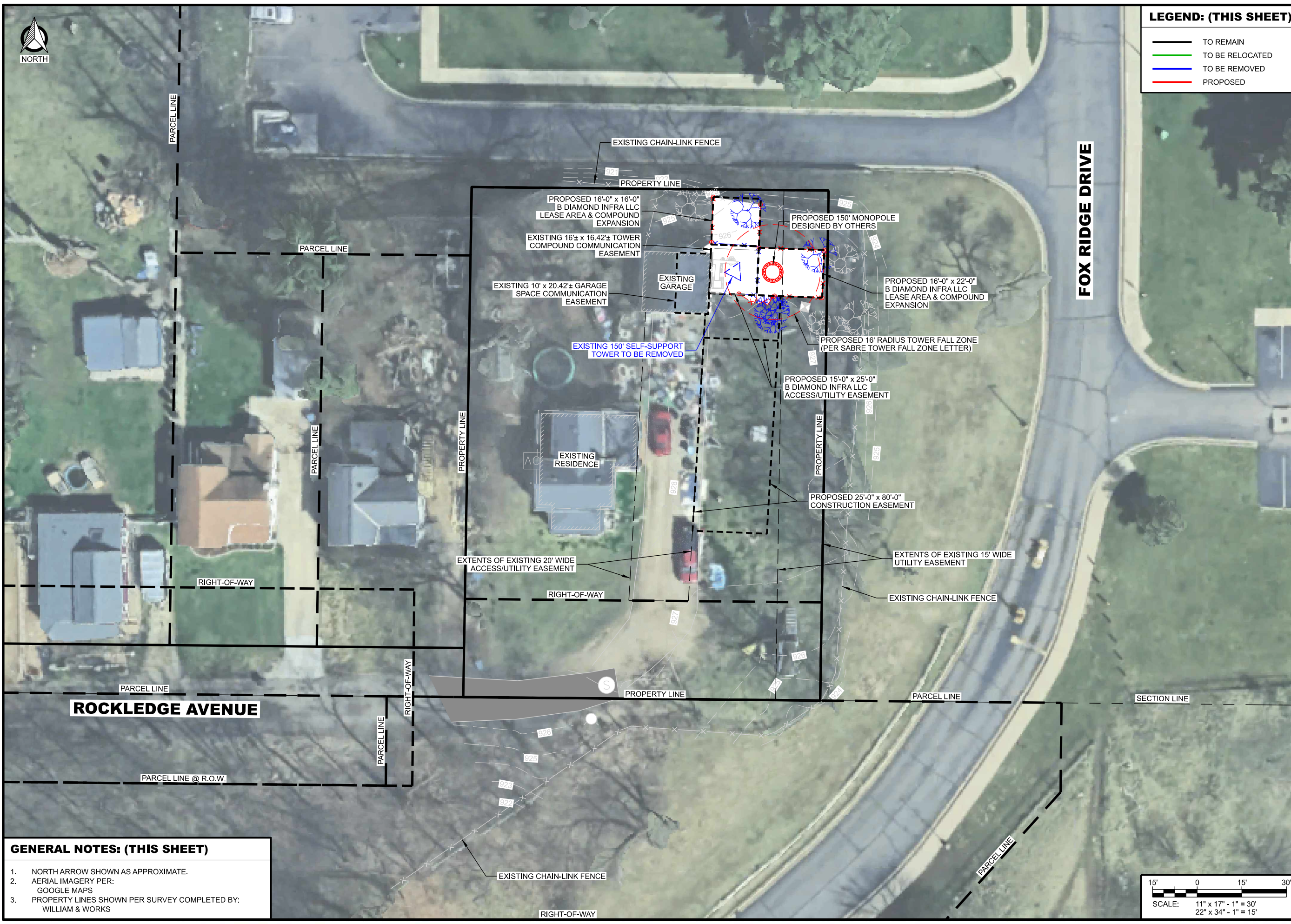
I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MICHIGAN.

OVERALL SITE PLAN
 SITE NAME: KALAMAZOO
 SITE ID NUMBER: MIA39 (U1226M)
 KALAMAZOO, MICHIGAN 49006

SUBMITTAL:

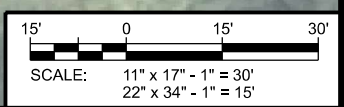
INT.	DATE	DESCRIPTION:
TAS	03/05/2025	REV. A
TAS	04/10/2025	REV. 0
TAS	05/02/2025	REV. 1
TAS	05/13/2025	REV. 2

CHECKED BY	LMK/APK
EDGE SITE ID	S16593
EDGE PROJ. #	38684
SET TYPE	ZONING DWGS.
SHEET NUMBER	C-101



GENERAL NOTES: (THIS SHEET)

- NORTH ARROW SHOWN AS APPROXIMATE.
- AERIAL IMAGERY PER: GOOGLE MAPS
- PROPERTY LINES SHOWN PER SURVEY COMPLETED BY: WILLIAM & WORKS



C:\38680\38684\Design\CAD\2D\Plot\IC-101.dgn



LEGEND: (THIS SHEET)

- TO REMAIN
- TO BE RELOCATED
- TO BE REMOVED
- PROPOSED

CONSULTANT:

Edge
Consulting Engineers, Inc.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
608.644.1449 VOICE
608.644.1549 FAX
www.edgeconsult.com

CLIENT:

B Diamond
Infra LLC

ENGINEER SEAL:

- APPROVED -
SEE G-001 FOR ENGINEER'S
STAMP AND SIGNATURE

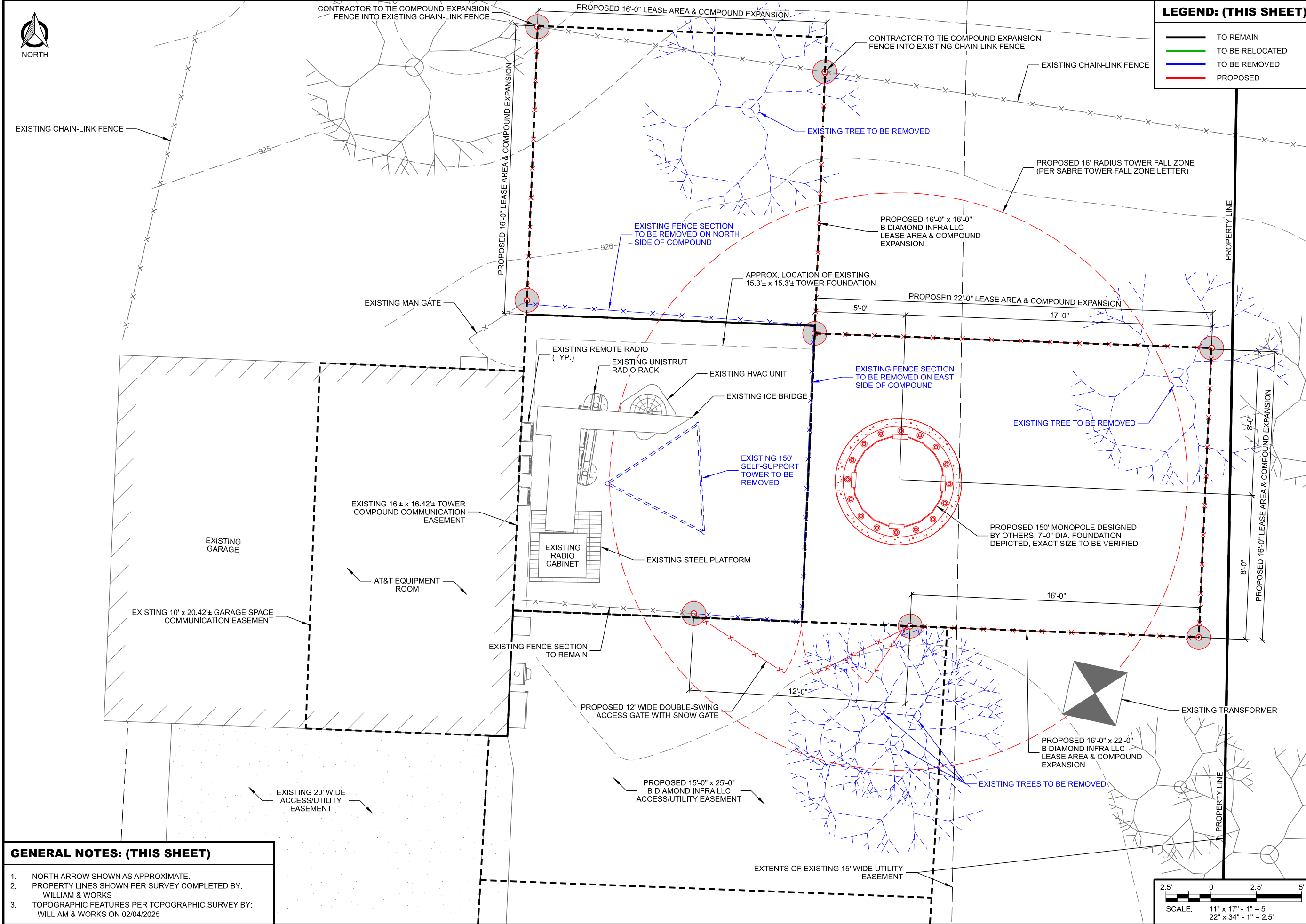
I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MICHIGAN.

ENLARGED SITE PLAN
SITE NAME: KALAMAZOO
SITE ID NUMBER: MIA39 (U1226M)
KALAMAZOO, MICHIGAN 49006

SUBMITTAL:

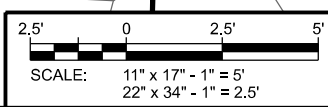
INT.	DATE	DESCRIPTION:
TAS	03/05/2025	REV. A
TAS	04/10/2025	REV. 0
TAS	05/02/2025	REV. 1
TAS	05/13/2025	REV. 2

CHECKED BY	LMK/APK
EDGE SITE ID	S16593
EDGE PROJ. #	38684
SET TYPE	ZONING DWGS.
SHEET NUMBER	C-102



GENERAL NOTES: (THIS SHEET)

- NORTH ARROW SHOWN AS APPROXIMATE.
- PROPERTY LINES SHOWN PER SURVEY COMPLETED BY: WILLIAM & WORKS
- TOPOGRAPHIC FEATURES PER TOPOGRAPHIC SURVEY BY: WILLIAM & WORKS ON 02/04/2025




C:\38680\38684\Design\CAD\ZD\Plan\IC-102.dgn




LEGEND: (THIS SHEET)

- TO REMAIN
- TO BE RELOCATED
- TO BE REMOVED
- PROPOSED

CONSULTANT:

Edge
 Consulting Engineers, Inc.
 624 WATER STREET
 PRAIRIE DU SAC, WI 53578
 608.644.1449 VOICE
 608.644.1549 FAX
 www.edgeconsult.com

CLIENT:

B Diamond
 Infra LLC

ENGINEER SEAL:

 - APPROVED -
 SEE C-100 FOR ENGINEER'S
 STAMP AND SIGNATURE

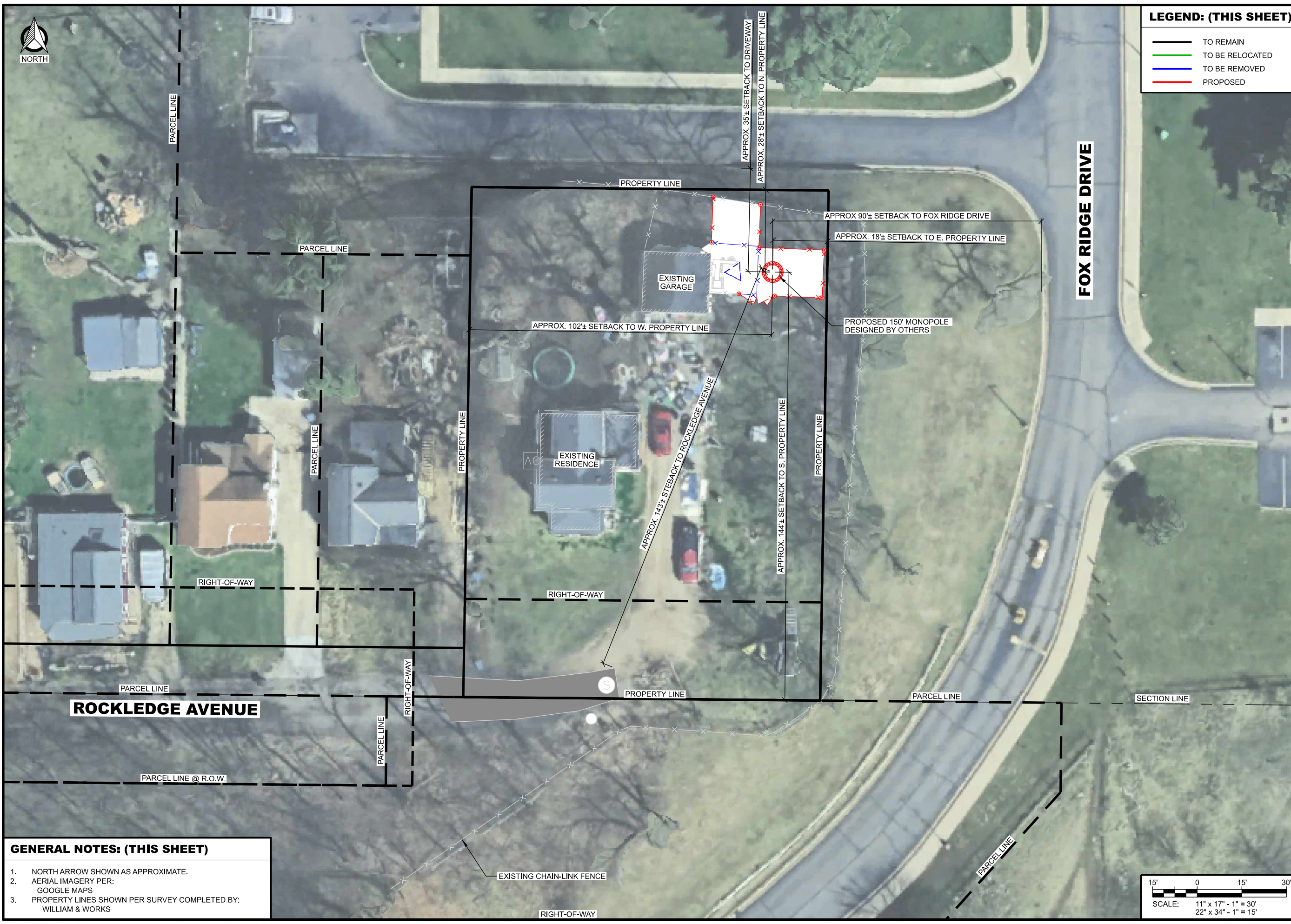
I HEREBY CERTIFY THAT THIS PLAN SET WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION OTHER THAN THE EXCEPTIONS NOTED IN THE SHEET INDEX, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MICHIGAN.

TOWER SETBACK PLAN
 SITE NAME: KALAMAZOO
 SITE ID NUMBER: MIA39 (U1226M)
 KALAMAZOO, MICHIGAN 49006

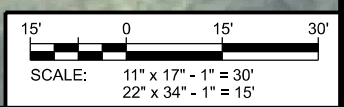
SUBMITTAL:

INT.	DATE	DESCRIPTION:
TAS	03/05/2025	REV. A
TAS	04/10/2025	REV. 0
TAS	05/02/2025	REV. 1
TAS	05/13/2025	REV. 2

CHECKED BY	LMK/APK
EDGE SITE ID	S16593
EDGE PROJ. #	38684
SET TYPE	ZONING DWGS.
SHEET NUMBER	C-103



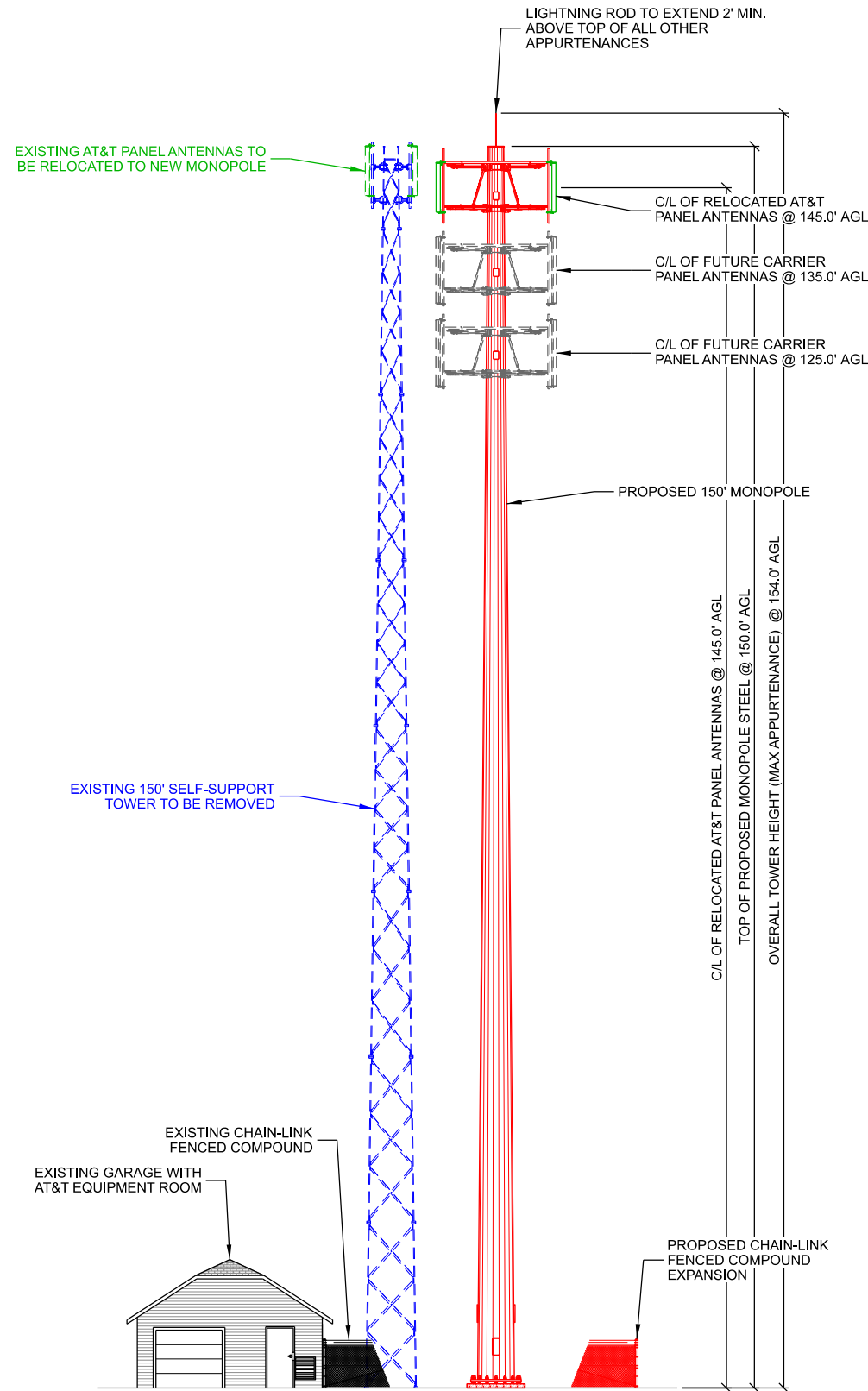
- GENERAL NOTES: (THIS SHEET)**
1. NORTH ARROW SHOWN AS APPROXIMATE.
 2. AERIAL IMAGERY PER: GOOGLE MAPS
 3. PROPERTY LINES SHOWN PER SURVEY COMPLETED BY: WILLIAM & WORKS



C:\38680\38684\Design\CAD\2D\Plot\IC-103.dgn

LEGEND: (THIS SHEET)

- TO REMAIN
- TO BE RELOCATED
- TO BE REMOVED
- PROPOSED



A SITE ELEVATION
 SCALE: 11" x 17" - 1" = 20'-0"
 22" x 34" - 1" = 10'-0"



B EXISTING SITE ELEVATION

CONSULTANT:
Edge
 Consulting Engineers, Inc.
 624 WATER STREET
 PRAIRIE DU SAC, WI 53578
 608.644.1449 VOICE
 608.644.1549 FAX
 www.edgeconsult.com

CLIENT:
B Diamond
 Infra LLC

ENGINEER SEAL:
 - APPROVED -
 SEE G-001 FOR ENGINEER'S
 STAMP AND SIGNATURE

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SITE ELEVATION
 SITE NAME: KALAMAZOO
 SITE ID NUMBER: MIA39 (U1226M)
 KALAMAZOO, MICHIGAN 49006

SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
TAS	03/05/2025	REV. A
TAS	04/10/2025	REV. 0
TAS	05/02/2025	REV. 1
TAS	05/13/2025	REV. 2

CHECKED BY	LMK/APK
EDGE SITE ID	S16593
EDGE PROJ. #	38684
SET TYPE	ZONING DWGS.
SHEET NUMBER	T-201

C:\38680\38684\Design\CAD\2D\Plat\T-201.dgn

Survey

SURVEYOR'S NOTE

THE PARENT PARCEL BOUNDARY OF THIS DRAWING IS ILLUSTRATED FROM RECORD INFORMATION AND IS APPROXIMATE. THE TOPOGRAPHICAL SURVEY FOR THIS MAP WAS PERFORMED ON JANUARY 16, 2025. NOT TO BE USED AS CONSTRUCTION DRAWINGS.

THE LEASE AREA AS DESCRIBED IN DOC. NO. 2013-010137 DOES NOT MATCH THE IMPROVEMENTS FOUND ON SITE. LEASE AREA DESCRIPTION MAY HAVE BEEN AMENDED FOLLOWING 2013 FILING.

THE RIGHT OF WAY OF ROCKLEDGE IS SHOWN PER A STREET DATA SHEET PROVIDED BY THE CITY OF KALAMAZOO. SAID SHEET NOTES THE LENGTH OF RIGHT OF WAY IS 330 FEET FROM ALAMO TO EAST END. SAID SHEET CONTAINS LIMITED INFORMATION AND THE DISTANCE OF 330 FEET HAS BEEN INTERPRETED TO BE MEASURED FROM THE CENTERLINE OF ALAMO.

CONTINUED ON SHEET 2

BASIS OF BEARINGS

LATITUDE AND LONGITUDE OF SITE REFERENCE POINT ARE BASED ON THE HARN (HIGH ACCURACY REFERENCE NETWORK) NAD83 (CORS 96)

BEARINGS ARE BASED ON MICHIGAN STATE PLANE, SOUTH ZONE. TO ORIENT DRAWING TO TRUE NORTH, ROTATE COUNTERCLOCKWISE 00°50'38.88".

EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS

THE LIMITED TITLE REPORT ISSUED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY AS REPORT NO. 01-25002203-01S, COVERING PUBLIC RECORDS FROM 01/15/1985 THROUGH 01/15/2025, LISTS THE FOLLOWING EASEMENTS, COVENANTS, CONDITIONS, AND RESTRICTIONS, THAT ARE MATTERS OF SURVEY, AFFECTING THE PARENT PARCEL UNDER "OTHER ITEMS OF RECORD":

1. EASEMENT FOR UNDERGROUND ELECTRIC LINE IN FAVOR OF CONSUMERS ENERGY COMPANY, A MICHIGAN CORPORATION, RECORDED 11/10/2005, AS INSTRUMENT NO. 2005-053079 OF KALAMAZOO COUNTY RECORDS. AFFECTS THE PARENT PARCEL AS SHOWN; AFFECTS THE PROPOSED 16'X23' LEASE AREA AS SHOWN; DOES NOT AFFECT THE PROPOSED 16'X16' LEASE AREA AND PROPOSED 15'X25' ACCESS EASEMENT

2. MEMORANDUM OF LEASE BY AND BETWEEN JENSCO PROPERTIES LLC, A MICHIGAN LIMITED LIABILITY COMPANY, LALNDLORD, LESSOR(S) AND NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, LESSEE(S), RECORDED 09/13/2005, AS INSTRUMENT NO. 2005-042616 OF THE KALAMAZOO COUNTY RECORDS. NOTE: MASTER BILL OF SALE, ASSIGNMENT AND ASSUMPTION AGREEMENT, RECORDED 03/18/2013, AS INSTRUMENT NO. 2013-010138 OF KALAMAZOO COUNTY RECORDS. AFFECTS THE PARENT PARCEL AS SHOWN; AFFECTS THE PROPOSED 16'X23' LEASE AREA AS SHOWN; DOES NOT AFFECT THE PROPOSED 16'X16' LEASE AREA AND PROPOSED 15'X25' ACCESS EASEMENT

3. WIRELESS COMMUNICATION EASEMENT AGREEMENT IN FAVOR OF T10 UNISON SITE MANAGEMENT LLC, A DELAWARE LIMITED LIABILITY COMPANY, FROM JENSCO PROPERTIES, LLC, RECORDED 03/18/2013, AS INSTRUMENT NO. 2013-010137 OF KALAMAZOO COUNTY RECORDS. AFFECTS THE PARENT PARCEL AS SHOWN; DOES NOT AFFECT THE PROPOSED 16'X23' LEASE AREA, PROPOSED 16'X16' LEASE AREA AND PROPOSED 15'X25' ACCESS EASEMENT.

LEGAL DESCRIPTION

PARENT PARCEL (PER TITLE REPORT NO. 01-25002203-01S)

LAND SITUATED IN THE CITY OF KALAMAZOO, COUNTY OF KALAMAZOO, STATE OF MICHIGAN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SECTION 9-2-11 561.99 FT EAST OF THE SOUTHWEST CORNER OF SECTION 9; THENCE NORTH 171.5 FT; THENCE EAST 120 FT PARALLEL WITH THE SOUTH LINE OF SECTION 9; THENCE SOUTH 171.5 FT PARALLEL WITH THE FIRST COURSE TO THE SOUTH LINE OF SECTION 9; THENCE WEST 120 FT ALONG THE SOUTH LINE OF SECTION 9 TO THE POINT OF BEGINNING, RESERVING THE SOUTH 2 RODS FOR RIGHT-OF-WAY PURPOSES.

TAX ID NO: 3900.06.09.372.002

DERIVATION CLAUSE
BEING THE SAME PROPERTY CONVEYED TO MICHAEL LAMAR WATSON, GRANTEE, FROM JENSCO PROPERTIES, LLC, GRANTOR BY QUIT CLAIM DEED RECORDED 08/23/2019, AS INSTRUMENT NO: 2019-024502 OF KALAMAZOO COUNTY RECORDS

This map was made from the above legal description which was given to us as a complete description of the property. Both map and description should be compared with the Abstract of Title or Title Policy for any exceptions, easements or differences in description.

PROPRIETOR
MICHAEL LAMAR WATSON
1516 ROCKLEDGE CT.
KALAMAZOO, MI 49007

**MIA39-U122617
KALAMAZOO TOWER**

LATITUDE: 42°18'13.52" N
LONGITUDE: 85°36'25.53" W
CENTER OF EXISTING SELF-SUPPORT TOWER
GROUND ELEV.: 927'±
TOP OF LIGHTNING ROD @ 154'±
TOP OF TOWER @ 152'±
TOP OF PANEL ANTENNA @ 151'±
BOTTOM OF PANEL ANTENNA @ 146'±

PARCEL NO.
06-09-363-001

MICHIGAN DEVELOPMENT-KALAMAZOO

PROPOSED 16'X16' LEASE AREA
(SEE DETAIL, SHEET 2)

LATITUDE: 42°18'13.52" N
LONGITUDE: 85°36'25.36" W
PROPOSED TOWER LOCATION
GROUND ELEV.: 927'±

PROPOSED 16'X22' LEASE AREA
(SEE DETAIL, SHEET 2)

PROPOSED 15'X25' ACCESS & UTILITY EASEMENT
(SEE DETAIL, SHEET 2)

PROPOSED CONSTRUCTION EASEMENT
(SEE DETAIL, SHEET 2)

PROPOSED CONSTRUCTION EASEMENT
(SEE DETAIL, SHEET 2)

PROPOSED CONSTRUCTION EASEMENT
(SEE DETAIL, SHEET 2)

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(SEE DETAIL, SHEET 2)

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(SEE DETAIL, SHEET 2)

PROPOSED CONSTRUCTION EASEMENT
(SEE DETAIL, SHEET 2)

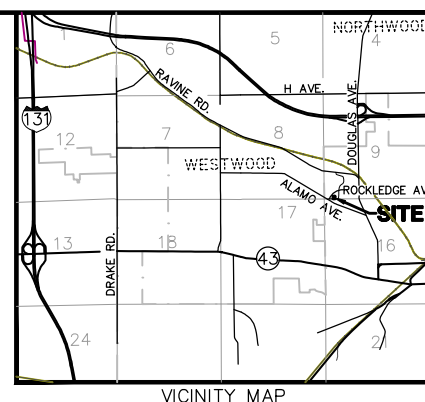
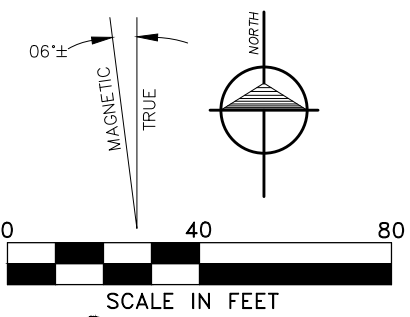
PROPOSED CONSTRUCTION EASEMENT
(SEE DETAIL, SHEET 2)

PROPOSED CONSTRUCTION EASEMENT
(SEE DETAIL, SHEET 2)

PROPOSED CONSTRUCTION EASEMENT
(SEE DETAIL, SHEET 2)

PROPOSED CONSTRUCTION EASEMENT
(SEE DETAIL, SHEET 2)

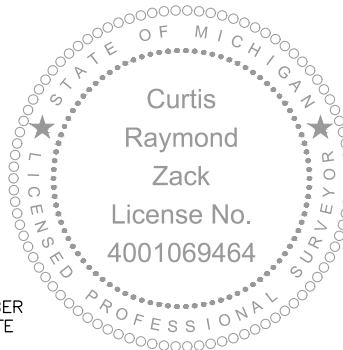
PROPOSED CONSTRUCTION EASEMENT
(SEE DETAIL, SHEET 2)



LEGEND

- ▲ - TRAVERSE POINT
- ▲ - WELL
- - HIGHWAY
- - MONUMENT
- - MONUMENT BOX
- - RIGHT OF WAY MARKER
- - SET WOODSTAKE
- +CUT - XCUT
- - PK NAIL
- - FOUND IRON STAKE
- - SET IRON STAKE
- - SIGN
- RR - RR SIGN
- - GUY POLE
- - GUY ANCHOR
- - UTILITY POLE
- ★ - LIGHT POLE
- ☆ - ORNAMENTAL LIGHT POLE
- - POST
- - U.G. UTILITY MARKER
- XX - SOIL BORING
- MB - MAILBOX
- - SATELLITE DISH
- - HAND HOLE
- AG - AC UNIT
- - U.G. UTILITY MARKER
- - FIRE HYDRANT
- PIV - POST INDICATOR VALVE
- - WATER VALVE
- ⊗ - GAS VALVE
- ⊕ - UST FILL PORT
- ⊖ - GAS PUMP
- ⊖ - GAS METER
- W - WATER METER
- - TELEPHONE RISER
- - ELECTRIC METER
- - CABLE TV RISER
- - CATCH BASIN
- - ROUND CATCH BASIN
- - UTILITY MANHOLE
- - STORM MANHOLE
- - SANITARY MANHOLE
- - ELECTRIC MANHOLE
- - TELEPHONE MANHOLE
- - WATER MANHOLE
- - HANDICAP PARKING SPACE
- - SHRUB
- - TREE
- - PINE TREE
- - EXISTING CONTOURS
- - TELEPHONE UTILITY LINE
- - ELECTRIC UTILITY LINE
- - WATER UTILITY LINE
- - GAS UTILITY LINE
- - STEAM UTILITY LINE
- - STORM UTILITY LINE
- - SANITARY UTILITY LINE
- - FIBER OPTIC UTILITY LINE
- - OVERHEAD UTILITY LINE
- - FENCE LINE
- - GUARD RAIL
- - BUILDING OVERHANG

All utilities as shown are approximate locations derived from actual measurements and available records. They should not be interpreted to be in exact location nor should it be assumed that they are the only utilities in the area.



Curtis Zack
CURTIS R. ZACK P.S. 4001069464



**MIA39-U122617
KALAMAZOO TOWER**

Survey Prepared for:
Edge
Consulting Engineers, Inc.
624 Water Street
Prairie du Sac, WI 53578
608.644.1449 voice
262.364.3000 fax
www.edgeconsult.com

REVISIONS		
NO.	DESCRIPTION	DATE
1	TITLE SEARCH REPORT	02/13/25
2	ADDED DEED NOTE	03/03/25
3	FINALIZE	03/05/25
4	CLIENT COMMENTS	04/16/25

williams&works
engineers | surveyors | planners
616.224.1500 phone
549 Ottawa Ave NW
http://williams-works.com
Grand Rapids, MI 49503

SITE NAME

KALAMAZOO TOWER

SITE NUMBER

MIA39-U122617

SITE ADDRESS

**1516 ROCKLEDGE COURT
KALAMAZOO, MICHIGAN
49006
KALAMAZOO COUNTY**

SHEET TITLE

S1

SHEET 1 OF 3

DATE: 01/16/25	DWG. BY: E.C.V.
SCALE: 1"=40'	SURVEYED: D.S./N.S.
UPDATE: WBM041625	CHKD BY: G.R.Z.
PROJECT NO.: 223155.001	

SURVEYOR'S NOTE

THE PARENT PARCEL BOUNDARY OF THIS DRAWING IS ILLUSTRATED FROM RECORD INFORMATION AND IS APPROXIMATE.

THE TOPOGRAPHICAL SURVEY FOR THIS MAP WAS PERFORMED ON JANUARY 16, 2025.

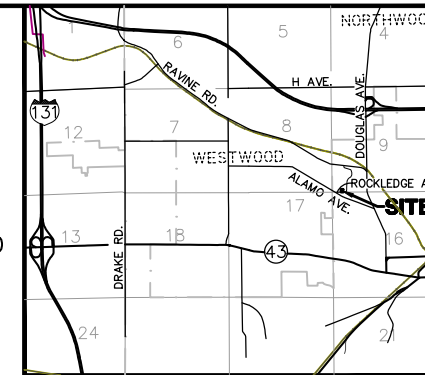
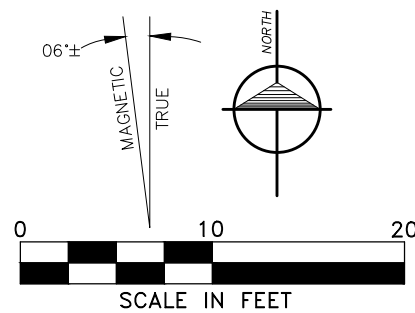
NOT TO BE USED AS CONSTRUCTION DRAWINGS.

ADJOINING PROPERTIES HAVE BEEN DESCRIBED TO EXCEPT THE SOUTH 1 ROD. SAID EXCEPTIONS ARE NOT NOTED TO BE FOR RIGHT OF WAY PURPOSES. SOUTHERLY ADJOINER IS NOT NOTED TO EXCLUDE PROPERTY ALONG THE NORTH LINE.

PER THE CITY OF KALAMAZOO NO FURTHER RIGHT OF WAY IS KNOWN BEYOND THE 330 FOOT SECTION AS SHOWN. IT IS CURRENTLY UNCLEAR IF THE EXISTING ROADWAY AND SANITARY SEWER ARE FULLY A PART OF A PUBLIC RIGHT OF WAY.

**MIA39-U122617
KALAMAZOO TOWER**

LEASE AREA DETAIL
SCALE 1"=10'



**MIA39-U122617
KALAMAZOO
TOWER**

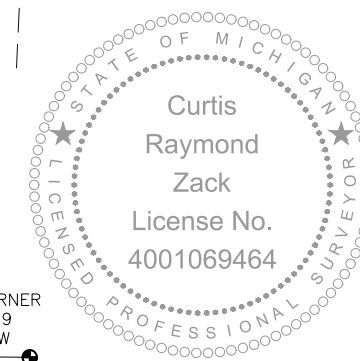
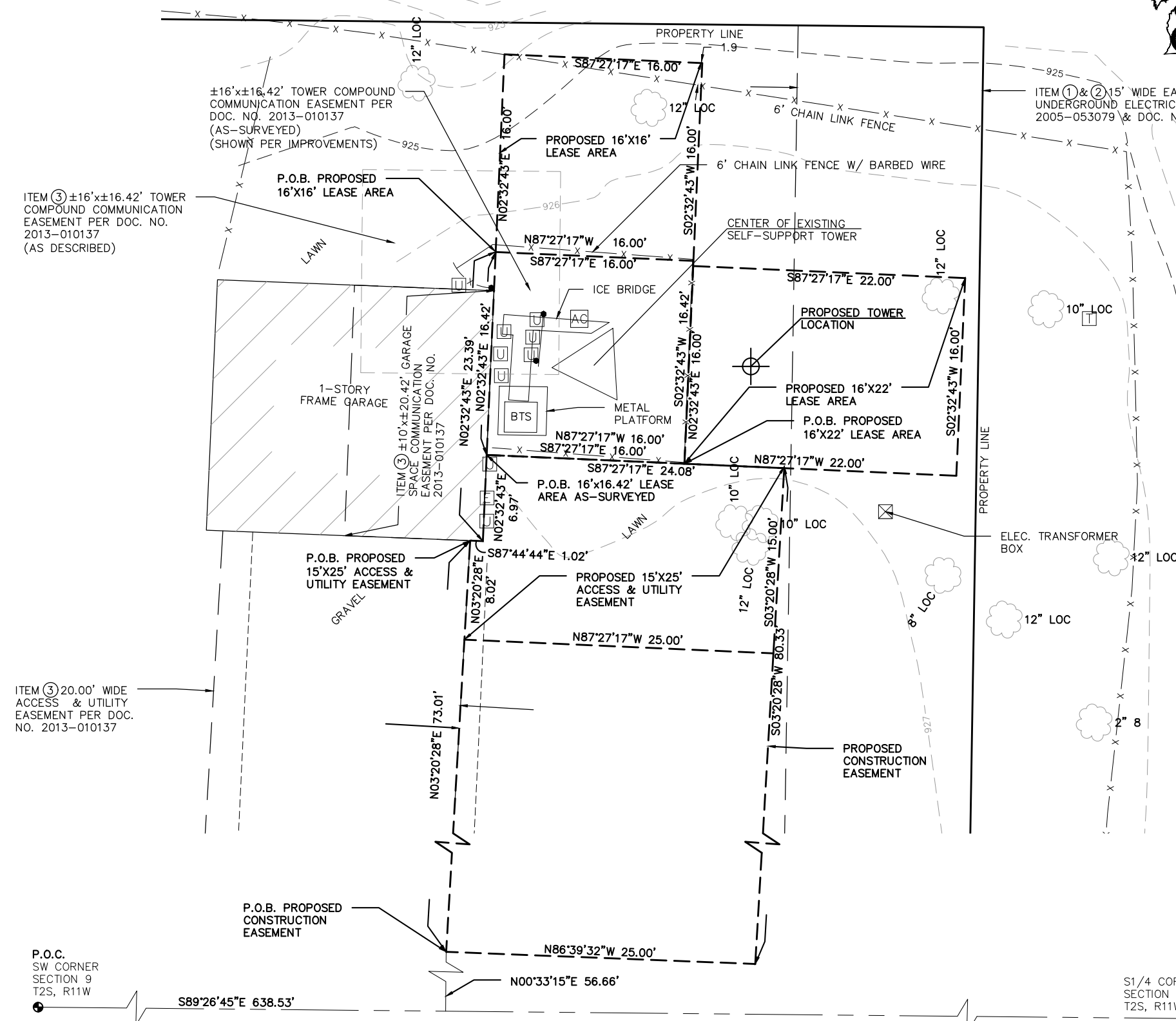
Survey Prepared for:

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REVISIONS		
NO.	DESCRIPTION	DATE
1	TITLE SEARCH REPORT	02/13/25
2	ADDED DEED NOTE	03/03/25
3	FINALIZE	03/05/25
4	CLIENT COMMENTS	04/16/25

- LEGEND**
- ▲ - TRAVERSE POINT
 - △ - WELL
 - - HIGHWAY
 - ⊙ - MONUMENT
 - ⊠ - MONUMENT BOX
 - - RIGHT OF WAY MARKER
 - - SET WOODSTAKE
 - ⊙ - PK NAIL
 - - FOUND IRON STAKE
 - - SET IRON STAKE
 - ⊙ - SIGN
 - RR - RR SIGN
 - ⊙ - GUY POLE
 - ⊙ - GUY ANCHOR
 - ⊙ - UTILITY POLE
 - ⊙ - LIGHT POLE
 - ⊙ - ORNAMENTAL LIGHT POLE
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 - ⊙ - U.G. UTILITY MARKER
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 - ⊙ - WATER VALVE
 - ⊙ - GAS VALVE
 - ⊙ - UST FILL PORT
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 - ⊙ - GAS METER
 - ⊙ - WATER METER
 - ⊙ - TELEPHONE RISER
 - ⊙ - ELECTRIC METER
 - ⊙ - CABLE TV RISER
 - ⊙ - CATCH BASIN
 - ⊙ - ROUND CATCH BASIN
 - ⊙ - UTILITY MANHOLE
 - ⊙ - STORM MANHOLE
 - ⊙ - SANITARY MANHOLE
 - ⊙ - ELECTRIC MANHOLE
 - ⊙ - TELEPHONE MANHOLE
 - ⊙ - WATER MANHOLE
 - ⊙ - HANDICAP PARKING SPACE
 - ⊙ - SHRUB
 - ⊙ - TREE
 - ⊙ - PINE TREE
 - (ELEV) --- - EXISTING CONTOURS
 - --- - TELEPHONE UTILITY LINE
 - --- - ELECTRIC UTILITY LINE
 - --- - WATER UTILITY LINE
 - --- - GAS UTILITY LINE
 - --- - STEAM UTILITY LINE
 - --- - STORM UTILITY LINE
 - --- - SANITARY UTILITY LINE
 - --- - FIBER OPTIC UTILITY LINE
 - --- - OVERHEAD UTILITY LINE
 - X-X-X- - FENCE LINE
 - X-X-X- - GUARD RAIL
 - --- - BUILDING OVERHANG

All utilities as shown are approximate locations derived from actual measurements and available records. They should not be interpreted to be in exact location nor should it be assumed that they are the only utilities in the area.



Curtis Zack
CURTIS R. ZACK P.S. 4001069464

DATE: 01/16/25	DWG. BY: E.C.V.
SCALE: 1"=10'	SURVEYED: D.S./N.S.
UPDATE: WBM041625	CHKD BY: C.R.Z.
PROJECT NO.: 223155.001	

SURVEYED BY:

williams & works
engineers | surveyors | planners
616.224.1500 phone
549 Ottawa Ave NW
Grand Rapids, MI 49503
http://williams-works.com

SITE NAME

KALAMAZOO TOWER

SITE NUMBER

MIA39-U122617

SITE ADDRESS

**1516 ROCKLEDGE COURT
KALAMAZOO, MICHIGAN
49006
KALAMAZOO COUNTY**

SHEET TITLE

S2

SHEET 2 OF 3

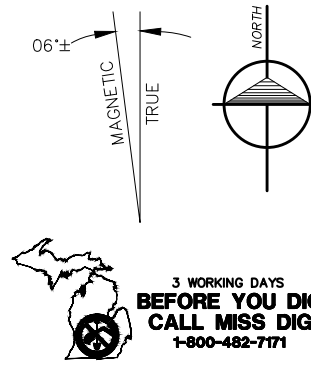
SURVEYOR'S NOTE

THE PARENT PARCEL BOUNDARY OF THIS DRAWING IS ILLUSTRATED FROM RECORD INFORMATION AND IS APPROXIMATE.

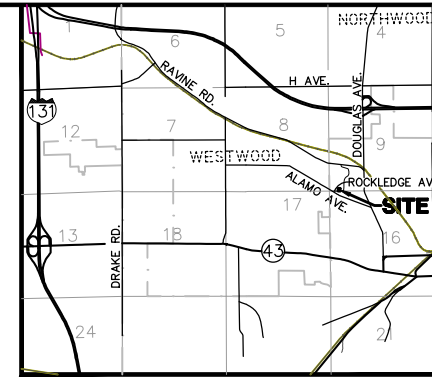
THE TOPOGRAPHICAL SURVEY FOR THIS MAP WAS PERFORMED ON JANUARY 16, 2025.

NOT TO BE USED AS CONSTRUCTION DRAWINGS.

**MIA39-U122617
KALAMAZOO TOWER**



3 WORKING DAYS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171



VICINITY MAP
N.T.S.



**MIA39-U122617
KALAMAZOO
TOWER**

Survey Prepared for:



REVISIONS		
NO.	DESCRIPTION	DATE
1	TITLE SEARCH REPORT	02/13/25
2	ADDED DEED NOTE	03/03/25
3	FINALIZE	03/05/25
4	CLIENT COMMENTS	04/16/25

LEGAL DESCRIPTION

AS-SURVEYED 16'X16.42' LEASE AREA

All that part of the Southwest 1/4 of Section 9, Town 2 South, Range 11 West, Kalamazoo County, Michigan, described as; Commencing at the Southwest corner of said Section 9; thence South 89°26'45" East 638.53 feet along the South line of said Section 9; thence North 00°33'15" East 56.66 feet; thence North 03°20'28" East 73.01 feet to a point on the south face of a 1-story garage building; thence South 87°44'44" East 1.02 feet to the southeast corner of said building; thence North 02°32'43" East 6.97 feet along the east line of said building TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; thence continuing North 02°32'43" East 16.42 feet along said east line extended northerly; thence South 87°27'17" East 16.00 feet; thence South 02°32'43" West 16.42 feet; thence North 87°27'17" West 16.00 feet to the place of beginning of this description. Containing 263 square feet, more or less.

LEGAL DESCRIPTION

PROPOSED CONSTRUCTION EASEMENT

All that part of the Southwest 1/4 of Section 9, Town 2 South, Range 11 West, Kalamazoo County, Michigan, described as; Commencing at the Southwest corner of said Section 9; thence South 89°26'45" East 638.53 feet along the South line of said Section 9; thence North 00°33'15" East 56.66 feet TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; thence North 03°20'28" East 73.01 feet to a point on the south face of a 1-story garage building; thence South 87°44'44" East 1.02 feet to the southeast corner of said building; thence North 02°32'43" East 6.97 feet along the east face of said building to the south line of a 16.00 foot by 16.42 foot lease; thence South 87°27'17" East 24.08 feet along the south line of said lease and its easterly extension; thence South 03°20'28" West 80.33 feet; thence North 86°39'32" West 25.00 feet to the place of beginning of this description. Containing 1,997 square feet, more or less.

LEGAL DESCRIPTION

PROPOSED 15'X25' ACCESS & UTILITY EASEMENT

All that part of the Southwest 1/4 of Section 9, Town 2 South, Range 11 West, Kalamazoo County, Michigan, described as; Commencing at the Southwest corner of said Section 9; thence South 89°26'45" East 638.53 feet along the South line of said Section 9; thence North 00°33'15" East 56.66 feet; thence North 03°20'28" East 73.01 feet to a point on the south face of a 1-story garage building FOR THE PLACE OF BEGINNING OF THIS DESCRIPTION; thence South 87°44'44" East 1.02 feet to the southeast corner of said building; thence North 02°32'43" East 6.97 feet along the east face of said building to the south line of a 16.00 foot by 16.42 foot lease; thence South 87°27'17" East 24.08 feet along the south line of said lease and its easterly extension; thence South 03°20'28" West 15.00 feet; thence North 87°27'17" West 25.00 feet; thence North 03°20'28" East 8.02 feet to the place of beginning of this description. Containing 368 square feet, more or less.

LEGAL DESCRIPTION

PROPOSED 16'X16' LEASE AREA

All that part of the Southwest 1/4 of Section 9, Town 2 South, Range 11 West, Kalamazoo County, Michigan, described as; Commencing at the Southwest corner of said Section 9; thence South 89°26'45" East 638.53 feet along the South line of said Section 9; thence North 00°33'15" East 56.66 feet; thence North 03°20'28" East 73.01 feet to a point on the south face of a 1-story garage building; thence South 87°44'44" East 1.02 feet to the southeast corner of said building; thence North 02°32'43" East 23.39 feet along the east line of said building extended to the northwest corner of a 16.00 foot by 16.42 foot lease area TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; thence continuing North 02°32'43" East 16.00 feet; thence South 87°27'17" East 16.00 feet; thence South 02°32'43" West 16.00 feet to the northeast corner of said lease; thence North 87°27'17" West 16.00 feet along the north line of said lease to the place of beginning of this description. Containing 256 square feet, more or less.

LEGAL DESCRIPTION

PROPOSED 16'X22' LEASE AREA

All that part of the Southwest 1/4 of Section 9, Town 2 South, Range 11 West, Kalamazoo County, Michigan, described as; Commencing at the Southwest corner of said Section 9; thence South 89°26'45" East 638.53 feet along the South line of said Section 9; thence North 00°33'15" East 56.66 feet; thence North 03°20'28" East 73.01 feet to a point on the south face of a 1-story garage building; thence South 87°44'44" East 1.02 feet to the southeast corner of said building; thence North 02°32'43" East 6.97 feet along the east face of said building to the southwest corner of a 16.00 foot by 16.42 foot lease area; thence South 87°27'17" East 16.00 feet along the south line of said lease TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; thence North 02°32'43" East 16.00 feet along the east line of said lease; thence South 87°27'17" East 22.00 feet; thence South 02°32'43" West 16.00 feet; thence North 87°27'17" West 22.00 feet to the place of beginning of this description. Containing 352 square feet, more or less.

LEGEND

▲ - TRAVERSE POINT	AC - AC UNIT
▲ - WELL	□ - U.G. UTILITY MARKER
⊖ - HIGHWAY	⊕ - FIRE HYDRANT
⊙ - MONUMENT	⊕ - POST INDICATOR VALVE
⊠ - MONUMENT BOX	⊕ - WATER VALVE
■ - RIGHT OF WAY MARKER	⊕ - GAS VALVE
□ - SET WOODSTAKE	⊕ - UST FILL PORT
+CUT - XCUT	⊕ - GAS PUMP
○ - PK NAIL	⊕ - GAS METER
○ - FOUND IRON STAKE	⊕ - WATER METER
● - SET IRON STAKE	⊕ - TELEPHONE RISER
— - SIGN	⊕ - ELECTRIC METER
RR - RR SIGN	⊕ - CABLE TV RISER
— - GUY POLE	⊕ - CATCH BASIN
— - GUY ANCHOR	⊕ - ROUND CATCH BASIN
⊕ - UTILITY POLE	⊕ - UTILITY MANHOLE
⊕ - LIGHT POLE	⊕ - STORM MANHOLE
⊕ - ORNAMENTAL LIGHT POLE	⊕ - SANITARY MANHOLE
● - POST	⊕ - ELECTRIC MANHOLE
⊕ - U.G. UTILITY MARKER	⊕ - TELEPHONE MANHOLE
⊕ - SOIL BORING	⊕ - WATER MANHOLE
MB - MAILBOX	⊕ - HANDICAP PARKING SPACE
⊕ - SATELLITE DISH	⊕ - SHRUB
□ - HAND HOLE	⊕ - TREE
	⊕ - PINE TREE
	(ELEV) - EXISTING CONTOURS
	— - TELEPHONE UTILITY LINE
	— - ELECTRIC UTILITY LINE
	— - WATER UTILITY LINE
	— - GAS UTILITY LINE
	— - STEAM UTILITY LINE
	— - STORM UTILITY LINE
	— - SANITARY UTILITY LINE
	— - FIBER OPTIC UTILITY LINE
	— - OVERHEAD UTILITY LINE
	— X — X — X — - FENCE LINE
	— - GUARD RAIL
	— - BUILDING OVERHANG

All utilities as shown are approximate locations derived from actual measurements and available records. They should not be interpreted to be in exact location nor should it be assumed that they are the only utilities in the area.



Curtis Zack
CURTIS R. ZACK P.S. 4001069464

DATE: 01/16/25	DWG. BY: E.C.V.
SCALE: 1"=10'	SURVEYED: D.S./N.S.
UPDATE: WBM041625	CHKD BY: C.R.Z.
PROJECT NO.: 223155.001	

williams & works
engineers | surveyors | planners
http://williams-works.com
616.224.1500 phone
549 Ottawa Ave NW Grand Rapids, MI 49503

SURVEYED BY:

SITE NAME
KALAMAZOO TOWER

SITE NUMBER

MIA39-U122617

SITE ADDRESS
**1516 ROCKLEDGE COURT
KALAMAZOO, MICHIGAN
49006
KALAMAZOO COUNTY**

SHEET TITLE
S3

SHEET 3 OF 3

Photo Simulations

KALAMAZOO MIA39 SITE SIMULATION MAP



+ Site
● Photograph #



Diamond
Communications LLC

KALAMAZOO - MIA39

1516 Rockledge Ct, Kalamazoo, MI 49006

EXISTING 150ft. SELF-SUPPORT TOWER

View #1 from Rockledge Avenue
approximately 280ft. southwest of site



Diamond
Communications LLC

KALAMAZOO - MIA39

1516 Rockledge Ct, Kalamazoo, MI 49006

**150ft. MONOPOLE
SIMULATION**

View #1 from Rockledge Avenue
approximately 280ft. southwest of site



Diamond
Communications LLC

KALAMAZOO - MIA39

1516 Rockledge Ct, Kalamazoo, MI 49006

EXISTING 150ft. SELF-SUPPORT TOWER

View #2 from Fox Ridge Drive
approx. 185ft. south-southeast of site



Diamond
Communications LLC

KALAMAZOO - MIA39

1516 Rockledge Ct, Kalamazoo, MI 49006

150ft. MONOPOLE SIMULATION

View #2 from Fox Ridge Drive
approx. 185ft. south-southeast of site



Diamond
Communications LLC

KALAMAZOO - MIA39

1516 Rockledge Ct, Kalamazoo, MI 49006

EXISTING 150ft. SELF-SUPPORT TOWER

View #3 from Alamo Avenue
approximately 500ft. southeast of site



Diamond
Communications LLC

KALAMAZOO - MIA39

1516 Rockledge Ct, Kalamazoo, MI 49006

**150ft. MONOPOLE
SIMULATION**

View #3 from Alamo Avenue
approximately 500ft. southeast of site

Sealed Engineer's Letter

March 31, 2025

Karey Vawter
Diamond Communications
210 Mountain Ave., Unit 619
Springfield, NJ 07081

RE: Proposed 150' Monopole for Kalamazoo, MI

Dear Karey,

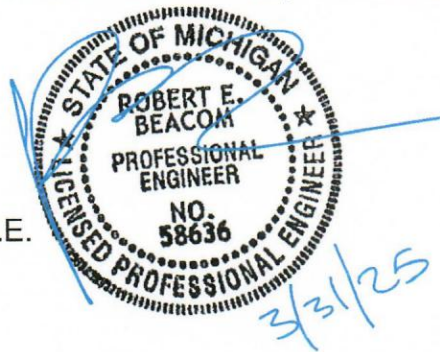
Upon receipt of order, we propose to design and supply the above referenced tower for a Basic Wind Speed of 107 mph with no ice and 40 mph + 1.5" ice, Risk Category II, Exposure Category C, and Topographic Category 2, H = 125', in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-H, "Structural Standard for Antenna Supporting Structures and Antennas" to support equipment for up to three (3) wireless carriers.

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within the monopole shaft, above the base plate. Assuming that the wind pressure profile is similar to that used to design the monopole, the monopole will buckle at the location of the highest combined stress ratio within the monopole shaft. This is likely to result in the portion of the monopole above leaning over and remaining in a permanently deformed condition. *Please note that this letter only applies to the above referenced monopole designed and manufactured by Sabre Towers & Poles.* This would effectively result in fall radius equal to 16' at ground level.

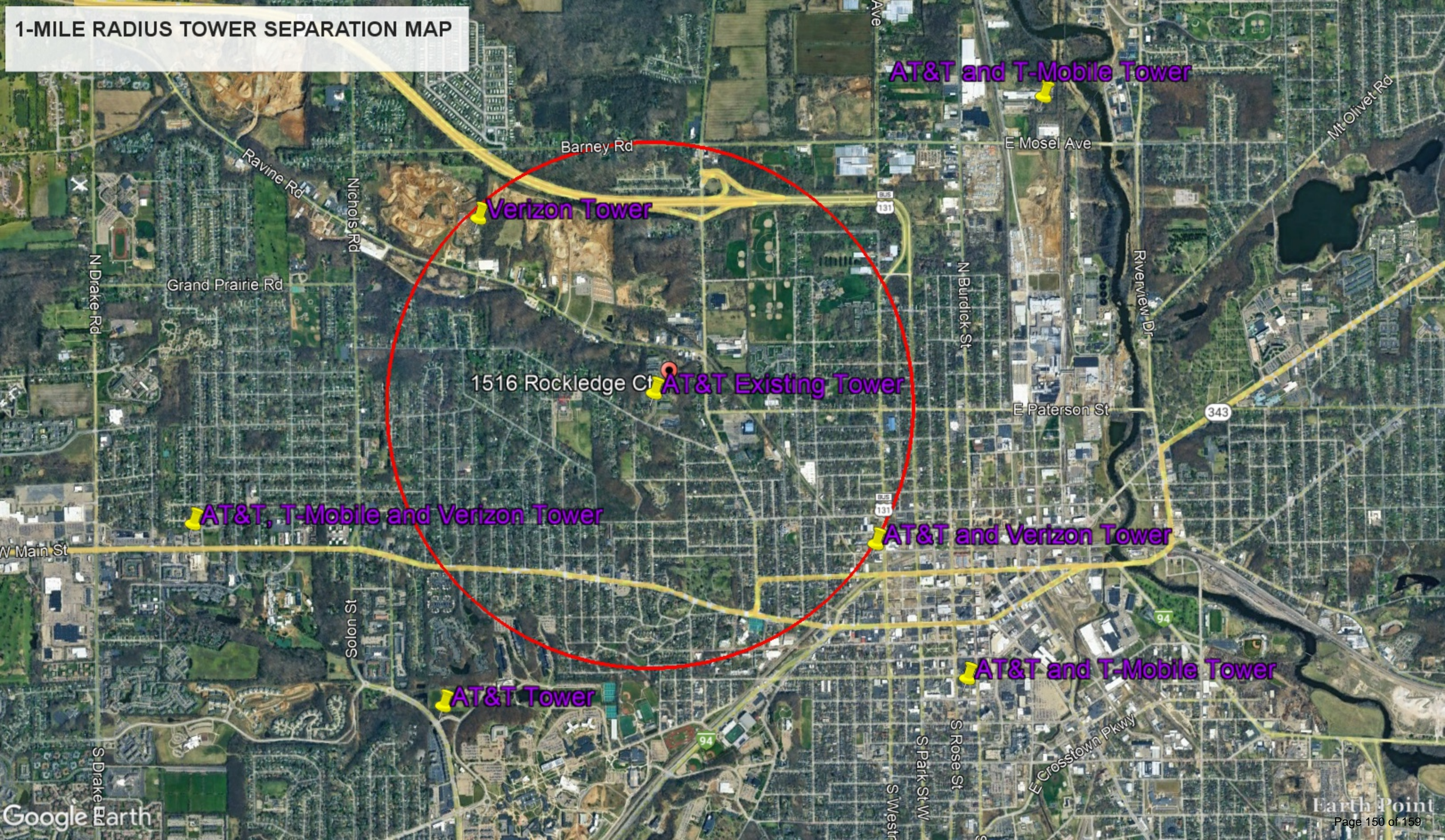
Sincerely,

Robert E. Beacom, P.E., S.E.
Engineering Manager



1-Mile Radius Tower Separation Map

1-MILE RADIUS TOWER SEPARATION MAP



AT&T and T-Mobile Tower

Verizon Tower

1516 Rockledge Ct AT&T Existing Tower

AT&T, T-Mobile and Verizon Tower

AT&T and Verizon Tower

AT&T and T-Mobile Tower

AT&T Tower

AT&T Mobility Letter of Support



April 17, 2025

Mr. Peter Eldridge
Planning Division
City of Kalamazoo 245
N. Rose Street, Ste. 100
Kalamazoo, MI 49007

Dear Mr. Eldridge,

I am writing on behalf of AT&T Mobility to express our intent to collocate on the proposed Diamond Towers wireless communication facility on private property, located at 1516 Rock Ledge Court. As a leading provider of telecommunications services, AT&T Mobility is committed to expanding coverage and improving connectivity throughout this area.

Diamond has extensive experience in the design, construction, and management of wireless communication infrastructure. AT&T has collaborated with Diamond on many projects in the Midwest on Municipal, State, Federal and private land to extend reliable service. Their expertise aligns with our commitment to delivering reliable and efficient telecommunications services to meet the needs of the local community, visitors, and emergency response services in the area.

As technology continues to evolve, the need for better and more secure infrastructure is needed. The approval from the City of Kalamazoo to swap out the exiting tower will increase the safety of the tower's foundation as well as allow for updated equipment to be installed for better coverage for the citizens of Kalamazoo.

We appreciate the City's consideration of our intent to collocate on this proposed structure. We look forward to the opportunity to discuss this matter further, provide any additional information as needed, and work collaboratively to ensure the successful implementation of this project.





Sincerely,

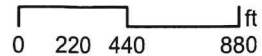
Stephanie Hardwick

Stephanie Hardwick
Lead Real Estate & Construction Manager
AT&T



Parcels within 300' Mailing Radius
 1516 ROCKLEDGE CT

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





Zoning Board of Appeals Staff Report

Date: **6/12/2025**

Item: **E.1.**

City of Kalamazoo

TO: Zoning Board of Appeals

FROM: Reviewed by: Christina Anderson, AICP, City Planner
Prepared by: Pete Eldridge, AICP, Assistant City Planner

DATE: June 12, 2025

SUBJECT: Zoning Board of Appeals - Rules of Procedure Amendments

BACKGROUND:

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:

[Insert Strategic Goal text snippet]

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

[Insert Community Engagement text snippet here]

Discussion:

Engagement/Communication Tools

FINDINGS:

Staff has made the following findings regarding this request:

RECOMMENDATION:

ZONING BOARD OF APPEALS
~~RULES OF PROCEDURE~~ BYLAWS

ARTICLE I NAME

The name of this board is the City of Kalamazoo Zoning Board of Appeals (“ZBA”)

ARTICLE II ENABLING AUTHORITY

The Zoning Board of Appeals was established by the City of Kalamazoo, as authorized by the Michigan Zoning Enabling Act – MCL §125.3101 et seq (“Enabling Act”), under the City of Kalamazoo Code of Ordinances, Appendix A – Zoning Ordinance, §11.3 (“Zoning Ordinance”).

ARTICLE III PURPOSE, OBJECTIVES AND DUTIES

Section 3.0. The purpose of ZBA is to hear and decide questions that arise in the administration of the Zoning Ordinance as outlined in §11.3 and under the Enabling Act.

Section 3.1. The powers and duties of ZBA are further enumerated under §8.3E-Variances and §8.3G-Appeals of Administrative Decisions.

ARTICLE IV MEMBERSHIP

Section 4.0. *Members:* ZBA board members are appointed by the City Commission following the recommendation of ZBA and shall consist of ~~six (6)~~ **seven (7)** regular members and two (2) alternate members. In recommending membership to ZBA the board shall endeavor to ensure the membership represents a cross-section of the community regarding gender, race, or neighborhood composition, a member has experience or interest in the subject matters that routinely come before ZBA and several points of view are represented.

Section 4.1. *Term:* Members serve for three-year terms and may not serve for more than two consecutive terms, excluding fulfilling the unexpired term of a former member.

Section 4.2. *Residency:* Members shall be residents of the City of Kalamazoo and serve without compensation.

Section 4.3. *Vacancy:* If a vacancy occurs among the members of ZBA by reason of death, resignation, disability, or otherwise, the board shall follow the same procedure for filling the remaining term of such member as an original appointment.

Section 4.4. *Absences:* A member who is absent for more than 50% of the regular meetings of ZBA over a six-month period is considered to have resigned as a member. ZBA shall submit as soon as practicable for City Commission approval the name of the individual it recommends to fill the remaining term of that absent member.

ARTICLE V OFFICERS

Section 5.0. *Officers:* The officers of ZBA shall consist of a Chair, Vice-Chair, and Secretary, elected by ZBA at its annual meeting. Officers shall serve for a period of one year and may be reelected.

Section 5.1. *Recording Secretary*: An staff employee of the Community Development and Planning Department shall serve as Recording Secretary of ZBA, but shall not have a vote in matters before the Board. In the absence of the Recording Secretary from any meeting, the officer presiding shall designate an Acting Recording Secretary to serve for the meeting in question.

Section 5.2. *Duties of Officers*:

- a) Chair
 - 1) To preside at all meetings of ZBA.
 - 2) To call Special Meetings in accordance with these Rules of Procedure.
 - 3) To see that all actions of ZBA are properly taken.
 - 4) To decide points of order and procedure subject to these rules and with the guidance of Robert's Rules of Order (as revised).
 - 5) To sign all documents and letters on behalf of ZBA.
- b) Vice-Chair
 - 1) During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and responsibilities of the Chairperson.
- c) Secretary
 - 1) To present to ZBA all such business as shall properly and legally come before it.
 - 2) To inform ZBA of all correspondence relating to business of ZBA and to attend to such correspondence.
 - 3) To conduct the election of officers at ZBA's Annual Meeting.
 - 4) To conduct a special election for the appointment of any officer to fill a vacancy, in accordance with these Rules of Procedure.
 - 5) During the absence, disability or disqualification of the Chair and Vice-Chair, the Secretary shall exercise or perform all the duties and responsibilities of the Chair.
- d) Recording Secretary
 - 1) To take and keep the Minutes of all meetings of ZBA.
 - 2) To give or serve all notices required by law or these Rules of Procedure.
 - 3) To prepare the Agenda for all meetings of ZBA.
 - 4) To be custodian of ZBA's records.

Section 5.3. *Vacancies*: If any vacancy occurs among the ZBA officers before the term of that officer expires, ZBA shall hold an election at the next regularly scheduled meeting, or as soon as practicable, in the same manner as an election for full-term officers. The officer will serve the unexpired term of the office in which the vacancy occurred.

ARTICLE VI MEETINGS

Section 6.0. *Regular Meetings*: ZBA shall conduct regular meetings in City Hall at 7:00 p.m. on the Second Thursday of each month. At each meeting, ZBA shall consider all matters properly noticed and brought before it. A regular meeting may be canceled if there are no matters for consideration; or may be rescheduled by ZBA at a prior meeting or by a majority of the ZBA members with sufficient public notice of the meeting change. If a quorum of ZBA members is not present at the regular meeting, the meeting shall be rescheduled to the next regularly scheduled meeting.

Section 6.1. *Annual Meeting*: The Annual Meeting of ZBA shall be the first regular meeting in February each year. The election officers for the ensuing year shall occur along with such other business as scheduled before ZBA.

Section 6.2. *Special Meetings*: Special meetings of ZBA shall be held at a time and place

as designated and called by the Chair, or by a concurring vote of a majority of ZBA members, which vote may be obtained by telephone as reflected in the minutes of the special meeting. The notice of the special meeting shall include the purpose for which it is held; ZBA may not conduct business beyond that purpose. The notice of the special meeting shall comply with the Open Meetings Act and posted at least 18 hours before the scheduled hearing time.

Section 6.3. *Quorum*: At any meeting of ZBA, four members of ZBA shall constitute a quorum. No action shall be taken in the absence of a quorum except to adjourn the meeting to a subsequent date. If only four members are present the applicant of the matter pending before ZBA shall have the option to delay the public hearing until the next regularly scheduled meeting.

Section 6.4. *Voting*: At all meetings of ZBA, each member attending is entitled to cast one vote. Voting on all matters upon which ZBA is required to act under the Zoning Ordinance or Enabling Act, shall be by roll call. **A minimum of four (4) affirmative votes are required to approve a request.** All other action shall be by voice vote, except when a majority of the members present prefers a roll call or ballot vote.

Section 6.5. *Disclosure*: If any member of ZBA has a real or apparent conflict of interest in a matter then before ZBA, that member shall disclose the conflict of interest and is disqualified from participating in the discussion or voting upon the matter. The Recording Secretary shall record in the minutes that the member did not participate in or cast a vote in that matter. A conflict of interest shall include, without limitation the following situations or relationships:

- a) The member, or his/her immediate family, his/her partner, or an entity in which the member has family or business ties has a financial or beneficial interest.
- b) The member has an ownership interest in the property or owns property adjacent to property that is before ZBA.
- c) The member is the employer or employee of the applicant or agent for the applicant and has a direct financial or beneficial interest in the outcome.

Section 6.6. *Conduct of Meetings*: All meetings of ZBA are open to the public. The order of Business at meetings shall be as follows:

- a) Call to Order
- b) Communications and Announcements
- c) Approve of the Minutes of the Previous Meetings
- d) Public Hearings
- e) Old Business
- f) New Business
- g) Adjournment

No board member or other person shall speak until duly recognized by the chair, and he or she shall immediately cease speaking if ruled out of order. Speakers other than members, after being recognized, shall commence by identifying themselves by name and address. The applicant shall have ten (10) minutes to present the reasons for the requested variance or other action that is before ZBA. Members of the public shall then be permitted to speak pursuant to these Rules of Procedure and the City Commission Rules pertaining to advisory boards and commissions. The chair has the option to grant additional time to the applicant or individual considering the particular circumstances involved in the matter under consideration. However, the chair may limit public comment and audience participation to the factors that ZBA must consider for the item under consideration to maintain the order of the meeting,

Section 6.7. *Adjourned Meeting:* ZBA may adjourn a regular or special meeting if all business cannot be disposed of on that date. No further public notice is required for such meeting if the time and place of its resumption is stated at the time of adjournment and is not subsequently changed.

Section 6.8. *Parliamentary Authority:* The rules contained in the current edition of Robert's Rules of Order Newly Revised shall guide the ZBA; however parliamentary procedure shall be flexible and may be adjusted in the Chair's discretion to best serve the needs of the ZBA. Nevertheless, no procedure shall be adopted that is inconsistent with the Rules of the ZBA.

ARTICLE VI APPEALS OF ADMINISTRATIVE DECISIONS

Section 7.0. *Appeals:* In addition to all other matters properly brought before ZBA, ZBA shall hear and decide appeals from, and review any order, decision, determination, or interpretation made by the City Planner or other city administrative official in the administration or enforcement of the Zoning Ordinance. The appropriate city staff shall appear in person to present information to ZBA when the work has been started before the appeal was brought to ZBA.

Section 7.1. *Time:* All written appeals from any order, decision, determination or interpretation made by the City Planner or the above city administrative official shall be made within thirty (30) days of the date of the order, decision, determination or interpretation.

Section 7.2. *Record on Appeal:* Upon receipt of the written appeal, the City Planner or the city official whose order, decision, determination or interpretation is being appealed shall transmit the written appeal and all papers, documents and other materials relating the issues involved in the appeal.

Section 7.3. *Schedule of Hearings:* The scheduling of the appeal shall occur at the next regularly scheduled meeting that complies with the written notice requirements regarding the substance and timing of the notice under the Zoning Ordinance.

Section 7.4. *Findings of Fact:* Following the hearing of any appeal ZBA shall make a finding of fact upon which it shall base its decision. A finding of fact shall consist of the facts and circumstances relied upon by ZBA in its determination of an appeal and shall be based upon the evidence presented to ZBA.

Section 7.5. *Decision:* ZBA may affirm, partly affirm, modify, or reverse the order, decision, determination or interpretation of the City Planner or the city official. Competent, material and substantial evidence on the record that the order, decision, determination or interpretation failed to comply with either the procedural or substantive requirements of the Zoning Ordinance, state law or federal or state constitutions is required before ZBA can, by the concurring vote of the majority of ZBA members, reverse or modify that order, decision, determination or interpretation. ZBA may impose conditions that ensure the requirements and purposes of the Zoning Ordinance are followed on any affirmative decision. If ZBA does not render its decision on the date of the hearing, after all the evidence is presented, it shall make that decision by the next regularly scheduled meeting.

ARTICLE VIII POST DETERMINATIONS

Section 8.0. *Conditions of variances:* Unless otherwise specified by ZBA all variances granted shall become null and void if not exercised within one year from the date of granting. Further all variances approved by ZBA are granted in accordance with any site plan, documents or other information submitted to ZBA at the hearing for consideration.

~~Section 8.1. *Reconsideration:* Following any decision adopted by ZBA, a member who either~~

~~voted with the prevailing side or did not vote may make a Motion to Reconsider may at any time during the same meeting, or within ten (10) days after the meeting. The member making a Motion to Reconsider after the meeting shall submit the motion in writing with the stated reasons to support the motion; and that shall further deliver the motion to the recording secretary, city staff providing primary administrative support to ZBA and the other ZBA members who were present at the meeting. Any member may second the motion, and if motion is made after the meeting the second shall also be in writing and delivered in the same manner as the motion. The decision on the motion shall occur at the next regularly scheduled meeting. No decision shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered. The applicant, or aggrieved person who originally appealed to ZBA, shall be given notice if a Motion to Reconsider is made and filed.~~

~~Section 8.2. *Rehearing – Change of Circumstances/Newly Discovered Evidence:* Any person whose request for a variance was not approved, or whose appeal was not granted may submit a written request for a rehearing based on a change in circumstances or the discovery of new evidence (not available or known at prior hearing due to no fault of that person) which facts accompany the request. In order for ZBA to grant a rehearing it must first determine, based on the evidence presented at the public hearing that a change in circumstances occurred or that new evidence does exist. ZBA shall consider the request for rehearing at the next regularly scheduled meeting that will comply with the notice requirements for a public hearing.~~

ARTICLE IX MISCELLANEOUS

Section 9.0. *City Staff Support:* To better carry out ZBA's duties and responsibilities under the Zoning Ordinance, the City Planner shall appoint employees of the city's Community Planning and Economic Development Department to provide administrative support and professional advice to ZBA, including one acting as the Recording Secretary. The City Attorney's Office shall also act as legal consultant to ZBA.

Section. 9.1. *Amendment:* These Rules of Procedure may be amended at any meeting of ZBA provided that the proposed amendment is delivered to each member in writing at least five (5) days before that meeting.

Originally Drafted by Assistant City Attorney John Kneas: July 16, 2017
Approved by the Zoning Board of Appeals: August 10, 2017
Implemented: November 9, 2017

Amendment 1 Drafted: January 5, 2022
Approved by the Zoning Board of Appeals: January 13, 2022
Implemented: February 10, 2022

Amendment 2 Drafted: June 4, 2025
Approved by the Zoning Board of Appeals: _____
Implemented: _____