



Agenda

City Commission Business Meeting

City of Kalamazoo

Monday, March 16, 2020

7:00 PM

City Commission Chambers – 241 West South Street

A. CALL TO ORDER/ROLL CALL

B. OPENING CEREMONY

1. Invocation: Pastor Moise Ratsara, Kalamazoo Seventh Day Adventist
2. Pledge of Allegiance
3. Introduction of Guests
4. Proclamations

C. ADOPTION OF FORMAL AGENDA

D. COMMUNICATIONS

1. Calendar of Upcoming Meetings

E. PUBLIC HEARINGS

F. CONSENT AGENDA

(Action: Motion to approve items “1-24” and authorize the City Manager to sign all documents on behalf of the City)

1. Approval of the purchase of a truck mounted Etnyre Centennial 1000 Gallon Tack Sprayer from AIS Construction Equipment through the MiDeal Cooperative Purchasing Program in the amount of \$102,916.
2. Approval of a one-year contract with Total Property Management Group for mowing of Parks and Green Spaces in the amount of \$110,135.10.

3. Approval of a contract with Premier Lawn and Snow for the 2020 Property Maintenance of Riverside and Mountain Home Cemeteries in the amount of \$219,450.
4. Approval of a one-year contract extension with Safebuilt Michigan, LLC to provide plumbing and mechanical inspection services for a not-to-exceed amount of \$242,000.
5. Approval of a contract with Blu Cleaning in the amount of \$252,699 to fulfil the remaining 13 months of the custodial services contract from April 6, 2020 through April 30, 2021.
6. Approval of a contract and purchase order with SWT Excavating, Inc. for the Foresman Avenue Water Main Replacement Project in the amount of \$265,657.70.
7. Approval of the purchase of two (2) International HV613 SBA truck chassis from West Michigan International through the Sourcewell cooperative purchasing program in the amount of \$268,096.94.
8. Approval of a professional service agreement with Miller Davis Company to provide construction management services for the Farmers' Market project in the amount of \$288,600.
9. Approval of the purchase of twelve (12) Public Safety fleet vehicles from Gorno Ford through the MiDeal Cooperative Purchasing Program in the amount of \$411,050.
10. Approval of the purchase of Public Safety radios from Motorola Solutions/Roe Communications through the MiDeal Extended Purchasing Program in the amount of \$1,802,900.30; and approval of a 2020 budget amendment in the amount of \$642,228.22; and approval of a short term financing agreement in the amount of \$599,018.29.
11. First reading of an ordinance to approve text amendments to Chapter 50, The Zoning Ordinance; and set a public hearing for April 6, 2020.
12. Adoption of a RESOLUTION authorizing the City Manager to sign a Michigan Department of Natural Resources Trust Fund Agreement Amendment for Bronson Park.
13. Adoption of a RESOLUTION approving a Payment in Lieu of Taxes (PILOT) for 530 S. Rose Street.

14. Adoption of a RESOLUTION granting a Payment in Lieu of Taxes to Harrison Circle Limited Dividend Housing Association Limited Partnership for a proposed Harrison Circle development located at 617 Harrison Street (06-15-285-103) and 525 E. Ransom Street (06-15 269-352), pursuant to Section 35-4 of the Kalamazoo City Code.
15. Adoption of a RESOLUTION updating the street vacation policy.
16. Adoption of a RESOLUTION recognizing United Campus Ministry as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.
17. Adoption of a RESOLUTION recognizing Wellspring - Cori Terry and Dancers as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.
18. Authorization for a full-time position allocation in the Parks and Recreation Department for a second Special Event Coordinator.
19. Acceptance of grant from the Consumer's Energy Foundation in the amount of \$100,000 for the Farmers' Market Improvement Project.
20. Acceptance of an additional \$29,489 from the Mayors' Riverfront Park Endowment Fund; and approval of an increase the General Fund appropriation by the same amount to fund: 1) a feasibility study for Mayors' Riverfront Park and property adjacent to Red Arrow Golf Course; 2) asphalt repair under the right field grandstands; and 3) adding additional foul territory fencing to prevent injuries to fans.
21. Adoption of the following actuarial assumptions for the City of Kalamazoo Pension and Other Post Employment Benefit Plan (OPEB) plans: 1) Investment Return: 7.25%; 2) Administrative Expenses: 0.75% of payroll; 3) Wage Inflation: 3.50%; 4) Price Inflation: 2.25%; 5) Update proposed demographic assumption changes including Mortality Experience: Update to Pub-2010 Table from Society of Actuaries; and 6) Amortization Period: No Change.
22. Appointment of Jeanne Hess as a City Commission Director to the Foundation for Excellence Board of Directors according to Section 4.02 of the FFE Bylaws and further establish the terms per section 4.04 of the FFE Bylaws as beginning on April 27, 2019, and not exceeding her current term of office as Commissioner.

23. Nomination of the following Sector Representatives for the Foundation for Excellence Board of Directors:
 - the appointment of Stephanie Hoffman as the Housing Sector Representative for a two-year term ending in 2022;
 - the re-appointment of Charlene Taylor as Affinity Director for a three-year term ending in 2023;
 - the re-appointment of Alisa Carrel as Arts Director for a three-year term ending in 2023;
 - the re-appointment of Adam McFarlin as Business Director for a three-year term ending in 2023; and
 - the re-appointment of Alice Taylor as Neighborhood Director, Northside Neighborhood, for a three-year term ending in 2023.
24. Acceptance of 11 tax-foreclosed properties from the Kalamazoo County Treasurer.

G. REGULAR AGENDA

1. Adoption of a RESOLUTION approving an application for a Michigan Natural Resources Trust Fund grant, administered by the Michigan Department of Natural Resources, in the amount of \$299,254 for development of Phase I of Milham Park, approval of a match of \$248,000, but in any case no less than 25% of the project's total cost, and authorize the City Manager to sign all related documents. **(Action: Motion to adopt the resolution)**
2. Adoption of a RESOLUTION authorizing the City Manager to act to approve purchases and contracts which may exceed \$100,000 should the City Commission suspends its public meetings due to the coronavirus outbreak. **(Action: Motion to adopt the resolution)**

H. REPORTS AND LEGISLATION

1. City Manager's Report

I. UNFINISHED BUSINESS

J. POLICY ITEMS

K. NEW BUSINESS

L. CITIZEN COMMENTS

M. COMMISSIONER COMMENTS

N. CLOSED SESSION

O. ADJOURNMENT

ADDITIONAL INFORMATION

Get news, information, and alerts from the City of Kalamazoo. Sign up at www.kalamazoocity.org/connect, follow @KalamazooCity on Twitter, and search for The City of Kalamazoo on Facebook.

Questions regarding agenda items may be answered prior to the meeting by contacting the City Manager's Office at 269.337.8047.

Persons with disabilities who need accommodations to effectively participate in City Commission meetings should contact the City Clerk's Office at 337-8792 a week in advance to request mobility, visual, hearing or other assistance.

Agendas for the regular meetings of the Kalamazoo City Commission are available on the Internet at: www.kalamazoocity.org

The Kalamazoo City Commission business meetings are held on the first and third Mondays at 7:00 p.m. and are shown live on the Public Media Network (channel 190 for Charter customers, channel 99 for U-Verse customers). Business meetings are also web streamed live on the City's YouTube channel at <https://goo.gl/Q6DW37>. Public Media Network rebroadcasts these meetings on Tuesdays at 8:00 a.m., Wednesdays, at 1:00 a.m., and Thursdays at 3:00 p.m. Recorded meetings are also available on-demand on the YouTube channel.



Calendar of Upcoming Meetings

City of Kalamazoo

City Commission (next 30 days)

Regular Business Meetings – 7:00 p.m. in the City Commission Chambers

April 6th and April 20th

Regular Neighborhood Meetings – 6:00 p.m. in the Community Room at City Hall

April 20th

Advisory Boards, Commissions and Committees (next two weeks)

The **Building Board of Appeals** will meet on Thursday, March 19, 2020 at 4:00 p.m., in the Commission Chambers at City Hall.

The **Planning Commission** will meet on Thursday, April 2, 2020 at 7:00 p.m., in the City Commission Chambers at City Hall.



CITY OF KALAMAZOO
241 W. South Street
Kalamazoo, Michigan 49007
269-337-8792

NOTICE OF MEETING CANCELLATIONS

To mitigate potential risk of spreading novel coronavirus (COVID-19), all non-essential City of Kalamazoo public meetings are being cancelled through March 31. This includes meetings of advisory boards and commissions and other informational and input meetings. Here is a list of the specific meetings that are **cancelled**:

The **City Commission Retreat** (special meeting) scheduled for Saturday, March 14, 2020.

The **Kalamazoo City Commission Neighborhood Meeting** scheduled for Monday, March 16, 2020 at 6:00 p.m.

The **Downtown Development Authority Board** and **Downtown Economic Growth Authority Board** meetings scheduled for March 16, 2020

The **Kalamazoo Historic Preservation Commission** meeting scheduled for Tuesday, March 17, 2020.

The **Environmental Concerns Committee** meeting scheduled for Wednesday, March 18, 2020.

The **Economic Development Corporation** and **Brownfield Redevelopment Authority** meetings scheduled for Thursday, March 19, 2020.

The **Kalamazoo Municipal Golf Association** meeting scheduled for Thursday, March 19, 2020.

The **Northside Cultural Business District Authority Board** meeting scheduled for Thursday, March 19, 2020.

The **Water Advisory Council** meeting scheduled for Thursday, March 26, 2020.

This action will also affect scheduled meetings related to Adult-Use Marihuana and the Chapter 18 Civil Rights Ordinance Proposal. City staff are currently preparing other arrangements to share information and accept feedback so that these processes may continue moving forward. Additional information on these topics will be announced once it is available.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.1.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager
Reviewed by: James J. Baker, PE, Public Services Director and City Engineer
Prepared by: Gary Doorlag, Fleet Manager

DATE: March 16, 2020

SUBJECT: Purchase of an Etnyre 1000 Gallon Tack Sprayer (Bid Ref#000-00-017.17)

RECOMMENDATION:

It is recommended that the City Commission approve the purchase of a truck mounted Etnyre Centennial 1000 Gallon Tack Sprayer from AIS Construction Equipment through the MiDeal Cooperative Purchasing Program in the amount of \$102,916.

BACKGROUND:

The City of Kalamazoo, Public Services Streets Division would utilize this sprayer for its streets paving operation. This would be a replacement for the current model that is over 20 years old and its capacity of 600 gallons is too small for the paving operations being performed. Pricing for this purchase was obtained under the MIDEAL contract number 071B770090.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

City-wide Vehicle & Equipment Procurement

Work with City departments requiring vehicles and equipment. Research, prepare and review all specifications for bid, draft commission and procurement memos for all department with the exception of Public Safety

Strategic Goal Impact:

Governance

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Internal

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

Funds have been budgeted for this expenditure in the Capital Improvement Projects Fund Public Services 2020 Heavy Equipment budget, project number cip0600039.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.2.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Sean R. Fletcher - Director, Parks and Recreation
Prepared by: Patrick McVerry - Deputy Director, Parks and Recreation

DATE: March 16, 2020

SUBJECT: One-Year Contract with Total Property Management Group for Mowing of Parks and Green Spaces Bid Ref# 988-52-046.0.2

RECOMMENDATION:

It is recommended that the City Commission approve a one-year contract with Total Property Management Group for the purchase of mowing of Parks and Green Spaces in the amount of \$110,135.10.

BACKGROUND:

The City of Kalamazoo, Park and Recreation Department, is seeking approval for the contract of mowing and trimming of parks and green spaces. The most recent contract was approved June 4, 2018 was terminated on March 2, 2020. The vendor notified Purchasing that they would not be able to comply with the general requirements as stated in the contract. Purchasing reached out to the next lowest bidder, Total Property Management, and they are able to fulfill the term of the contract.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Strategic Goal Impact:

[Insert Strategic Goal text snippe



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

Discussion]

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

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

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

Funds have been budgeted for the expenditure in the Parks and Recreation 2020 budget.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.3.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager
Reviewed by: James J. Baker, PE, Public Services Director & City Engineer
Prepared by: Wendy Burlingham, Administrative Support Manager

DATE: March 16, 2020

SUBJECT: 2020 Cemetery Property Maintenance Contract (Bid Ref# 98852-059.0)

RECOMMENDATION:

It is recommended that the City Commission approve a contract with Premier Lawn and Snow for the 2020 Property Maintenance of Riverside and Mountain Home Cemeteries in the amount of \$219,450.00.

BACKGROUND:

In January 2020, the City's Purchasing Division solicited bids for mowing services on at the two City owned Cemeteries.

Bids were opened on February 6, 2020. Premier Lawn and Snow was the low bidder for this service.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Cemetery Ground Maintenance - Cemetery mowing, plowing, trash removal and grounds maintenance. Includes hazardous tree removal, soil erosion efforts and wall maintenance.

Strategic Goal Impact:

Governance – Creating a safe environment for living, working, and playing.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion:
Internal

Engagement/Communication Tools

FISCAL IMPACT:

Funds for these services have been allocated within Cemetery budget 209-276-03-500-845.001.

BID RESULTS SUMMARY

PROJECT: Cemetery Property Mowing

DATE: March 4, 2020

BIDDERS SOLICITED: 63

BIDDERS RESPONDED: 6

MBE/WBE BIDS SOLICITED: 17

MBE/WBE BIDDERS RESPONDED: 0

BID REFERENCE NO: 98852-059.0

MBE/WBE AWARDED: 0

ISSUE DATE: January 9, 2020

BID OPENING: February 6, 2020

APPROVAL REQUIRED: City Commission

FUNDED BY: City

<u>BIDDERS</u>	<u>AMOUNT BID</u>	<u>LOCATION</u>
Premier Lawn & Snow	\$219,450.00	Richland, MI
Natural Landscapes, LLC	\$270,600.00	Rockford, MI
Earth Works Lawn & Landscape	\$287,500.00	Portage, MI
*JH Lawn Care	\$284,900.00	Richland, MI
Lawn Boys, Inc.	\$391,000.00	Bangor, MI
Advantage Outdoor Services	\$652,944.00	Kalamazoo, MI

*UNIT PRICES: If there is a discrepancy between unit prices and their extension, unit prices shall prevail.

Purchasing procedures have been followed and City Attorney has reviewed as to form.



Melissa Fuller
*Deputy Director of Mgmt Services/
Purchasing Agent*



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.4.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Director, Community Planning and Economic Development
Prepared by: Marcy Dix, Program Finance Supervisor

DATE: March 16, 2020

SUBJECT: 2020 Contract Extension with Safebuilt for Mechanical and Plumbing Inspections (Bid Ref# 96145-006.1)

RECOMMENDATION:

It is recommended that the City Commission authorize the City Manager to sign a one year contract extension with Safebuilt Michigan, LLC to provide Plumbing and Mechanical Inspection Services for an amount not to exceed \$242,000.

BACKGROUND:

As part of the Early Retirement Incentive/Strategic Alignment Plan program, Community Planning and Development, now named Community Planning and Economic Development (CPED) eliminated one Plumbing/Mechanical position and had another Plumbing/Mechanical Inspector retire in 2013. CPED has been trying to hire new inspectors for plumbing and mechanical inspections since 2014. From 2014 through 2017, the department contracted with State Approved Inspection Services, a company run by the retired Plumbing/Mechanical Inspector, with the approval of the City Commission, to provide inspections.

In 2017, the department changed the position from one full time position for plumbing and mechanical inspections to one full time mechanical inspector and one half-time plumbing inspector. Because the positions weren't permanently filled, the department extended the contract for plumbing and mechanical services for one additional year.

With the positions still unfilled in 2018, CPED issued an invitation for bids for a new contractor to provide plumbing and mechanical services. One company, Safebuilt, submitted a bid for both plumbing and mechanical inspections, Safebuilt was the only company to respond to the

invitation for bids. A contract with Safebuilt was approved by the City Commission on March 18, 2019. During the first year of Safebuilt's contract, CPED continued to try to hire inspectors, reclassifying the positions at a higher pay rate and making both plumbing and mechanical full-time positions, but has still been unsuccessful at filling these positions. A one-year extension of the Safebuilt contract is needed to continue providing plumbing and mechanical inspections through March 31, 2021.

The cost per inspection will remain \$60 per inspection and \$70 per hour for buildings with more than three units. The cost per office hour will remain \$70 per hour. Through February 2020, SafeBuilt has charged \$138,740.00 for plumbing and mechanical inspection services. To cover the maximum estimated inspection needs, the contract has a not-to-exceed cost of \$121,000 each for plumbing and mechanical services, for a total not-to-exceed cost of \$242,000.

Based on satisfaction with the company during the first year of services and the fact that it was the only responsive bidder last year, a one-year extension of the contract with Safebuilt Michigan, LLC is recommended to provide plumbing and mechanical inspection services to the City.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Plumbing Plan Review, Permitting, Inspections - Plan reviews and required inspections on permitted plumbing work to ensure compliance with codes.

Mechanical Plan Review, Permitting, Inspections - Plan reviews and required inspections on permitted mechanical work to ensure compliance with codes.

Strategic Goal Impact:



Safe Community- Creating a safe environment for living, working, and playing

Discussion

Contracting for these services ensures that permitted plumbing and mechanical work will be conducted safely and in compliance with codes.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

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

Discussion:

The initial Invitation for Bids was posted publicly and sealed bids were opened at a public meeting held on February 14, 2019. The 2019 contract was approved by the City Commission at a public meeting.

While the city is not able to hire inspectors for plumbing and mechanical work, the most viable alternative is contracting for these services instead of leaving inspections to the State of Michigan, which will slow inspection timelines and delay work in the city.

FISCAL IMPACT:

Based on 2017 and 2018 inspection levels, the contract cost is calculated for 1,200 inspections, 500 hours of multi-unit inspections, and 200 office hours each for both plumbing and mechanical inspections, for a total cost of \$242,000 from April 2019-March 2020. This is more than the approximately \$140,000 spent on the 2019 contract, due to price increases and anticipated increases in inspections and office hours. If the number of inspections is lower than anticipated, actual costs paid will be lower.

Fee revenue for these inspections is sufficient to cover costs under the contract. In 2019, the city received a combined \$ 411,114.30 for plumbing and mechanical inspection fees. The expenditure for this contract was anticipated and budgeted in the 2020 Adopted Budget in the Code Administration General Fund budget. The cost of this contract will be supported by vacancies in the associated Plumbing and Mechanical inspector positions.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.5.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director & City Engineer
Prepared by: Rick Watson, Facilities Maintenance Manager

DATE: March 16, 2020

SUBJECT: Contract for Custodial Services at Various City Properties
Bid Ref # 91039-036.0

RECOMMENDATION:

It is recommended that City Commission approve a contract with Blu Cleaning in the amount of \$252,699.00 to fulfil the remaining 13 months of the custodial services contract from April 6, 2020 through April 30, 2021.

BACKGROUND:

On February 26, 2020, Progressive Building Services terminated their contract with the City of Kalamazoo due to the inability to perform to the contract specifications. The City of Kalamazoo reached out to the second lowest bidder Blu Cleaning, they are willing to perform the work and held their costs from the original bid. They stated that they could start on April 6, 2020.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

City Wide Maintenance
Strategic Goal Impact:
Governance

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion:
Internal

Engagement/Communication Tools

FISCAL IMPACT:

Contactual cleaning services has been appropriated in the 2020 Adopted Operating budgets in the General Fund, Water, and Wastewater funds. The increase in service costs are anticipated to be covered by other budget savings in these funds.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.6.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director & City Engineer
Prepared by: Anna Crandall, EIT, Senior Civil Engineer - Water Resources

DATE: March 16, 2020

SUBJECT: Contract and Purchase Order for the Foresman Avenue Water Main Replacement Project Bid Reference #91360-001.0

RECOMMENDATION:

It is recommended that the City Commission approve a contract and purchase order with SWT Excavating, Inc. for the Foresman Avenue Water Main Replacement Project in the amount of \$265,657.70.

BACKGROUND:

Public Services identified the Foresman Avenue Water Main Replacement project as a priority for the 2020 construction season. Planning for this project began in 2018 when the Eastside Gateway homes were proposed by the Kalamazoo County Land Bank. The current water main is 2-inch, which is undersized. The new main will provide adequate flow and pressure for both the domestic demands as well as provide fire flow and two new fire hydrants. The project also includes full pavement reconstruction of Foresman Avenue, a turn-around at the north end for emergency vehicles, sewer lateral installation for the remaining small homes on Foresman Avenue, water service work, and 4-inch water main abandonment on E Michigan Avenue.

Bids were opened on February 27, 2020. Five bids were received with SWT Excavating, Inc. being the low responsive bidder. SWT Excavating, Inc. has performed well on similar projects in the past for the City of Kalamazoo and Public Services recommends the approval of this contract.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

New Water Main & Service Inspection - Inspection of new water mains and service connections.

New Water Distribution, Supply, and Treatment Construction Engineering - Reviews plans for water system expansion. Designs and oversees the construction of new water distribution system

Strategic Goal Impact:
Safe Community

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement
Letters will be sent to customers in the impacted area.

Discussion:
Internal

Engagement/Communication Tools

FISCAL IMPACT:

The Foresman Water Main Project (#wat0500320) was budgeted in the 2019 Water Fund Capital Improvement Program. The funding for this contract is available from remaining project budgets to be carried forward in 2020. Project funding and estimated costs are as follows:

Funding:	wat0500320	\$265,657.70
Costs:	Construction	\$265,657.70

BID RESULTS SUMMARY

PROJECT: Foresman Water Main Project

DATE: March 9, 2020

BIDDERS SOLICITED: 72

BIDDERS RESPONDED: 5

MBE/WBE BIDS SOLICITED: 9

MBE/WBE BIDDERS RESPONDED: 0

BID REFERENCE NO: 91360-001.0

MBE/WBE AWARDED: No

ISSUE DATE: February 7, 2020

BID OPENING: February 27, 2020

APPROVAL REQUIRED: City Commission

FUNDED BY: CIP

<u>BIDDERS</u>	<u>AMOUNT BID</u>	<u>LOCATION</u>
SWT Excavating, Inc.	¹ \$265,657.70 ² \$253,553.42	Galesburg, MI
Balkema Excavating, Inc.	¹ \$300,288.50 ² \$283,117.50	Kalamazoo, MI
Hoffman Bros, Inc.	¹ \$374,636.30 ² NO BID	Kalamazoo, MI
Peters Construction Co.	¹ \$398,866.00 ² \$398,866.00	Kalamazoo, MI
Northern Construction Services, Corp.	¹ \$452,254.00 ² \$452,254.00	Niles, MI

¹WITH Prevailing Wages Bid

²WITHOUT Prevailing Wages Bid

Purchasing procedures have been followed and City Attorney has reviewed as to form.



Melissa Fuller
*Deputy Director of Mgmt Services/
Purchasing Agent*



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.7.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: James J. Baker, PE, Public Services Director & City Engineer
Prepared by: Gary Doorlag, Fleet Manager

DATE: March 16, 2020

SUBJECT: Purchase of Two (2) Truck Chassis (Bid Ref# 00000-019.53)

RECOMMENDATION:

It is recommended that City Commission approve Cooperative purchase through Sourcewell of two (2) International HV613 SBA truck chassis from West Michigan International of Wyoming MI in the amount of \$268,096.94.

BACKGROUND:

The Public Services Water Division would utilize one of these trucks for water line repair and lead services replacement while the second would be used primarily by the Streets Division for road repair and winter maintenance.

Once purchased, these chassis would be upfitted with dump bodies and underbelly snowplows once completed these trucks would replace trucks in the fleet that are eighteen years old and in poor condition. Pricing for this purchase was obtained through Sourcewell (formerly known as National Joint Power Alliance) Contract #081716-NVS .

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

City-wide Vehicle & Equipment Procurement

Work with City departments requiring vehicles and equipment. Research, prepare and review all specifications for bid, draft commission and procurement memos for all department with the exception of Public Safety

Strategic Goal Impact:

Governance

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion:
Internal

Engagement/Communication Tools

FISCAL IMPACT:

Funds have been budgeted for this expenditure in the Capital Improvement Fund Adopted 2020 Budget for Public Services Heavy Equipment, project #cip0600039 and the Water Fund Adopted 2020 Budget for Capital Outlay, account #591-640-00-000-977.000.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.8.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager
Reviewed by: Sean Fletcher, Parks & Recreation Director
Prepared by: Sean Fletcher, Parks & Recreation Director

DATE: March 16, 2020

SUBJECT: Professional Services Agreement for Construction Management Services for the Farmers' Market Project
Bid Ref# 918-75-004.1.4

RECOMMENDATION:

Approve the professional service agreement with Miller Davis, who is a prequalified vendor, to provide construction management services for the Farmers' Market project in the amount of \$288,600.

BACKGROUND:

The Bank Street Farmers' Market planning has been ongoing for the past few years with the purchase of several properties making way for the realignment of Bank Street and parking to the south of the site. The past year has been spent refining plans and developing a phased plan for completing the farmers' market. InForm Architecture has been working with Parks and Recreation staff to develop a plan that is "buildable" and within a reasonable budget. Construction of phase one will begin September 2020. Miller Davis will provide services such as estimating, scheduling, value management, and project management for all three phases of the project (2020 - 2022). In addition, Miller Davis will also provide an on-site Superintendent to oversee all construction.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Strategic Goal Impact:

Inviting Public Places

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion: Parks and Recreation staff along with InForm Architecture have worked closely with the People's Food Co-Op and Farmers' Market vendors to refine the plans for the market. A meeting with market vendors was held in November to obtain input about some of the finer details of the market based on the current plan. The meeting was attended by 26 vendors.

Engagement/Communication Tools

FISCAL IMPACT:

The professional services (fixed) fee for estimating, scheduling, value management, and project management for all three phases of the project is \$180,600.00. The cost for the on-site Project Superintendent and reimbursable expenses is \$108,000.00.

Funding for project management services is available in the Farmers' Market Capital Improvement budget from available carryforwards from 2019, Foundation for Excellence capital project funding in 2020, and future budgets in the Adopted Capital Improvement Plan.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.9.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager
Reviewed by: Karianne Thomas, Public Safety Chief
Prepared by: Ryan Tibbets, Assistant Chief-Fire Administration/Finance

DATE: March 16, 2020

SUBJECT: Purchase of Twelve (12) Public Safety Patrol Vehicles (Bid Ref# 00000-020.29)

RECOMMENDATION:

It is recommended that the City Commission approve the purchase of twelve (12) Public Safety fleet vehicles from Gorno Ford, 22025 Allen Road, Woodhaven, MI 48183 through the MiDeal Purchasing Program in the amount of \$411,050.00. Bid Ref# 00000-020.29

BACKGROUND:

Fully marked Public Safety vehicles are critical for safe and effective response to police, fire and medical emergencies. Kalamazoo Public Safety maintains a fleet of (41) marked Public Safety vehicles to accomplish this mission. Due to excessive maintenance costs inherent to high mileage vehicles, several need to be replaced each year.

For several years public safety had purchased Chevrolet Tahoe's for use as front-line public safety vehicles. Several public safety officers including the defensive driving instructors at public safety had researched the available pursuit rated vehicles to determine what vehicles should be purchased. Due to the cost and size of the Chevrolet Tahoe, the decision was made to switch to the Ford Explorer. All public safety officers carry a significant amount of equipment in the vehicle that they are assigned, making many of the available pursuit rated vehicles unsuitable for public safety use.

The proposed vehicles will replace front line Public Safety vehicles, which will then be rotated to other areas of the department or retired completely. Several different officers often operate a front-line police vehicle 24 hours a day, seven days a week. The drive train, suspension, engine components and interiors are subject to extreme wear and tear due to these extreme driving conditions.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Police proactive and reactive calls for service. Respond to 911 calls for service.

Strategic Goal Impact:



Safe Community- Creating a safe environment for living, working, and playing

Discussion

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

The best pricing for the proposed vehicle purchase was the MiDeal Purchasing Program. The State of Michigan drafted bid specifications for the manufacture of vehicles used by law enforcement departments, and in turn, received bids from interested automobile companies. Funds for purchase of the twelve (12) proposed Public Safety fleet vehicles are included in the adopted 2020 General Fund Budget in Public Safety capital outlay. Public Safety will be ordering two (2) hybrid Ford Explorers in the amount of \$73,760 and Ten (10) standard Ford Explorers for a total of \$411,050.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.10.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Karianne Thomas, Public Safety Chief
Prepared by: Ryan Tibbets, Assistant Chief

DATE: March 16, 2020

SUBJECT: Cooperative MIDEAL purchase of 2020 Public Safety Radios and Budget Amendment Bid Ref# 00000-020.42

RECOMMENDATION:

It is recommended that the City Commission approve the purchase of Public Safety radios through the MiDeal Extended Purchasing Program in the total amount of \$1,802,900.30 from Motorola Solutions through Roe Communications, 1400 Ramona Ave., Portage, MI 49002, to be funded by a shared agreement between the City of Kalamazoo for \$1,448,424.85 and Kalamazoo Township for \$354,475.45.

It is further recommended that the City Commission approve a budget amendment in the amount of \$642,228.22 and approve a short term financing agreement in the amount of \$599,018.29.

BACKGROUND:

Public Safety radios are critical for safe and effective response to police, fire, medical emergencies and officer safety. Public Safety maintains over three hundred (300) Public Safety radios to accomplish this mission. Public Safety purchased the current radios in 2004 when the transition from VHF to 800MHz occurred. Due to increasing maintenance costs, the age of the radios and the need to improve interoperability with the neighboring agencies, the radios must be replaced. In 2019, Public Safety completed the first year of a three-year radio replacement program in the amount of \$800,000.

The City of Kalamazoo worked directly with the Kalamazoo Township Police and Fire Departments on the proposed radio purchase. If approved, the City of Kalamazoo and Kalamazoo Township will purchase new portable and mobile radios. The schedule of payments is located under the Fiscal Impact section of this Agenda Report, listed below.

The proposed radios will have the ability to communicate on the 800MHz and VHF radio systems which will allow Public Safety officers to be able to communicate with other agencies. The proposed project is part of a three-year plan to replace all portable and mobile radios.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Public Safety-Police, Fire and EMS calls for service

Strategic Goal Impact:

Safe Community

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion: Public Safety consulted Portage Public Safety, Kalamazoo County Consolidated Dispatch Authority, and Michigan State Police.

Engagement/Communication Tools

FISCAL IMPACT:

The best pricing for the proposed radio replacement project was through the State of Michigan MiDeal Purchasing Program. Motorola has agreed to lock-in the 2019 pricing and extend a zero percent (0%) interest purchase plan to the City of Kalamazoo and Kalamazoo Township. The breakdown of expenses is below:

2020 City of Kalamazoo-\$849,406.56

2020 Kalamazoo Township-\$195,030

2021 City of Kalamazoo-\$599,018.29

2021 Kalamazoo Township-\$159,445.45

The City of Kalamazoo 2020 Adopted Capital Improvement Plan budgeted \$800,000 for the radios in the years 2020 and 2021. In addition, the project has \$6,196.63 of remaining 2019

Budget available for Carryforward. By executing this agreement at 2019 pricing, the City will save \$151,575.15 on the total cost. In order to execute this agreement, a budget amendment of \$642,228.22 will be required in 2020 to advance the purchase of the radios. This amendment will be financed by an additional \$43,209.93 in the 2020 Adopted Bond, and a short term 0% purchase contract for \$599,018.29 to be then paid from the 2021 Capital Improvement Fund bond.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.11.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager
Reviewed by: Rebekah Kik
Prepared by: Christina Anderson

DATE: March 16, 2020

SUBJECT: Text Amendments to Chapter 50, The Zoning Ordinance.

RECOMMENDATION:

It is recommended the City Commission offer for first reading an ordinance to approve text amendments to Chapter 50, The Zoning Ordinance, and set a public hearing for April 6, 2020.

BACKGROUND:

The text amendments proposed to Chapter 50 are noted in red in the attached document. The changes are generally summarized below, including the reason(s) for the proposed change.

- 1) Article 1 General Requirements. Minor edits to clarify definitions and standards.

These changes are based upon staff use of the code over the last year and a desire to make the language as easy to understand and apply as possible.

- 2) Article 3 Zoning Districts. Addition of 3 new districts in preparation for Downtown zoning in 2020.

These districts start the conversation for the future mapping of Downtown, which is currently mapped as one all-encompassing district (CCBD). Dividing the Downtown into multiple districts allows the City to manage the key retail streets (Priority Streets) in and around the Mall, the areas directly adjacent to these, and then the larger blocks surrounding the core differently in use and scale. Public meetings to map these districts will begin in March.

- 3) Article 4 Uses. There are changes proposed to the Use Table (Table 4.1-1) and to the development standards associated with some uses (noted as PD in the use table).

There are three primary reasons for these changes. First, the changes are based upon staff use of the code over the last year to better clarify language and requirements. Second, these changes are being proposed to ensure that the Live Work 1, Live Work 2, and Node districts can be applied in neighborhoods beyond the Northside, where they were initially mapped. Finally, the changes take into account the inclusion of three new districts that will be considered for Downtown. These districts would, if approved through this text amendment request, not yet exist on a zoning map. The intent is to create districts that will then be reviewed and mapped later this year. Until then CCBD is the zoning for Downtown Kalamazoo.

- a. Downtown 1 (D1) is the most restrictive district in terms of uses and ground floor treatment, as it focuses on supporting uses that best activate the Priority Streets that serve as the principle walkable shopping district (Kalamazoo Mall and Michigan Avenue).
- b. Downtown 2 (D2) is intended primarily for the blocks adjacent to D1, the uses and lot types are expanded to include civic uses and greater flexibility with residential uses within a building.
- c. Downtown 3 (D3) is intended for the remaining Downtown area. It is a similar district to Live Work 2 except it does not permit industrial uses.

The proposed Downtown districts are added to the Accessory Use and Structure Table (Table 4.5-1). In addition, all residential districts have been incorporated into the table as it relates to accessory uses (home occupations and accessory dwelling units) and structures (secondary buildings).

4) Article 5 Zoning Standards: Lot Types. This article contains the form-based zoning standards associated with the Live Work 1, Live Work 2, and Node districts and the proposed Downtown districts. These districts regulate not only the traditional setback and height requirements, but also such elements as location of building entrance, quantity (percentage) of transparent windows on walls facing streets, and location of parking and driveways. These regulations support a walkable mixed-use environment, which is why these districts are used on key corridors and neighborhood centers.

This article has the largest number of edits. In addition to updating the language for clarity, 2 new lot types were added, and several lot types were edited. These edits are in anticipation of mapping these districts in additional neighborhoods in the coming months.

Updated/new Lot Types:

- a. Cottage Commercial Lot Type. This lot type supports the use of residential-looking structures for commercial uses. Houses along many of our corridors have evolved to contain a mix of uses and in some situations the street facing building façade is converted to a storefront closer to the front property line.
- b. Yard Lot Type. The Yard Lot Type is not new. It was previously set up to support the development of both attached and detached structures typically for residential uses. In the edits proposed, this Lot Type has been divided in to two different sets of regulations, one set for attached buildings, such as row or townhouses, and one for detached, such as a single-family home.

Other changes to this Article include the following and are proposed to make these districts usable for multiple areas:

- a. An allowance for taller structures in the Live Work 2 and in the proposed Downtown districts when the structure is located on a Connector Street, Main Street, or Priority Street Type (refer to the [2025 Master Plan – Connected City](#) for information on the street types).
- b. Clarification on allowed height in Nodes.
- c. Clarification on the existing Occupied Space requirement. Occupied Space refers to the first 15' inside a building, measured from the front building façade. In some locations, the Zoning Ordinance limits this area being used for internal parking or residential units to promote an active, walkable street. Both the definition and the language in Article 5 were adjusted to be clearer on when the limitation exists.

5) Article 7 Parking & Loading Regulations. Edits to the parking and loading section include the following.

- a. Nodes. Establishing a parking reduction for uses located in the Node District.
- b. Parking Exempt Zone Map. This map was updated to reflect the Downtown Economic Growth Authority (DEGA) boundary.
- c. On-Street Parking Credit. Adjusting the existing on-street parking credit to expand how the credit can be applied.
- d. Single & Attached Dwelling Units. Language to clarify that they are permitted to have two parking spaces per unit.

e. Hotel/Motel Require Parking. Since the parking regulations were approved in Fall of 2018, two new hotels located in the Commercial district requested variances to allow for additional parking. Understanding the location of these hotels (in Community Commercial, near the expressway), the required parking for this type of hotel/motel has been updated, which should prevent the need for similar variance requests in the future.

When considering the text amendment requests, the following should be considered per Chapter 8 of the Zoning Ordinance:

1. Consistency with the 2025 Master Plan. The proposed amendments are in alignment with the 2025 Master Plan and will further the Zoning Ordinance's ability to support the vision of the Master Plan.
2. Change of Conditions that Require an Amendment. Many of the proposed amendments reflect the plan to map Live Work 1, Live Work 2, and Node in additional neighborhoods and corridors. As it relates to the proposed Downtown districts, Downtown continues to grow and evolve, and a single district is not the right tool to support this. For example, one district limits the ability to treat Priority Streets like the Mall and Michigan Avenue with a higher level of design and use regulations that can support these streets as walkable principle shopping streets.
3. Does Amendment Address a Demonstrated Community Need. Yes, the proposed amendments further the City's ability to meet the desires and vision outlined by the community during the Imagine Kalamazoo 2025 engagement process and detailed in the 2025 Master Plan, this includes permitting a wide variety of housing options to support community need, supporting economic development by removing barriers to new projects and supporting development that matches with the character and scale of the corridor or neighborhood.
4. Compatibility with Surrounding Uses. The proposed amendments do not impact the Zoning Map but are changes to the text. The proposed amendments are based on Kalamazoo's context and therefore will be compatible with the character and context of Kalamazoo's neighborhoods and corridors when mapped.
5. Will the Amendment Result in a Logical and Orderly Development Pattern. The proposed amendments were developed based upon the use of the Zoning Ordinance over the last twelve months and the future development vision of the 2025 Master Plan. When mapped they would support logical and orderly development patterns.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:

Having our Zoning Ordinance align with the Strategic Vision and the 2025 Master Plan will assist us in meeting the goals in these documents. Specifically the zoning changes will impact the following Strategic Vision goals.



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

The zoning changes support vibrant streets by permitting appropriately sized/scaled buildings and uses.



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

The zoning changes support complete neighborhoods by creating standards that consider land use and transportation and allowing a mix of uses through the City so residents can meet their daily needs closer to home - by foot, by car, by transit, or by bike.



Connected City - A City networked for walking, biking, riding, and driving

Zoning supports transportation options by allowing mixed use, neighborhood-scaled development along our corridors and neighborhood centers or nodes.



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

Zoning changes support a wide range of uses and housing options to create a vibrant Downtown and active mixed use corridors.



Environmental Responsibility - A green and health City.

The zoning changes support environmental responsibility and responsible development by thoughtfully considering how density can be incorporated along our corridors, in the Downtown, and in neighborhoods while also keeping neighborhood character in mind.



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

Many of the zoning changes reflect feedback from residents and developers who have used the code over the last 14 months to ensure clarity and correct errors.

COMMUNITY ENGAGEMENT:

Consult (two-way conversation) – the community will have a chance to react to the project through two-way conversation.

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

The changes to the code reflect

- 1) feedback from residents and developers who have utilized the code over the last fourteen months.
- 2) Neighborhood Plan vision for key corridors and nodes.
- 3) Resident feedback from engagement meetings.

A public hearing was held on February 6th by the Planning Commission. It was noticed on both December 30, 2019 and January 22, 2020. The draft was posted online in early January on both Imagine Kalamazoo and the City's web site. Planning Commissioners discussed the draft and took public comment. At the end of the public hearing, the Planning Commissioners unanimously voted to recommend approval to the City Commission.

FISCAL IMPACT:



Chapter 50: Zoning Ordinance

DRAFT 01/2020

THE CITY OF KALAMAZOO



imagine
kalamazoo
2025

Chapter 50 - Table of Contents

How to Use These Regulations

Article 1. General Requirements

Article 2. Review Bodies and Processes

Article 3 Zoning Districts & Map

Article 4. Use Regulations

Article 5. Zoning Standards: Lot Types

Article 6. Zoning Standards: Overlay District Standards

Article 7. Parking & Loading Regulations

Article 8. Landscape & Screening Regulations

Article 9 Signage.

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How to Use These Regulations

The Live-Work 1, Live-Work 2, and Node zoning districts establish a set of development regulations that focus not only on the use of the building, but also the building's form and impact on the block. These regulations go beyond basic setback lines and maximum height to consider such development components as building entrance, minimum amount of transparent windows, and both minimum and maximum heights. This type of **regulation** is referred to as a form-based zoning. These development components are compiled into Lot Types (refer to 5.6 Lot Types) and each zoning district allows for one or more Lot Type. These regulations are different than the traditional zoning regulations in the City of Kalamazoo, but they are written plainly, organized using tables, and are clearly illustrated for ease of use.

To determine the zoning regulations that apply to a parcel, please follow these steps. The Planning Division is always available to answer questions at 269-337-8044.

1 Zoning District.

What zoning district is your property located?



Locate the property on the Zoning Map (refer to Figure 1.2-1 Zoning Map.)

2 Permitted Use.

What is your desired use? Is it permitted in this location?



Refer to the 4.1-1 Use Table to review what uses are permitted in each Zoning District. Information on Accessory Uses and Structures can be found in Table 4.1-1.

3 Zoning Standards.

What are the requirements for developing or rehabbing a building in this location?



Refer to Table 5.6-1 Lot Types by District to determine which set of development standards are permitted, including dimensional standards that locate a building on a lot and standards for the building facades.

Review the Lot Type Standards in section 5.6, each of which is summarized in a table and with illustrations.

When rehabbing an existing building refer to section 1.4 to determine what activities would result in meeting the requirements of Chapter 50.

Article 50-1. General Requirements.

50-1.1 Purpose.

A. The intent of these requirements is to:

- (1) Create a flexible, market driven approach to the districts defined to promote public health, safety, and general welfare.
- (2) Realize the community's vision as detailed in the Master Plan, including permitting a variety of uses, increased variety of housing infill, and promoting active walkable nodes and corridors through the inclusion of building form requirements.

B. This document should reflect the current adopted Master Plan; if substantial changes occur, this text should be reviewed and amended.

50-1.2 General Provisions.

A. Zoning. Map. The zoning districts detailed in these regulations are mapped according to Figure 1.2-1.

B. Conflicts. If a conflict arises between the regulations in Chapter 50 and those in Appendix A, the regulations of Chapter 50 take precedent unless otherwise approved by the City Planner.

C. Existing Structures. The form-based zoning districts are intended to allow existing structures to remain while integrating **new development through the use of the form-based standards.**

50-1.3 Definitions.

A. Agriculture. Growing of food crops indoor or outside for personal use, donation, or sale; this excludes the growth of marihuana plants for medicinal or recreational purposes.

B. Alley. A public or private right-of-way intended for accessing rear yards, utilities, trash pick up, and vehicular access to parking or loading areas. The City Planner can approve having existing Courts serve the same functions as Alleys, as it relates to the requirements of this code.

C. Basal Area. A method of determining Woodland density by measuring the cross-sectional area of individual tree stems over a particular unit area.

D. Best Management Practices (BMP). Commercial or professional procedures that are accepted or prescribed as being correct or most effective.

Figure 1.2-1 Zoning Map.

E. Build-to Zone. The designated area on a lot **that** the front or corner side façade of a building must be located. The zone dictates the minimum and maximum distances a building may be placed from the front or corner side lot line. Refer to Figure 1.3-1 Build-to Zone, Property Lines, and Yards.

F. Canopy, Tree. The upper layer of a Woodland formed by the crowns of mature trees.

G. Courtyard. An open-to-the-sky outdoor area enclosed by a building on at least two (2) sides. Parking is not permitted in a Courtyard.

H. Critical Root Zone (CRZ). The zone encompassing the majority of a tree's roots. It is calculated by measuring the diameter of a tree trunk at breast height and measuring outward from the trunk eighteen (18) inches for every inch of trunk diameter. Refer to Figure 1.3-2 Measuring Critical Root Zone.

I. Develop. The construction, removal, or renovation of a primary or accessory structure or other impervious surfaces on a **lot**.

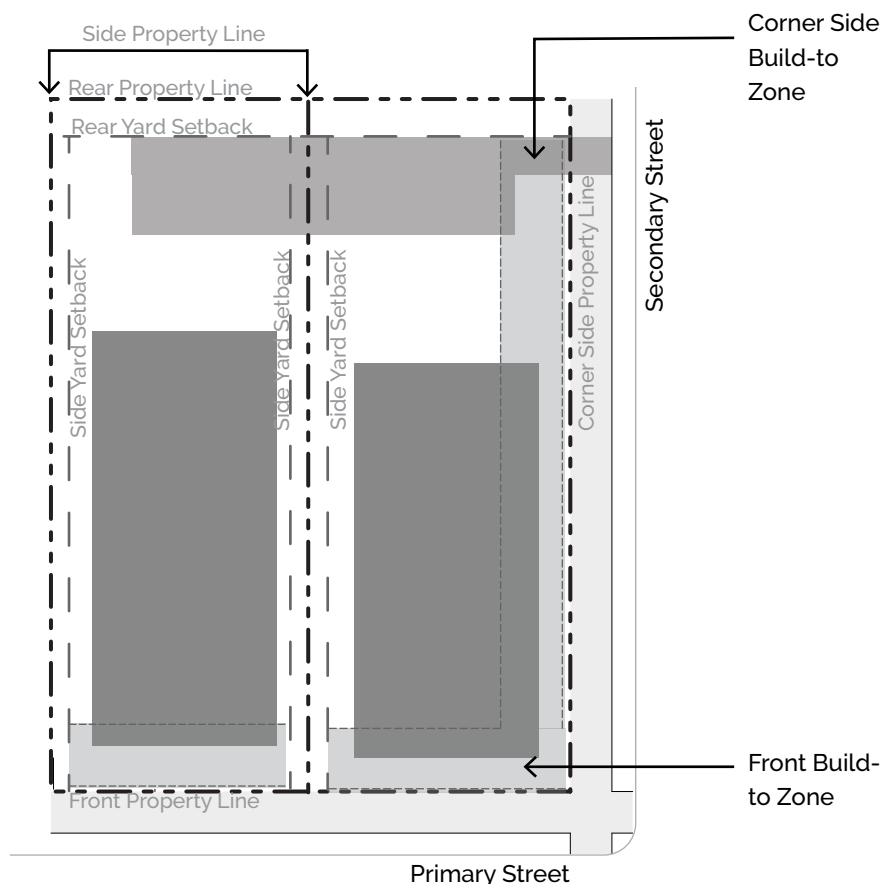


Figure 1.3-1 Build-to Zone, Property Lines, & Yards.

J. Diameter at Breast Height (DBH). The diameter of a tree trunk measured at 4.5 feet above ground level.

K. Disturbance. Includes any of the following: 1) placement of impervious surface or structure; 2) exposure or movement of soil, including removal or addition of soil or other natural or manufactured materials; or 3) clearing, cutting, or removing of vegetation.

L. Ecosystem. A biological community of interacting organisms and their physical environment.

M. Ecosystem Assessment, Woodland. A method for quickly gathering information about the plant density, species diversity, and/or condition of a Woodland habitat.

N. Endangered Species. Any species recognized by the State of Michigan and/or Federal government as being in danger of extinction throughout all or a significant portion of its range.

O. Entrance Treatment. The permitted treatments of the ground story façade, including entrance and window transparency. Refer to 5.2 Entrance Treatment.

P. Façade. The exterior face of a building, including but not limited to the wall, windows, doorways, and design elements. The front façade of a building faces the front property line.

Q. Façade, Street Facing. Façade of a building facing a public or private space, such as a street or park. This does not include building facades along alleys, which would be considered rear facades.

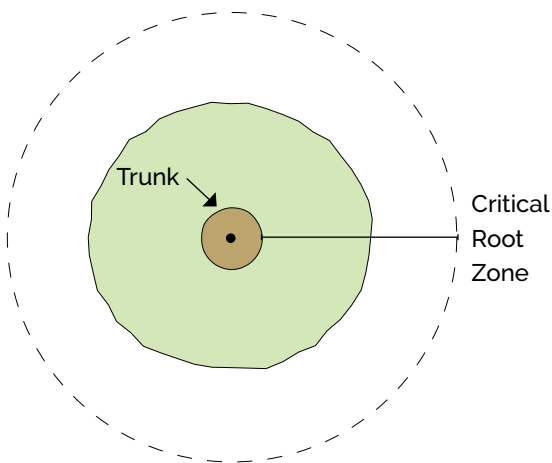


Figure 1.3-2 Measuring Critical Root Zone

R. Graminoids. Grasses, sedges, and rushes.

S. Habitat. The natural home or environment of an animal, plant, or any other living organism.

T. Habitat Corridor. An area of land containing wildlife habitat, generally native vegetation, which joins or provides passage between two or more larger areas containing similar wildlife habitat, and the entire corridor thus formed.

U. Invasive Species. Any living organism that is not native to an ecosystem and causes the ecosystem harm.

V. Lot Type. A lot type is defined by the combination of building siting, form, façade treatment, parking and access, and use. Refer to Chapter 5.

W. Master Plan. City of Kalamazoo Planning document that outlines the community's vision primarily as it relates to land use and transportation.

X. Nativar. A cultivar of a native plant species.

Y. Native Species. A species that normally lives and thrives in a particular place as a result of natural processes, not human introduction, disturbance, or intervention. For the purposes of this Article, a particular place is defined as Kalamazoo County.

Z. Natural Communities. Groups of plants and animals and their physical environment that have experienced minimal human-caused disturbance or recovered from that disturbance.

AA. Natural Features. Features defined in the Natural Feature Protection Overlay, specifically Wetlands, Water Resources, Trees, Woodlands, Floodplains, Slopes, Natural Heritage Areas, and Habitat Corridors.

BB. Natural Vegetation. Plants that grow naturally, especially but not limited to those that provide habitat for wildlife; deep-roots to stabilize banks, shorelines, and slopes; or canopy for shade.

CC. NREPA. Michigan's Natural Resources and Environmental Protection Act, 451 of 1994, as amended, MCL 324.101 - 324.90106.

DD. Occupied Space. The first fifteen (15) feet inside a building measured from the front facade. In this space, uses such as interior parking, residential units, storage, or utility areas may be restricted. Refer to Article 5 Zoning Standards for more information.

EE. Orbs. Non-woody plants and wildflowers other than grasses.

FF. Ordinary High Water Mark. The upper limit that the water level reaches during regular changes in water level. Refer to Figure 6.2-1 Wetland and Water Resources Setbacks.

GG. Parcel, Parent. The parcel or tract of land lawfully in existence on the effective date of the Natural Features Protection Overlay District.

HH. Preserve. An area of land under common ownership by a tax-exempt nonprofit organization where a management plan for conservation, wildlife, historic resources, or ecological resources or values is actively implemented.

II. Property Line. Also referred to as lot line. Refer to Figure 1.3-1 Build-to Zone, Property Lines, and Yards.

JJ. Property Line, Front. Also referred to as a front lot line. The intersection of the right-of-way and the property or lot; the area from which the front build-to zone is set. Figure 1.3-1 Build-to Zone, Property Lines, and Yards.

(1) When a primary street abuts a through or corner lot, the front property line is that property line along the primary street.

(2) When a lot abuts two (2) or more primary streets or does not abut any primary streets, the front property line shall be determined by the City Planner.

KK. Restoration. The process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed.

LL. Riparian Area. The area adjacent to a Water Resource or Wetland.

MM. Runoff. The portion of precipitation that does not soak into the ground or evaporate.

NN. Scale. Typically defined by the adjacent buildings and rights-of-way, scale refers to the size or massing of a structure or street.

OO. Semi-pervious Materials. A ground surface covering that allows for at least forty (40) percent absorption of water into the ground or vegetation, such as porous pavement, pavers, crushed stone, or gravel.

PP. Site Characteristics. Minor, physical development features on a lot, including signage, landscaping, parking,

driveway location, and other physical, but non-structural elements of a site.

QQ. Slope. The area of the ground surface where there is a change in elevation over a horizontal distance.

RR. Slope Analysis. An analysis based upon a topographic survey used to calculate the grade of slopes.

SS. Slope Face. The surface area of the slope from Top to Toe of Slope. Refer to Figure 1.3-3 Parts of a Slope.

TT. Slope Percent Grade. The vertical change in the elevation of the ground surface (rise) divided by the specific horizontal distance (run) multiplied by 100.

UU. Slope, Toe of. The lowest part of a slope. Refer to Figure 1.3-2 Parts of a Slope. Refer to Figure 1.3-3 Parts of a Slope.

VV. Slope, Top of. The highest part of a slope. Refer to Figure 1.3-2 Parts of a Slope. Refer to Figure 1.3-3 Parts of a Slope.

WW. Stormwater Best Management Practices (BMP). Tools used to prevent or reduce stormwater runoff and/or associated pollutants as determined by professional associations, State of Michigan, or Federal government, such as the Michigan Low Impact Development Manual.

XX. Stormwater Runoff. Runoff and any other surface water drainage that flows into natural or man-made drainage ways.

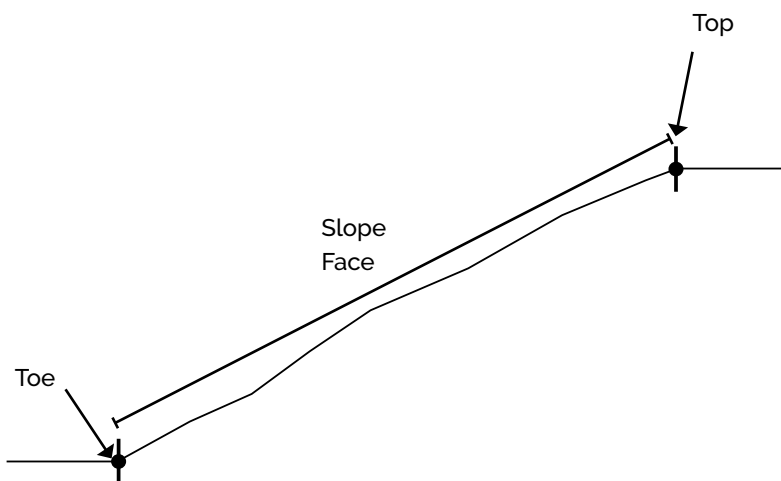


Figure 1.3-3 Parts of a Slope

YY. Street, Types. The types of right-of-ways and associated treatment of vehicular, bicycle, and pedestrian ways within as defined by the Master Plan.

ZZ. Street, Primary. A street designated as having priority over other streets in terms of setting the front lot line, locating building entrance, and façade treatment. **On corner lots, the primary street is determined by the street type with the following order of priority: priority street, main street, connector street, and neighborhood street.**

AAA. Street, Secondary. A street designated as not having priority over other streets. Secondary streets typically serve as preferred location for vehicular access points and buildings fronting secondary streets may have a reduction in the facade requirements.

BBB. Story, Ground. Also referred to as ground floor. The first floor of a structure that is level to or elevated above the finished grade, measured at the front and corner facades. This excludes partially above-ground basement areas. Refer to Figure 5.3-1 Measuring Height.

CCC. Story, Half. A floor located partially below grade and partially above or a floor located within the roof structure facing that has transparency facing a street.

DDD. Story, Upper. The floors of a structure located above the ground story. Also referred to as upper floor.

EEE. Structure, Primary. A structure that contains the lot's primary use and is located in the front-build to zone. A lot may contain more than one primary structure, refer to 5.6 Lot Types.

FFF. Structure, Accessory. A structure that contains a secondary or accessory use on a lot. Accessory structures are typically smaller in size than the primary structure and located toward the rear of the lot. Refer to 4.5 Accessory Uses and Structures.

GGG. Surface, Pervious. An area that allows for the absorption of water into the ground or vegetation. Also referred to as permeable are.

HHH. Surface, Impervious. Areas covered with surfaces that do not allow at least forty (40) percent absorption of water into the ground, including areas for driveways, parking lots, and walkways and structures.

III. Surface, Semi Pervious. An area that allows for at least forty (40%) absorption of water into the ground or vegetation. Semi-pervious materials can include such materials as porous pavement, pavers, crushed stone, or gravel.

JJJ. Threatened Species. Any species recognized by the State of Michigan and/or Federal government which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

KKK. Turf Grass. Any variety of commercial grasses grown and maintained to form turf.

LLL. Understory. The layer or layers of woody vegetation — including understory trees and shrubs — that naturally grow beneath a Tree Canopy.

MMM. Use, Accessory. May also be referred to as secondary use. This use typically takes up less space than the principal use and is often located in an accessory structure or in side or rear yards.

NNN. Use, Primary. May also be referred to as the principal use. The dominant use of a lot. It is typically located in the lot's primary structure along the front property line.

OOO. Vegetated Buffer. A permanent, maintained strip of vegetation designed to help absorb and slow the velocity of surface Stormwater Runoff, and filter out sediment and other pollutants.

PPP. Wetland Determination. An on-site investigation to determine whether the presence of water, hydric soils, and wetland vegetation occur in such a manner as to meet the definition of a Wetland.

QQQ. Wild-type. A straight species native plant that has not been commercially cultivated for a specific characteristic, which provides for natural genetic diversity, disease resistance, climate resiliency, and reliable pollinator habitat.

RRR. Zoning District, Base. Also referred to as underlying zoning. The zoning regulations applied to a parcel according to the Zoning Map.

SSS. Zoning District, Overlay. A set of standards placed on a parcel in addition to the standards of the Base Zoning District.

50-1.4 Nonconformances.

Refer to Chapter 9. Nonconformities of Appendix A for the management of nonconforming uses of land and nonconforming structures and uses of structures with the following additions.

A. Regulations of Chapter 50 shall be met when,

- (1) Change in Use. The use nonconformance exception ends when a change of use will result in a fifty (50) percent or greater change in capacity or intensity, such as an increase in gross floor area, seating, or residential units.

(2) Change in Structure. The **structural** nonconformance exception ends when the associated structure is modified to change the gross floor area by fifty (50) percent or more.

B. Nonconforming Site Characteristics. Site characteristics may continue in accordance with the following.

(1) Ten Percent Exception. A site characteristic is not considered nonconforming if the size of the nonconformance is less than ten (10) percent of the requirement.

(2) Change In Use. The nonconforming site characteristic exception ends if a change of use will result in a fifty (50) percent or greater change in capacity or intensity, such as an increase in gross floor area, seating, or residential units.

(3) Change in Structure. The nonconforming site characteristic exception ends if the associated structure is modified to change the gross floor area by fifty (50) percent or more.

(4) Exception for Multi-Tenant Signs. Multi-tenant signs are exempt from this requirement in that an individual or tenant is permitted to install a new sign or change out signage within an **existing** multiple tenant sign provided that the new signage does not increase the amount of nonconformance.

C. Street Facing Façade. When a building located within the build-to zone is renovated, **including with no change to the overall square footage of the structure**, the regulations of 5.5 Street Facing Facades shall be met when any of the following occur.

(1) Installation of new entrance or change in location of entrance on a street facing façade.

(2) Change in window location or size on a street facing façade by thirty (30) percent or more.

(3) Change or replacement of more than thirty (30) percent of façade materials on a street facing façade with a different material.

Article 50-2. Review Bodies.

Reserved

Article 50-3. Zoning Districts.

50-3.1 Zone Districts. Refer to Figure 1.2-1 for the Zoning Map of the following districts.

A. Node District. Nodes are intended to create walkable, vibrant mixed-use commercial areas in Kalamazoo neighborhoods with a focus on building forms that promote inviting public places. Nodes allow a wide range of commercial uses on the ground floor with commercial and residential uses allowed on upper floors. Nodes **locations can be found in the** Master Plan, Future Land Development Map.

B. Live-Work 1 District. Live-Work 1 promotes a wide mix of commercial and residential uses in a scale and with a building form compatible with Kalamazoo neighborhoods and corridors. Live Work 1 standards focus on the building

form, specifically along the street, while allowing a flexible list of uses within the building.

C. Live-Work 2 District. Live-Work 2 is intended to promote a wide mix of uses, including residential, commercial, and craftsman industrial users. Typically located adjacent to the Downtown or traditional industrial areas, Live-Work 2 is similar to Live-Work 1, but allows for more urban scaled development.

D. Downtown 1. Downtown 1 supports the key retail blocks of Downtown Kalamazoo by promoting a mix of uses with the most active permitted on the ground floor. This district is intended for the active, walkable principle blocks that focus on retail, entertainment, and service uses, storefronts, pedestrian-scaled signage, and access to shared parking facilities.

E. Downtown 2. This district is similar to Downtown 1, but with more flexibility in its form and permitted uses. It is intended for blocks directly adjacent to those in Downtown 1.

F. Downtown 3. Promotes a wide mix of uses, including residential, commercial, and civic uses in building forms that support the scale and intensity of Downtown Kalamazoo.

50-3.2 Overlay Zone Districts.. Refer to Figure 3.2-1 Zoning Overlay District Map of the following overlay districts.

A. Natural Feature Protection (NFP) Overlay District. Natural Features Protection (NFP) Overlay District is an overlay district providing additional development standards for parcels containing or adjacent to Natural Features. Refer to 50-6.2.

Article 50-4. Uses.

50-4.1 General Provisions. The following general provisions apply to the uses outlined in Table 4.1-1 Use Table.

A. Permitted Uses. Uses are either permitted by-right, permitted with development standards, or permitted if a special use permit is granted from the Planning Commission.

B. Lot Type Required. All uses shall be located within a permitted Lot Type, unless otherwise specified.

C. Required Licenses. Any facility that is required to be licensed by the State of Michigan shall have a valid license at all times. It is a violation of this Code to operate at any time without a valid license.

4.1-1 Use Table Key

P	Permitted	S	Special Use
PD	Permitted - Development Standards Required		

Table 4.1-1 Use Table

	Node	LV1	LV2	D1	D2	D3
Residential/Lodging						
Bed & Breakfast		P	P	PD	P	P
Hotel/Motel	P	P	P	P	P	P
Nursing Home/Assisted Living/Rehabilitation Center/Adult Foster Care		PD	P	PD	P	P
Residential (1 & 2 units)	PD	P	PD	PD	P	P
Residential (3 & 4 units)	PD	P	P	PD	P	P
Residential: Multifamily (5 & more units)	PD	P	P	PD	P	P
Rooming House	PD	P	P	PD	P	P
Transitional Residence		P	P			P
Civic/Institutional Uses						
Assembly	PD	P	P	PD	P	P
Assembly, Religious	S	S	S	PD	P	S
College and University	P	P	P		P	P
Hospital		P	P		P	P
Library & Museum	P	P	P	PD	P	P
Parks & Open Space		P	P		PD	P
Police & Fire Station	P	P	P		P	P
School		P	P			P
Commercial						
Agriculture		PD	PD			PD
Day Care	PD	PD	PD		PD	PD
Entertainment Sports (Participant - indoor)	P	P	P	P	P	P
Entertainment Sports (Participant - outdoor)		S	S		S	S
General Retail	P	P	P	P	P	P
General Services	P	P	P	P	P	P
Kennels			PD			PD
Office	P	P	P	P	P	P
Outdoor Sales & Storage		S	S			
Package Liquor	PD			PD	PD	PD
Parking (stand alone)		PD	PD			PD
Vehicle Service		PD	PD			PD
Industrial						
Craftsman Industrial	PD	PD	PD	PD	PD	PD
Industrial			PD			
Warehouse & Distribution			S			

50-4.2 Organization. The uses listed in the Table 4.1-1 are grouped into general categories and shall be interpreted as follows.

A. Unlisted Similar Uses. If a use is not listed, but is similar in character and impact to a use in the permitted, permitted with development standards, or permitted with a special use permit, it may be interpreted by the City Planner as similar.

B. Unlisted Dissimilar Uses. If a use is not listed and cannot be interpreted as similar to a listed use, the use is not permitted.

50-4.3 Use Table. Table 4.1-1 outlines the permitted uses by zoning district. Uses are permitted in one of the following ways.

A. Permitted. Uses in the table noted with "P" are permitted by right in the zoning district(s) in which they are listed.

B. Permitted, Development Standards Required. Uses in the table noted with "PD" are permitted by right in the zoning district(s) in which they are listed provided that they are developed with the listed development standards. The development standards listed are intended to manage potential impacts associated with it, making it appropriate in a location where it might otherwise have not been allowed.

C. Special Use. Uses in the table noted with "S" are permitted with the approval of a special use permit from the Planning Commission in the zoning district(s) in which they are listed.

50-4.4 Use Definition and Standards. The following details the uses listed in Table 4.1-1 and describes any development standards necessary.

A. Residential/Lodging Uses.

(1) Bed and Breakfast. An establishment providing short term lodging and service of at least one (1) meal per day to guests on a lot that also serves as the principal residence of the operator.

(2) Hotel/Motel. An establishment that permits short term lodging with or without an in-room kitchen where the rooms are accessed from an interior corridor or hallway (hotel) or exterior passageway (motel). Restaurant, meeting spaces, and retail are commonly associated with this use.

(3) Nursing Home/Assisted Living/Rehabilitation Center/Adult Foster Care. Residence that provides short or long term lodging with services such as meals, personal care, supervision of self-administered medication, medical care, and therapy. This type of facility would not meet the definition of a hospital. In the districts where it is Permitted with Development Standards ("PD"), the following is required:

(a) A rehabilitation center is permitted for up to six (6) persons.

(b) In Downtown 1, this use is not permitted on the ground floor.

(4) Residential. Dwelling units located within a primary structure on a lot. In the districts where residential is Permitted with Development Standards ("PD"), the following applies.

(a) In Nodes and Downtown 1, residential units are not permitted in a building's occupied space (refer to 50.1-3.DD Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

(b) In Live Work 2, Yard - Detached Lot Type is permitted only when it contains two or more units.

(5) Residential, Multi Family. Five (5) or more dwelling units located within a primary structure on a lot. In the districts where residential is Permitted with Development Standards ("PD"), residential units are not permitted in a building's occupied space (refer to 50.1-3.DD Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

(6) Rooming House. A type of group living use in which space is let primarily for sleeping purposes, with or without meals, by the owner or agent to persons who are not related to the owner or operator by blood, marriage, or adoption. In the districts where a rooming house is Permitted with Development Standards ("PD"), residential units are not permitted in a building's occupied space (refer to 50.1-3.DD Occupied Space). Refer to Article 5 Zoning Standards for details and exceptions.

(7) Transitional Residence. A residential facility that provides temporary accommodations and on-site management, including 24-hour care, for its residents. Transitional residences can accommodate both individuals and families and can serve a variety of populations, such as the homeless, domestic violence victims, or those recovering from addictions. Residency often requires attendance at classes, trainings, or counseling sessions which may occur on-site. Residents typically do not keep personal vehicles on site.

B. Civic/Institutional Uses

(1) Assembly. A use that has organized services, meetings, or programs to educate, entertain, or promote discussion amongst the community. It can be a public or private facility. Examples of Assembly include a club, lodge, theatre or community center. In the districts where assembly is Permitted with Development Standards ("PD"), clubs and lodges and other similar uses with limited hours or private membership are not permitted in the occupied space of the ground floor in Node and Downtown 1 Districts. Refer to Article 5 Zoning Standards: Lot Types.

(2) Assembly, Religious. An assembly use that focuses on religion, a house of worship. Residential uses accessory to the religious assembly use, such as convent, rectory, or caretaker's residence, are permitted with this use. In the districts where Religious Assembly is Permitted with a Special Use Permit ("S") or Permitted with Development Standards ("PD"), the following standards apply.

(a) Facilities that accommodate less than fifty (50) persons are permitted without obtaining a special use permit.

(b) In Downtown 1, Religious Assembly is not permitted on the ground floor.

(3) College and University. An educational institution authorized to award associate, baccalaureate, or other higher

degrees and certificates.

(4) Hospital. A state licensed facility providing in-patient accommodations; a wide range of medical and surgical care; and other in-patient health services for sick or injured persons. Permitted secondary uses with this type of facility may include laboratories, outpatient department, training facilities, central services, offices, residences, dining areas, and retail.

(5) Library and Museum. An establishment housing educational, cultural, artistic, or historic information resources, and exhibits that is open to the public. Permitted secondary uses with this type of facility include retail space, food sales, dining, and meeting rooms.

(6) Parks and Open Spaces. An area of land designed and equipped for passive or active recreation or open air gathering. **In the districts where Parks and Open Space is Permitted with Development Standards ("PD"), the following standards apply.**

(a) In the D2 District, special design attention should be given to the street wall and character of a block when locating and designing a park and open space.

(7) Police and Fire Stations. A facility that provides protection to a district or entity according to fire, life, and safety code sections. Permitted secondary uses with this type of facility include storage of equipment, indoor and outdoor parking of vehicles, offices, and residences. Police and Fire Stations are exempt from any entrance bay and vehicle access standards noted in 5.6. Lot Types; **the use of these standards is encouraged to support this use blending within the neighborhood location.**

(8) School. A public or private education facility, including elementary, middle, and high schools. Schools may include space for classrooms, laboratories, gymnasium, pools, theaters, dining services, and outdoor athletic or recreational facilities.

C. Commercial

(1) Agriculture. Growing of food crops indoor or **outdoors** for personal use, donation, or sale (on or off site); this excludes the growth of marihuana plants for medicinal or recreational purposes. In the districts where Agriculture is Permitted with Development Standards ("PD"), the following standards apply.

(a) Size. Maximum lot size is 10,000 square feet.

(b) Lot Type. No Lot Type is required unless a hoop house, green house, or farm stand are constructed, then 5.6.G Outdoor Market Lot Type apply.

(c) Other Secondary Buildings. Sheds, garages, and other Secondary Buildings not noted in 50.4-4.C(1)(b) shall follow the standards for Accessory Structures, refer to 50-4.5.B

(d) Intensity. Use of outdoor farm machinery is not permitted.

(2) Day Care. A use providing care, protection, and supervision for children or adults on a regular basis away from their primary residence for periods of less than twenty-four (24) hours. In the districts where a day care is Permitted

with Development Standards ("PD"), the following is required.

(a) Outdoor Play Area. At least one (1) outdoor play area will be provided as follows.

[1] Size. The size of this play area will be measured at a rate of 100 square feet for each child the facility is permitted to have at maximum attendance.

[2] Enclosure Requirement. The play area must be enclosed on all sides by building or fencing.

(b) In-Home Day Care Facilities. Day care facilities located in a residence, also referred to as a in-home day care facility, containing seven or more participants require a special use permit.

(3) Entertainment and Sports. An establishment that provides sports and recreation activities for participants. These may occur indoor, including such indoor facilities as bowling alleys, escape rooms, pool, billiards, arcade, and outdoors, such as mini golf, ropes courses, swimming pools, and driving ranges. In the districts where Entertainment and Sports is Permitted with a Special Use Permit ("S"), outdoor facilities using an Outdoor Market Lot Type require a special use permit.

(4) General Retail. A category of uses involving the sale of goods and merchandise. General Retail includes such uses as those listed in table 4.4-1.

(5) General Services. A category of uses that provides patrons services and often retail products related to those services. General Services includes such uses as those listed in table 4.4-1.

(6) Kennels. Care of domestic and small animals, such as dogs and cats, that can include day or overnight care. Kennels can be located inside a building or outside and may also provide grooming and training services. In the districts where a kennel is Permitted with Development Standards ("PD"), outdoor kennels are not permitted.

(7) Office. A category of uses that involve the transactional affairs of a profession service, industry, or government. Patrons of these uses typically have set appointment or meeting times; these businesses do not typically rely on walk-in customers.

(8) Outdoor Sales and Storage. A use that involves the sale, rental, and minor repair of items where the majority of the goods are stored or displayed outdoors. This includes such uses as sale and rental of vehicles with less than 10,000 pounds gross cargo weight, motor homes, and boats and the sale of building or landscape materials such as plants, gravel, or rocks. In the districts where outdoor sales and storage is Permitted with Special Use Permit ("S"), the following standard applies.

(a) Screening. Storage of all outdoor items must be screened from view from side and rear property lines; storage of loose materials such as rock, gravel, or soil must be additionally screened from the front and corner side property lines.

(b) Structure. A building is required to house the office, sales management, on-site security, or other similar functions.

(c) Structure Location. When the Outdoor Market Lot Type is utilized, the front facade of the building shall be located within ten (10) feet of the front property line. Refer to 5.6.G Outdoor Market Lot Type.

Table 4.4-1. Examples of General Retail & Service Uses.

General Retail Uses
Apparel & Accessories
Art, Craft, Hobby Store
Automotive Supply (no service)
Bakery
Bicycle, Scooter, Moped Sales
Book Magazine, Newspaper
Convenience Store
Drug Store/Pharmacy
Florist
Home Furnishing & Accessories
Grocery Store, Specialty Foods
Hardware Store
Office Supplies
Paper, Stationary Store
Pet & Pet Supply Shop
Sporting Goods Sales & Rental
Toy Shop
Video Games & Electronic Sales

Table 4.4-2. Examples of Craftsman Industrial

Craftsman Industrial
Apparel, Accessories, & Finished Fabrics
Art, Glass, Textiles, Ceramics, Pottery, Woodworking
Brewing, Distilling, & Roasting
Commercial Copying & Printing
Construction, Special Trades
Electronic Assembly
Food Preparation & Production- Bakery, Beverages, Desserts, Canning, Preserving, Pasta, Dairy, etc
Furniture & Fixtures, Household Textiles, Home Furnishing & Accessories
Metal Products - Engraving, welding
Music Instruments, Recording Studio
Small Good Manufacturing & Repair

General Service Uses
Animal Board, Day Care (no outdoor kennels)
Bank, Financial Services
Catering
Dance or Music Studio
Dry Cleaning, Laundry-mat
Eating & Drinking Establishment, Cafe, Coffee Shop, Brewpub, Tavern, Lounge
Fitness (ex: Gym, Yoga, Pilates, Dance Studio)
Framing
Funeral Home
Locksmith
Mail system, copying, printing
Medical Services, Optical, Urgent Care
Pet Grooming
Personal Services (salon, spa, barber shop)
Repair of Small Goods, household goods, electronics
Tailor & Seamstress
Tattoo, Piercing
Training Center
Travel Agency

(g) **Packaged Liquor.** A retail establishment licensed by the Michigan Liquor Control Commission selling packaged alcoholic liquors, including beer, wine, and spirituous liquors, for consumption off-site. This use does not include establishments meeting the definition of an eating and drinking establishment or grocery stores. In the districts where packaged liquor is Permitted with Development Standards ("PD"), the following is required.

- (a) A minimum distance of 2,460 feet is required between locations of packaged liquor uses.
- (b) A minimum distance of 500' is required from parcels containing a religious assembly and school use.
- (c) Calculations to determine the required distance are made along the adjacent street center lines by measuring between two (2) fixed points located on the center line(s) that are determined by drawing perpendicular lines from the closest edge of the building containing the use in question to the center line of the adjacent street.

(10) **Parking Lot (Stand Alone).** A lot in which the primary use is parking of vehicles for public use or private use of adjacent businesses and residences. In the districts where parking lot is Permitted with Development Standards ("PD"), the following is required.

- (a) Parking lots may not be used as towing service storage and storage for inoperable vehicles.
- (b) **Corner Lot.** A parking lot is not permitted on a corner lot.
- (c) **Required Treatment When Fronting on a Street.**
 - [1] **Primary Street.** A parking lot is not permitted on a lot that fronts a primary street without a special use permit unless it is directly adjacent to the building that it serves.
 - [2] **Fence.** Fencing up to forty-two (42) inches in height is permitted in the landscape buffer along a street. Refer to Appendix A 6.3 Screens & Fencing for more information on fences.

(11) **Vehicle Services.** A category of uses that involve the servicing of vehicles and/or the sale of fuel. General retail is often associated with vehicle service uses. This category includes, vehicle service shops, car wash, and gas stations. In the districts where Vehicle Service is Permitted with Development Standards ("PD"), the following standards apply.

- (a) **Use Limitations.**
 - [1] **Gas Stations.**
 - [a] Gas stations require a special use permit.
 - [b] Sale of packaged liquor at gas stations is permitted, but must adhere to the development standards required for the packaged liquor use. *Refer to 50.4-4.C(9).*
 - [c] *Gas stations not permitted in Live Work 2.*
 - [2] **Car Wash.** *A car wash requires a special use permit.*
 - [a] *Outdoor vacuuming is not permitted on lots adjacent to an open space, park, or preserve. Outdoor vacuuming is not permitted on lots adjacent to a residential zoning district.*
 - [b] *Car washes are not permitted in Live Work 2.*
- (b) **Vehicle Bays.** Bays may not face a primary street.

(c) Outdoor Activities.

[1] Outdoor vacuuming areas are permitted in the side and rear yards.

[2] Washing areas are not permitted outside.

[3] Repair or service activities or equipment are not permitted outside.

[4] **Outdoor storage of vehicles awaiting service is not permitted.** Vehicles awaiting pick up are permitted on site for up to three (3) days and shall be located in the rear or side yard.

(d) Screening. Perimeter landscaping or fencing is required along side and rear yards.

(e) Over-sized Vehicles. Services for semi trucks and other oversized vehicles is not permitted.

(f) Lot Types. Gas Stations shall follow the Outdoor Market Lot Type and have the front facade of the building located within the Build-to Zone. Refer to 5.6.G Outdoor Market Lot Type.

D. Industrial.

(1) Craftsman Industrial. A use involving small scale manufacturing, production, assembly, and/or repair that includes a showroom or retail space open to the public with no environmental or nuisance impact; may also be referred to as maker spaces. Refer to table 4.4-2 for examples of uses permitted in Craftsman Industrial. In the districts where Craftsman Industrial is Permitted with Development Standards ("PD"), the following standards apply.

(a) Retail Component.

[1] At least ten (10) percent of the floor area must be public showroom or retail space.

[2] Retail **and/or showroom component** shall be located along the front facade of the building and utilize a storefront or stoop entrance treatment. Refer to 5.5 Street Facing Facades.

(b) Size Requirements. Maximum facility size of 10,000 square feet is permitted in Live-Work 1, Node, **Downtown 1, and Downtown 2** districts.

(c) Outdoor Storage. Outdoor storage of goods is permitted in Live-Work 2 **with Craftsman Industrial uses** provided the area used for storage is less than or equal to five (5) percent of the site's lot area. **Refer to 4.5.C(7) for additional requirements.**

(1) Industrial. A category of uses that allow for the production, processing, assembling, and packaging of goods. This category of uses does not have environmental or nuisance conditions that are detectable at the property lines of the site. Associated with the category are uses such as offices, warehousing, and loading or service bays. In the districts where Industrial is Permitted with Development Standards ("PD"), the following standards apply.

(a) Entrance Bays. Entrance bays are not permitted on facades facing primary streets unless they are located more than fifty (50) feet beyond the building's front facade.

(b) Outdoor Activities.

[1] Fuel pumps are not permitted.

[2] Outdoor Storage is permitted. **Refer to 4.5.C(7) for additional requirements..**

(c) Size. Maximum size of manufacturing facility is 20,000 square feet, this calculated area excludes office, showroom, or retail space. Larger facilities require review through a special use permit.

(3) Warehouse and Distribution. An industrial use involving significant commercial vehicle access and large-scale storage, both indoors and outside. In the districts where Warehouse and Distribution is Permitted with Special Use Permit ("S"), the following standards apply.

(a) Size Requirements. Maximum facility size is 20,000 square feet.

(b) Outdoor Activity. Fuel pumps and outdoor storage are permitted as follows.

[1] Must be located in the rear yard.

[2] Must be screened from all adjacent uses according to 6.2 Landscaping and Open Spaces in Appendix A.

[3] Outdoor Storage shall follow the standards in 4.5.C(7).

(c) Vehicle Entrance Bays. Entrance bays are not permitted on facades facing primary streets.

50-4.5 Accessory Uses and Structures.

A. Table. Table 4.5-1 outlines the permitted accessory uses and structures by district. Accessory Uses and Structures are permitted in the following ways.

(1) Permitted. Uses in the table noted with "P" are permitted by right in the zoning district(s) in which they are listed.

(2) Permitted, Development Standards Required. Uses in the table noted with "PD" are permitted by right in the zoning district(s) in which they are listed provided they are developed with the listed development standards. The development standards listed for a use are intended to manage any potential impacts associated with it, making it appropriate in a location where it might otherwise have not been allowed.

(3) Special Use. Uses in the table noted with "S" are permitted with the approval of a special use permit from the Planning Commission in the zoning district(s) in which they are listed.

Table 4.5-1 Accessory Uses & Structures

Uses & Structures	District							Key
	Node	LV1	LV2	D1	D2	D3	All R	
Accessory Dwelling Units (ADU)	PD	PD	PD			PD	PD	P Permitted
Agriculture	PD	P	P	PD	PD	PD		S Special Use
Drive Through	PD	PD	PD		PD	PD		PD Permitted - Development Standards Required
Food Truck	PD	PD	PD		PD	PD		
Home Occupation	PD	PD	PD	PD	PD	PD	PD	
Kiosk	PD	PD	PD		PD	PD		
Outdoor Storage	PD	PD	PD			PD		
Secondary Building	PD	PD	PD	PD	PD	PD	PD	
Sidewalk Café	PD	PD	PD	PD	PD	PD		

B. Development Requirements. All accessory structures will meet the following standards, unless otherwise noted.

- (1) Front Yard. Accessory structures are not permitted in the front yard unless otherwise noted.
- (2) Corner Side Yard. Accessory structures cannot be located closer to the corner-side property line than a principal structure.
- (3) Setback. Accessory structures shall be setback five (5) feet from side and rear property lines.
- (4) Height. Accessory structures shall not exceed the height of the principal structure.
- (5) Lot Coverage. Accessory structures count toward a lot's impervious coverage. Placement of an accessory structure cannot make a lot exceed its impervious coverage requirement.

C. Use Definition and Standards. The following details the accessory uses and structures listed in Table 4.5-1 and detail any development standards necessary.

(1) Accessory Dwelling Unit. A secondary dwelling unit on a lot; it may be located in a secondary building or interior to the principal building.

(a) Units in secondary buildings.

[1] Quantity. One (1) accessory dwelling unit in a **primary structure** is permitted per lot.

[2] Maximum Unit Size. Maximum unit size is 950 square feet.

(b) Interior Units. An interior accessory dwelling unit is defined as one with a separate exterior entrance. When located interior to the principal structure the following are required.

[1] Quantity. One (1) accessory dwelling unit interior to a principal building is permitted.

[2] Maximum Unit Size. Maximum unit size is less than or equal to thirty (30) percent of the square footage of the primary residential unit or 600 square feet, whichever is larger.

(c) Parking. Space for 1 car per accessory dwelling unit is required. On-street parking, if available overnight, can meet this requirement if located within 660 feet.

(2) Agriculture. Growing of food crops indoor or outside for personal use, donation, or sale; this excludes the growth of marihuana plants for medicinal or recreational purposes as an accessory use on the lot. **In the districts where agriculture is Permitted with Development Standards ("PD"), the following standards apply,**

(a) Agriculture as an accessory use shall not prevent a lot from meeting its lot type requirements, refer to Article 5 Zoning Standards: Lot Types

(b) Agriculture as an accessory use is permitted in all yards.

(c) Agriculture as an accessory use is permitted within a building, provided that it is not in the occupied space of a building; it is permitted on a buildings roof.

(3) Drive Through. Drive throughs provide service to customers who remain in their vehicle and may be used in conjunction with variety of uses including financial institutions and restaurants. In the districts where a drive through is Permitted with Development Standards ("PD"), the following standards apply, Refer to Figure 4.5-1 Drive Throughs.

(a) Permitted Locations. A drive through is permitted as follows.

[1] Nodes, **Downtown 2**, and **Downtown 3**. A drive through is permitted only in the rear yard, fully screened from property lines by structure or landscaping.

[2] Other Districts. A drive through is permitted in the rear yard. If the lot does not front a primary street, a drive through is also permitted in the side yard.

(b) Landscape Screening. Adjacent to the drive through along the rear and/or side property lines shall be screened by a landscaping as defined by Appendix A 6.2 Landscaping and Open Spaces.

(c) Stacking Space. A minimum of three (3) stacking spaces are required, measured from the drive-through window or entrance into the stall or loading area.

(4) Food Truck. Vehicle or trailer used to prepare and/or serve food. In the districts where a food truck is Permitted with Development Standards ("PD"), an approved Site Plan is required as follows.

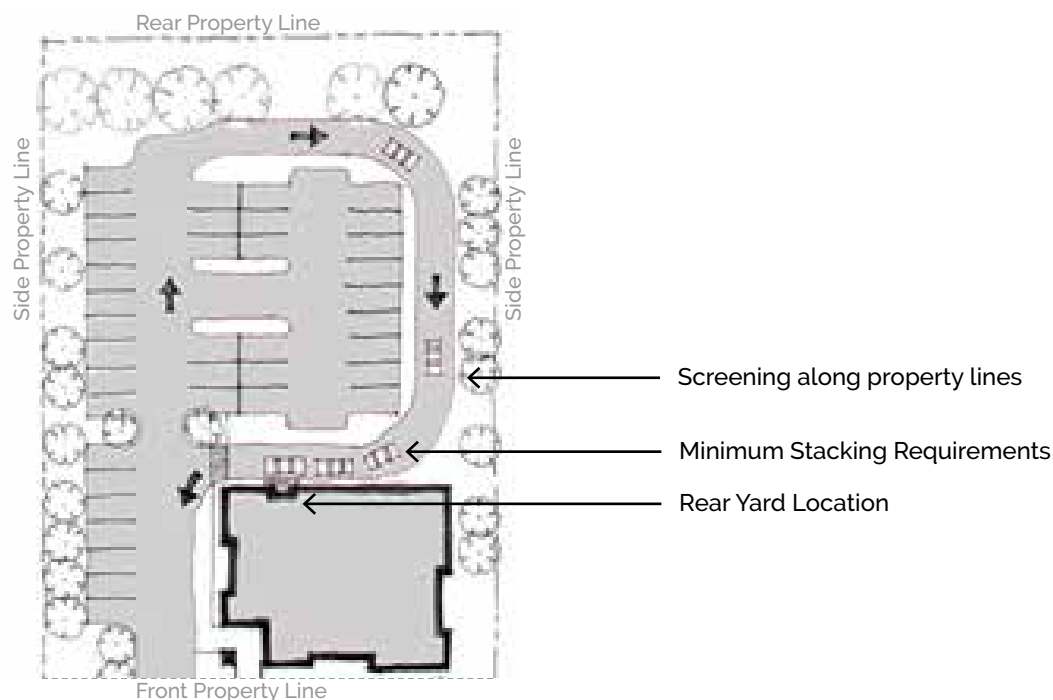


Figure 4.5-1. Drive Through Design

(a) Single Food Truck. Site Plan approval is required when one (1) food truck operates on a lot three (3) or more days a week and utilizes the lot's utilities, such as electrical or water services.

(b) Multiple Food Trucks. Site plan approval is required if multiple food trucks operate on a lot three (3) or more days a week.

(c) Permanent Food Truck Lot. The **Outdoor Market Lot Type standards shall be followed. Refer to 5.6.G Outdoor Market Lot Type.**

(5) Home Occupation. Types of work that can be conducted in a residence with little to no impact on the surrounding lots. Home occupations are secondary to the primary use of the lot, residential.

(a) Prohibited Uses. Prohibited uses include animal boarding, dispatch center, restaurants, vehicle or large equipment storage and repair.

(b). Resident-Operator. The operator of the home occupation must be a full time resident of the **lot** in which the business is associated.

(c) Employees. A maximum of two (2) nonresident employees are permitted on premises at one time.

(d) Signs. No more than one nameplate sign permitted with a maximum size of one (1) square foot. It may not be internally illuminated.

(e) Secondary Building. If located in a secondary building on the lot, the home occupation may not take more space than 500 square feet.

(f) Exterior Building Appearance. No exterior building changes are permitted; there must be no visible evidence of the existence of a home occupation beyond the permitted signage, **including outdoor storage of materials related to the use.**

(g) Operational Impacts. No home occupation or equipment used with a home occupation may cause odor, vibration, noise, electrical interference or fluctuation in voltage measured at the lot line.

(h) Customers. Customers or clients are permitted at the home occupation during the hours of 8:00 AM to 8:00 PM.

[1] No more than two (2) customers or clients are permitted at a given time, except in the case of a classes, such as art, music, cooking, or fitness classes, where up to four (4) clients are permitted at one time.

[2] A Special Use Permit is required for a home occupation providing classes with five (5) or more clients at a time.

(i). Customer Parking. Customer parking may occur off-street or on-street, where permitted.

(j) Deliveries. Deliveries are permitted during the hours of 8:00 AM to 8:00 PM and are permitted through the common residential delivery services.

(k) Medical Marihuana as a Home Occupation. Refer to 4.3.G(16) in Appendix A.

(6) Kiosk. Non-permanent structure that permits a variety of general retail and service uses, may be associated with the use of shipping containers or pop up shops and sheds. In the districts where a kiosk is Permitted with Development Standards ("PD"), the following is required.

(a) Site Plan. An approved Site Plan is required when two (2) or more kiosks are being located on a lot for a period of more than two (2) weeks **or when a kiosk is used with the Outdoor Market Lot Type, refer to 5.6.G Outdoor Market Lot Type.**

(7) Outdoor Storage. Storage of goods for sale or items related to the use(s) on the lot located outside of a structure. In the districts where a outdoor storage is Permitted with Development Standards ("PD"), the following is required.

(a) Site Plan. A site plan is required to review the size and placement on a lot.

(b) Maximum Size. Outdoor storage is permitted in an area no greater than ten (10) percent of the total lot area; **in Live Work 1 no greater than five (5) percent is permitted..**

(c) Location. Storage is permitted in the rear yard or side yard.

(d) Screening. Storage must be screened from view from view from all property lines.

(8) Secondary Building. Secondary buildings include such structures as detached garages, sheds, accessory dwellings, green houses, and hoop houses. In the districts where secondary Buildings are Permitted with Development Standards ("PD"), the following standards apply.

(a) Height. Secondary buildings can be up to two (2) stories in height. Refer to 5.3-1 Measuring Height.

(b) Agricultural Uses. A secondary building associated with an agriculture use, such as a green house, hoop house, or shed, shall set back at least ten (10) feet from the Front and Corner Property Lines.

(9) Sidewalk Cafe. Outdoor eating areas permitted within the right-of-way and on the property in question. In the districts where a sidewalk cafe is Permitted with Development Standards ("PD"), the following standards apply,

(a) Clear Pedestrian Pathway. A minimum pedestrian pathway of five (5) feet must be maintained free of all obstacles.

(b) Permit. If located in the right-of-way, a Right-of-Way Permit is required from the City of Kalamazoo.

Article 5. Zoning Standards: Lot Types.

50-5.1 Lot Type General Requirements.

A. Applicability. The following Lot Types shall apply to all new construction and exterior renovation of existing structures with the parameters noted in 1. General Requirements.

- (1) Zoning District. Lot Types are permitted by zoning district. Refer to Table 5.6-1 Lot Types by Zoning District.
- (2) Uses. Lot Types may each house a variety of uses based upon the zoning district in which it is located. Refer to 4.1-1 Use Table.

B. Lot Type Requirements. A Lot Type is comprised of standards for the following development components.

- (1) Building Siting. The location of the building(s) on a lot, including the following. [Refer to 50-5.2 Building Siting.](#)
 - (a) Street Frontage. Refers to locating the building(s) on a lot.
 - (b) Lot Area and Coverage. Refers to the maximum coverage of a lot with buildings or pavement.
 - (c) Parking, Loading, and Access. Refers to the location of parking areas and access on a lot.
- (2) Height. The minimum and maximum height permitted. [Refer to 50-5.3 Height.](#)
- (3) Uses. The uses permitted on a Lot Type. [Refer to 50-5.4 Use.](#)
- (4) Street Facing Facades. Refers to the entrance location and minimum transparency of windows. [Refer to 50-5.5 Street Facing Facades.](#)
 - (a) Transparency. The percentage of a façade that has clear, non-reflective windows that allow visibility into a building of at least four (4) feet.
 - [1] Ground Floor. Transparency is determined by entrance treatment, unless otherwise noted.
 - [2] Upper Floor. Transparency is determined by Lot Type.
 - (b) Entrance. Refers to permitted ground floor entrance treatments and quantity and location of entrances.
 - (c) Roof Types. The allowance of special roof elements, tower and spire.

50-5.2 Building Siting.

A. Street Frontage. Refer to Figure 5.2-1 Building Siting.

- (1) Multiple Principal Buildings. The allowance for more than one (1) principal structure on a lot.
- (2) Front Lot Line Coverage. The minimum percentage of building façade required along the front property line.
 - (a) Measurement. The standard is calculated by taking the width of the principal structure, measured in the build-to zone, divided by the total width of the lot's build-to zone.
 - (b) Multiple Buildings. Multiple principal buildings [can be](#) located on the lot. [The](#) minimum front lot line coverage [must be](#) met.

- (3) Occupation of the Corner. Occupying the corner, the area where the front and corner build-to zones meet, with a principal structure.
- (4) Front Build-to Zone. The build-to zone located parallel to the front property line.
- (a) If not occupied by a structure, this area will contain landscaping, public or private outdoor space, or sidewalk.
- (b) Vehicular parking is not permitted in the front build-to zone unless otherwise noted.
- (5) Corner Build-to Zone. The build-to zone located parallel to the corner side property line.
- (a) If not occupied by a structure, this area will contain landscaping, public or private outdoor space, or sidewalk.
- (b) Vehicular parking is not permitted unless otherwise noted.
- (6) Encroachment. Certain building elements, such as balconies, awnings, or signage may be permitted to

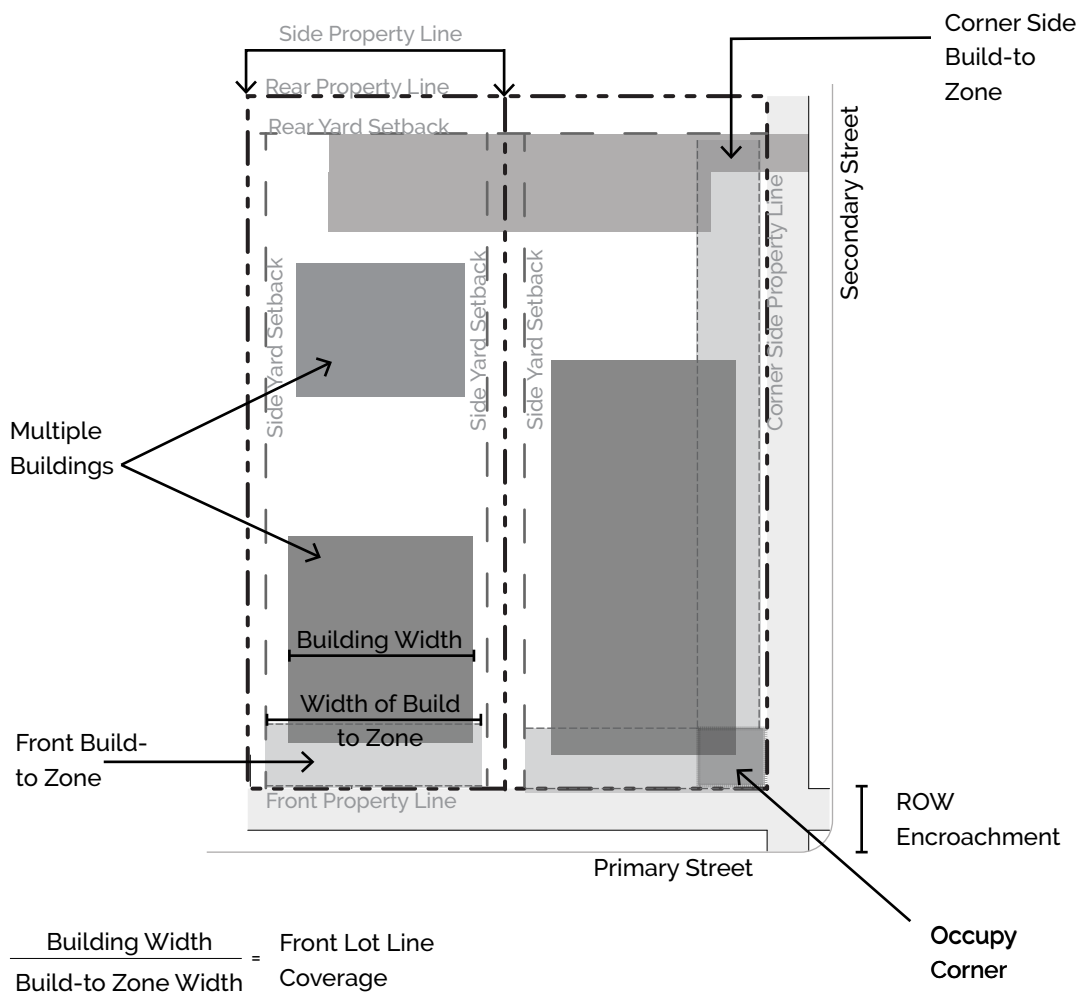


Figure 5.2-1. Building Siting: Street Frontage, Lot Area & Front Lot Line Coverage.

encroach into the right-of-way.

- (a) Where permitted, an encroachment agreement with the City is required.
- (b) Encroachments shall not extend closer than two (2) feet from the back of the curb line.
- (c) A minimum height clearance of eight (8) feet must be maintained.

B. Lot Area.

- (1) Side Yard Setback. The minimum required setback along a side property line.
 - (a) Driveways are permitted in the side yard setback.
- (2) Rear Yard Setback. The minimum required setback along a rear property line

C. Lot Coverage. The maximum percentage of a lot permitted to be covered with not pervious surfaces and the additional amount of semi-pervious surface permitted. Refer to Figure 5.2-2 Lot Coverage.

D. Parking, Loading, and Site Access. .

- (1) Parking Location. The yard in which a parking area and associated drive are permitted.
- (2) Service and Loading Locations. The façade on which access is permitted for servicing, loading, and unloading activities related to that building's use.
- (3) **Vehicle Entrance Bay**. The façade of the building on which an entrance bay to interior parking is permitted.
- (4) Driveway Location. The permitted locations for vehicular access.
 - (a) If an alley is available, driveway access shall be located from the alley.
 - (b) If an alley is not available, driveway location is noted by Lot Type (refer to 5.6 Lot Types).
 - (c) Driveways on corner **lots** must be at least fifty (50) feet from the corner of the Lot.

50-5.3 Height.

A. Height. Overall height for all Lot Types is measured as follows. Refer to Figure 5.3-1 Measuring Height

- (1) Minimum and Maximum Height. The minimum and maximum overall height of a structure.
 - (a) Measurement. Building height is measured in stories.
 - (b) Half stories. Half stories can be found either completely within the roof structure with street-facing windows or in a visible basement exposed up to ½ story above grade.
- (2) Floor Height. Each Lot Type permits a range of height expressed in feet for each story.
 - (a) Floor to Floor. The height of a story is measured between **floors; top of floor to top of floor**.. If the building is one (1) story, use the floor of the story to the tallest point of the ceiling.

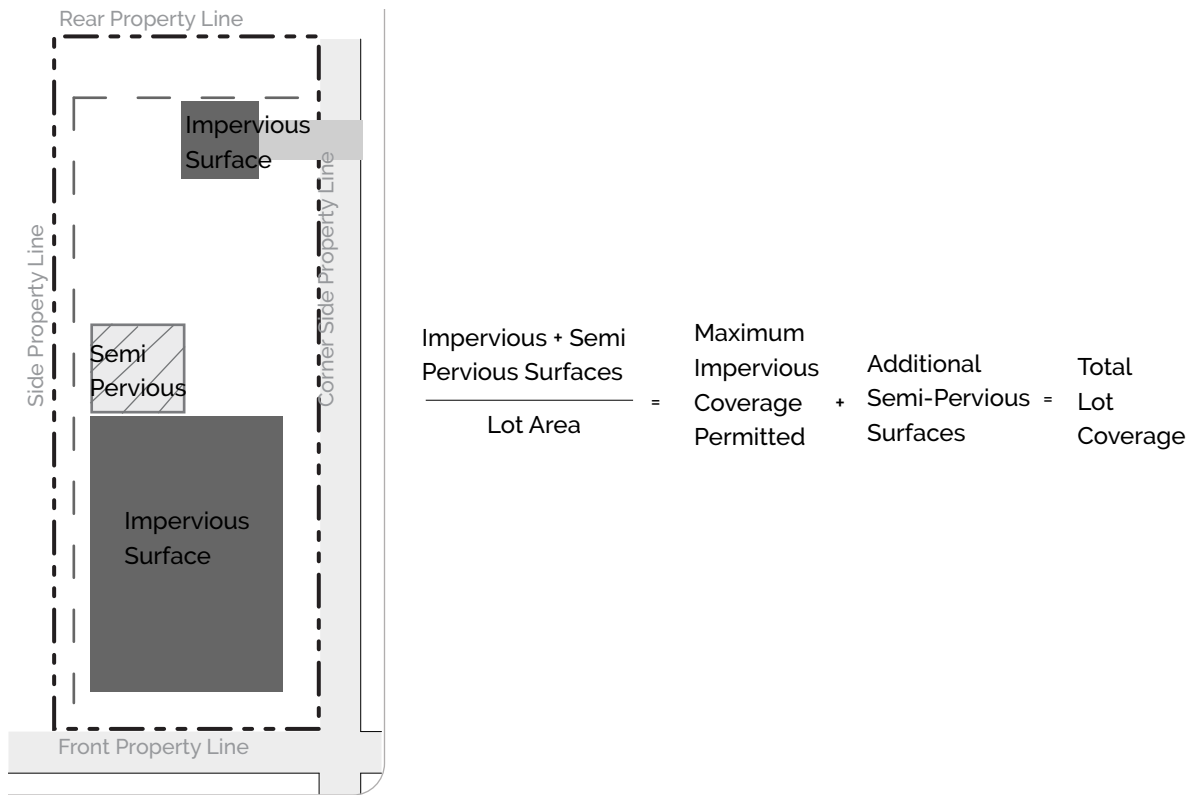


Figure 5.2-2 Lot Coverage

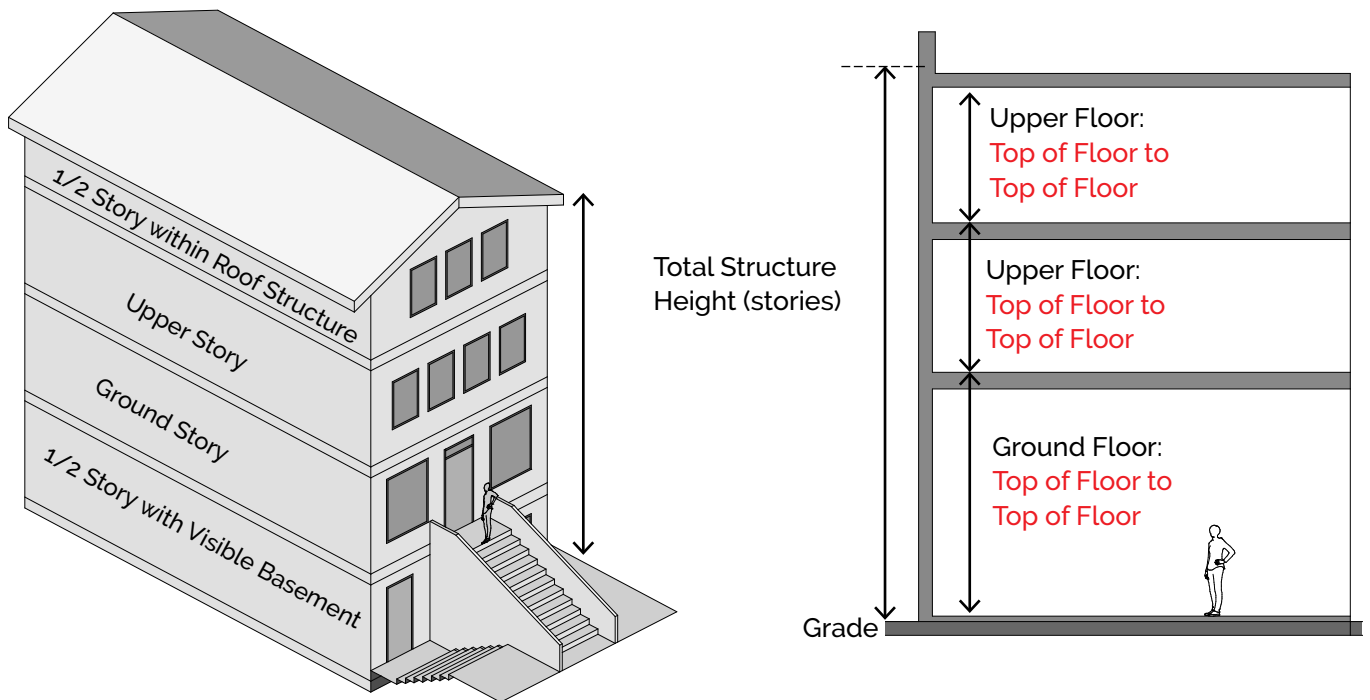


Figure 5.3-1. Measuring Height

(b) Application. Floor height requirements apply only to principal buildings on street facing facades.

50-5.4 Use.

A. Uses. Each Lot Type includes a list of permitted uses outline in Figure 4.1-1 Use Table. Also refer to Figure 5.4-1 Permitted Uses per Floor

- (1) Ground and Upper Floor. The permitted uses may vary between ground and upper floors.
- (2) Occupied Space. The restriction of internal parking, residential units, storage areas, and utility areas in the occupied space of a building's ground floor, unless otherwise stated in the Lot Types. Refer to 50.1-3.DD Occupied Space for additional information on occupied space.

50-5.5 Street Facing Facades.

A. Street Facing Façade. The following are requirements on street facing building facades.

- (1) Transparency. Measurement of the percentage of a façade that has clear, non-reflective windows that allow clear vision into a building's occupied space. Refer to Figure 5.5-1. Measuring Transparency.
 - (a) Ground Floor. Transparency is determined by entrance treatment, unless otherwise noted in the Lot Type.
 - (b) Upper Floor. Transparency is noted by Lot Type.
 - (c) Full Façade. Transparency measured using the entire front façade rather than only one (1) story of the building.
- (2) Blank Wall Limitations. The maximum area on a façade permitted to be windowless.

B. Entrance. Required entrance locations and treatments.

- (1) Location. Location of the primary, functioning, public entrance of the principal building, noted by façade.
- (2) Entrance Treatment. The entrance treatments required on street facing facades. Entrance treatment standards apply to the entire ground story of all front facades, and corner side facades when facing a primary street.
 - (a) Storefront. Storefronts are a highly transparent ground story treatments typically used as display areas for retail and other commercial uses. Refer to Figure 5.5-2 Storefront Entrance Type.
 - [1] Transparency. Minimum transparency is seventy (70) percent, measured between two (2) and eight (8) feet above the grade of the sidewalk. Refer to Figure 5.5-1. Measuring Transparency.
 - [2] Elevation. Storefronts shall be located no more than one (1) foot above the sidewalk.
 - [3] Recess. Entrances may be recessed up to eight (8) feet.
 - [4] Building Entrance. Primary building entrance shall be located off the storefront.
 - [5] Interior Access. Additional entrances to access uses in the upper stories or rear of the ground floor are permitted without having to adhere to the above requirements.

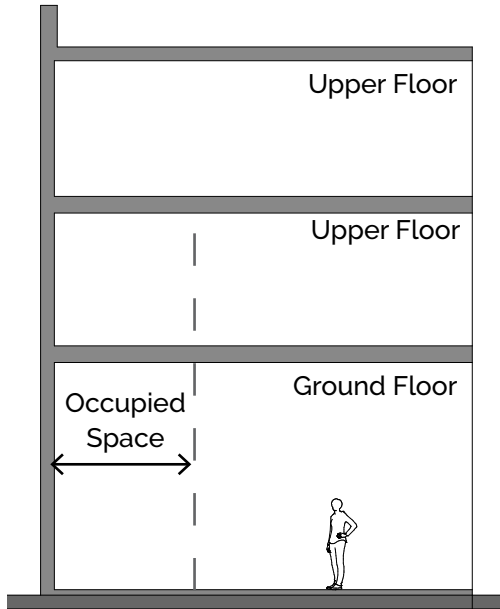


Figure 5.4-1 Permitted Uses Per Floor

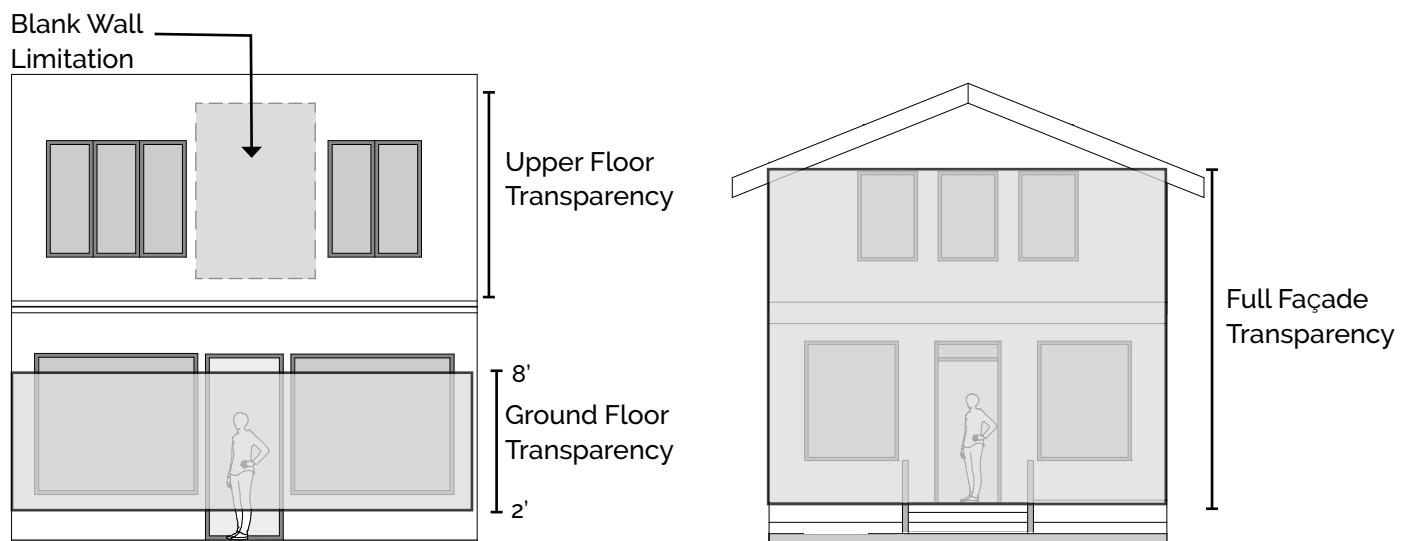


Figure 5.5-1. Measuring Transparency: Ground Floor, Upper Floor, & Full Façade

(b) Stoop. Refer to Figure 5.5-3 Stoop.

[1] Transparency. Minimum transparency is fifty (50) percent, measured between two (2) and eight (8) feet above the grade of the sidewalk. Refer to Figure 5.5-1. Measuring Transparency.

[2] Elevation. Stoops shall be not be elevated more than 3' 6" above the sidewalk, except with a visible basement.

[3] Stoop Size. Stoops shall be a minimum of three (3) feet deep and six (6) feet wide.

[4] Recess. Entrances may be recessed up to five (5) feet

[5] Building Entrance. Entrances shall be located off the stoop.

[6] Interior Access. Additional entrances to access uses in the upper stories or rear of the ground floor are permitted without having to adhere to the above requirements.

(c) Arcade. An arcade is a covered pedestrian walkway within the recess of a ground story. Refer to Figure 5.5-4 Arcade.

[1] Interior Treatment. Arcades must be used in conjunction with storefront or stoop treatment.

[2] Arcade Width. Open air public walkway must be a minimum of six (6) feet.

[3] Columns Spacing. Columns shall be spaced between ten (10) and twelve (12) feet on center.

[4] Arcade Opening. Opening shall not be flush with interior arcade ceiling and may be arched or straight.

(d) Porch Entrance Type. A porch is a raised, roofed platform. Porches can be fully enclosed. Refer to Figure 5.5-5 Porch Entrance Type.

[1] Transparency. Per Lot Type; unless the porch is fully enclosed in which case a minimum of forty (40) percent is applied. Refer to Figure 5.5-1. Measuring Transparency.

[2] Elevation. Porches shall be located a maximum of 4'6" above the sidewalk or average grade measured at the front facade.

[3] Height. A porch may be up to two (2) stories in height to provide a balcony for the second story.

[4] Building Entrance. Primary building entrance shall be located off the porch.

(3) Entrances on Street Facing Facades. The maximum spacing between entrances on a street facing building façade.

(4) Entrances on Other Facades. An entrance is required on side and rear facades when fronting parking areas

C. Roof Type. All roof styles are permitted in the Lot Types, provided that a defined roof style is utilized; special roof types, tower and spire, are permitted per Lot Type.

(1) Tower. A tower is a rectilinear or cylindrical, vertical building element. Refer to Figure 5.5-6 Tower.



Figure 5.5-2. Storefront.

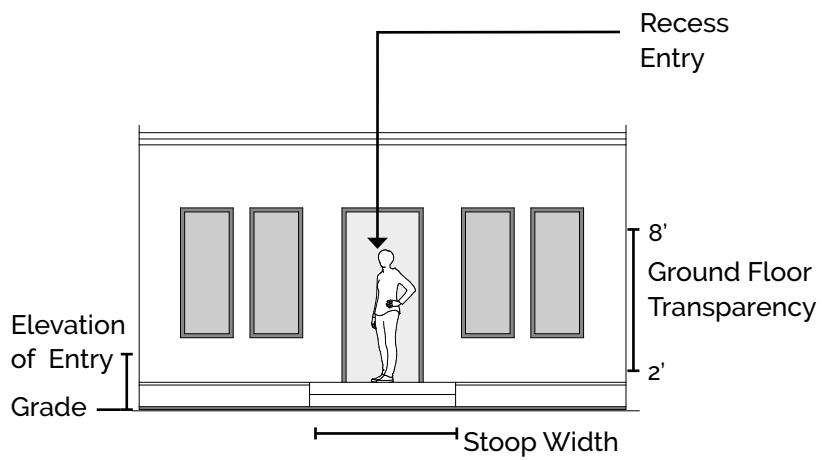


Figure 5.5-3. Stoop.

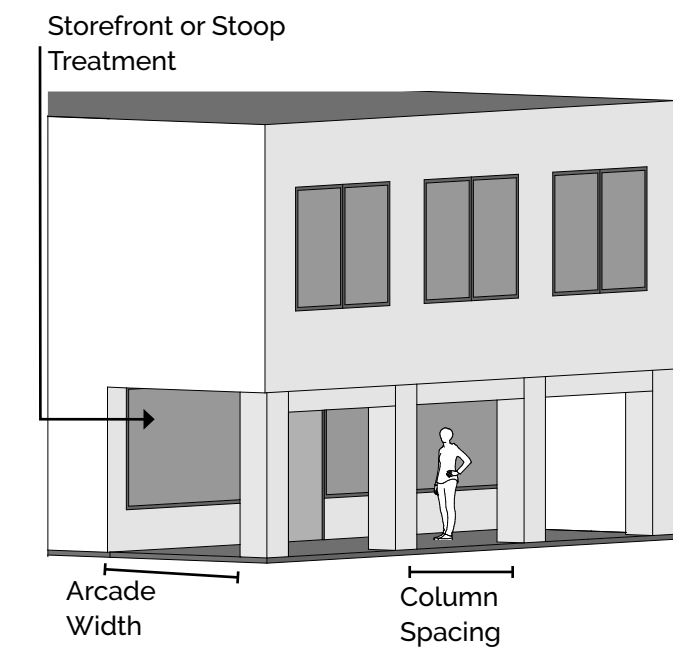


Figure 5.5-4. Arcade

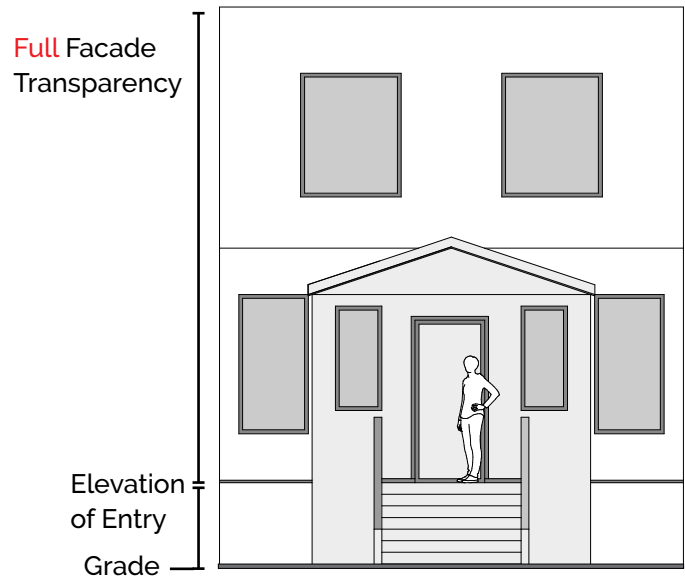


Figure 5.5-5. Porch.

(a) Height. Maximum tower height is equal to the height of one (1) upper story floor of the building onto which the tower is applied.

(b) Width. Maximum tower width along all facades is one-third ($1/3$) the width of the building or thirty (30) feet, whichever is less.

(c) **Use.** Towers may be utilized by the same uses allowed in the upper stories of the front type in which it is located.

(2) Spire. A spire is a long, tapering design element attached to a tower or the roof of a building. Refer to Figure 5.5-7 Spire.

(a) **Use.** Spire may not contain an occupied space.

50-5.6 Lot Type Standards.

A. Lot Type Descriptions. The following Lot Types are defined and detailed for use in development and redevelopment in the Node, Live-Work 1, and Live-Work 2 Districts. Refer to Table 5.6-1 Lot Types by Zoning District.

(1) Commercial Lot Type. A Lot Type with a high level of transparency on the ground floor that is located at or near the front property line of a lot. This type is ideal for active ground floor uses such as retail or a community center and a mix of uses including residential and commercial on upper stories.

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

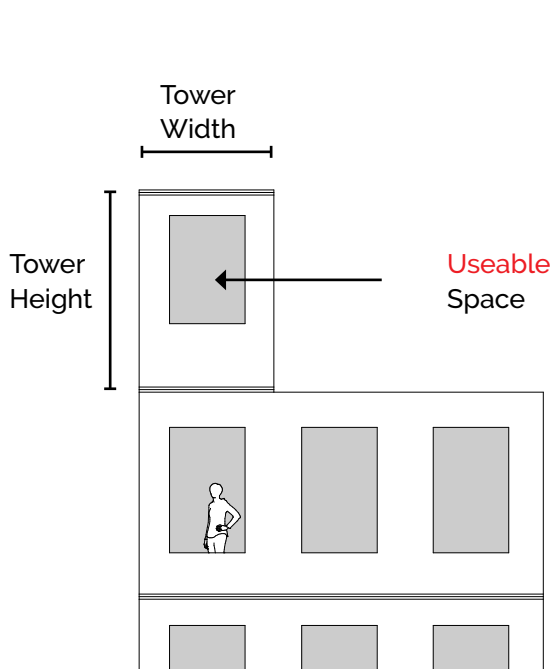


Figure 5.5-6. Tower.

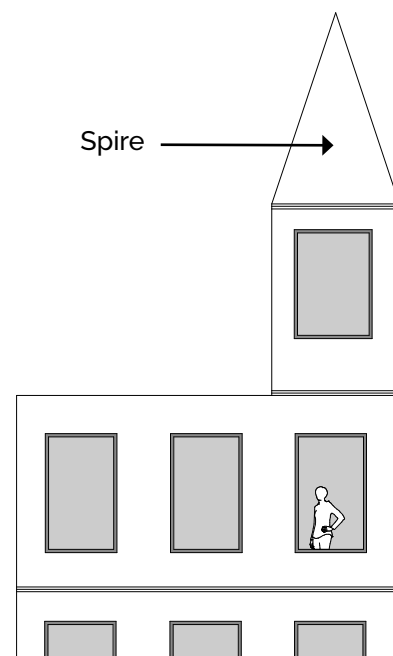


Figure 5.5-7. Spire

(3) **Cottage Commercial Lot Type.** A Lot Type that recognizes that many structures residential in character can be used for commercial purposes, at least on the ground floor. These typically have a higher transparency and impervious coverage than the Yard - Detached Lot Type. In the Districts where the Cottage Commercial Building is Permitted with Development Standards ("PD"), the lot type is only permitted in Neighborhood Nodes, as designated in the 2025 Master Plan, Future Land Development Map.

(4) **Civic Lot Type.** A Lot Type that allows for the development of unique buildings for civic and institutional uses through flexible building siting and facade treatment standards.

(5) **Warehouse Lot Type.** A Lot Type that maintains the urban character of an area while considering the needs of commercial and industrial uses. This types standards include limited entrance treatments requirements.

(5) **Yard - Attached Lot Type.** A Lot Type that supports the development of buildings that are slightly set back from the front property line and typically contains residential uses.

(6) **Yard - Detached Lot Type.** A residential Lot Type that allows for detached buildings that are set back from the street. Typically they support residential uses.

(7) **Outdoor Market Type.** A Lot Type that focuses on the use of outdoor spaces on a lot for such uses as gardening, seating, dining, gathering, and retail. May include limited indoor areas in non-permanent or open air structures, such as shipping containers, kiosks, or pergolas, for the sale of items or preparation of food items for sale, but with limited or no indoor seating. Permanent buildings are also permitted with this Lot Type, provided they account for a small percent of the total lot area.

Table 5.6-1 Lot Types by Zoning District

Lot Type	Zoning District					
	Node	LW1	LW2	D1	D2	D3
Commerce	P			P	P	
Flex		P	P		P	P
Cottage Commercial	PD	P	P			P
Civic		P	P		P	P
Warehouse			P			
Yard - Attached		P	P			P
Yard - Detached		P	P			P
Outdoor Market		P	P			P

B. Lot Type: Commerce

(1) Building Siting (Figure 5.6-1)

(a) Street Frontage		
Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	80% ¹	2
Occupation of Corner	Yes	3
Front Build-to Zone	0'-5'; 0-10' if for public space, such as wider sidewalks, on-street parking, or cafes ²	4
Corner Build-to Zone		
ROW Encroachment	Yes	5
(b) Lot Area		
Side Yard Setback	0'	6
Rear Yard Setback	0', 0' off alley 10' next to R district	7
(c) Lot Coverage		
Impervious Surface (max)	100%	8
Semi-Impervious Surface	n/a	9

(d) Parking, Loading, & Access

Parking Location	Rear Yard	10
Loading & Service Location	Rear, Side, Corner Side Facades ³	11
Vehicle Entrance Bay		
Driveway Location	Alley; 1 on Corner Side ⁴ , 1 on Front if on an interior lot not located in D1 or D2 ⁴	12

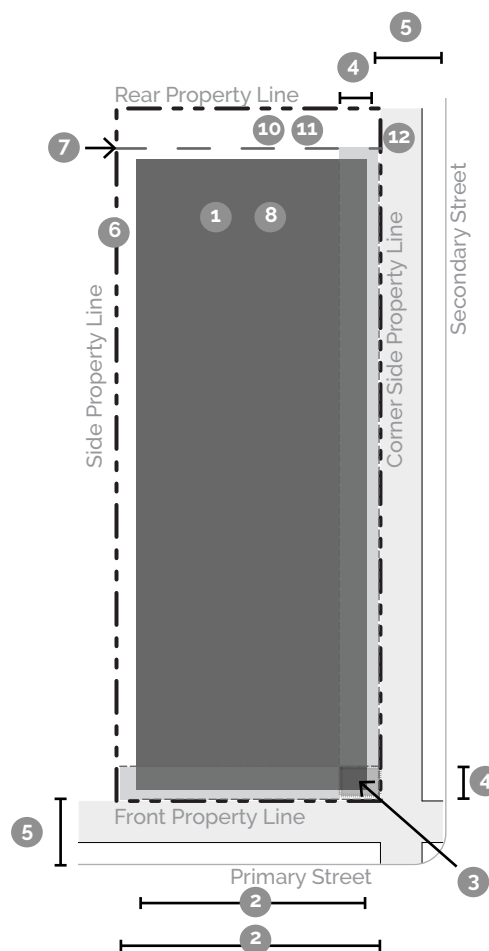


Figure 5.6-1 Building Siting.

Notes:

¹ A courtyard may count toward up to 35% of the minimum coverage.

Lots less than 60' in width, without alley access, and not on a corner have a minimum coverage requirement of 65%.

² Larger BTZ requires review and approval through the site plan review process. Larger BTZ is not permitted in D1.

³ Entrance bays for parking and loading not permitted on primary streets, and never on a Priority Street.

⁴ A 2nd driveway is permitted on lots wider than 200'.

(2) Height (Figure 5.6-2)

Minimum Height	2 stories	14
Maximum Height	NODE: 3 stories or up to height of tallest building within 330'; D1 & D2: no max, height on Priority Streets; 9 stories on Main Streets 4.5	15
Ground Floor	14'-24' ⁶	16
Upper Floor(s)	9'-14'	17
(3) Uses (Table 4.1-1)		
Ground Floor	All permitted uses per district	18
Upper Floor	All permitted uses per district	19
Occupied Space	Yes on first two floors, except Residential/Lodging is permitted per Table 4.1-1	20
Accessory Uses & Structures	See Table 4.5-1	

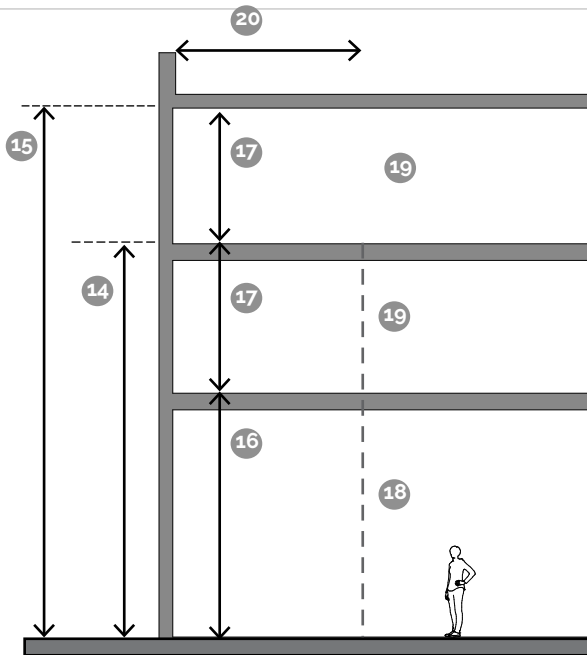


Figure 5.6-2 Height & Use

Notes:

⁴ Tower is allowed to be one (1) story taller than the overall building height.⁵ 330' is measured from outer lot line of the Node District. The height increase is capped at no more than two (2) stories taller than the tallest building in the Node.⁶ A Ground Floor height of 20' or greater will be counted as two (2) stories for overall building height.**(4) Street Facing Facades (Figure 5.6-3)****(a) Transparency (minimum)**

Ground Floor	Per entrance type, see 5.5.B	21
Upper Floor(s)	20% per floor	22
Blank Wall Limitations	Yes	23

(b) Entrance

Location	Front Facade, Building Corner	24
Entrance Treatment (see 5.5.B)	Storefront	25
Entrances on Street Facing Facades	1 per 60' of building length	26
Entrances on Other Facades	Yes	

(c) Roof Type

Tower	Permitted	27
Spire	Not Permitted	

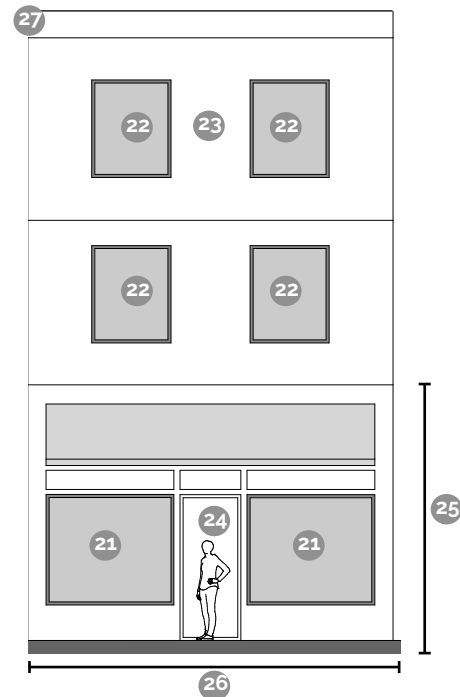


Figure 5.6-3 Street Facing Facades.

C. Lot Type: Flex

(1) Building Siting (Figure 5.6-4)

(a) Street Frontage

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

(b) Lot Area

Side Yard Setback	0'	7
Rear Yard Setback	0', 0' off alley 10' next to R district	8

(c) Lot Coverage

	75%; 85% in Live	
Impervious Surface (max)	Work 2: 100% in D2	9
Semi-Impervious Surface	15%	10

(d) Parking, Loading, & Access

Parking Location	Rear Yard	11
Loading & Service Location	Rear, Side, Corner Side Facades ²	12
Vehicle Entrance Bay	Alley; 1 on Corner Side ³ , 1 on Front if an interior lot not located in D1 or D2 ³	13
Driveway Location		

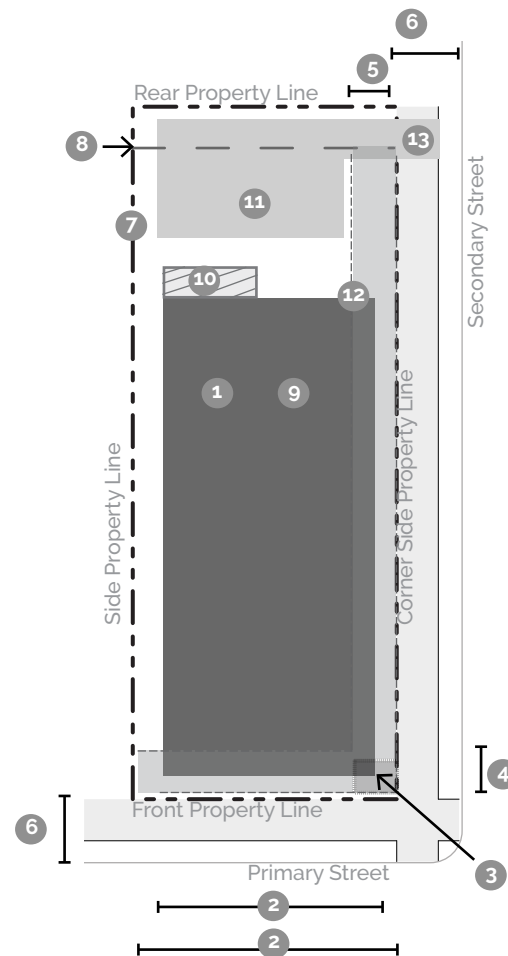


Figure 5.6-4 Building Siting.

Notes:

¹ A courtyard may count toward up to 35% of the minimum coverage. Lots less than 60' in width, without alley access, and not on a corner have a minimum coverage requirement of 65%

² Entrance bays for parking and loading purposes not permitted on primary streets.

³ A 2nd driveway is permitted on lots wider than 200'.

(2) Height (Figure 5.6-5)

Minimum Height	1 story	14
Maximum Height	3 stories; in Live Work 2 & on a Connector Street & in D3 up to 5 stories permitted; D2: no max. height on Priority Streets; and 9 stories on Main Streets; ⁴	15 16
Ground Floor	14'-24' ⁵	17
Upper Floor(s)	9'-14'	

(3) Uses (Table 4.1-1)		
Ground Floor	All permitted uses per district	18
Upper Floor		
Occupied Space	Yes; except Residential/Lodging permitted per Table 4.1-1	19
Accessory Uses & Structures	See Table 4.5-1	

(4) Street Facing Facades (Figure 5.6-6)**(a) Transparency (minimum)**

Ground Floor	Per entrance type, see 5.5.B	20
Upper Floor(s)	20% per floor	21
Blank Wall Limitations	Yes	22

(b) Entrance

Location	Front Facade, Building Corner	23
Entrance Treatment (see 5.5.B)	Storefront, Stoop	24
Entrances on Street Facing Facades	1 per 60' of building length	25
Other Facade Entrances	Yes	

(c) Roof Type

Tower	Permitted	26
Spire	Not Permitted	

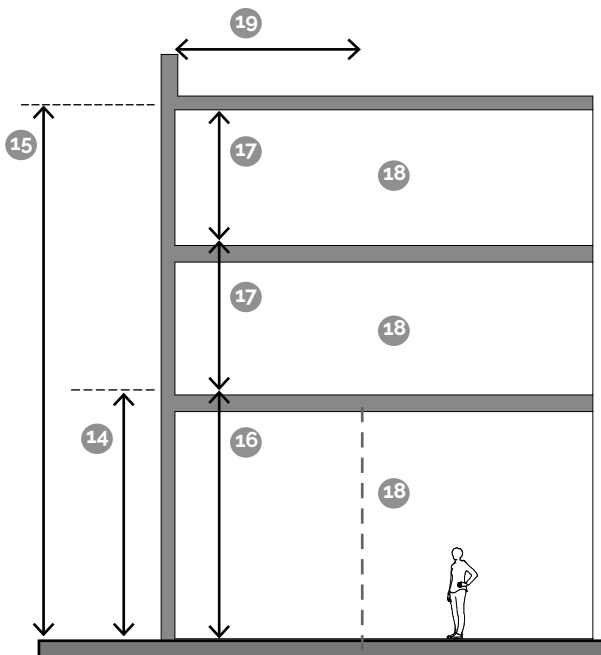


Figure 5.6-5 Height & Use

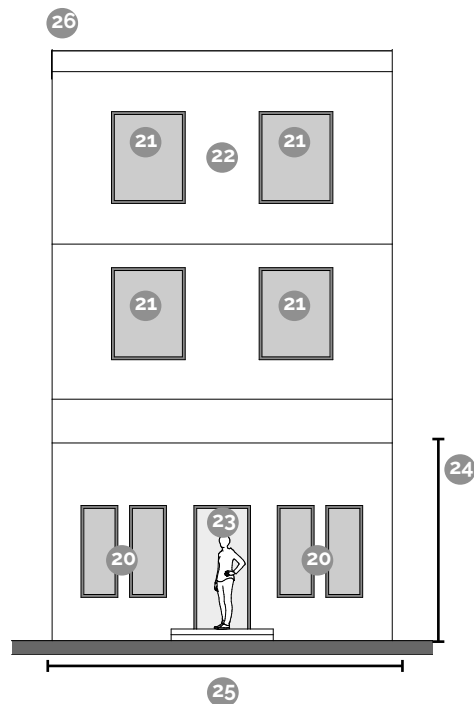


Figure 5.6-6 Street Facing Facades.

Notes:

⁴ Tower is allowed to be one (1) story taller than the overall building height.

⁵ A ground floor height of 20' or greater will be counted as two (2) stories for overall building height.

D. Lot Type: Cottage Commercial

(1) Building Siting (Figure 5.6-7)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	40%	
Occupation of Corner	Not required	2
Front Build-to Zone	5'-20'; 0-10' in Nodes ¹	3
Corner Build-to Zone	5'-20' 5-15' in Nodes ¹	4
ROW Encroachment	Yes	5
		6

(b) Lot Area

Side Yard Setback	5'	7
Rear Yard Setback	15'	8

(c) Lot Coverage

Impervious Surface (max)	65%	9
Semi-impervious Surface	10%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Not Permitted	
Vehicle Entrance Bay	Rear, Side, Corner Side Facades ²	12
Driveway Location	Alley; 1 on Corner Side or 1 on Front if an interior lot	13

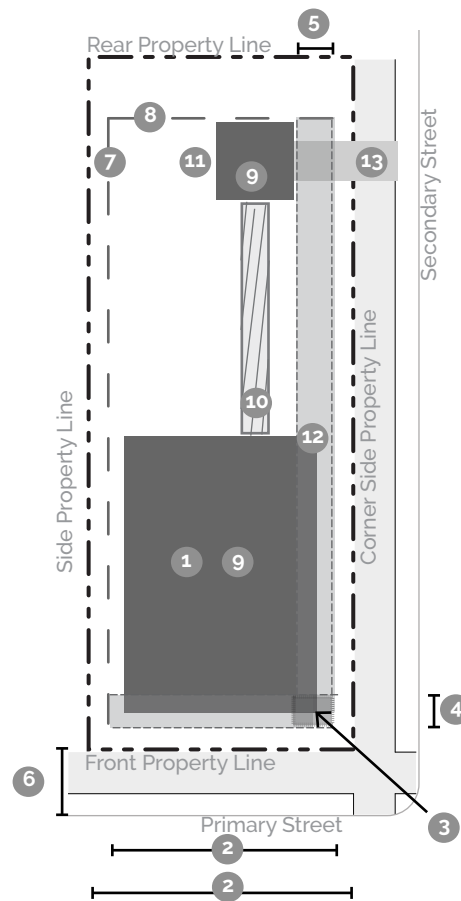


Figure 5.6-7 Building Siting Attached and Detached

Notes:

¹ Stoops and porches may be located in the build-to zone.

² Parking entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

(2) Height (Figure 5.6-8)

Minimum Height	1 story ³	14
Maximum Height	2.5 stories	15
All Floors	9'-14'	16

(3) Uses (Table 4.1-1)

All Floors	Residential/ Lodging, Commercial, Craftsman	17
Occupied Space	Yes	
Accessory Uses & Structures	See Table 4.5-1	18

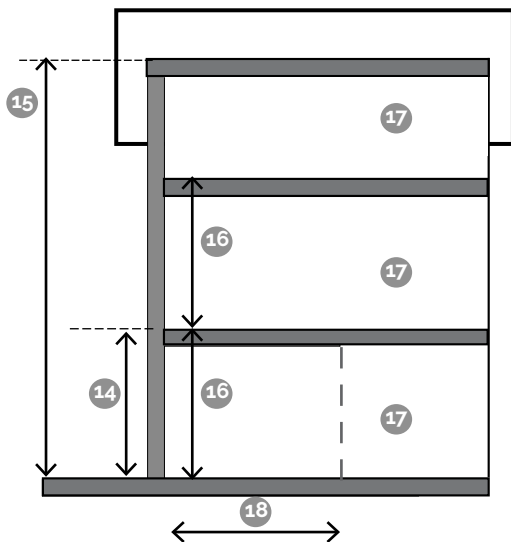


Figure 5.6-8 Height & Use

(4) Street Facing Facades (Figure 5.6-9)**(a) Transparency (minimum)**

Facade Transparency (min)	40% for Stoops and Porches; Storefronts per 5.5.B(2)(a)	19
Blank Wall Limitations	No	20

(b) Entrance

Location	Front Facade, Building Corner	21
Entrance Treatment (see 5.5.B)	Stoop, Porch, Storefront	22
Entrances on Street Facing Facades	1 per building	23
Other Facade Entrances	Not Required	24

(c) Roof Type

Tower	Permitted
Spire	Not Permitted

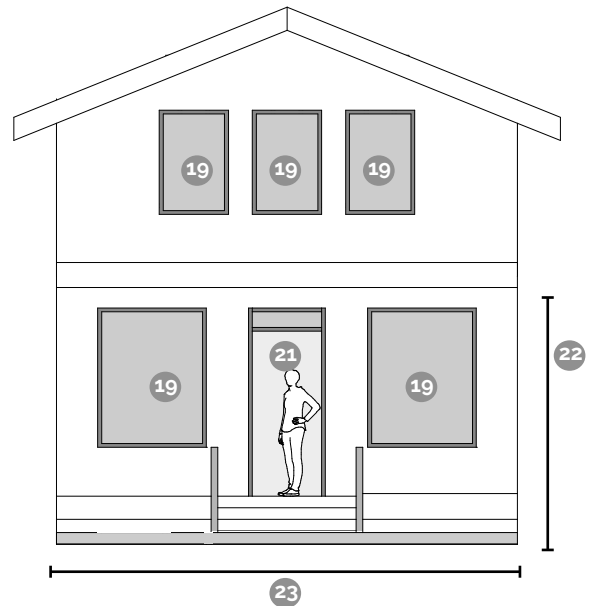


Figure 5.6-9 Street Facing Facades.

³A one-story addition is permitted on the front facade of a multiple story building.

E. Lot Type: Civic

(1) Building Siting (Figure 5.6-10)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	Not Required	2
Occupation of Corner	Yes	3
Front Build-to Zone	0'-25'; 0-15' in D2	4
Corner Build-to Zone	0'-15'	5
ROW Encroachment	Yes	6

(b) Lot Area

Side Yard Setback	0'	7
Rear Yard Setback	5', 0' off alley, 10' next to R district	8

(c) Lot Coverage

Impervious Surface (max)	70%,	9
Semi-Impervious Surface	10%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Rear, Side Corner Side Facades ¹	12
Vehicle Entrance Bay		
Driveway Location	Alley, 1 on Corner Side ² , 1 on Front if an interior lot except in D2	13

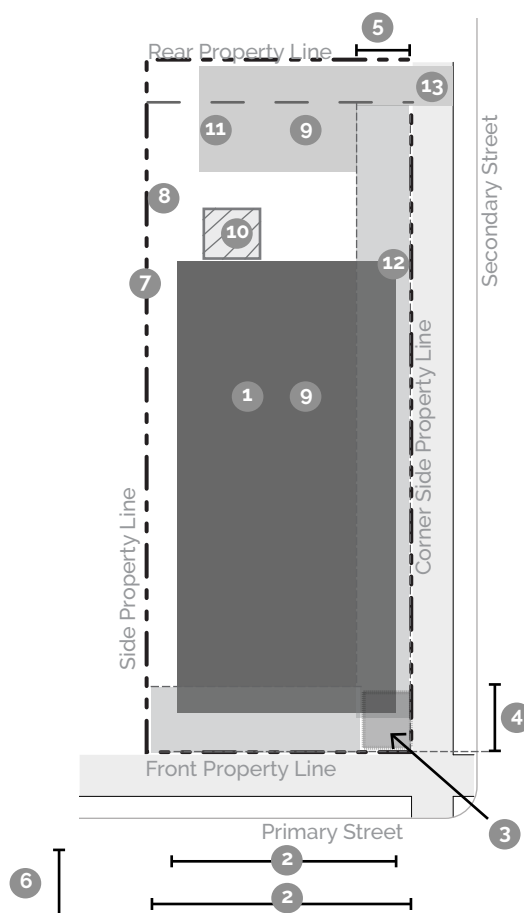


Figure 5.6-10 Building Siting.

Notes:

¹Entrance bays for parking and loading are not permitted on primary streets

²A 2nd driveway is permitted on lots wider than 200'.

³A Tower or a spire is allowed to be one (1) story taller than the overall building height; a tower and a spire can add an additional one and a half (1 1/2) stories to the overall permitted height.

(2) Height (Figure 5.6-11)

Minimum Height	1 stories	14
Maximum Height	3 stories; 5 stories in D2 & D3 ³	15 16
Ground Floor	15'-30' ⁴	17
Upper Floor	9'-14'	

(3) Uses (Table 4.1-1)

All Floors	Civic/ Institutional ⁵	18
Occupied Space	Yes ⁵	19
Accessory Uses & Structures	See Table 4.5-1	

(4) Street Facing Facades (Figure 5.6-12)**(a) Transparency (minimum)**

Facade Transparency (min)	15% per street facing Facade	20
Blank Wall Limitations	No	21

(b) Entrance

Location	Front Facade, Building Corner	22
Entrance Treatment (see 5.5.B)	Stoop	23
Entrances on Street Facing Facades	1 per 60' of building length	24
Other Facade Entrances	Yes	25

(c) Roof Type

Tower	Permitted	26
Spire	Permitted	27

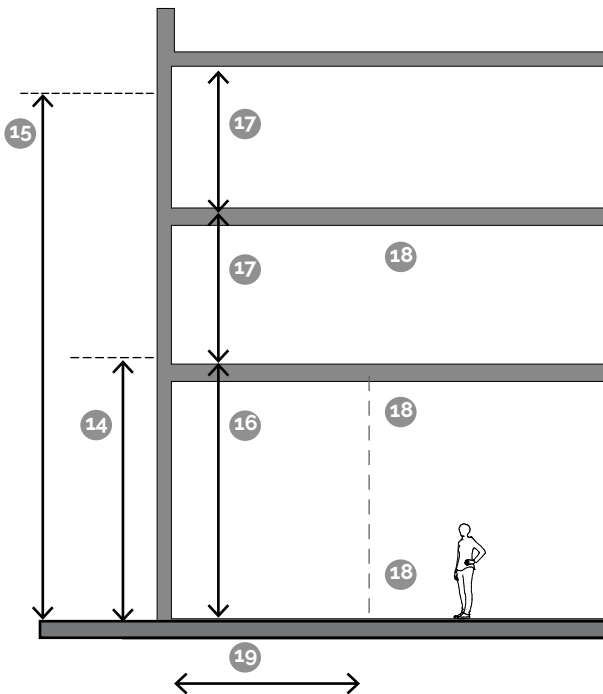


Figure 5.6-11 Height & Use

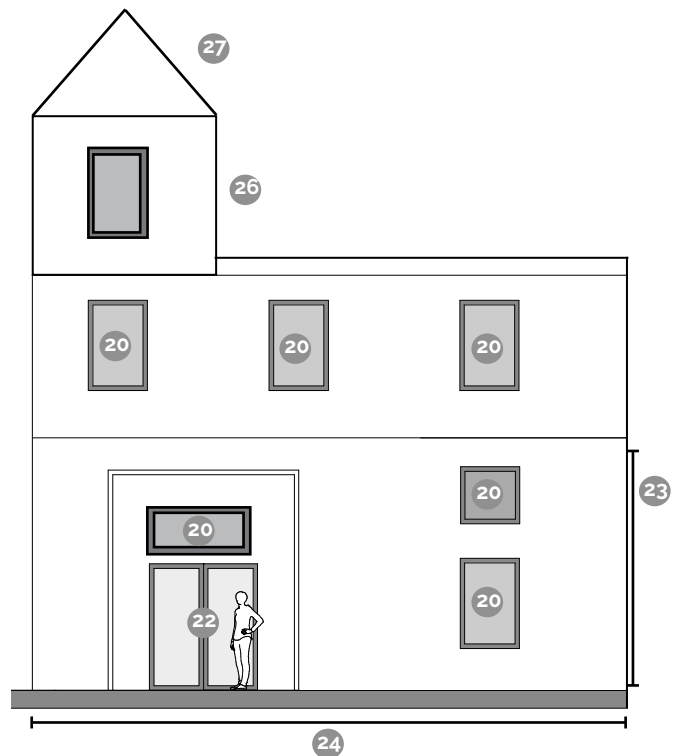


Figure 5.6-12 Street Facing Facades.

Notes:

⁴ A ground floor height of 20' or greater will be counted as two (2) stories for overall building height.

⁵ Civic Lot Types existing at the time of this Ordinances' approval may contain any use permitted in the District in which it is located.

F. Lot Type: Warehouse

(1) Building Siting (Figure 5.6-13)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	65% ¹	2
Occupation of Corner	Yes	3
Front Build-to Zone	0'-15'	4
Corner Build-to Zone	0'-10'	5
ROW Encroachment	Yes	6

(b) Lot Area

Side Yard Setback	5'	7
Rear Yard Setback	15', 0' off alley,	8

(c) Lot Coverage

Impervious Surface (max)	80%,	9
Semi-Impervious Surface	10%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Rear, Side, Corner Side Facades ² , & 1 on Front Facade ²	12
Vehicle Entrance Bay	Alley, 1 on Corner Side, 1 on Front if an interior lot ³	13
Driveway Location	Alley, 1 on Corner Side, 1 on Front if an interior lot ³	13

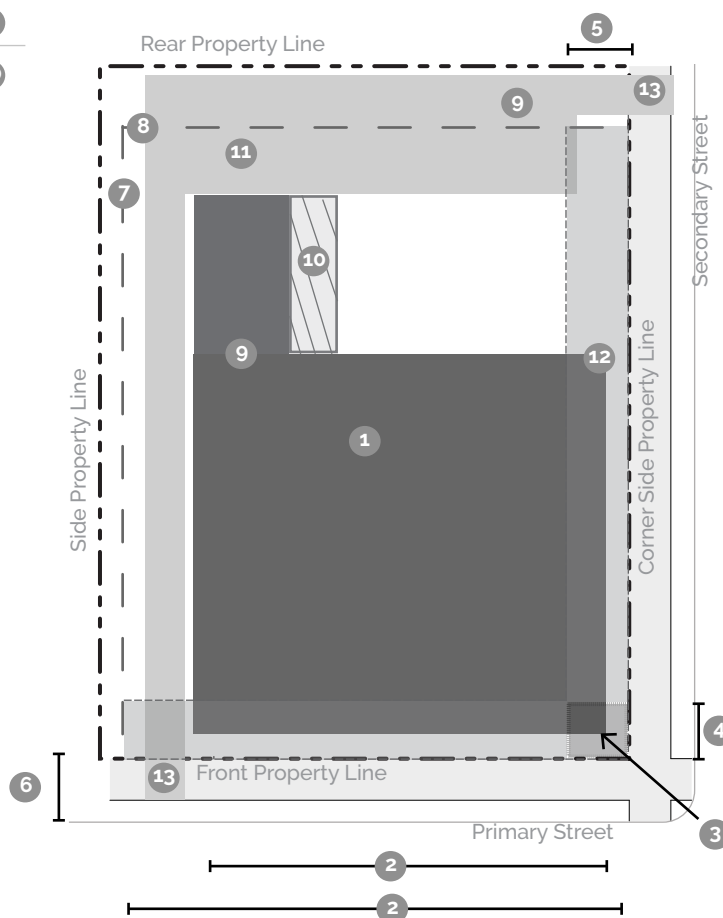


Figure 5.6-13 Building Siting.

Notes:

¹ A courtyard may count toward up to 35% of the minimum coverage.

² Entrance bays for parking and loading not permitted on primary streets unless located at least fifty (50) feet behind the front facade.

³ A 2nd driveway is permitted on lots wider than 200'.

(2) Height (Figure 5.6-14)

Minimum Height	1 stories	
Maximum Height	3 stories ⁴	15
Ground Floor	14'-30' ⁵	16
Upper Floor	9'-15'	17

(3) Uses (Table 4.1-1)

All Floors	Industrial	18
	Not Required, except Craftsman	19
Occupied Space	Industrial retail/showroom uses	
Accessory Uses & Structures	See Table 4.5-1	

(4) Street Facing Facades (Figure 5.6-15)**(a) Transparency (minimum)**

Ground Floor (min)	40% ⁶	19
Upper Floor(s)	10%	20
Blank Wall Limitations	No	21

(b) Entrance

Location	Front Facade, Building Corner	22
Entrance Treatment (see 5.5.B)	Stoop, Storefront	23
Entrances on Street Facing Facades	1 per 75' of building length	24
Other Facade Entrances	Yes	25

(c) Roof Type

Tower	Permitted	26
Spire	Not Permitted	

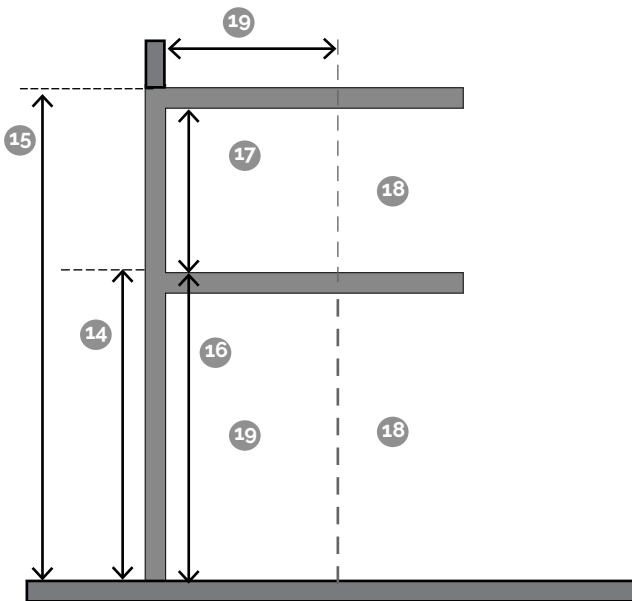


Figure 5.6-14 Height & Use

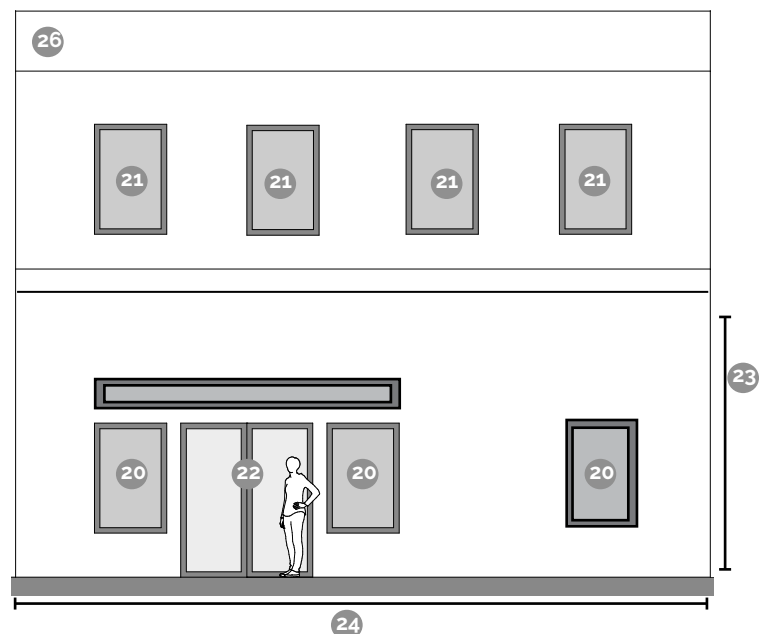


Figure 5.6-15 Street Facing Facades.

Notes:

⁴ Tower is allowed to be one (1) story taller than the overall building height.

⁵ A ground floor height of 20' or greater will be counted as two (2) stories for overall building height.

⁶ Craftsman Industrial uses follow transparency for either the storefront or stoop entrance type. To determine transparency, the measurement can be taken in the location of the retail or showroom element and not along the entire ground floor facade.

G. Lot Type: Yard - Attached

(1) Building Siting (Figure 5.6-16)

(a) Street Frontage

Multiple Principal Buildings	Yes; Up to 5 units may be connected	1
Front Lot Line Coverage (min)	60%	2
Occupation of Corner	Not required	3
Front Build-to Zone	5'-15' ¹	4
Corner Build-to Zone	5'-15' ¹	5
ROW Encroachment	No	6

(b) Lot Area

Side Yard Setback	5' ²	7
Rear Yard Setback	15'	8

(c) Lot Coverage

Impervious Surface (max)	60%	9
Semi-Impervious Surface	15%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Not Permitted	
Vehicle Entrance Bay	Rear, Side, Corner Side Facades ³	12
Driveway Location	Alley; 1 on Corner Side or 1 on Front if an interior lot	13

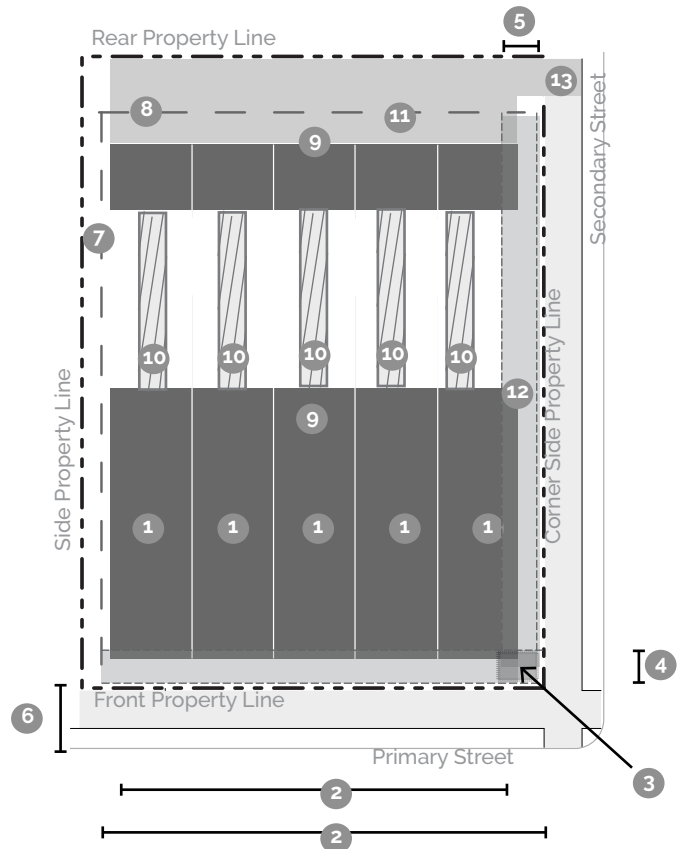


Figure 5.6-16 Building Siting

Notes:

¹ Stoops and unenclosed porches may be located in the build-to zone.

² If buildings are attached, side yard setbacks apply to the set or row of buildings, not each individual building.

³ Vehicle entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

(2) Height (Figure 5.6-17)

Minimum Height	1 story	14
Maximum Height	3 stories	15
All Floors	9'-14'	16

(3) Uses (Table 4.1-1)

All Floors	Residential/ Lodging	17
Occupied Space	Not Required, except for interior parking	18
Accessory Uses & Structures	See Table 4.5-1	

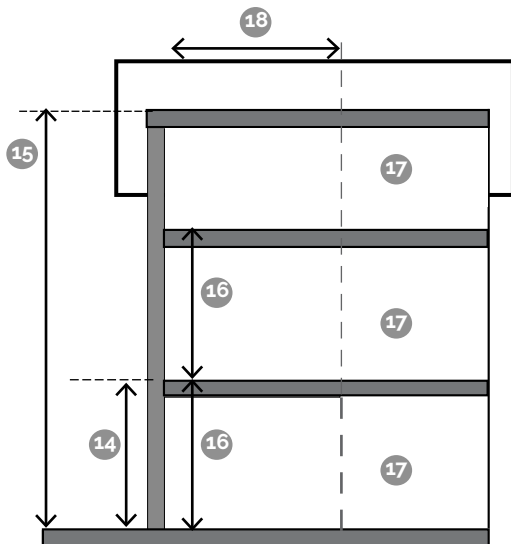


Figure 5.6-17 Height & Use

(4) Street Facing Facades (Figure 5.6-18)**(a) Transparency (minimum)**

Facade Transparency (min)	30%	19
Blank Wall Limitations	Yes	20

(b) Entrance

Location	Front Facade, Building Corner	21
Entrance Treatment (see 5.5.B)	Stoop, Porch	22
Entrances on Street Facing Facades	1 per building ⁴	23
Other Facade Entrances	Not Required	24

(c) Roof Type

Tower	Permitted
Spire	Not Permitted

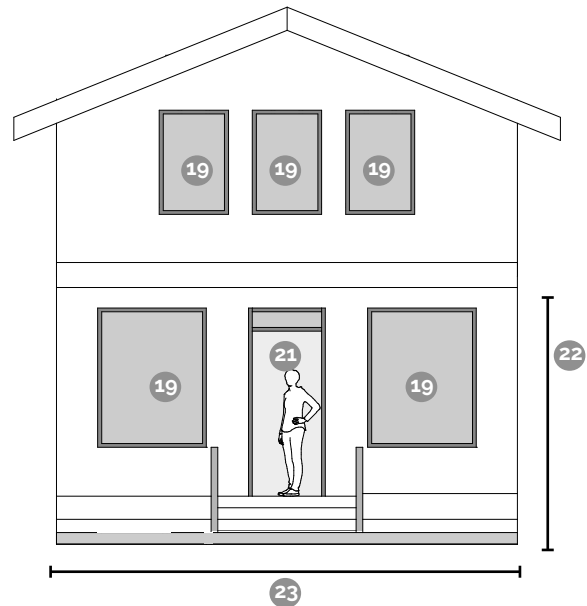


Figure 5.6-18 Street Facing Facades.

Notes:

⁴ When multiple detached or attached buildings exist on a lot, entrances on buildings behind the Front and Corner Side Facade shall be located off a shared open space or courtyard or pedestrian pathway.

H. Lot Type: Yard - Detached

(1) Building Siting (Figure 5.6-19)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage (min)	40%	2
Occupation of Corner	Not required	3
Front Build-to Zone	10'-25' ¹	4
Corner Build-to Zone	10'-20' ¹	5
ROW Encroachment	No	6

(b) Lot Area

Side Yard Setback	5'	7
Rear Yard Setback	10'	8

(c) Lot Coverage

Impervious Surface (max)	50% ²	9
Semi-Impervious Surface	15%	10

(d) Parking, Loading, & Access

Parking Location	Rear, Side Yards	11
Loading & Service Location	Not Permitted	
Vehicle Entrance Bay	Rear, Side, Corner Side Facades ³	12
Driveway Location	Alley; 1 on Corner Side or 1 on Front if an interior lot	13

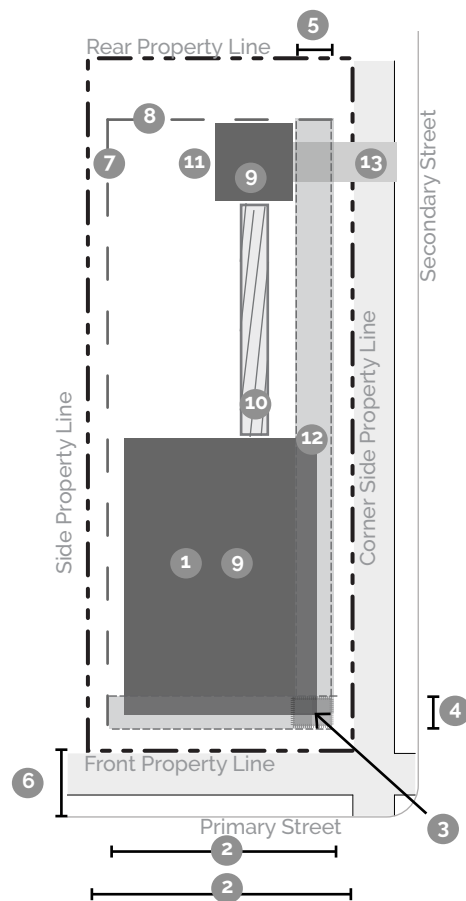


Figure 5.6-19 Building Siting Attached and Detached

Notes:

¹ Stoops and unenclosed porches may be located in the build-to zone.² 60% impervious surface permitted when two or more principal buildings are on a lot.³ Vehicle entrance bays are not permitted to front primary streets unless located outside of the build-to-zone.

(2) Height (Figure 5.6-20)

Minimum Height	1 story	14
Maximum Height	2.5 stories	15
All Floors	9'-14'	16

(3) Uses (Table 4.1-1)

All Floors	Residential/ Lodging	17
Occupied Space	Not Required, except for	18
	interior parking	
Accessory Uses & Structures	See Table 4.5-1	

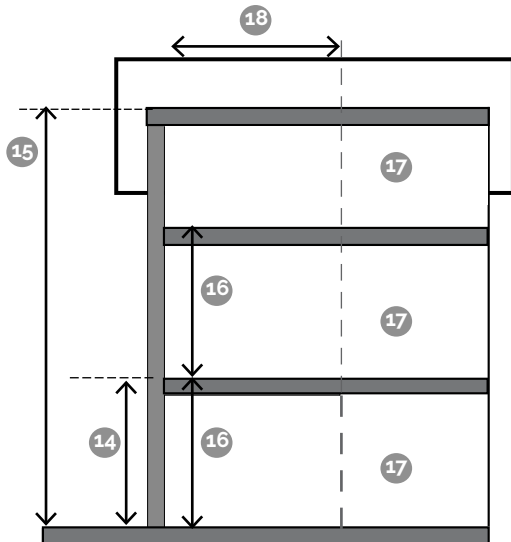


Figure 5.6-20 Height & Use

(4) Street Facing Facades (Figure 5.6-21)**(a) Transparency (minimum)**

Facade Transparency (min)	30%	19
Blank Wall Limitations	Yes	20

(b) Entrance

Location	Front Facade, Building Corner	21
Entrance Treatment (see 5.5.B)	Stoop, Porch	22
Entrances on Street Facing Facades	1 per building ⁴	23
Other Facade Entrances	Not Required	24

(c) Roof Type

Tower	Not Permitted
Spire	Not Permitted

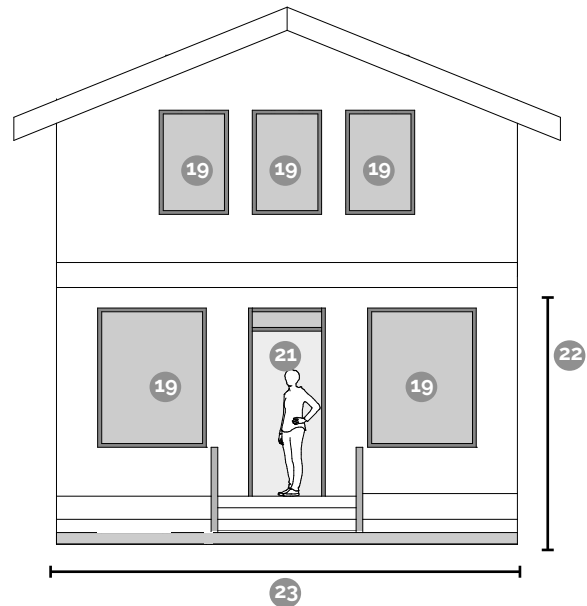


Figure 5.6-21 Street Facing Facades.

Notes:

⁴ When multiple detached or attached buildings exist on a lot, entrances on buildings behind the Front and Corner Side Facade shall be located off a shared open space or courtyard or pedestrian pathway.

I. Lot Type: Outdoor Market

(1) Building Siting (refer to Figure 5.6-22)

(a) Street Frontage

Multiple Principal Buildings	Yes	1
Front Lot Line Coverage	Not Required	
Occupation of Corner	Not Required	
Front Build-to Zone		
Corner Build-to Zone	Not Required ¹	2
ROW Encroachment	Yes	3

(b) Lot Area

Side Yard Setback	10'	4
Rear Yard Setback	15'	5

(c) Lot Coverage

Impervious Surface (max)	65% ²	6
Semi-Impervious Surface	15%	7

(d) Parking, Loading, & Access

Parking Location	Rear Yard	8
Loading & Service Location	Side or Rear Yard	9
Interior Parking Entrance Bay	Not Permitted	
Driveway Location	Alley; 1 on Corner Side Front if not an interior lot	10

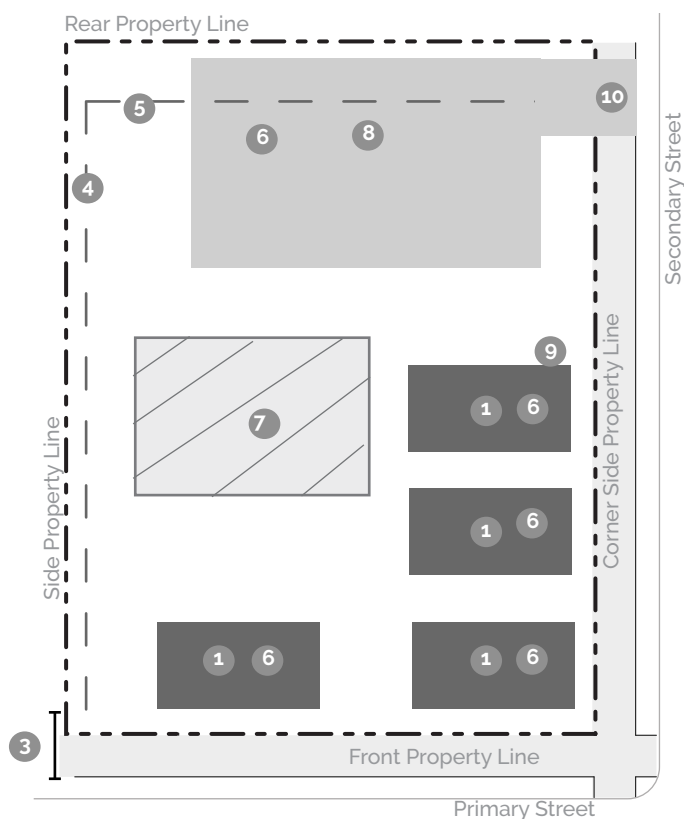
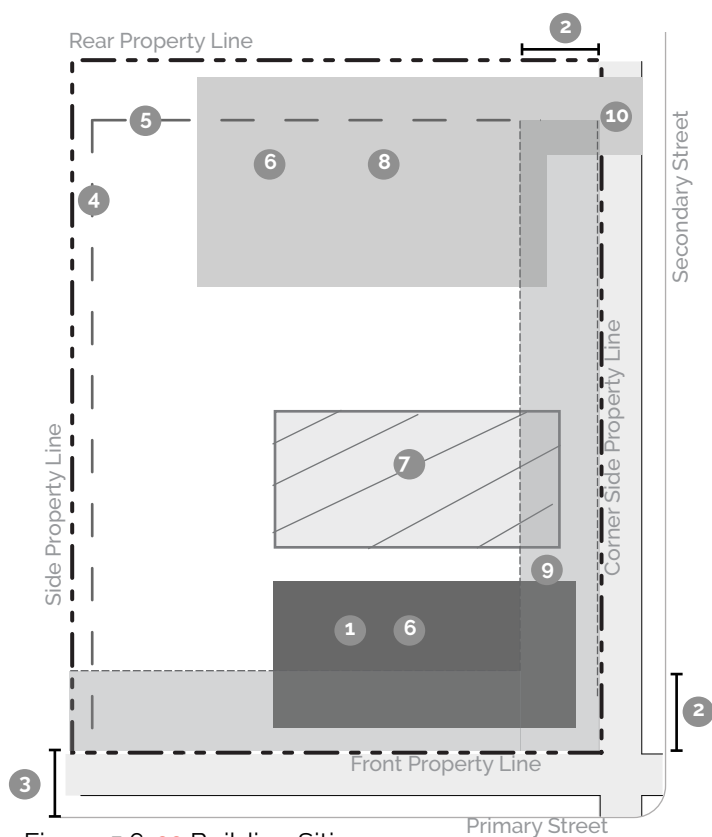


Figure 5.6-22 Building Siting.

(2) Height (Figure 5.6-23)

Minimum Height	1 Story	11
Maximum Height	1 Story	12
Ground Floor	Not Required	
Upper Floor(s)	Not Required	

(3) Uses (Table 4.1-1)

All Floors	Commercial, Park/Open Space	13
Occupied Space	Not Required	14
Accessory Uses & Structures	See Table 4.5-1	

(4) Street Facing Facades (Figure 5.6-23)**(a) Transparency (minimum)**

Ground Floor	Not Required ³	15
Upper Floor(s)	Not Required	
Blank Wall Limitations	Not Required	

(b) Entrance/Counter

Location	Not Required ³	16
Entrance Treatment (see 5.5.B)	Not Required ³	
Entrances on Street Facing Facades	Not Required ³	17
Other Facade Entrances	Not Required	

(c) Roof Type

Tower	Not Permitted	
Spire	Not Permitted	

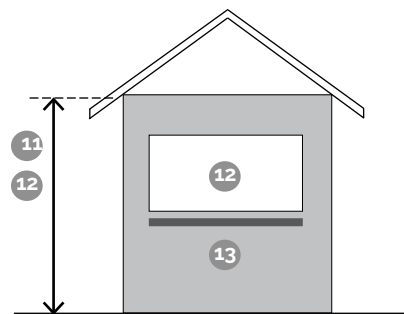


Figure 5.6-23 Street Facing Facades.

Notes:

1 Except: 0-10' BTZ is required for Outdoor Sales & Storage and Vehicle Service.

² A permanent building shall account for no more than twenty-five (25) percent of the impervious coverage allowance. This does not apply to such structures as kiosk, shipping container, greenhouse, or hoop house, which are considered not permanent for the purposes of impervious coverage.

³ When a building is located in the 0-10' Front or Corner Side Build-to Zones, it must have an entrance, windows, or service window/counter on the facade facing the adjacent street. Outdoor Sales & Storage & Vehicle Service uses must be in buildings with a stoop or storefront entrance treatment.

Article 6. Zoning Standards: Overlay District Standards

50-6.1 Overlay District Requirements.

A. Applicability. Overlay Districts are applied to parcels in addition to the base or underlying Zoning District as mapped in the Zoning Map. Unless otherwise provided, an overlay zoning district shall include and be applicable to whole parcels and any parcels subsequently joined or combined with a parcel subject to any overlay zone regulations.

B. Intent. Overlay Districts provide an additional set of requirements for the development and use of parcels with the Overlay

C. Conflict. If a conflict arises between the Overlay District regulations and those of the Base Zoning District, the Overlay District regulations control.

50-6.2 Natural Features Protection Overlay Standards

A. Intent. The NFP Overlay District is intended to protect Natural Features in the City of Kalamazoo, specifically Wetlands, Water Resources, Trees, Woodlands, Floodplains, Slopes, Natural Heritage Areas, and Habitat Corridors.

B. Applicability. The NFP Overlay District standards apply as follows.

- (1) The Natural Features Standards are divided by defined Natural Feature. When a parcel is developed, redeveloped, or the Natural Feature is impacted due to any site alterations, the standards for all applicable Natural Features are applied.
- (2) The Site Development Standards shall be applied to all parcels in the NFP Overlay District.
- (3) Overlay standards shall not eliminate the need to obtain a permit from the Michigan Department of Environmental Quality (MDEQ) or any other State, Federal, or regional permitting agency, if required.
- (4) Structures existing on the effective date of the ordinance creating the NFP Overlay District that do not meet the setbacks required in this Article are permitted and may be altered or expanded provided that they do not increase the amount of their non-conformance with the standards in this Article.

C. Natural Feature Standards: Wetlands. A Wetland is any area, regardless of parcel boundaries, that is characterized by the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life, or otherwise defined in Part 303 of the NREPA.

(1) Wetland Determination. If any area on a parcel appears to be supporting wetland vegetation or is identified on the National Wetlands Inventory (NWI) map, one of the following is required.

- (a) The area in question shall be treated as a Wetland and the standards of this Section apply.

(b) A Wetland Determination shall be completed by a qualified professional, such as a Professional Wetland Scientist to confirm whether the area in question is a Wetland.

(2) Altering a Wetland. Alteration to a Wetland is prohibited except as allowed by the NREPA. A copy of any required permits obtained from the State to alter a Wetland must be submitted to the City.

(3) Wetland Setbacks. Setback distance is measured from the outer edge of wetland vegetation. Refer to Figure 6.2-1 Measuring Wetland and Water Resource Setbacks and Figure 6.2-2 Setbacks Across Parcel Boundaries.

(a) The size of the Wetland setback is based on the size of the parent parcel following the distances in Table 6.2-1 Wetland and Water Resources Setbacks.

(b) Prohibited Activities. The following activities are prohibited in the setback.

- [1] Development activities, such as structures, impervious surfaces, parking, driveways, etc.
- [2] New Stormwater BMPs.

(c) Permitted Activities. The follow activities are permitted in the setback.

- [1] Water and sewer lines, utility lines, bridge abutments or approaches, or semi-pervious, non-motorized trailways, may be developed and maintained within a Wetland setback with approval from all applicable local, State, and/or Federal agencies.
- [2] Restoration activities, such as planting with native vegetation with approval from all applicable local, State, and/or Federal agencies.
- [3] Mitigation activities required under the NREPA.

(4) Protection During Construction. Appropriate erosion control measures must be used according to Chapter 30 of the Kalamazoo City Code.

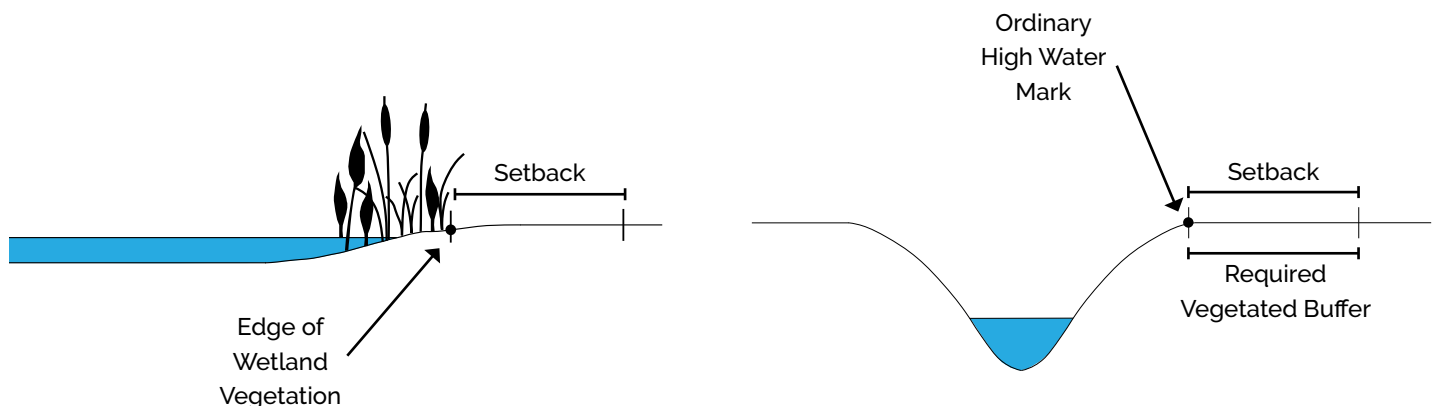


Figure 6.2-1 Measuring Wetland and Water Resource Setbacks

D. Natural Feature Standards: Water Resources. A Water Resource is any lake, pond, or impoundment; a river, stream, or creek which may or may not be serving as a drain; or any other body of water that has defined banks, a bed, and visible evidence of a continued flow or continued occurrence of water, or as otherwise defined in Part 301 of the NREPA.

(1) Altering a Water Resource. Alteration to a Water Resource is prohibited except as allowed by the NREPA. A copy of any required permits obtained from the State to alter a Water Resource must be submitted to the City.

(2) Water Resource Setbacks. Setback distance is measured from the Ordinary High Water Mark of all Water Resources, including when the Water Resource is located off the parcel but within the setback distance. Refer to Figure 6.2-1 Measuring Wetland and Water Resource Setbacks and Figure 6.2-2 Setbacks Across Parcel Boundaries.

(a) The size of the Water Resource setback is based on the size of the parent parcel following the distances in Table 6.2-1 Wetland and Water Resources Setbacks.

(b) Prohibited Activities. The following activities are prohibited in the setback.

- [1] Development activities, such as structures, impervious surfaces, parking, driveways, etc.
- [2] New Stormwater BMPs.

(c) Permitted Activities. The following activities are permitted in the setback.

- [1] Up to twenty (20) percent of the setback area may be developed with semi-pervious materials, such as paths or mowed Turf Grass.

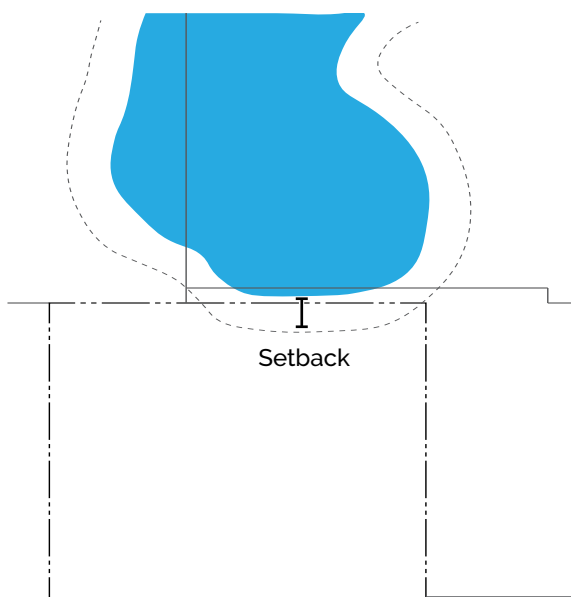


Table 6.2-1 Wetland and Water Resources Setbacks

Size of Parent Parcel	Minimum Required Setback
Greater than 1 acre	25 feet
1/2 acre - 1 acre	20 feet
Less than 1/2 acre	15 feet

Figure 6.2-2 Setbacks Across Parcel Boundaries

[2] Water and sewer lines, utility lines, bridge abutments or approaches, or semi-pervious, non-motorized trailways, may be developed and maintained within a Water Resource setback with approval from all applicable local, State, and/or Federal agencies.

[3] Disturbance to the bank or shoreline, as expressly allowed under State law, is permitted when a restoration plan is prepared by a qualified professional, such as a Michigan Certified Natural Shoreline Professional or Professional Engineer.

[4] Operation and maintenance of existing flood control facilities or Stormwater BMPs.

(3) Required Planting. The setback must contain Natural Vegetation, including a combination of trees, shrubs, grasses, and Forbs to form a Vegetated Buffer in a Riparian area. The Vegetated Buffer must meet one (1) of the following.

(a) Where the bank or shoreline contains Natural Vegetation.

[1] Existing vegetation must remain undisturbed during and after construction activities.

[2] Supplemental planting or seeding is allowed when Native Species are used. Mowed turf grass does not qualify as Natural Vegetation.

[3] Removal of invasive species and/or dead or diseased woody species are allowed, if they are replaced according to the parameters in 50-6.2D(3)(b)[3].

(b) Where the bank or shoreline is not covered in Natural Vegetation.

[1] A Vegetated Buffer must be planted and maintained in the setback.

[2] Soil preparation for planting is allowed with proper soil erosion controls.

[3] A diverse mix of appropriate native species is required, as follows.

[a] At least twelve (12) different species must be planted.

[b] At least two (2) species from each of the following plant types must be planted: shrubs, Graminoids, and Forbs. Refer to Table 6.2-2 Example Plants for Vegetated Buffers.

[c] Trees may be planted if appropriate to the site. Refer to Table 6.2-5 Replacement Tree List.

[4] Any combination of native seed mix, plant plugs, bare root trees or shrubs, and/or container plants, trees, or shrubs are permitted.

(c) Exceptions. The Vegetated Buffer is not required when a structure or parcel is being redeveloped unless the project increases the site's impervious coverage on the parcel by more than ten (10) percent or if the project is being conducted within twenty (20) feet of the Water Resource setback.

(4) Protection During Construction. Appropriate erosion control measures must be used according to Chapter 30 of the Kalamazoo City Code.

(5) Operation and Maintenance Agreement. The Vegetated Buffer must be included in the Stormwater Operation and Maintenance Agreement, if an Agreement is required for the project.

Table 6.2-2 Example Plants for Vegetated Buffers

Common Name	Scientific Name	Type
Silky Dogwood	<i>Cornus amomum</i>	Shrub
Red Osier, Red Twig Dogwood	<i>Cornus stolonifera, sericea</i>	Shrub
Common Elderberry	<i>Sambucus canadensis</i>	Shrub
Atlantic Ninebark	<i>Physocarpus opulifolius</i>	Shrub
Common Winterberry	<i>Ilex verticillata</i>	Shrub
Northern Spicebush	<i>Lindera benzoin</i>	Shrub
Highbush Blueberry	<i>Vaccinium corymbosum</i>	Shrub
Lake Sedge	<i>Carex lacustris</i>	Graminoid
Tussock Sedge	<i>Carex stricta</i>	Graminoid
Bottlebrush Sedge	<i>Carex hystericina</i>	Graminoid
Bebb's Sedge	<i>Carex bebbii</i>	Graminoid
Common Fox Sedge	<i>Carex vulpinoidea</i>	Graminoid
Prairie Cordgrass	<i>Spartina pectinata</i>	Graminoid
Dark-Green Bulrush	<i>Scirpus atrovirens</i>	Graminoid
Cottongrass Bulrush	<i>Scirpus cyperinus</i>	Graminoid
Bluejoint Grass	<i>Calamagrostis canadensis</i>	Graminoid
Common Rush	<i>Juncus effusus</i>	Graminoid
Spotted Joe-Pye-Weed	<i>Eutrochium maculatum</i>	Forb
White Turtlehead	<i>Chelone glabra</i>	Forb
New England American Aster	<i>Symphyotrichum novae-angliae</i>	Forb
Purple-Stem American Aster	<i>Symphyotrichum puniceum</i>	Forb
Flat-Topped White Aster	<i>Doellingeria umbellata</i>	Forb
Common Boneset	<i>Eupatorium perfoliatum</i>	Forb
Swamp Milkweed	<i>Asclepias incarnata</i>	Forb
Cutleaf Coneflower	<i>Rudbeckia laciniata</i>	Forb
Pin Oak	<i>Quercus palustris</i>	Tree
Swamp White Oak	<i>Quercus bicolor</i>	Tree
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	Tree
Tamarack, American Larch	<i>Larix laricina</i>	Tree

E. Natural Feature Standards: Floodplains. Reserved.

F. Natural Feature Standards: Trees. Trees that provide special value to the community or ecosystem are protected through the NFP Overlay District.

(1) Tree Criteria. When Trees meet any of the following criteria and are not counted as part of a Woodland, the standards of this Overlay apply.

(a) Trees on the Special Status Tree List in Table 6.2-4.

(b) Any Tree larger than twenty-four (24) inches DBH.

(2) Tree Protection. Trees and their CRZ shall be protected during site development and construction.

(a) Disturbance. No disturbance is allowed within a CRZ, except as follows.

[1] Fences are permitted when they meet all other applicable zoning standards.

[2] Management of other Trees or Woodlands with a plan by a qualified professional, such as an International Society of Arboriculture (ISA) Certified Arborist.

(b) Protection During Construction. The CRZ of Trees shall be protected following the standards of 50-6.2K(8) Protection During Construction.

(3) Tree Removal. Trees may be removed in the following circumstances.

(a) Tree is located such that it impedes access to the site or prevents utility connections.

(b) A qualified professional has determined the tree is diseased, dying, or has sustained substantial damage prior to site work.

(c) Location of the Tree presents a threat to the structural integrity of an existing structure or infrastructure.

(4) Replacement. Any Tree meeting the criteria which is removed from the parcel must be replaced as follows.

(a) Except as otherwise permitted by this subsection, the replacement ratio is 1:1, where for every inch of Tree removed in total from the parcel, an equivalent number of inches must be replaced by newly planted Trees as follows.

[1] Inches of Tree removed shall be measured at DBH.

[2] Replacement Trees shall be selected from the Replacement Tree List in Table 6.2-5. Site context should be taken into consideration when selecting a replacement Tree.

[3] Replacement Trees must be two (2) inch caliper or greater, unless otherwise stated in Table 6.2-5.

(b) A replacement ratio of 3:1 is applicable in the following circumstances (where for every three (3) inches of Tree DBH removed, one (1) inch of new replacement Tree DBH must be planted).

[1] Replacement Tree is four (4) inch caliper or greater.

[2] Replacement Tree has a special value in terms of long-term survival rate, habitat quality, or climate resiliency, as indicated by the ratios in Table 6.2-5 Replacement Tree List.

(c) Location. Replacement Trees shall be located as follows.

- [1] Replacement Trees shall be located on the site from which they are removed.
- [2] The NFP Review Board can approve alternative locations, if on-site replacement is not possible provided that the alternative is within the City of Kalamazoo.
- [3] Replacement Trees cannot be located within a parking lot.

G. Natural Feature Standards: Woodlands. Woodlands provide important ecosystem services and habitat corridors and are protected by the NFP Overlay District.

(1) Woodland Criteria. When trees located on a parcel meet the following criteria, the area shall be considered a Woodland and the standards of this Overlay apply.

- (a) Minimum Area. Trees cover a minimum area of 21,780 square feet or a half (1/2) acre, regardless of parcel boundaries. Refer to Figure 6.2-3 Defining and Delineating a Woodland.
- (b) Tree Count. The area contains the equivalent of at least forty (40) trees per acre of at least two (2) inches DBH and reach or at maturity will reach at least fifty (50) feet in height.
- (c) Natural Ground Cover. No more than twenty-five (25) percent of the ground area is mowed.

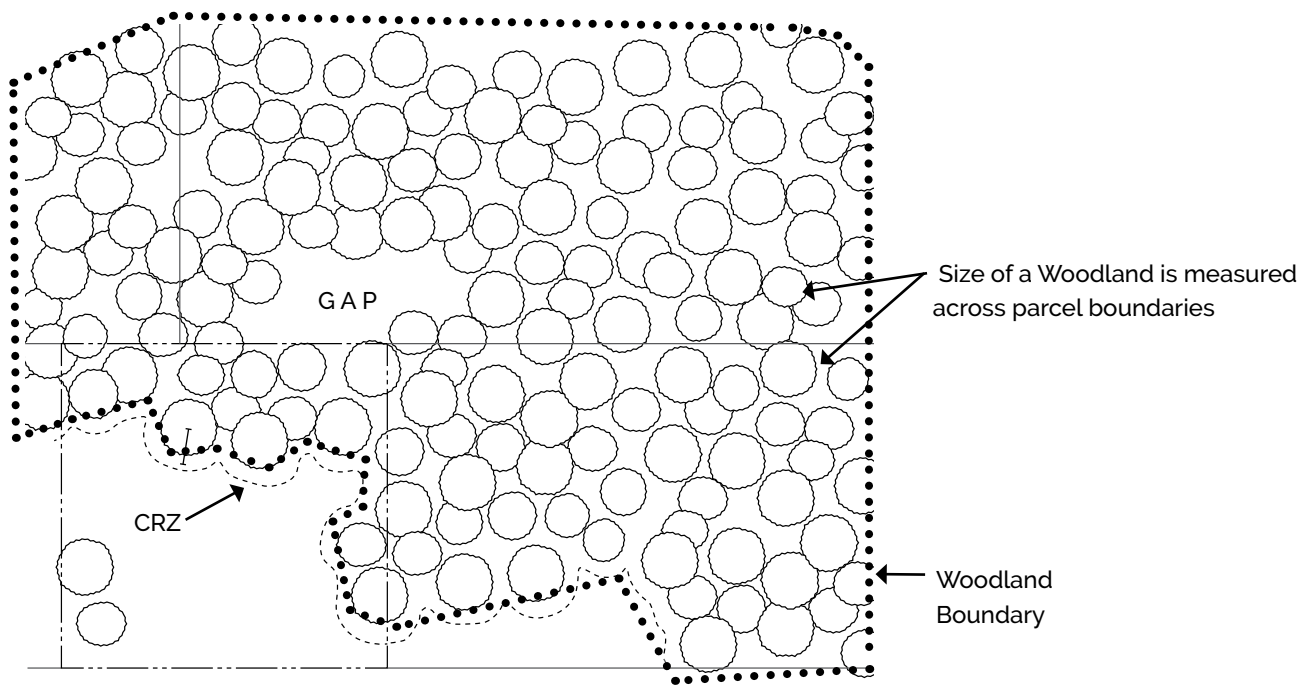


Figure 6.2-3 Defining and Delineating a Woodland

(d) Understory. The area contains a layering of shorter understory trees and/or shrubs and Forbs.

(2) Woodland Delineation and Assessment. Refer to Figure 6.2-3 Defining and Delineating a Woodland. Existing Woodland coverage on the parcel shall be delineated and assessed as follows.

(a) Gaps. Areas without trees or that have sparse trees are common within a Woodland and should be included in area and density measurements except when the gap is larger than 8,000 square feet.

(b) Woodland Assessment Tools. A Woodland must be assessed using a Basal Area, Woodland Ecosystem Assessment, or tree survey conducted by a qualified professional, such as an ISA Certified Arborist.

(3) Woodland Protection. For areas meeting the definition of a Woodland, a portion of the Woodland on the parcel must be preserved as follows.

(a) Woodland Preservation Minimums. Woodlands shall be preserved following the coverage requirements in Table 6.2-3 Woodland Preservation.

(b) Criteria for Woodland Preservation. In determining which areas of a Woodland are to be preserved, the following priorities shall be applied.

[1] Woodlands contiguous to Woodlands on adjacent parcels or areas serving as Habitat Corridors.

[2] Woodlands on or adjacent to another Natural Feature(s), floodplain, or a publicly accessible open space.

[3] Woodlands in the best condition as determined by a qualified professional, such as an ISA Certified Arborist, and based upon the Basal Area score or another Woodland Ecosystem Assessment.

[4] Woodlands with older growth, higher DBH trees, or trees noted in 6.2-4 Special Status Tree List and 6.2-5 Replacement Trees List.

(4) Prohibited Activities.

(a) Disturbance. No disturbance is allowed within a Woodland preserved area, the boundary of which is defined by the CRZ of trees along its edges, except for the following activities.

[1] Fences are permitted when they meet all other applicable zoning standards.

[2] Management of the Woodland vegetation with a plan by a qualified professional, such as an ISA Certified Arborist.

Table 6.2-3 Woodland Preservation

Woodland Coverage of Parent Parcel	Minimum Required Woodland Coverage to be Preserved
75% to 100%	25%
50% up to 75%	50%
25% up to 50%	75%
Less than 25%	90%

Table 6.2-4 Special Status Tree List

Common Name	Scientific Name	DBH (inches)*
Ash	<i>Fraxinus spp. (not cultivars)</i>	18"
Basswood, Linden	<i>Tilia americana</i>	18"
Beech	<i>Fagus spp.</i>	18"
Buckeye (Horsechestnut)	<i>Aesculus spp.</i>	18"
Cherry, Black	<i>Prunus serotina</i>	18"
Elm, American	<i>Ulmus americana</i>	18"
Elm, Slippery	<i>Ulmus rubra</i>	18"
Elm, Winged	<i>Ulmus alata</i>	18"
Fir	<i>Abies spp.</i>	18"
Fir, Douglas	<i>Pseudotsuga menziesii</i>	18"
Kentucky Coffeetree	<i>Gymnocladus dioicus</i>	18"
Maple, Red	<i>Acer rubrum</i>	18"
Maple, Silver	<i>Acer saccharinum</i>	18"
Maple, Sugar	<i>Acer saccharum</i>	18"
Pine, Red	<i>Pinus resinosa</i>	18"
Pine, White	<i>Pinus strobus</i>	18"
Spruce	<i>Picea spp.</i>	18"
Sycamore, American	<i>Plantanus occidentalis</i>	18"
Tuliptree	<i>Liriodendron tuliperifera</i>	18"
Walnut, Black	<i>Juglans nigra</i>	18"
Honey Locust	<i>Gleditsia triacanthos</i>	16"
Oak, Black	<i>Quercus velutina</i>	16"
Oak, Bur	<i>Quercus macrocarpa</i>	16"
Oak, Northern Red	<i>Quercus rubra</i>	16"
Oak, White	<i>Quercus alba</i>	16"
Arbor-vitae, Eastern White Cedar	<i>Thuja occidentalis</i>	12"
Birch	<i>Betula spp.</i>	12"
Birch, River	<i>Betula nigra</i>	12"
Cherry, Flowering	<i>Prunus spp.</i>	12"
Crabapple	<i>Malus spp.</i>	12"
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	12"
Eastern Hemlock	<i>Tsuga canadensis</i>	12"
Ginkgo	<i>Ginkgo biloba</i>	12"

Common Name	Scientific Name	DBH (inches)*
Hickory, Bitternut	<i>Carya cordiformis</i>	12"
Hickory, Pignut	<i>Carya glabra</i>	12"
Hickory, Shagbark	<i>Carya ovata</i>	12"
Hickory, Shellbark	<i>Carya laciniosa</i>	12"
Oak, Chinkapin	<i>Quercus muehlenbergii</i>	12"
Oak, Northern Pin	<i>Quercus ellipsoidalis</i>	12"
Oak, Swamp White	<i>Quercus bicolor</i>	12"
Pear	<i>Pyrus spp.</i>	12"
Persimmon	<i>Diospyros virginiana</i>	12"
Poplar	<i>Populus spp.</i>	12"
Sassafras	<i>Sassafras albidum</i>	12"
Sweet Gum	<i>Liquidambar styraciflua</i>	12"
Willow, Black	<i>Salix nigra</i>	12"
Yellowwood	<i>Cladrastis lutea</i>	12"
American Chestnut	<i>Castanea dentata</i>	8"
Black Tupelo, Black Gum	<i>Nyssa sylvatica</i>	8"
Butternut	<i>Juglans cinerea</i>	8"
Cedar, Eastern Red	<i>Juniperus virginiana</i>	8"
Hackberry	<i>Celtis occidentalis</i>	8"
Hawthorn	<i>Crataegus crus-galli and other spp.</i>	8"
Larch/Tamarack	<i>Larix laricina</i>	8"
Maple, Mountain/Striped	<i>Acer spicatum/pensylvanicum</i>	8"
American Hophornbeam	<i>Ostrya virginiana</i>	4"
American Hornbeam, Blue Beech	<i>Carpinus caroliniana</i>	4"
Dogwood, Flowering	<i>Cornus florida (native only)</i>	4"
Dwarf Hackberry	<i>Celtis tenuifolia</i>	4"
Eastern Redbud	<i>Cercis canadensis</i>	4"
Pawpaw	<i>Asimina triloba</i>	4"
Serviceberry	<i>Amelanchier spp.</i>	4"

*Tree species with DBH greater than or equal to the values in this column of the table require replacement with any species on the Replacement Tree List if removed for construction/development.

Gray Highlight = Tree species must be replaced with a different species from the Replacement Tree List.

Table 6.2-5 Replacement Tree List

Common Name	Scientific Name	Replacement Ratio	Condition Code
Basswood, Linden*	<i>Tilia americana</i>	1:1	Cs
American Chestnut	<i>Castanea dentata</i>	3:1, (hybrid)	Cr, F, Cul
American Hophornbeam*	<i>Ostrya virginiana</i>	1:1	P, Cr
American Hornbeam, Blue Beech*	<i>Carpinus caroliniana</i>	3:1	Cr, P
Arborvitae, Eastern White Cedar	<i>Thuja occidentalis</i>	1:1	Cv, Cs
Birch	<i>Betula spp.</i>	1:1	Cv
Birch, River	<i>Betula nigra</i>	1:1	P, Ri
Black Tupelo, Black Gum*	<i>Nyssa sylvatica</i>	3:1	Cr, Ri
Cedar, Eastern Red*	<i>Juniperus virginiana</i>	3:1	Cr, P
Cherry, Wild Black*	<i>Prunus serotina</i>	1:1	
Cherry, Flowering	<i>Prunus spp.</i>	1:1	
Crabapple	<i>Malus spp.</i>	1:1	P
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	1:1	
Dogwood, Flowering*	<i>Cornus florida (native only)</i>	2:1	Cr
Eastern Redbud	<i>Cercis canadensis</i>	3:1	Cr, P
Elm, American	<i>Ulmus americana</i>	3:1	Cul, Cs
Elm, Slippery	<i>Ulmus rubra</i>	1:1	
Hackberry*	<i>Celtis occidentalis</i>	3:1	Cr
Hawthorn*	<i>Crataegus crus-galli and other spp.</i>	3:1	Cr, P
Hickory, Bitternut*	<i>Carya cordiformis</i>	3:1	Cr, F, Ri, Cs
Hickory, Pignut*	<i>Carya glabra</i>	3:1	Cr, F, Cs
Hickory, Shagbark*	<i>Carya ovata</i>	3:1	Cr, F, Cs
Hickory, Shellbark*	<i>Carya laciniosa</i>	3:1	F, Ri, Sc
Honey Locust	<i>Gleditsia triacanthos</i>	3:1	Cr
Kentucky Coffeetree*	<i>Gymnocladus dioicus</i>	3:1	Cr
Larch/Tamarack*	<i>Larix laricina</i>	3:1	Ri, Cs
Maple, Red	<i>Acer rubrum</i>	1:1	Cv, Cs
Maple, Silver*	<i>Acer saccharinum</i>	3:1	Cr, Ri, Cs
Maple, Sugar	<i>Acer saccharum</i>	1:1	Cv, Cul
Oak, Black*	<i>Quercus velutina</i>	3:1	Cr, Cs
Oak, Bur*	<i>Quercus macrocarpa</i>	3:1	Cr, Cul, Cs
Oak, Chinquapin*	<i>Quercus muehlenbergii</i>	3:1	Cr, Cs
Oak, Pin*	<i>Quercus palustris</i>	3:1	Cr, Ri, Cs

Common Name	Scientific Name	Replacement Ratio	Condition Code
Oak, Northern Red*	<i>Quercus rubra</i>	3:1	Cr, Sc
Oak, Swamp White*	<i>Quercus bicolor</i>	3:1	Cr, Ri, Cs
Oak, White*	<i>Quercus alba</i>	3:1	Cr, Cul, Cs
Pawpaw	<i>Asimina triloba</i>	3:1	Cr, F
Persimmon	<i>Diospyros virginiana</i>	3:1	Cr, F
Pine, Red	<i>Pinus resinosa</i>	1:1	
Pine, White	<i>Pinus strobus</i>	1:1	
Populus	<i>Populus spp. (except deltoides, alba)</i>	1:1	Cv
Sassafras	<i>Sassafras albidum</i>	1:1	
Serviceberry*	<i>Amelanchier spp.</i>	1:1	P, F
Spruce	<i>Picea spp.</i>	1:1	
Sycamore, American*	<i>Plantanus occidentalis</i>	3:1	Cr
Tuliptree*	<i>Liriodendron tuliperifera</i>	1:1	Cr, Cs
Walnut, Black	<i>Juglans nigra</i>	3:1	F, Cs
Willow, Black	<i>Salix nigra</i>	1:1	Ri
Ash	<i>Fraxinus spp.</i>	PROHIBITED	
Beech	<i>Fagus spp.</i>	PROHIBITED	
Fir	<i>Abies spp.</i>	PROHIBITED	
Fir, Douglas	<i>Pseudotsuga menziesii</i>	PROHIBITED	
Ginkgo	<i>Ginkgo biloba</i>	PROHIBITED	
Pear	<i>Pyrus spp.</i>	PROHIBITED	
Maple, Mountain/Striped	<i>Acer spicatum/pensylvanicum</i>	PROHIBITED	
Yellowwood	<i>Cladrastis lutea</i>	PROHIBITED	

Condition Codes:

PROHIBITED = Species not to be used as replacement tree

*denotes species where 1" caliper tree may be substituted when Wild-Type is planted (full credit for 2" caliper applies)

Cr = Climate Resilient

Cs = Carbon sequestration

Cul = Culturally significant

F = Food source

P = Suitable for parking lots and roadways

Ri = Suitable for riparian/wet plantings

Cv = Climate vulnerable

(b) Stormwater. No new Stormwater BMPs within the CRZ.

(5) Permitted Activities. Operation and maintenance of public utilities is permitted within the CRZ. Directional boring shall be used whenever possible.

(6) Construction Protection. Woodlands trees and their CRZ shall be protected during site construction following the standards of 50-6.2K(8) Protection During Construction.

H. Natural Feature Standards: Slopes. Slopes associated with Water Resources and other Natural Features are protected by the NFP Overlay District.

(1) Slope Criteria. Slopes protected by the NFP Overlay District are those with a grade of twenty (20) percent or greater and meet at least one (1) of the following.

(a) Slope Face contains a Woodland, refer to 50-6.2G.

(b) Slope Face contains Natural Heritage Area, refer to 50-6.2I.

(c) Any portion of the Slope Face is within five-hundred (500) feet of a Wetland or Water Resource, refer to 50-6.2C and 50-6.2D.

(d) Any portion of the Slope Face extends onto adjacent parcels.

(2) Slope Determination. If any area on a parcel appears to meet the Slope Criteria, one (1) of the following is required.

(a) A Slope Analysis by a professional is not completed and the area is assumed to meet the slope criteria; the standards of this Overlay are applied.

(b) A Slope Analysis shall be completed by a licensed surveyor, licensed professional engineer, or a geologist certified by the American Institute of Professional Geoscientists (AIPG) following all acceptable practices to determine whether any part of the Slope Face meets the Slope Criteria.

(3) Slope Protection. Slopes shall be maintained and protected as follows.

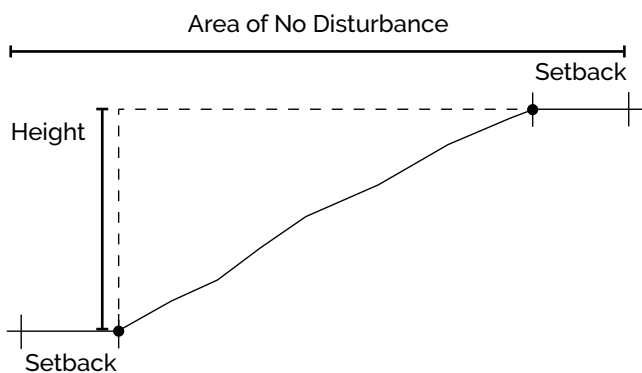


Figure 6.2-4 Protected Slope Setbacks

(a) Setbacks. A setback is required from the Top of Slope and the Toe of Slope equal to half (1/2) the height of the Slope, regardless of whether or not the entire Slope is contained within the parcel, or ten (10) feet, whichever is greater. Refer to Figure 6.2-4 Slope Setbacks.

(b) Permitted Activities in the Setbacks. Setback areas from the Top or Toe of Slope shall remain undisturbed except as follows.

- [1] Any work necessary to maintain the stability of the Slope.
- [2] Restoration and management of other Natural Features provided that they meet the requirements of this Overlay.
- [3] Fences are permitted when they meet all other applicable zoning standards.
- [4] Normal maintenance that does not disturb existing terrain.
- [5] Maintenance of existing impervious surfaces and structures.
- [6] In addition to the requirements in 50-6.2B(4), existing structures located in the setback may be expanded up to twenty-five (25) percent of the existing building footprint as follows.
 - [a] The expansion does not disturb the Slope Face.
 - [b] Ground disturbance is the minimum needed for the expansion.

(c) Permitted Activities in the Slope Face. The Slope Face shall remain undisturbed except as follows.

- [1] Any work necessary to maintain the stability of the Slope Face, including the Top and Toe of Slope.
- [2] Restoration and management of other Natural Features provided that they meet the requirements of this Overlay.
- [3] Normal maintenance that does not disturb existing terrain.
- [4] Maintenance of existing impervious surfaces and structures.
- [5] In addition to the requirements in 50-6.2B(4), existing structures where a portion of the structure is in the Slope Face may be expanded up to twenty-five (25) percent of the existing building footprint as follows.
 - [a] The expansion can only occur on Slopes with a grade of thirty (30) percent or less.
 - [b] Expansion in the Slope Face is limited to no more than fifteen (15) percent of the existing building footprint.
 - [c] Ground disturbance is the minimum needed for expansion.

(d) Prohibited Activities. The following activities are prohibited.

- [1] Surface water shall not be directed toward any Slope regulated by this Overlay.
- [2] Stormwater BMPs are not permitted within the Slope Face or the setbacks, including storm sewer outlets.
- [3] No new underground utilities may be placed within the Slope Face or setbacks.

(e) Construction Protection. The Slope Face and setbacks shall be protected during site development and construction following the standards of 50-6.2K(8) Protection During Construction.

I. Natural Feature Standards: Natural Heritage Areas. Rare species and remnants of historically and culturally significant ecosystems are protected by the NFP Overlay District.

(1) Natural Heritage Area Criteria. A Natural Heritage Area is defined by the presence of either of the following.

(a) Any species considered to be rare, threatened, or endangered by the State of Michigan, Federal government, or listed on the Michigan Natural Features Inventory (MNFI) Database.

(b) Any remnant of a Natural Community listed on the MNFI Michigan's Natural Communities List.

(2) Determination of Natural Heritage Area. The MNFI Natural Heritage Database shall be used to determine if any rare species have been located within a two (2) mile radius of the parcel.

(3) On-Site Survey. When a database search indicates a rare species has been identified within two (2) miles of the parcel, an on-site survey shall be conducted. The survey must be conducted by a consultant with a Michigan Endangered Species Permit or another qualified professional approved by the City Planner.

(4) Natural Heritage Area Protection. If the on-site survey confirms that a Natural Heritage Area exists on the parcel, all State and Federal protections and/or mitigation activities must be followed. A copy of any required permit obtained from a State or Federal agency must be submitted to the City.

J. Natural Feature Standards: Habitat Corridors. Reserved.

K. Site Development Standards. The following standards apply to all properties within the NFP Overlay District.

(1) Building Setbacks. When a conflict exists between meeting the 50-6.2C-J NFP Standards and the required placement of structures, the setbacks or built-to zones or lines may be adjusted to eliminate or reduce the conflict provided that the adjustment is the minimum required to meet the NFP standards.

(2) Use. In addition to the uses permitted in the Base Zoning District, the following apply.

(a) Appendix A 3.5 Wellhead Protection Overlay 10-year use restrictions.

(b) Outdoor storage of loose materials is prohibited within five hundred (500) feet of a Water Resource or Wetland.

(c) Appendix A 3.5 Wellhead Protection Overlay 1-year use restrictions apply within five hundred (500) feet of a Water Resource or Wetland.

(3) Lot Coverage. Areas designated to meet the pervious surface requirement of a the Base Zoning District shall meet the following requirements.

(a) Natural Features. Areas left undisturbed per the standards in 50-6.2C-J can be applied to a parcel's pervious lot coverage requirement, except that Stormwater BMPs shall count at a ratio of two (2) square feet of BMP to one (1) square foot of pervious coverage ratio or at a rate of fifty (50) percent.

(b) Undisturbed Areas. All areas designated to meet a parcel's overall pervious lot coverage requirement must remain undisturbed except in the following circumstances.

[1] Restoration or maintenance of the pervious area when guided by a plan developed by a qualified professional.

[2] Planting or restoration of plants or trees per 50-6.2 Natural Features Standards.

[3] Installation of stormwater BMPs from the Michigan Low Impact Development (LID) Manual BMP Matrix Table in the Runoff Volumes and Infiltration categories.

(c) Location. Areas designated to meet a parcel's overall pervious lot coverage requirement shall be located as follows.

[1] Contiguous. Pervious areas shall be located in one (1) contiguous area or clustered into areas that each equal at least twenty (20) percent of the total pervious area.

[2] Adjacent to Natural Features. Pervious areas shall be located adjacent to defined Natural Features.

(d) Construction. Pervious areas shall be protected during construction and site development through barrier fencing as described in 50-6.2K(8).

(e) Semi-Pervious Allowance. A semi-pervious allowance of up to fifteen (15) percent may be utilized to meet the lot coverage requirement.

(4) Landscape and Screening. Additional landscape and screening activities apply within the NFP Overlay District.

(a) Relief. A reduction in a parcel's required building perimeter, parking lot, loading zone, perimeter screening, or interior landscaping requirements (refer to Appendix A. 6.2 Landscaping and Open Space) may be permitted to eliminate conflicts with meeting the requirements of 50.6-2 Natural Features Standards.

[1] Relief shall be the minimum required to meet the NFP standards.

[2] Landscaping serving as a buffer between residential and non-residential uses and between a vehicular parking lot and a street shall not be reduced.

(b) Plant Selection. Native species must be used for all site landscaping, which includes the use of both Wild-type and Nativar plants. Plants in Table 6.2-6 Prohibited Planting List shall not be planted on any portion of a parcel.

(c) Existing Vegetation. When a parcel's existing vegetation is being preserved and utilized to meet landscaping requirements in Appendix A 6.2 Landscaping and Open Space the following applies.

[1] Existing nonnative plants must be contained within the planting areas.

[2] Existing invasive plants must be removed. Refer to *Meeting the Challenge of Invasive Plants* by MNFI or Table 6.2-6 Prohibited Planting List.

(5) Lighted Signs. Internally illuminated, automatic changeable copy, and blinking and/or flashing lighted signs are not permitted within three hundred (300) feet of a Preserve.

(6) Stormwater Management Criteria. Refer to the City of Kalamazoo Performance Standards for Groundwater Protection within Wellhead Protection Capture Zones for additional information and definitions.

Table 6.2-6 Prohibited Planting List

Common Name	Scientific Name
Trees	
Norway Maple	<i>Acer platanoides</i>
Tree-of-Heaven	<i>Ailanthus altissima</i>
Silktree	<i>Albizia julibrissin</i>
Russian Olive	<i>Elaeagnus angustifolia</i>
Black Locust	<i>Robinia pseudoacacia</i>
Siberian Elm	<i>Ulmus pumila</i>
Callery Pear	<i>Pyrus calleryana</i>
Shrubs	
Japanese Barberry	<i>Berberis thunbergii</i>
Common Barberry	<i>Berberis vulgaris</i>
Autumn Olive	<i>Elaeagnus umbellata</i>
Glossy Buckthorn	<i>Frangula alnus</i>
Common or European Privet	<i>Ligustrum vulgare</i>
Showy Fly Honeysuckle (or hybrid)	<i>Lonicera x.bella</i>
Amur Honeysuckle	<i>Lonicera maackii</i>
Morrow Honeysuckle	<i>Lonicera morrowii</i>
Tatarian Honeysuckle	<i>Lonicera tatarica</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Multiflora Rose	<i>Rosa multiflora</i>
Japanese Meadowsweet	<i>Spiraea japonica</i>
European Cranberrybush	<i>Viburnum opulus</i>
Vines	
Asian Bittersweet	<i>Celastrus orbiculatus</i>
Black Swallow-wort	<i>Cynanchum louiseae</i>
European Swallow-wort	<i>Cynanchum rossicum</i>
English Ivy	<i>Hedera helix</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Grasses	
Reed Canary Grass	<i>Phalaris arundinacea</i>
Common Reed	<i>Phragmites australis</i>

Common Name	Scientific Name
Herbs	
Garlic Mustard	<i>Alliaria petiolata</i>
Spotted Knotweed	<i>Centaurea biebersteinii</i> or <i>C. maculata</i>
Canada Thistle	<i>Cirsium arvense</i>
Bull Thistle	<i>Cirsium vulgare</i>
Leafy Spurge	<i>Euphorbia esula</i>
Dame's Rocket	<i>Hesperis matronalis</i>
Creeping Jenny or Moneywort	<i>Lysimachia nummularia</i>
Purple Loosestrife	<i>Lythrum salicaria</i>
Japanese Knotweed	<i>Polygonum cuspidatum</i>
Giant Knotweed	<i>Polygonum sachalinense</i>
Crown Vetch	<i>Securigera varia</i>

(a) Channel Protection Performance Standard. Parcels half (1/2) acre or greater shall maintain the post-development project site runoff volume and peak flow rate at or below pre-development levels for all storms up to the ten (10) year, twenty-four (24) hour event.

(b) Water Quality Treatment Runoff Volume Standard. The first one (1) inch of runoff generated from the entire parcel must be treated using one of the following.

[1] Multiple Methods. Two or more BMPs shall be utilized with at least twenty-five (25) percent of the required runoff volume treated by BMPs from the Low Impact Development Manual for Michigan, Table 7.1 BMP Matrix Table from "Runoff Volume/Infiltration" and "Runoff Volume/Non-infiltration" categories.

[2] Underground Methods. All required runoff shall be treated by underground detention or infiltration BMPs.

[3] Non-Infiltration Methods. Sites requiring non-infiltration BMPs, such as those with contamination or within A3.5 Wellhead Protection Overlay, use BMPs from Low Impact Development Manual for Michigan, Table 7.1 BMP Matrix Table, "Runoff Quality/Non-infiltration" category.

(c) Maintenance Agreement. A Stormwater Operation and Maintenance Agreement is required by and between the City of Kalamazoo and the owner of the property when Stormwater BMPs are used.

(d) Exceptions. Development or redevelopment of a single family home or duplex is exempt from these Stormwater standards.

(7) Fill Materials. Use of fill material containing regulated substances above any State and/or Federal cleanup criteria for soils is prohibited. Fill material shall be sourced as follows.

(a) Fill material shall not be sourced from industrial or commercial sites where hazardous materials were used, handled, or stored or from unpaved parking areas.

(b) Fill material shall not be sourced from sites that contain species that are legally designated by the State of Michigan as prohibited or restricted.

(8) Protection During Construction. A temporary construction fence is required to protect Natural Features and not-to-be disturbed areas, such as those designated to meet pervious lot coverage requirements, during the duration of any site work or construction,

(a) Fence Construction. Construction fences shall be erected as follows.

[1] Fencing must be built using posts six (6) feet in height, spaced no more than eight (8) feet apart on center and buried at least two (2) feet below grade.

[2] Fence must have two (2) cross beams placed approximately at two (2) and six (6) feet above grade.

[3] Plastic mesh barrier fence shall be affixed to the front of the posts.

(b) Fence Placement. Refer to Figure 6.2-5 Placement of Construction Fencing. Fencing shall be located no closer than the required setback or edge of a not-to-be disturbed area.

[1] Where a tree is located in the setback or not-to-be disturbed area, the fencing shall be placed to protect the

CRZ. Refer to Figure 6.2-5 Placement of Construction Fencing.

[2] Trees and Woodlands protected through 50-6.2F and 50-6.2G shall have construction fencing placed outside of the CRZ.

(c) Prohibited Activities. The following activities are prohibited within the construction fencing.

[1] Spreading of soil spoils.

[2] Heavy equipment and vehicle traffic.

[3] Storage of construction materials and debris.

[4] Site grading changes that increase or decrease the moisture conditions within a CRZ on a temporary or permanent basis.

L. NFP Review Bodies and Processes. Projects located in the NFP Overlay District require special review.

(1) Project Review. Review of projects in the NFP Overlay District shall occur as follows.

(a) Where Site Plan is not required. Administrative review of the site development or construction permit request shall be completed by the City Planner or designee.

(b) Where Site Plan is required. The NFP Review Board shall review the NFP Plan in conjunction with the Site Plan Review process. NFP Review Board approval is required for a project to achieve Site Plan approval.

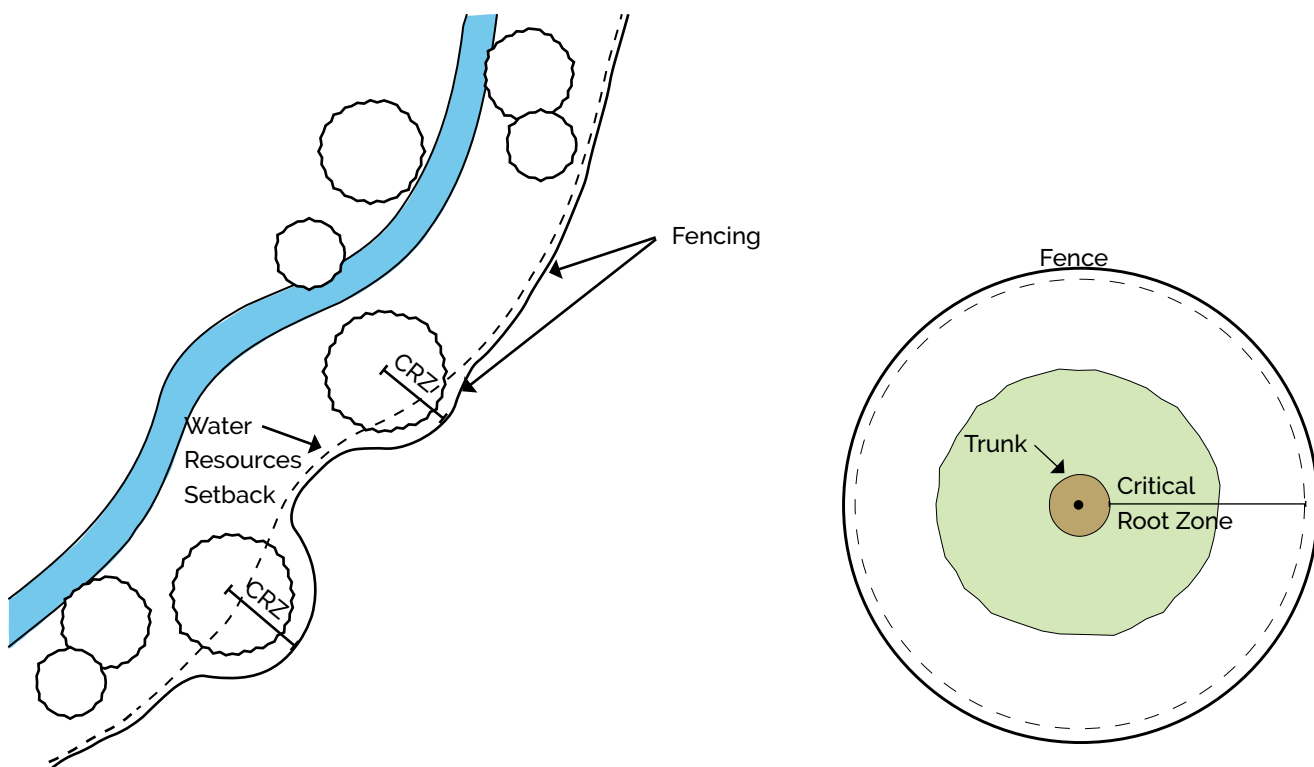


Figure 6.2-5 Placement of Construction Fencing

(c) Where Site Plan is required and a zoning review from the Planning Commission is requested and/or Zoning Board of Appeals is requested or the site is located within one hundred (100) feet of a Wetland or Water Resource or adjacent to land publicly used for open space or recreation, the following shall occur prior to review by the NFP Review Board.

- [1] Owner or developer shall send notice by first class postage paid of a project in the NFP Overlay District to all property owners and occupants within three hundred (300) feet of the parcel and the neighborhood association or contact.
- [2] Notice shall at a minimum include information on the proposed project, a location (physical or digital) where plans can be reviewed, instructions on how to provide comments, and a timeline for project review and construction.
- [3] Notice shall be postmarked a minimum of fourteen (14) days before application is made for review by the NFP Review Board.

(2) NFP Review Board. A board will be formed to review projects in the NFP Overlay District.

(a) Intent. The NFP Review Board will review projects to ensure the standards of the NFP Overlay District are met and assist the City with regular review of the NFP standards, map, outreach, and City-wide education.

(b) NFP Review Board Members.

- [1] Board will be comprised of seven (7) members.
- [2] Members will be those who live or work in the greater Kalamazoo community.
- [3] At a minimum, the Board must have at least one (1) member with education or experience in each of the following features in this Chapter: 1) water resources/wetlands, 2) plants/trees, 3) slopes, and 4) site development/building construction.
- [4] Board members are to be appointed by the Mayor and approved by the City Commission.
- [5] A City staff will be appointed by the City Planner to be the Board's liaison.

(c) The NFP Review Board is subject to the Open Meetings Act, MCL 15.261 et seq. and shall establish its own by-laws and meeting procedures.

(3) Relief from NFP Overlay District Standards. Relief from the NFP Overlay District Standards may be sought from the Zoning Board of Appeals.

(a) Criteria. 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.
- [2] The extent of relief requested is the minimum needed to permit reasonable utilization of the site.
- [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.

[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 use of Wild-type native plants or desired trees as detailed in Table 6.2-5 Replacement Trees.

(b) Process. The following process shall be followed when relief is sought from 50.6-2 NFP Overlay District.

[1] NFP Review Board shall review the request using the NFP Site Plan documentation and make a recommendation on the requested relief to the Zoning Board of Appeals.

[2] Application for relief from the Zoning Board of Appeals must include the NFP Review Board's recommendation.

M. Bonding of Projects.

(1) Intent. To ensure the protection of Natural Features, a financial assurance will be required when seeking site development permits for a lot or structure from the City of Kalamazoo.

(2) Applicability. The following financial assurances shall be required for NFP projects that require Site Plan approval.

(a) A bond is required for projects in the NFP Overlay District valued at \$100,000 or more.

(b) A lien shall be applied to parcels for projects in the NFP Overlay District valued under \$100,000.

(3) Financial Assurance Amount. The amount of the assurance shall be in an amount satisfactory to the City to restore and/or stabilize a Natural Features that has been disturbed, not properly managed during site work or construction, or has been abandoned for more than six (6) months.

(4) Release of Financial Assurance. The assurance shall be released when a Certificate of Occupancy is granted. Except when a project includes a vegetated buffer or required tree planting where the assurance may be reduced by sixty (60) percent at the time of the Certificate of Occupancy is granted with the remaining percentage released no sooner than three (3) years after the granting of the Certificate of Occupancy.

N. Penalty. A violation of the provisions of this Chapter is a municipal civil infraction punishable as follows.

(1) Any person, firm, or corporation violating any provision of this Chapter is responsible for a municipal civil infraction and shall be fined up to \$2,500 for each violation. A civil infraction citation for a violation of this Chapter may be issued by the Building Official, or by such person as the City Commission or City Manager may designate.

(2) Each day a violation exists or continues shall be deemed as a separate offense.

(3) Any person, firm, or corporation found responsible for a subsequent violation of this Chapter within two years of having been found or admitted responsible for a violation of this Chapter shall be responsible for a civil fine of up to \$5,000.

(4) Imposition of court-imposed costs.

(5) Issuance of an order by the court to replace, mitigate, or restore a Natural Feature damaged or destroyed by a violation.

Article 7. Parking & Loading Regulations

50-7.1 General Requirements.

A. Applicability. Unless otherwise stated, parking and loading shall be provided as is outlined in this Chapter.

B. General Provisions.

(1) Accessible Parking. Parking facilities accessible for persons with disabilities shall be in compliance with or better than the standards detailed in the state and federal building or accessibility requirements, including quantity, size, location, and accessibility.

(2) Requirements for Unlisted Uses. Parking spaces will be provided as detailed in Table 7.2-1. If a use is not listed, the City Planner is authorized to apply standards for a use deemed as similar. In the instance where an equivalent may not be clearly determined, the City Planner may require a parking study, transportation management plan, or other evidence that will help determine the appropriate requirements.

C. Exempt Areas.

(1) Downtown. Lots located in the Downtown Exempt Parking Area (refer to Figure 7.1-1) are exempt from the requirement to provide off-street parking spaces. Spaces that are provided must adhere to all applicable requirements including design, layout, and landscaping.

(2) Nodes. Lots in the Node Districts are subject to a twenty-five (25) percent reduction of the required off-street parking. Spaces that are provided must adhere to all applicable requirements, including design, layout and landscaping.

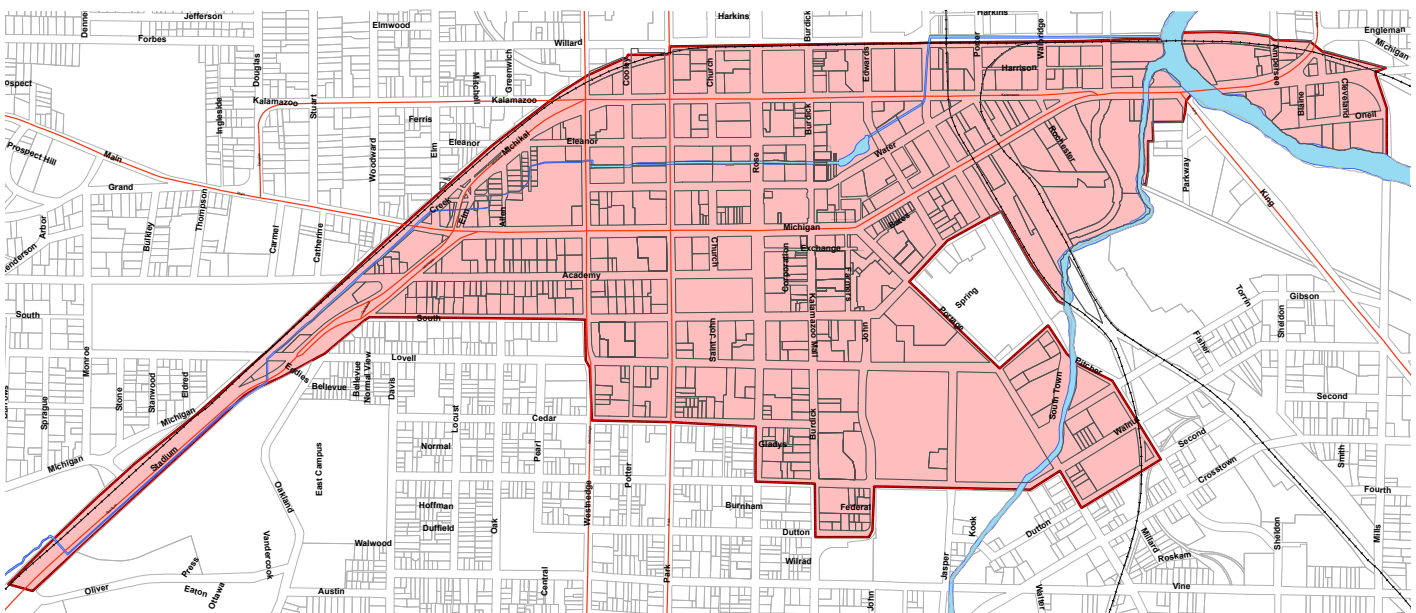


Figure 7.1-1 Downtown Exempt Parking Map

(3) Small Commercial Establishments. A commercial establishment, including the non-manufacturing element of craftsman industrial, containing up to 2,000 square feet of floor area, located in a building constructed on or before October 18, 2005, and not located in the Community Commercial zoning district, shall be exempt from all requirements to provide off-street parking spaces.

50-7.2 Required Vehicular Off-Street Parking Spaces.

A. Required Parking Table. Table 7.2-1 outlines the required off-street parking spaces. Total required vehicular parking spaces should be determined using the following parameters in addition to Table 7.2-1.

(1) Fractions. In determining the number of spaces required, any fraction of spaces required under $\frac{1}{2}$ shall be disregarded; a fraction **equal to or** greater than $\frac{1}{2}$ shall be rounded up to count as one (1) space.

(2) Maximum Parking Spaces Provided. Off-street parking may not be provided in an amount greater than 110% of the minimum parking requirement.

(3) On-Street Parking Credit.

(a) Up to twenty (20) percent of the parking requirement for commercial and industrial-craftsman uses can be met with on-street parking located within 660' of the site.

(b) Up to twenty (20) percent of the parking requirement for residential uses can be met with on-street parking located within 660' of the site where overnight parking is permitted.

(4) Shared Parking. Credit for shared off-street parking is calculated as follows.

(a) Off-Site Location. Spaces in **off-site** parking facilities within 660' can be applied to the parking requirements for a lot.

(b) Multiple Uses Credit. When multiple uses share parking facilities, the quantity of spaces provided should be calculated as follows.

[1] Shared Peak Demand Times. Businesses with the same peak parking demand times that share parking facilities **shall** reduce the quantity provided by five (5) percent.

[2] Different Peak Demand Times. Business with different peak parking demand times, can reduce their required parking spaces using Table 7.2-2 Parking Times Per Use Category.

[a] Determine the required number of spaces per use, following Table 7.2-1 Required Parking Table.

[b] Applying the percentages in Table 7.2.2, determine the number of spaces needed per use in each of the six (6) time periods.

[c] For each time period, add the number of spaces needed for all applicable use categories to obtain a total for each of the six (6) time periods.

[d] The time period with the highest total of parking spaces, is the number of spaces required for the site.

Table 7.2-1 Required Parking Table

Use	Required Spaces
Residential/Lodging	
Hotel/Motel	.75 spaces/1 guest room plus 1 space/employee on largest shift; CC District: 1 space/1 guest room plus 1 space/employee on largest shift
Bed & Breakfast	1 space/guest room, 1 space for innkeeper/home occupant
Dormitory	1 space/3 beds or per City Approved Campus Master Plan
Nursing Home/Assisted Living/ Rehabilitation Center/Adult Foster Care	1 space/employee on largest shift, 1 space/facility vehicle, 1 space/5 beds
Residential	1 space/dwelling unit ¹
Residential: Senior Housing	.5 space/dwelling unit
Residential: Off-Campus Student Housing/RM-15C	2 spaces/dwelling unit
Rooming House	1 space/unit or bedroom
Transitional Residence	1 space/2 employees on largest shift
Civic/Institutional Uses	
Assembly/Theatre	1 space/3 persons permitted at maximum occupancy
Assembly, Religious	1 space/6 seats in worship area or 1 space/40 square feet without seats
College and University	Based on similar use or per City Approved Campus Master Plan
Hospital	1 space/3 beds or per City Approved Campus Master Plan
Library & Museum	1 space/3 persons permitted at maximum occupancy
Police & Fire Station/Utilities & Public Services	1 space/employee on largest shift
School	2 spaces/3 employees as largest shift, plus 1 space/10 students enrolled in grades 10-12

¹ For detached and attached dwelling units, up to 2 spaces per unit are permitted.

Use	Required Spaces
Commercial	
Agriculture	1 space/employee on largest shift
Day Care	1 space/employee on largest shift, in addition commercial facilities: 1 space/5 children permitted at maximum occupancy
Eating & Drinking Establishments	1 space/5 persons at maximum occupancy, 1 space/2 employees at largest shift
Entertainment Sports (Participant)	1 space/5 persons at maximum occupancy, 1 space/2 employees at largest shift
Entertainment Sports (Spectator)	1 space/6 fixed seats or 1 space/40 square feet without seats
Retail/Services	1 space/330 square feet
Kennels	1 space/employee on largest shift, 1 space/3 animals permitted at maximum occupancy
Office	1 space/300 square feet
Outdoor Sales & Storage	1 space/employee at largest shift, 1 space/2,500 square feet outdoor sales area
Vehicle Service	1 space/200 square feet floor area; in addition vehicle repair 2 spaces/repair bay or area
Vehicle Service: Car Wash	1 space/employee on largest shift
Industrial	
Craftsman Industrial	1 space/employees on largest production shift, 1 space/500 square feet retail
Industrial	1 space/2 employees on largest shift

Table 7.2-2 Parking Times Per Use Category

Uses Category	Weekdays			Weekends		
	Midnight - 7 AM	7 AM - 6 PM	6 PM - Midnight	Midnight - 7 AM	7 AM - 6 PM	6 PM - Midnight
Residential	100%	50%	80%	100%	80%	80%
Hotel/Motel/Bed & Breakfast	100%	65%	100%	100%	65%	100%
Assembly- Religious	0%	30%	50%	0%	100%	75%
Retail & Services	5%	100%	80%	5%	100%	60%
Eating & Driving Establishments	50%	70%	100%	70%	60%	100%
Entertainment (Spectator, Participant) & Assembly	5%	30%	100%	5%	80%	100%
Office	5%	100%	5%	5%	5%	5%

(5) Bicycle Facilities. For every ten (10) required bicycle parking spaces, the required number of vehicular spaces may be reduced by one (1). Refer to 50-7.3 Required Bicycle Parking.

(6) Administrative Reduction. City Planner may reduce the number of required parking spaces by up to ten (10) percent if the applicant can document that the required number of parking spaces will not be fully utilized.

B. Vehicular Parking Design and Location. Vehicular parking facilities shall be provided using the following standards.

(1) Design. Vehicular parking shall be designed as follows.

(a) Space Dimension. Parking space design shall follow the dimensions in Table 7.2-3 Parking Space and Aisle Dimensions and Figure 7.2-1 Parking Space and Drive Aisle Dimensions

(b) Wheel Stops. Wheel stops or bumper guards are required for spaces adjacent to property lines, landscape buffers, and pedestrian pathways, internal to site or in public right-of-way.

(c) Tandem Spaces. Tandem spaces are permitted as follows.

[1] Two (2) spaces may be placed in tandem provided one (1) space is accessible by an aisle, driveway, or alley.

[2] Tandem spaces are permitted for use by residential units only and must be utilized by the occupants of the same dwelling unit.

(d) Slope. All parking areas, driveways, and sidewalk access to parking areas shall meet the requirements of the American Disabilities Act.

(e) Materials. Parking areas may be designed with impervious or semi-pervious materials, such as concrete, asphalt, macadam, brick, and stone.

[1] Gravel and crushed stone are permitted for parking lots for residential parking areas up to ten (10) spaces and for all parks and open space uses. Additional application of these types of material may be permitted with approval of the City Planner.

(f) Landscape Areas.

[1] Areas not used for sidewalks, parking spaces, drive aisles, loading, or refuse shall be constructed and maintained as landscaped areas.

[2] The perimeter of a parking lot shall be treated with fencing and/or landscaping along all property lines following Appendix A 6.2 Landscaping and Open Spaces

(g) Lighting. Parking areas with fifty (50) or more spaces must be lit per Appendix A 6.4 Lighting.

(h) Pedestrian Access. Parking lots with more than two (2) double-loaded aisles will provide internal pedestrian access both through the lot, and if directly adjacent to right-of-way, from the adjacent right-of-way to the structure(s).

[1] Dimension. The pedestrian access pathway shall be at least six (6) feet in width.

[2] Location. The pathway(s) shall be centrally located.

Table 7.2-3 Parking Space & Aisle Dimensions

Angle of Parking	Stall Dimensions			Drive Aisle Width	
	Curb Length	Stall Width	Stall Depth	One-Way	Two-Way
0 Degrees (Parallel)	18'	8'	18'	12'	20'
45 Degrees	12'	8.5'	18'	12'	20'
60 Degrees	10'	8.5'	18'	18'	20'
90 Degrees	8.5'	8.5'	18'	20'	20'

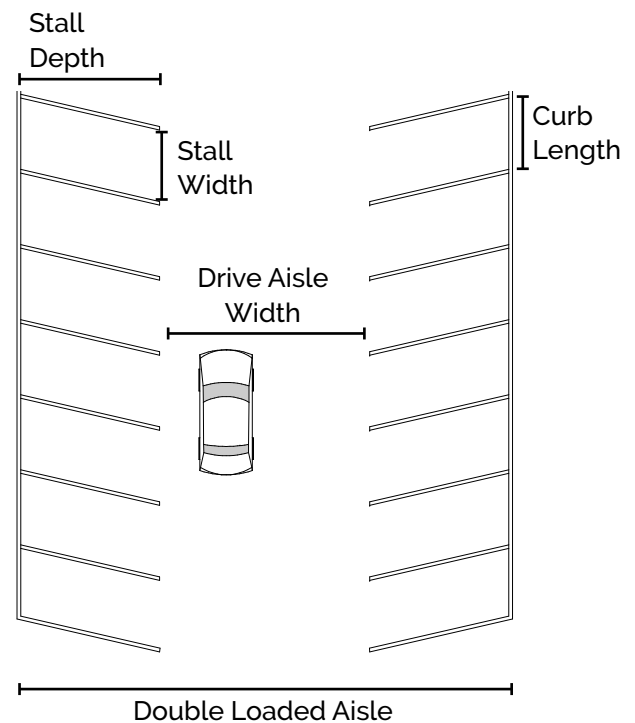


Figure 7.2-1 Parking Space and Drive Aisle Dimensions.

[3] Buffer. The pathway shall be buffered from drive aisles with landscaping or designated parking stalls and delineated with paint where it crosses drive aisles.

(2) Vehicular Parking Location. **If located in a district with lot type standards, refer to these standards for parking lot location.** In addition the following applies.

(a) Access. All spaces, unless otherwise noted, shall front an drive aisle, driveway, or right-of-way, providing direct access the parking space.

(b) Parking in Yards. Parking of motorcycles and personal vehicles are not allowed in front yards except on driveways, permitted parking area, or within structures.

(c) Recreational Vehicles. Trailers, motor homes, recreational vehicles, boats, or other similar vehicles may be parked as follows.

[1] Recreational Vehicles shall not be stored in a front yard or front or corner build-to zone unless in a garage or carport; except vehicles may be parked for up to seventy-two (72) hours for loading and unloading purposes.

[2] Recreational Vehicles can be stored in the side or rear yards.

[3] Recreational Vehicles must be kept in good repair and carry a current license and registration.

[4] A maximum of two (2) recreational vehicles can be stored out of doors on a lot at a time; there is no limit as it relates to vehicles within fully enclosed structures.

Table 7.3-1 Required Bicycle Parking Table

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

50-7.3 Required Bicycle Parking.

A. Required Bicycle Parking Table. Table 7.3-1 outlines the required spaces for bicycle parking. Total required bicycle parking spaces should be determined using the following parameters in addition to Table 7.3-1.

(1) Calculation. At least one (1) space is required. Beyond the first space, in determining the number of spaces required, any fraction of spaces required under 1/2 shall be disregarded; a fraction greater than 1/2 shall be rounded up to count as one (1) space.

(2) Public Bicycle Parking Spaces. Parking facilities within public spaces, such as street rights-of-way, can count toward the requirement for non-residential uses. All facilities located within a public right-of-way, require review and approval of an encroachment agreement with the City.

B. Bicycle Parking Design and Location. Bicycle parking facilities shall be provided using the following standards.

(1) Design. Bicycle parking shall be designed as follows.

(a) Space Size. Each bicycle parking space must be at least six (6) feet long and two (2) feet wide with a five (5) foot access aisle.

(b) Bicycle Racks. Bicycle racks must be designed as follows.

[1] Be a fixed-in-place stand that is securely anchored to the ground and/or wall.

[2] Provide at least two (2) points of contact to allow locking of frame and at least one (1) wheel.

[3] Be constructed of materials that resist cutting, rusting, bending, or deformation.

(c) Lockers. Lockers must be designed as follows.

[1] Be a fixed-in-place stand that is securely anchored to the ground and/or wall.

[2] Be secured by means of a lockable door or configured internally to allow locking of the frame and at least one (1) wheel.

(2) Location. Bicycle parking shall be located as follows.

(a) Visible Location. If not visible from the street or public entrance, a directional sign must be posted indicating location. Adherence to the Manual On Uniform Traffic Control Devices for signage is recommended.

(b) Structured Parking. If more than fifty (50) percent of a site's vehicular parking is in a covered area or structure, the required spaces shall also be located in the covered area or structure or otherwise protected from the weather.

50-7.4 Off-Street Loading Requirements.

A. Off-Street Loading. Construction of new buildings that are expected to have deliveries by vehicles rated as heavy duty must provide off-street loading facilities as follows.

(1) Design. Each loading space shall be a minimum of ten (10 feet) in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

(2) Location. Loading areas shall be located as follows.

(a). All off-street loading areas. **Regardless of truck type, loading areas** shall not be located **in the front build-to zone** and may not occupy any part of a required front or **corner** yard.

(b) Loading areas shall not be located closer than fifty (50) from a residentially zoned lot unless it is wholly enclosed within the building or by walls.

(c) Loading areas must be separate from pedestrian facilities and pathways.

50- 7.5 Driveway Access Design.

A. Driveways. Driveways will be designed as follows.

- (1) Driveway Width. Driveway width is measured at the front property line and shall adhere to the following.
 - (a) Single-lane Driveways. Single-lane driveways shall be between eight (8) feet and twelve (12) feet.
 - (b) Double-lane Driveway. Double-lane driveways shall be between twenty (20) feet and twenty-four (24) feet, unless the driveway serves the off-street loading area, where a larger driveway may be required based on site plan review.
- (2) Double Track Driveways. Double-track, wheel strip, or ribbon driveways are permitted as follows.
 - (a) The first two (2) feet of the entire driveway width, measured from the property line, must paved or covered with a permitted material..
 - (b) Wheel strip shall be at least eighteen (18) inches in width
 - (c) Area between the wheel strips must be landscaped with living ground cover.
- (3) Materials. Driveways may be designed with impervious or semi-pervious materials. such as concrete, asphalt, macadam, brick, and stone.
 - (a) Gravel and crushed stone are permitted for residential driveways accessing parking areas up to ten (10) spaces. Additional application of these types of material may be permitted with approval of the City Planner.
- (4) Maximum Coverage of Front Yard. Driveways cannot account for more than thirty (30) percent of the front yard of a lot.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.12.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager
Reviewed by: Richard Cherry, City Attorney
Prepared by: Sean Fletcher, Parks and Recreation Director

DATE: March 16, 2020

SUBJECT: A Resolution Granting the City Manager the Authority to Sign the Michigan Department of Natural Resources Trust Fund Agreement Amendment

RECOMMENDATION:

It is recommended that the City Commission adopt a RESOLUTION authorizing the City Manager to sign the Michigan Department of Natural Resources Trust Fund Agreement Amendment for Bronson Park.

BACKGROUND:

The improvements to historic Bronson Park began in 2019 after several years of planning and fundraising. Construction will conclude in the spring of 2020.

The initial improvements included restoration of the fountain, installation of WiFi, and construction of a combination splash pad and ice rink. The City Commission voted to remove the fountain, which consequently reduced fundraising capabilities and resulted in the decision to eliminate the combination splash pad and ice rink due to a lack of funding.

The grant agreement with the Michigan Department of Natural Resources (MDNR) required the City to pay for 67% of the projected costs, while the City agreed to pay the remaining 33%. Due to the aforementioned scope items being removed, the Department of Natural Resources requires an amendment that the City Manager will need to sign.

The initial amount of \$300,000.00 awarded by the MDNR will be reduced, which will be determined by the MDNR once the signed amendment is signed and returned.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Inviting Public Places

Strategic Goal Impact:

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion:

Engagement/Communication Tools

Master Plan Steering Committee met for fifteen months.

FISCAL IMPACT:

The awarded amount of \$300,000.00 will be reduced, but the exact amount is not known at this time.

The Michigan Department of Natural Resources will notify the City once they've calculated the new amount.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION GRANTING THE CITY
MANAGER THE AUTHORITY TO SIGN THE
MICHIGAN DEPARTMENT OF NATURAL
RESOURCES TRUST FUND AGREEMENT
AMENDMENT**

Minutes of a regular meeting of the City Commission of the City held on _____, at
_____ o'clock p.m., local time, at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, Kalamazoo City Commission authorized the City Manager to sign the Michigan Department of Natural Resources (DNR) Trust Fund Development Project Agreement on _____ for Improvements to Bronson Park; and

WHEREAS, In that agreement the City of Kalamazoo (City) agreed to comply with all the terms and conditions of the agreement; and

WHEREAS, The City agreed to provide 67 percent of the projected amount needed to fund the improvements to Bronson Park while the grant would fund the remaining 33 percent; and

WHEREAS, the scope of the project has since changed and the DNR has requested that the City execute an amended grant agreement; and

WHEREAS, the amended grant agreement calls for changing the scope of the project by removing WI-FI, Splash Park and Outdoor Ice Rink from the agreement, the remaining provisions of the agreement remain unchanged.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Commission grants the City Manager the authority to sign the amendment to the grant agreement on the City of Kalamazoo behalf.

BE IT FURTHER RESOLVED that City Commission authorizes the City Manager to sign any additional amendments to this agreement without further City Commission approval.

The above resolution was offered by _____ and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission for the City of Kalamazoo at a regular meeting held on February ___, 2020. Public notice was given, and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.

Scott A. Borling, City Clerk



MICHIGAN DEPARTMENT OF NATURAL RESOURCES-GRANTS MANAGEMENT

MICHIGAN NATURAL RESOURCES TRUST FUND AGREEMENT AMENDMENT

Organization:	City of Kalamazoo - Kalamazoo
Project Title:	Improvements to Historic Bronson Park
Project Location:	Kalamazoo
Project Number:	TF17-0011
Amendment Number:	1

This is an amendment to the Agreement entered into between the Michigan Department of Natural Resources ("DEPARTMENT") and the City of Kalamazoo - Kalamazoo in the county of Kalamazoo County for the Michigan Natural Resources Trust Fund grant number TF17-0011.

The purpose of this amendment is to:

- change the project facilities by DELETING WI-FI, SPLASH PARK, AND OUTDOOR ICE RINK.

A. The DEPARTMENT and the GRANTEE mutually agree to amend the Agreement as follows:

- The words "project facilities" shall mean the following individual components, as further described in APPENDIX C.

B. All other provisions of the Agreement shall be continued in full force and effect.

C. The amendment may be executed separately by the parties and is not effective until both the GRANTEE and the DEPARTMENT have signed it.



D. This amendment modifies an Agreement which was approved by resolution of the GRANTEE'S governing body as evidenced by the resolution attached to the Agreement. It is the sole responsibility of the GRANTEE to determine if its laws, policies, or procedures require approval by its governing body before execution of this amendment by the GRANTEE. By signature of this amendment, the GRANTEE certifies that:

1. Approval of the amendment by its governing body is not required, or
2. The amendment has been approved by resolution (true copy attached) of the

_____	_____	meeting of the	_____
(date)	(special or regular)		(name of approving body)

GRANTEE	
SIGNED	WITNESSED
By: _____	By: _____
Title: _____	By: _____
Date: _____	

MICHIGAN DEPARTMENT OF NATURAL RESOURCES	
SIGNED	WITNESSED
By: _____ Dan Lord, GM Section Manager	By: _____
EFFECTIVE DATE: _____	By: _____



Michigan Department of Natural Resources - Grants Management

Michigan Natural Resources Trust Fund Development Project Agreement

Project Number : TF17-0011

Project Title : Improvements to Historic Bronson Park

This Agreement is between the Michigan Department of Natural Resources for and on behalf of the State of Michigan ("DEPARTMENT") and the City of Kalamazoo - Kalamazoo IN THE COUNTY OF Kalamazoo County ("GRANTEE"). The DEPARTMENT has authority to issue grants to local units of government for the development of public outdoor recreation facilities under Part 19 of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended. The GRANTEE has been approved by the Michigan Natural Resources Trust Fund (MNRTF) Board of Trustees (BOARD) to receive a grant. In PA **165 of 2018**, the Legislature appropriated funds from the MNRTF to the DEPARTMENT for a grant-in-aid to the GRANTEE. As a precondition to the effectiveness of the Agreement, the GRANTEE is required to sign the Agreement and return it to the DEPARTMENT with the necessary attachments by **08/04/2018**.

1. The legal description of the project area (APPENDIX A); boundary map of the project area (APPENDIX B); and Recreation Grant application bearing the number **TF17-0011** (APPENDIX C) are by this reference made part of this Agreement. The Agreement together with the referenced appendices constitute the entire Agreement between the parties and may be modified only in writing and executed in the same manner as the Agreement is executed.
2. The time period allowed for project completion is **06/05/2018 through 06/30/2020**, hereinafter referred to as the "project period." Requests by the GRANTEE to extend the project period shall be made in writing before the expiration of the project period. Extensions to the project period are at the discretion of the DEPARTMENT. The project period may be extended only by an amendment to this Agreement.
3. This Agreement shall be administered on behalf of the DEPARTMENT through Grants Management. All reports, documents, or actions required of the GRANTEE shall be submitted through the MiRecGrants website unless otherwise instructed by the DEPARTMENT.
4. The words "project area" shall mean the land and area described in the attached legal description (APPENDIX A) and shown on the attached boundary map (APPENDIX B).
5. The words "project facilities" shall mean the following individual components, as further described in APPENDIX C.
 - Bench
 - Landscaping
 - Lighting
 - Outdoor Ice Rink
 - Splash Park
 - Picnic Table
 - Recycle Bin(s)
 - Access Pathway 5' - 6' wide
 - Signage

Added WiFi

6. The DEPARTMENT agrees as follows:

- a. To grant to the GRANTEE a sum of money equal to **Thirty-Three (33%) Percent of Nine Hundred Nineteen Thousand (\$919,000.00) dollars and Zero Cents**, which is the total eligible cost of construction of the project facilities including engineering costs, but in any event not to exceed **Three Hundred Thousand (\$300,000.00) dollars and Zero Cents**.
- b. To grant these funds in the form of reimbursements to the GRANTEE for eligible costs and expenses incurred as follows:
 - i. Payments will be made on a reimbursement basis at **Thirty-Three (33%) Percent** of the eligible expenses incurred by the GRANTEE up to 90% of the maximum reimbursement allowable under the grant.
 - ii. Reimbursement will be made only upon DEPARTMENT review and approval of a complete reimbursement request submitted by the GRANTEE through the MiRecGrants website, including but not limited to copies of invoices, cancelled checks, and/or list of force account time and attendance records.
 - iii. The DEPARTMENT shall conduct an audit of the project's financial records upon approval of the final reimbursement request by DEPARTMENT staff. The DEPARTMENT may issue an audit report with no deductions or may find some costs ineligible for reimbursement.
 - iv. Final payment will be released upon completion of a satisfactory audit by the DEPARTMENT and documentation that the GRANTEE has erected an MNRTF sign in compliance with Section 7(j) of this Agreement.

7. The GRANTEE agrees as follows:

- a. To immediately make available all funds needed to incur all necessary costs required to complete the project and to provide **Six Hundred Nineteen Thousand (\$619,000.00) dollars and Zero Cents** in local match. This sum represents **Sixty-Seven(67%) Percent** of the total eligible cost of construction including engineering costs. Any cost overruns incurred to complete the project facilities called for by this Agreement shall be the sole responsibility of the GRANTEE.
- b. With the exception of engineering costs as provided for in Section 8, to incur no costs toward completion of the project facilities before execution of this Agreement and before written DEPARTMENT approval of plans, specifications and bid documents.
- c. To complete construction of the project facilities to the satisfaction of the DEPARTMENT and to comply with the development project procedures set forth by the DEPARTMENT in completion of the project, including but not limited to the following:
 - i. Retain the services of a professional architect, landscape architect, or engineer, registered in the State of Michigan to serve as the GRANTEE'S Prime Professional. The Prime Professional shall prepare the plans, specifications and bid documents for the project and oversee project construction.

- ii. Within 180 days following execution of this Agreement by the GRANTEE and the DEPARTMENT and before soliciting bids or quotes or incurring costs other than costs associated with the development of plans, specifications, or bid documents, provide the DEPARTMENT with plans, specifications, and bid documents for the project facilities, sealed by the GRANTEE'S Prime Professional.
 - iii. Upon written DEPARTMENT approval of plans, specifications and bid documents, openly advertise and seek written bids for contracts for purchases or services with a value equal to or greater than \$10,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.
 - iv. Upon written DEPARTMENT approval of plans, specifications and bid documents, solicit three (3) written quotes for contracts for purchases or services between \$2,500 and \$10,000 and accept the lowest qualified bid as determined by the GRANTEE'S Prime Professional.
 - v. Maintain detailed written records of the contracting processes used and to submit these records to the DEPARTMENT upon request.
 - vi. Complete construction to all applicable local, state and federal codes, as amended; including the federal Americans with Disabilities Act (ADA) of 2010, as amended; the Persons with Disabilities Civil Rights Act, Act 220 of 1976, as amended; the Playground Equipment Safety Act, P.A. 16 of 1997, as amended; and the Utilization of Public Facilities by Physically Limited Act, P.A. 1 of 1966, as amended; the Elliott-Larsen Civil Rights Acts, Act 453 of 1976, as amended.
 - vii. Bury all new telephone and electrical wiring within the project area.
 - viii. Correct any deficiencies discovered at the final inspection within 90 days of written notification by the DEPARTMENT. These corrections shall be made at the GRANTEE'S expense and are eligible for reimbursement at the discretion of the DEPARTMENT and only to the degree that the GRANTEE'S prior expenditures made toward completion of the project are less than the grant amount allowed under this Agreement.
- d. To operate the project facilities for a minimum of their useful life as determined by the DEPARTMENT, to regulate the use thereof to the satisfaction of the DEPARTMENT, and to appropriate such monies and/or provide such services as shall be necessary to provide such adequate maintenance.
- e. To provide to the DEPARTMENT for approval, a complete tariff schedule containing all charges to be assessed against the public utilizing the project area and/or any of the facilities constructed thereon, and to provide to the DEPARTMENT for approval, all amendments thereto before the effective date of such amendments. Preferential membership or annual permit systems are prohibited on grant assisted sites, except to the extent that differences in admission and other fees may be instituted on the basis of residence. Nonresident fees shall not exceed twice that charged residents. If no resident fees are charged, nonresident fees may not exceed the rate charged residents at other comparable state and local public recreation facilities.
- f. To adopt such ordinances and/or resolutions as shall be required to effectuate the provisions of

this Agreement; certified copies of all such ordinances and/or resolutions adopted for such purposes shall be forwarded to the DEPARTMENT before the effective date thereof.

- g. To separately account for any revenues received from the project area which exceed the demonstrated operating costs and to reserve such surplus revenues for the future maintenance and/or expansion of the GRANTEE'S park and outdoor recreation program.
 - h. To furnish the DEPARTMENT, upon request, detailed statements covering the annual operation of the project area and/or project facilities, including income and expenses and such other information the DEPARTMENT might reasonably require.
 - i. To maintain the premises in such condition as to comply with all federal, state, and local laws which may be applicable and to make any and all payments required for all taxes, fees, or assessments legally imposed against the project area.
 - j. To erect and maintain a sign on the property which designates this project as one having been constructed with the assistance of the MNRTF. The size, color, and design of this sign shall be in accordance with DEPARTMENT specifications.
 - k. To conduct a dedication/ribbon-cutting ceremony as soon as possible after the project is completed and the MNRTF sign is erected within the project area. At least 30 days prior to the dedication/ribbon-cutting ceremony, the DEPARTMENT must be notified in writing of the date, time, and location of the dedication/ribbon-cutting ceremony. GRANTEE shall provide notice of ceremony in the local media. Use of the grant program logo and a brief description of the program are strongly encouraged in public recreation brochures produced by the GRANTEE. At the discretion of the DEPARTMENT, the requirement to conduct a dedication/ribbon-cutting ceremony may be waived.
8. Only eligible costs and expenses incurred toward completion of the project facilities after execution of the Project Agreement shall be considered for reimbursement under the terms of this Agreement. Eligible engineering costs incurred toward completion of the project facilities beginning January 1, **2018** and throughout the project period are also eligible for reimbursement. Any costs and expenses incurred after the project period shall be the sole responsibility of the GRANTEE.
9. To be eligible for reimbursement, the GRANTEE shall comply with the DEPARTMENT requirements. At a minimum, the GRANTEE shall:
- a. Submit a written progress report every 180 days during the project period.
 - b. Submit complete requests for partial reimbursement when the GRANTEE is eligible to request at least 25 percent of the grant amount and construction contracts have been executed or construction by force account labor has begun.
 - c. Submit a complete request for final reimbursement within 90 days of project completion and no later than **09/30/2020**. If the GRANTEE fails to submit a complete final request for reimbursement by **09/30/2020**, the DEPARTMENT may audit the project costs and expenses and make final payment based on documentation on file as of that date or may terminate this Agreement and require full repayment of grant funds by the GRANTEE.

10. During the project period, the GRANTEE shall obtain prior written authorization from the DEPARTMENT before adding, deleting or making a significant change to any of the project facilities as proposed. Approval of changes is solely at the discretion of the DEPARTMENT. Furthermore, following project completion, the GRANTEE shall obtain prior written authorization from the DEPARTMENT before implementing a change that significantly alters the project facilities as constructed and/or the project area, including but not limited to discontinuing use of a project facility or making a significant change in the recreational use of the project area. Changes approved by the DEPARTMENT pursuant to this Section may also require prior approval of the BOARD, as determined by the DEPARTMENT.
11. All project facilities constructed or purchased by the GRANTEE under this Agreement shall be placed and used at the project area and solely for the purposes specified in APPENDIX C and this Agreement.
12. The project area and all facilities provided thereon and the land and water access ways to the project facilities shall be open to the general public at all times on equal and reasonable terms. No individual shall be denied ingress or egress thereto or the use thereof on the basis of sex, race, color, religion, national origin, residence, age, height, weight, familial status, marital status, or disability.
13. Unless an exemption has been authorized by the DEPARTMENT pursuant to this Section, the GRANTEE hereby represents that it possesses fee simple title, free of all liens and encumbrances, to the project area. The fee simple title acquired shall not be subject to: 1) any possibility of reverter or right of entry for condition broken or any other executory limitation which may result in defeasance of title or 2) to any reservations or prior conveyance of coal, oil, gas, sand, gravel or other mineral interests. For any portion of the project area that the GRANTEE does not possess in fee simple title, the GRANTEE hereby represents that it has:
 - a. Supplied the DEPARTMENT with an executed copy of the approved lease or easement, and
 - b. Confirmed through appropriate legal review that the terms of the lease or easement are consistent with GRANTEE'S obligations under this Agreement and will not hinder the GRANTEE'S ability to comply with all requirements of this Agreement. In no case shall the lease or easement tenure be less than 20 years from the date of execution of this Agreement.
14. The GRANTEE shall not allow any encumbrance, lien, security interest, mortgage or any evidence of indebtedness to attach to or be perfected against the project area or project facilities included in this Agreement.
15. None of the project area, nor any of the project facilities constructed under this Agreement, shall be wholly or partially conveyed in perpetuity, either in fee, easement or otherwise, or leased for a term of years or for any other period, nor shall there be any whole or partial transfer of the lease title, ownership, or right of maintenance or control by the GRANTEE except with the written approval and consent of the DEPARTMENT. The GRANTEE shall regulate the use of the project area to the satisfaction of the DEPARTMENT.
16. The assistance provided to the GRANTEE as a result of this Agreement is intended to have a lasting effect on the supply of outdoor recreation, scenic beauty sites, and recreation facilities beyond the financial contribution alone and permanently commits the project area to Michigan's outdoor recreation estate, therefore:
 - a. The GRANTEE agrees that the project area or any portion thereof will not be converted to other

than public outdoor recreation use without prior written approval by the DEPARTMENT and the BOARD and implementation of mitigation approved by the DEPARTMENT and the BOARD, including but not limited to replacement with land of similar recreation usefulness and fair market value.

- b. Approval of a conversion shall be at the sole discretion of the DEPARTMENT and the BOARD.
- c. Before completion of the project, the GRANTEE and the DEPARTMENT may mutually agree to alter the project area through an amendment to this Agreement to provide the most satisfactory public outdoor recreation area.

17. Should title to the lands in the project area or any portion thereof be acquired from the GRANTEE by any other entity through exercise of the power of eminent domain, the GRANTEE agrees that the proceeds awarded to the GRANTEE shall be used to replace the lands and project facilities affected with outdoor recreation lands and project facilities of equal or greater fair market value, and of reasonably equivalent usefulness and location. The DEPARTMENT and BOARD shall approve such replacement only upon such conditions as it deems necessary to assure the replacement by GRANTEE of other outdoor recreation properties and project facilities of equal or greater fair market value and of reasonably equivalent usefulness and location. Such replacement land shall be subject to all the provisions of this Agreement.

18. The GRANTEE acknowledges that:

- a. The GRANTEE has examined the project area and has found the property safe for public use or actions will be taken by the GRANTEE before beginning the project to assure safe use of the property by the public, and
- b. The GRANTEE is solely responsible for development, operation, and maintenance of the project area and project facilities, and that responsibility for actions taken to develop, operate, or maintain the property is solely that of the GRANTEE, and
- c. The DEPARTMENT'S involvement in the premises is limited solely to the making of a grant to assist the GRANTEE in developing same.

19. The GRANTEE assures the DEPARTMENT that the proposed State-assisted action will not have a negative effect on the environment and, therefore, an Environmental Impact Statement is not required.

20. The GRANTEE hereby acknowledges that this Agreement does not require the State of Michigan to issue any permit required by law to construct the outdoor recreational project that is the subject of this Agreement. Such permits include, but are not limited to, permits to fill or otherwise occupy a floodplain, and permits required under Parts 301 and 303 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts 451 of 1994, as amended. It is the sole responsibility of the GRANTEE to determine what permits are required for the project, secure the needed permits and remain in compliance with such permits.

21. Before the DEPARTMENT will approve plans, specifications, or bid documents; or give written approval to the GRANTEE to advertise, seek quotes, or incur costs for this project, the GRANTEE must provide documentation to the DEPARTMENT that indicates either:

- a. It is reasonable for the GRANTEE to conclude, based on the advice of an environmental consultant, as appropriate, that no portion of the project area is a facility as defined in Part 201 of the Michigan Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended;
 - or
 - b. If any portion of the project area is a facility, documentation that Department of Natural Resources-approved response actions have been or will be taken to make the site safe for its intended use within the project period, and that implementation and long-term maintenance of response actions will not hinder public outdoor recreation use and/or the resource protection values of the project area.
22. If the DEPARTMENT determines that, based on contamination, the project area will not be made safe for the planned recreation use within the project period, or another date established by the DEPARTMENT in writing, or if the DEPARTMENT determines that the presence of contamination will reduce the overall usefulness of the property for public recreation and resource protection, the grant may be cancelled by the MNRTF Board with no reimbursement made to the GRANTEE.
23. The GRANTEE shall acquire and maintain insurance which will protect the GRANTEE from claims which may arise out of or result from the GRANTEE'S operations under this Agreement, whether performed by the GRANTEE, a subcontractor or anyone directly or indirectly employed by the GRANTEE, or anyone for whose acts may hold them liable. Such insurance shall be with companies authorized to do business in the State of Michigan in such amounts and against such risks as are ordinarily carried by similar entities, including but not limited to public liability insurance, worker's compensation insurance or a program of self-insurance complying with the requirements of Michigan law. The GRANTEE shall provide evidence of such insurance to the DEPARTMENT at its request.
24. Nothing in this Agreement shall be construed to impose any obligation upon the DEPARTMENT to operate, maintain or provide funding for the operation and/or maintenance of any recreational facilities in the project area.
25. The GRANTEE hereby represents that it will defend any suit brought against either party which involves title, ownership, or any other rights, whether specific or general rights, including appurtenant riparian rights, to and in the project area of any lands connected with or affected by this project.
26. The GRANTEE is responsible for the use and occupancy of the premises, the project area and the facilities thereon. The GRANTEE is responsible for the safety of all individuals who are invitees or licensees of the premises. The GRANTEE will defend all claims resulting from the use and occupancy of the premises, the project area and the facilities thereon. The DEPARTMENT is not responsible for the use and occupancy of the premises, the project area and the facilities thereon.
27. Failure by the GRANTEE to comply with any of the provisions of this Agreement shall constitute a material breach of this Agreement.
28. Upon breach of the Agreement by the GRANTEE the DEPARTMENT, in addition to any other remedy provided by law, may:
 - a. Terminate this Agreement; and/or

- b. Withhold and/or cancel future payments to the GRANTEE on any or all current recreation grant projects until the violation is resolved to the satisfaction of the DEPARTMENT; and/or
 - c. Withhold action on all pending and future grant applications submitted by the GRANTEE under the Michigan Natural Resources Trust Fund and the Land and Water Conservation Fund; and/or
 - d. Require repayment of grant funds already paid to GRANTEE.
 - e. Require specific performance of the Agreement.
29. The GRANTEE agrees that the benefit to be derived by the State of Michigan from the full compliance by the GRANTEE with the terms of this Agreement is the preservation, protection and the net increase in the quality of public outdoor recreation facilities and resources which are available to the people of the State and of the United States and such benefit exceeds to an immeasurable and unascertainable extent the amount of money furnished by the State of Michigan by way of assistance under the terms of this Agreement. The GRANTEE agrees that after final reimbursement has been made to the GRANTEE, repayment by the GRANTEE of grant funds received would be inadequate compensation to the State for any breach of this Agreement. The GRANTEE further agrees therefore, that the appropriate remedy in the event of a breach by the GRANTEE of this Agreement after final reimbursement has been made shall be the specific performance of this Agreement.
30. Prior to the completion of the project facilities, the GRANTEE shall return all grant money if the project area or project facilities are not constructed, operated or used in accordance with this Agreement.
31. The GRANTEE agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, marital status, familial status or disability that is unrelated to the person's ability to perform the duties of a particular job or position. The GRANTEE further agrees that any subcontract shall contain non-discrimination provisions which are not less stringent than this provision and binding upon any and all subcontractors. A breach of this covenant shall be regarded as a material breach of this Agreement.
32. The DEPARTMENT shall terminate and recover grant funds paid if the GRANTEE or any subcontractor, manufacturer, or supplier of the GRANTEE appears in the register compiled by the Michigan Department of Labor and Economic Growth pursuant to Public Act No. 278 of 1980.
33. The GRANTEE may not assign or transfer any interest in this Agreement without prior written authorization of the DEPARTMENT.
34. The rights of the DEPARTMENT under this Agreement shall continue in perpetuity.
35. The Agreement may be executed separately by the parties. This Agreement is not effective until:
- a. The GRANTEE has signed the Agreement and returned it together with the necessary attachments within 60 days of the date the Agreement is issued by the DEPARTMENT, and

- b. The DEPARTMENT has signed the Agreement. IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, on this date.

Approved by resolution (true copy attached) of the _____,
date

_____ meeting of the _____.
(special or regular) (name of approving body)

GRANTEE

SIGNED:

By: _____

Print Name: _____

Title: _____

Date: _____

Grantee's Federal ID#

38-6004627

MICHIGAN DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT

SIGNED:

By: _____
Dan Lord

Title: Manager, Grants Management

Date: _____

SAMPLE RESOLUTION
(Development)

Upon motion made by _____, seconded by _____, the following Resolution was adopted:

"RESOLVED, that the _____, Michigan, does hereby accept the terms of the Agreement as received from the Michigan Department of Natural Resources, and that the _____ does hereby specifically agree, but not by way of limitation, as follows:

1. To appropriate all funds necessary to complete the project during the project period and to provide _____ (\$_____) dollars to match the grant authorized by the DEPARTMENT.
2. To maintain satisfactory financial accounts, documents, and records to make them available to the DEPARTMENT for auditing at reasonable times.
3. To construct the project and provide such funds, services, and materials as may be necessary to satisfy the terms of said Agreement.
4. To regulate the use of the facility constructed and reserved under this Agreement to assure the use thereof by the public on equal and reasonable terms.
5. To comply with any and all terms of said Agreement including all terms not specifically set forth in the foregoing portions of this Resolution."

The following aye votes were recorded: _____

The following nay votes were recorded: _____

STATE OF MICHIGAN)

) ss

COUNTY OF _____)

I, _____, Clerk of the _____, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Agreement with the Michigan Department of Natural Resources, which Resolution was adopted by the _____ at a meeting held _____.

Signature

Title

Date



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.13.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Director, Community Planning and Economic Development
Prepared by: Marcy Dix, Program Finance Supervisor

DATE: March 16, 2020

SUBJECT: Payment in Lieu of Taxes (PILOT) Resolution for 530 S. Rose Street

RECOMMENDATION:

It is recommended that the City Commission approve a Payment in Lieu of Taxes (PILOT) resolution for the 530 Rose St. Limited Dividend Housing Association Limited Partnership for Rose St. Senior located at 530 S. Rose Street (Parcel No. 06-22-119-026), pursuant to Section 35-4 of the Kalamazoo City Code.

BACKGROUND:

530 Rose St. Limited Dividend Housing Association Limited Partnership has requested a 4% PILOT resolution for up to 50 years for a proposed Low Income Housing Tax Credit (LIHTC) project located at 530 S. Rose Street, called Rose St. Senior.

Rose St. Senior is a proposed 64-unit affordable senior housing community. Located in downtown Kalamazoo, this project offers easy access to all the amenities of downtown living. Within a few blocks of their home, residents will have access to basic necessities such as banking, grocery, pharmacy, medical, restaurants and other retail establishments. Additionally, 530 S. Rose Street is immediately adjacent to an established bus stop on the K-Metro public bus system. Each apartment will have an open floor plan concept with central air conditioning, cable television hookups, washer and dryer, dishwasher, garbage disposal, frost-free refrigerator, self-cleaning oven with a microwave/hood combination, high-speed internet connections, luxury vinyl tile flooring, and emergency pull cords. The property will offer common area gathering spaces, including an outdoor courtyard, elevator, secure access to the building, and anticipated covered parking.

The proposed housing project will consist of a five-story building for a total of 64 apartments. This project will be brand new construction and has no prior LIHTC status. The proposed development will have 51 one and two bedroom senior housing units (Age restricted to 55 years of age or older) targeting an income mix that will average 53% of Area Median Income (AMI), with 13 market rate units. Targeted

incomes and unit sizes are listed below:

	30%	40%	60%	80%	Market
1 Bedroom	3	5	6	7	3
2 Bedrooms	7	10	7	6	10

Estimated monthly rents are:

	30%	40%	60%	80%	Market
1 Bedroom	342	481	758	932	1,125
2 Bedrooms	409	576	909	1,118	1,400

Rose St. Senior is submitting an application for 9% competitive LIHTC. A 2015 target market analysis showed a need for more than 2,000 new rental units to serve the needs of the Kalamazoo County population. Since that time, less than 500 have been built. This same ownership team has a 9% project that was recently awarded LIHTC as well and that project, Harrison Circle, is located within a mile of this proposed site. The October 2018 market study for that project noted a demand for 1,133 units of LIHTC. This market study also cited senior population trend statistics which clearly indicate an increasing senior aged population, furthering the need for a project such as this.

The development team for this project pairs a Kalamazoo-based developer – Jon Durham - with an experienced LIHTC Developer Phil Seybert (PS Equities). This development team was awarded 9% LIHTC for the Harrison Circle project in 2019.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Affordable Housing - Improve the amount of decent and affordable housing in the City of Kalamazoo by supporting the maintenance, rehabilitation and development of accessible owner and renter occupied housing.

Strategic Goal Impact:



Shared Prosperity - Abundant opportunities for all people to prosper



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

Discussion

The addition of 64 senior housing units that target a mix of incomes, including 51 units with income targets averaging 60% AMI, will support the City's Shared Prosperity and Complete Neighborhoods goals and is consistent with the Master Plan.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

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

Discussion: No zoning variances are required for this project and the property is privately owned, so community outreach has not been conducted for this specific project. The project is aligned with the desire for new construction of safe, affordable housing expressed in both the Consolidated Plan and Imagine Kalamazoo 2025.

FISCAL IMPACT:

For the proposed 64 units

64 units are used to calculate the estimated taxes if not a PILOT.

2020 Estimate of Annual Tax Revenue without the PILOT for the 64 units at the proposed development at 530 S Rose Street:

Total Estimate of Taxes if not a PILOT based on 2019 tax rates: \$85,502

Estimated City's Share of Taxes in 2019 (approximately 28.88%): \$24,700

Estimated Total for 50 Year Period: \$23,156 x 50 years = **\$1,234,985** (without considering inflation or increased taxable values)

Estimated PILOT revenue to the City of Kalamazoo, based on estimated shelter rents

Estimated Annual Shelter Rent = \$642,864

Estimated Vacancy Loss (8%) = \$51,429

Estimated Shelter Rents (Rent Minus Vacancy) = \$591,435

Estimated Yearly PILOT Payment for the parcel (\$592,307 X 4%) = \$23,657

City's Share of Taxes (at 28.88%): \$6,834

Estimated Total for 50 Year Period: \$6,834 X 50 Years = **\$341,707** (without considering inflation)

Difference (City revenue abated):

\$1,234,985 (taxes) - \$341,707 (PILOT) = \$893,278 over a 50-year period or approximately \$17,866 per year.



Rose St. Senior

530 Rose LDHA LP

General Information:

Rose St. Senior is a proposed 64-unit affordable senior housing community.

Located in downtown Kalamazoo, this project has a prime location, with easy access to all the amenities of downtown living. Within a few blocks of their home, residents will have access to basic necessities such as banking, grocery, pharmacy, medical, restaurants and other retail establishments. Additionally, 530 S Rose Street is immediately adjacent to an established bus stop on the K-Metro public bus system.

Rose St. Senior is consistent with the City's Master Plan by increasing the amount of quality and accessible affordable housing in the City of Kalamazoo.

The development team for this project is well established, as it pairs a local Kalamazoo based developer – Jon Durham - with an experienced LIHTC Developer Phill Seybert (PS Equities). Jon is also part of the NOMI development team which has successfully completed four projects in the Rivers Edge District of Kalamazoo, about 1.1 miles away from this proposed site. His experience includes ownership of three other apartment/condo buildings – Wallbridge Commons, 47 market rate apartments, the Norbridge building, 5 apartments and 1 9,000 square foot commercial space, and the Ignertia building, 4 apartments, 2 condominiums, a glass art studio, community gallery space and 4,500 square feet of commercial space. For additional information on these projects and Jon, please visit the NOMI website at <http://riversedgedistrict.com/>. The other half of the development team is PS Equities, owned by Phil Seybert, who is a 35+ year veteran of successful LIHTC housing development in Michigan. PS Equities has developed more than 30 housing projects, nearly all with LIHTC and the majority through the MSHDA direct lending programs. Additional information on PS Equities may be found at <http://www.psequities.com/>.

Legal Entity: 530 Rose St. LDHA LP

Market Support:

A 2015 target market analysis showed a need for more than 2,000 new rental units to serve the needs of the Kalamazoo County population. Since that time, less than 500 have been built.

This same ownership team has a 9% project that was recently awarded LIHTC as well and that project, Harrison Circle, is located within a mile of this proposed site. The October 2018 market study for that project noted a demand for 1,133 units of LIHTC. This market study also cited senior population trend statistics which clearly indicate an increasing senior aged population, furthering the need for a project such as this.

Type of Project:

The proposed housing project will consist of a five-story building for a total of 64 apartments. This project will be brand new construction and has no prior LIHTC status.

Location:

530 S Rose Street Street, Kalamazoo, Michigan

This project is located in census tract 0002.01 in Kalamazoo County. This is a Qualified Census Tract for 2019.

The project is within the boundaries of the City of Kalamazoo, which had a population of more than 79,000 per the 2010 census.

Type of Financing:

It is anticipated this project will utilize construction financing through a conventional bank, with a regulated permanent debt financing likely through Fannie or Freddie.

Estimated conventional mortgage amount:	\$5,346,206
Equity from sale of tax credits:	\$8,507,649
Deferred Developer Fee:	\$18,555
Total Development Cost:	\$13,872,410

Estimated timeline:

LIHTC submission	April 1st 2020
Award announcement	July 2020
Construction commencement	March 2021
Initial Lease up	March 2022
Sustained operations & final close	4th quarter 2022

Tenants Served:

The project will be age restricted to 55+ years of age elderly. Utilizing the income averaging set aside, there will be rental rates available at 30, 40, 60 and 80% AMI. 20% of the units will be be market rate to maximize the "mixed income development" points.

Estimated Rental rates:

30%	
1br	\$342
2br	\$409
40%	
1br	\$481
2br	\$576
60%	
1br	\$758
2br	\$909
80%	
1br	\$932
2br	\$1118
Market	
1br	\$1125
2br	\$1400

Annual shelter rents:

Gross rental income	\$642,883
Estimated Common area utilities	-\$45,760
Vacancy Loss	-\$51,431
Estimate of annual shelter rent	\$545,692

Bedroom Mix:

The project will have 24 one-bedroom units and 40 two-bedroom units.

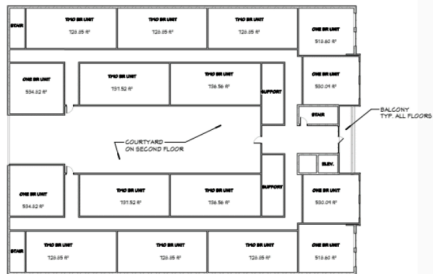
Apartment Amenities:

Each apartment will have an open floor plan concept with:

- central air conditioning
- cable television hookups
- washer and dryer
- dishwasher
- garbage disposal
- frost-free refrigerator
- self-cleaning oven with a microwave/hood combination
- high-speed internet connections
- LVT flooring
- Emergency pull cords

Property Amenities:

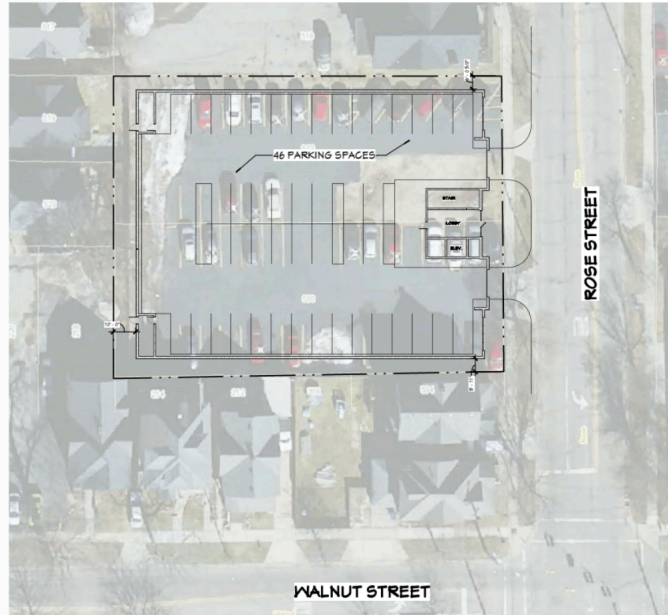
- Common area gathering spaces are anticipated including an outdoor courtyard.
- Elevator
- Secured access building
- Parking is anticipated to be covered, with it being at ground level under a pedestal style building



 **TYP. UPPER LEVEL PLAN (FLOORS 2-5)**
1" = 20' 0"

UNIT MATRIX

	ONE BR	TWO BR	TOTAL
FLOOR 2:	6	10	16
FLOOR 3:	6	10	16
FLOOR 4:	6	10	16
FLOOR 5:	6	10	16
TOTAL:	24	40	64



 **SITE / FIRST FLOOR PLAN**
1" = 20' 0"

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION GRANTING ELIGIBILITY FOR A PAYMENT IN LIEU OF TAXES TO
530 ROSE ST. LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED
PARTNERSHIP FOR ROSE ST. SENIOR LOCATED AT 530 S. ROSE STREET
(PARCEL NO. 06-22-119-026)**

Minutes of a regular meeting of the City Commission of the City held on the ____ day of _____, 2020, at 7:00 o'clock p.m., local time, at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

Recitals:

- A.** NoMi Developers, LLC and PS Equities and/or their respective principals or affiliates (collectively, the "Sponsors") have formed 530 Rose LDHA LP (the "LDHALP") for the purpose of securing Low Income Housing Tax Credits (LIHTC) and/or a Mortgage Loan for Rose St. Senior, a development project located at 530 S. Rose Street; and
- B.** In connection with the allocation of low-income housing tax credits and/or the Mortgage Loan for the project, the Sponsors are seeking a tax exemption pursuant to MCL 125.1415a (the "Act"); and
- C.** Section 35-4 of the Kalamazoo City Code ("Ordinance") and State Law MCL 125.1415a provide that the City may allow owners of property developed and reserved for low income persons or families to make an annual service charge payment in lieu of ad valorem taxes ("PILOT") to the City in the amount not to exceed the amount of tax which would be imposed on the property but for its exemption from taxation granted. Terms not otherwise defined herein have the meaning set forth in the Ordinance.

THEREFORE, IT IS RESOLVED that the Sponsors are deemed eligible for the tax exemption under the Act and PILOT payments for the 64 eligible housing rental units and the appurtenant common areas, parking facilities and amenities at 530 S. Rose Street (Parcel No. 06-22-119-026), subject to the following terms and conditions:

1. The tax exemption under the Act and PILOT eligibility shall commence on January 1st of the calendar year following receipt by the City of Kalamazoo Assessor of a Notice to Assessor, signed by the Sponsors and certified by the Michigan State Housing Development Authority ("MSHDA"), confirming that the project is eligible for the tax exemption and that the exemption would permit the LDHALP to make a PILOT, and shall continue for as long as the Project is supported by a Mortgage Loan, or for 50 years, whichever comes first, so long as the LDHALP maintains the units as certified and registered rentals serving as affordable housing; and
2. The Sponsors have formed the LDHALP and shall establish the LDHALP as the owner of the project prior to the PILOT taking effect; and
3. The PILOT for the housing units and the appurtenant common areas, parking facilities and amenities shall be calculated at a rate of four percent (4%) of annual shelter rents for 64 units during this time period, pursuant to the Ordinance; and
4. Upon closing of the Mortgage Loan, the project shall be owned by the LDHALP; and

The above resolution was offered by _____ and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2020. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.

Scott A. Borling, City Clerk



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.14.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by: Rebekah Kik, Director, Community Planning and Economic Development
Prepared by: Marcy Dix, Program Finance Supervisor

DATE: March 16, 2020

SUBJECT: Payment in Lieu of Taxes (PILOT) Resolution for Harrison Circle

RECOMMENDATION:

It is recommended that the City Commission approve a Payment in Lieu of Taxes (PILOT) resolution for the Harrison Circle Limited Dividend Housing Association Limited Partnership for the proposed Harrison Circle development located at 617 Harrison Street (06-15-285-103) and 525 E. Ransom Street (06-15-269-352), pursuant to Section 35-4 of the Kalamazoo City Code.

BACKGROUND:

Harrison Circle Limited Dividend Housing Association Limited Partnership has requested a new 4% payment in lieu of taxes (PILOT) for a proposed housing development located at 617 Harrison Street and 525 E. Ransom Street. The City Commission approved a PILOT resolution for the project on March 4, 2019, and the project received the Low Income Housing Tax Credit award that it applied for in April 2019, but due to additional time needed to develop a vapor barrier system at the site to meet Michigan Department of Environment, Great Lakes, and Energy (EGLE) requirements, construction was not able to commence within one year of the resolution's adoption. Because the project is still receiving LIHTC and construction is expected to commence this summer after the award of an EGLE grant to fund the needed vapor barrier system, it is recommended that the City Commission adopt a new PILOT resolution for the project.

The Project will be owned by a Harrison Circle LDHALP, a limited partnership formed by NoMi Developers, LLC and Nickel Spitters, LLC for the purpose of securing low income housing tax credits (LIHTC) and mortgage financing through the Michigan State Housing Development Authority (MSHDA).

The project was first presented to the City Commission, and a PILOT ordinance was adopted, on September 17, 2018. The project did not receive a LIHTC award in the October 2018 funding

round and will be submitting a new application to the April 2019 LIHTC funding round. The new resolution includes updated language to name the LDHALP which will own the project, a clarification of when the PILOT would take effect, and a description of a parcel reconfiguration to take place, with a new parcel number to be assigned if the project receives a LIHTC award.

This would be NOMI Developers' fourth project built on Brownfield Redevelopment Authority land in the Rivers Edge District at the northwest corner of the roundabout at Ransom and Harrison streets. The developer has invested over \$10,000,000 in the Rivers Edge District and the proposed Harrison Circle Building will bring an additional \$13,000,000 to \$15,000,000 investment along with the potential of two food related businesses.

This new project, Harrison Circle, will be a mixed use development. It will consist of potentially two food-related businesses totaling 5000 square feet and 80 apartments. The apartments will be a mix of LIHTC, Workforce and market rate housing. This approach continues NOMI's commitment to building a community where people of all walks of life are able to live work and play.

The project will have 80 residential units. Of the 80 units, 64 will be Tenant Area Median Income (AMI) Restricted MSHDA Project Based. This translates into 16 one-bedroom units at 30% AMI with a monthly rent of \$313.00; 11 one-bedroom units and 1 two-bedroom unit at 40% AMI with a monthly rent of \$443.00 and \$530.00 respectively; 15 one-bedroom units and 1 two-bedroom unit at 60% AMI with a monthly rent of \$662.00 and \$794.00 respectively; 19 one-bedroom units and 1 two-bedroom unit at 80% AMI (Workforce Housing) with a monthly rent of \$959.00 and \$1150 respectively. There will be 15 one-bedroom units and 1 two-bedroom unit at Market Rate with a monthly rent of \$1000.00 and \$1500.00 respectively. This project will add much needed Affordable Housing to this up and coming area.

The developers have requested a 4% PILOT on all residential units, in accordance with updates to the City's PILOT ordinance adopted in September 2018. The 16 market rate units make up 20% of the total housing mix, in compliance with the adopted ordinance revisions. The proposed income mix also qualifies the project for additional points under MSHDA's current Qualified Allocation Plan.

The PILOT for Harrison Circle LDHALP for a proposed Harrison Circle development located at 617 Harrison Street and 525 E. Ransom Street would be contingent upon:

- Closing on the awarded LIHTC award from MSHDA;
- Harrison Circle taking the actions required to reconfigure 525 East Ransom to include both the current Parcel I.D. 06-15-269-352 and Lot 10 of Block 41 of the Original Plat of the Town (Now City) of Kalamazoo, Liber 6 of Plats, Page 8, to be assigned the new Parcel I.D. Number 06-15-269-353.
- The developers establishing Harrison Circle LDHALP as the owner of the project;
- Notifying MSHDA of its eligibility for tax exemption;
- Maintaining the units as certified and registered rentals serving as affordable housing;
- Commencing construction within one year from the date the new PILOT resolution is adopted.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Affordable Housing - Improve the amount of decent and affordable housing in the City of Kalamazoo by supporting the maintenance, rehabilitation and development of accessible owner and renter occupied housing.

Strategic Goal Impact:



Shared Prosperity - Abundant opportunities for all people to prosper



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

Discussion

The addition of 80 housing units that target a mix of incomes, including 64 units with income targets averaging 60% AMI, will support the City's Shared Prosperity and Complete Neighborhoods goals.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Consult (two-way conversation) – the community will have a chance to react to the project through two-way conversation.

Discussion:

The developers conducted outreach for this project while preparing a rezoning request for the property in August through September 2018. Outreach included meeting with with the head of the Northside Association for Community Development (NACD) and speaking with Northside residents. The Planning Commission meeting to consider the rezoning was publicly noticed per the State of Michigan Requirements.

The project was also discussed publicly at City Commission meetings when the PILOT resolution was requested in 2018 and 2019.

FISCAL IMPACT:

For the proposed 80 units

80 units are used to calculate the estimated taxes if not a PILOT.

2019 Estimate of Annual Tax Revenue without the PILOT for the 80 units at the proposed development at 525 East Ransom Street:

Total Estimate of Taxes if not a PILOT based on 2018 tax rates: \$102,278

Estimated City's Share of Taxes in 2018 (approximately 21.65%): \$22,143

Estimated Total for 50 Year Period: \$22,143 x 50 years = **\$1,107,165** (without considering inflation or increased taxable values)

Estimated PILOT revenue to the City of Kalamazoo, based on estimated shelter rents

Estimated Annual Shelter Rent = \$684,072

Estimated Vacancy Loss (8%) = \$54,726

Estimated Shelter Rents (Rent Minus Vacancy) = \$629,346

Estimated Yearly PILOT Payment for the parcel (\$629,346 X 4%) = \$25,174

City's Share of Taxes (at 21.65%): \$5,450

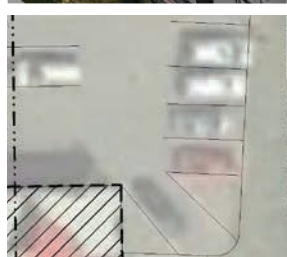
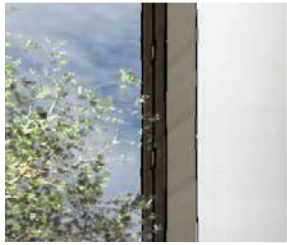
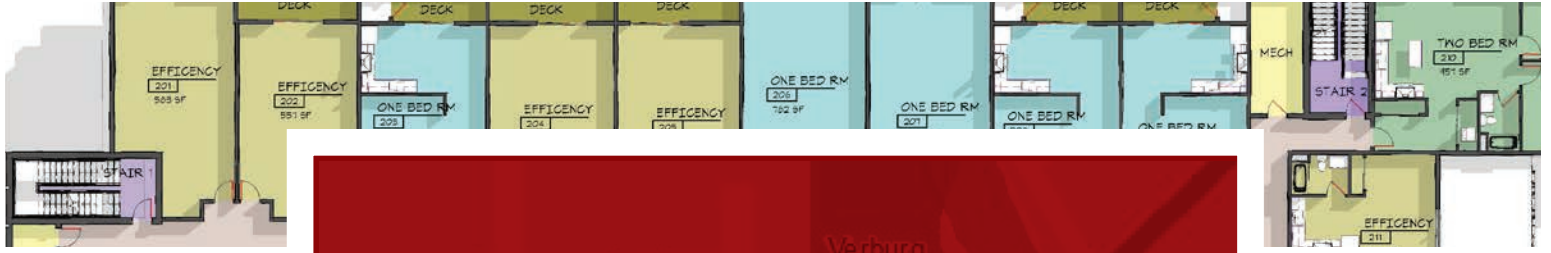
Estimated Total for 50 Year Period: \$5,450 X 50 Years = **\$272,507** (without considering inflation)

Difference (City revenue abated):

\$1,107,165 (taxes) - \$272,507 (PILOT) = \$834,658 over a 50-year period or approximately \$16,693 per year.

The commercial (non-residential) portion of the development will pay a service fee equivalent to the taxes that would be paid on that portion if the project wasn't tax exempt.

The property is currently owned by the Brownfield Redevelopment Authority and has a taxable value of \$0.



NOVEMBER 02, 2017

617 Harrison

Walbridge Common

Smarts hop

Ignerti

Butler

MacKenzie's & Food Co-op

525 E. Ransom

419 Harrison

RESPONSE TO

River's Edge District RFP

BROUGHT TO YOU BY

The Foundry

NoMi Developers

< Downtown

Rochester

way

Arcadia Ales

655 Gull

Verburn Park

River

STAIR 1

STAIR 2

MECH

EFFICIENCY 201 509 SF

EFFICIENCY 202 551 SF

ONE BED RM 203 752 SF

ONE BED RM 204 752 SF

ONE BED RM 205 752 SF

ONE BED RM 206 752 SF

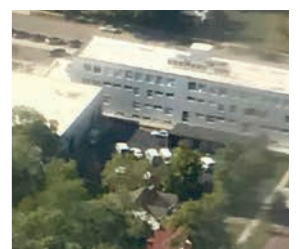
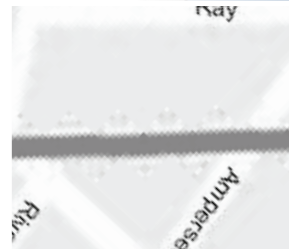
ONE BED RM 207 752 SF

ONE BED RM 208 752 SF

ONE BED RM 209 752 SF

TWO BED RM 210 951 SF

EFFICIENCY 211 509 SF





PROJECT PLAN

NARRATIVE

This proposal includes submissions for both 617 Harrison Street and 525 E. Ransom Street. As you will see from the plans they are not able to be separated and achieve the level of density that we are

1. NARRATIVE	03
2. SITE PROGRAM ANALYSIS	04
3. SITE CONTEXT PLAN	06
4. SITE PLAN DIAGRAM	08
5. SITE PLAN RENDERING	12
6. BUILDING ELEVATIONS	16
7. CONCEPT MATERIALS	20
8. DEVELOPMENT TEAM	22

NOMI developers would like to build our 4th BRA project in the Rivers Edge District at the northwest corner of the roundabout at Ransom and Harrison streets. Kalamazoo’s North Side, specifically the Rivers Edge District is our home and we have a continued commitment to make this area a welcoming place to live work and play. We have invested over \$10,000,000 in the Rivers Edge District and the proposed Harrison Circle Building will bring an additional \$13,000,000 to \$15,000,000 investment along with the potential of two food related businesses.

NOMI’s next project, Harrison Circle Building, is built off of the unique work and knowledge gained from the Walbridge Common Building especially the collaborative effort between the City of Kalamazoo and our team. The concept was featured in Forbes and other publications across the country.

This new project, Harrison Circle Building, will be a mixed use development. It will consist of potentially two food related businesses totaling 5000 square feet and 60 apartments. **The apartments will be a mix of LIHTC, Workforce and market rate housing.** This approach continues NOMI’s commitment to building a community where people of all walks of life are able to live work and play.

We are working with Helios Solar to explore the feasibility of installing a solar array composed of 145 solar panels on the roof of the Harrison Circle Building. The total array capacity is over 48.575kW and it would produce approximately 58.4MWh annually.

We also propose to build and maintain a Metro Bust Stop, a sheltered bicycle repair space, bicycle parking and donate \$10,000.00 for improvements to Harrison Park with the direction of Imagine Kalamazoo 2025 to keep a cohesive and community vision. We would like to help make the park a destination for peopling living, working and playing in this area.

This development will require three pieces of property: 617 Harrison Street: offering \$30,000. 525 E. Ransom Street: Offering \$100,000. 516 E. Butler Court: We own this property. The level of return to the city will be in a significantly increased tax base and housing for an underserved market. The level of return will be determined over the coming months as the BRA, MEDC, MSHDA, the City of Kalamazoo, and potentially several other organizations come together to “build” a truly mixed community consisting of LIHTC, Workforce and Market Rate apartments.



THE IGNERTIA BUILDING | 2011
4 Apartments, 2 Condominiums & 15 Jobs



THE NORBRIDGE BUILDING | 2014
5 Apartments & 49 Jobs



GREEN DOOR DISTILLING | 2016
5 Jobs



THE WALBRIDGE COMMON BUILDING | 2016
47 Apartments & 1 Commercial Space

SITE PROGRAM ANALYSIS

HARRISON STREET SITE PROGRAM ANALYSIS

Location: 617 Harrison Street & 525 E Ransom Street, Kalamazoo, MI 49007

Total Commercial Square Footage: 5,000 SF

Total Residential Square Footage:
3 floors @ 17,000 SF = 51,000 SF

Number, Size and Configuration of Commercial/Residential Spaces:

- 1st Floor:
Residential Lobby, Living Room, Game Room, 26 Stall Parking Garage and Outdoor Green Spaces.
- 2nd Floor – 4th Floor:
20 Residential Units per floor. Units Range From 520 SF – 750 SF.

Total Number of Vehicular Parking Stalls:
81 (4 Barrier Free)

Total Number of Bike Parking Stalls:
48 (24 Bike Racks)

Total Building Height:
4 Stories, approximately 56'

Start Date:
October 2018 completion fall of 2019.

Private Versus Public Investment:

This cannot be determined at this time because of the unknown level of participation by public entities that underwrite and support LIHTC and workforce housing.

HARRISON PARK & HARRISON STREET IMPROVEMENTS

- Sheltered bicycle repair station
- Metro stop
- \$10,000.00 for Harrison Park improvements with Imagine Kalamazoo 2025 guidance.



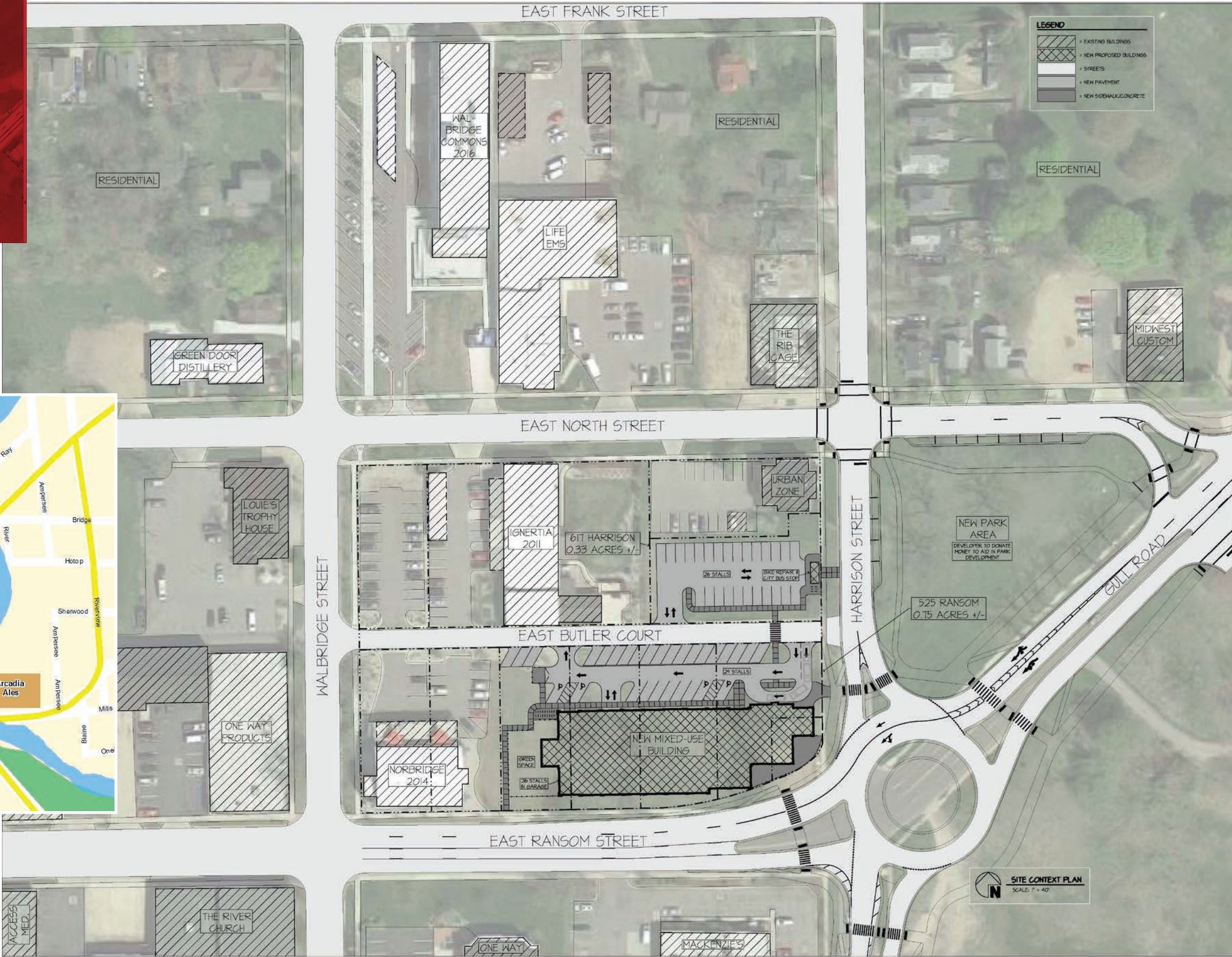
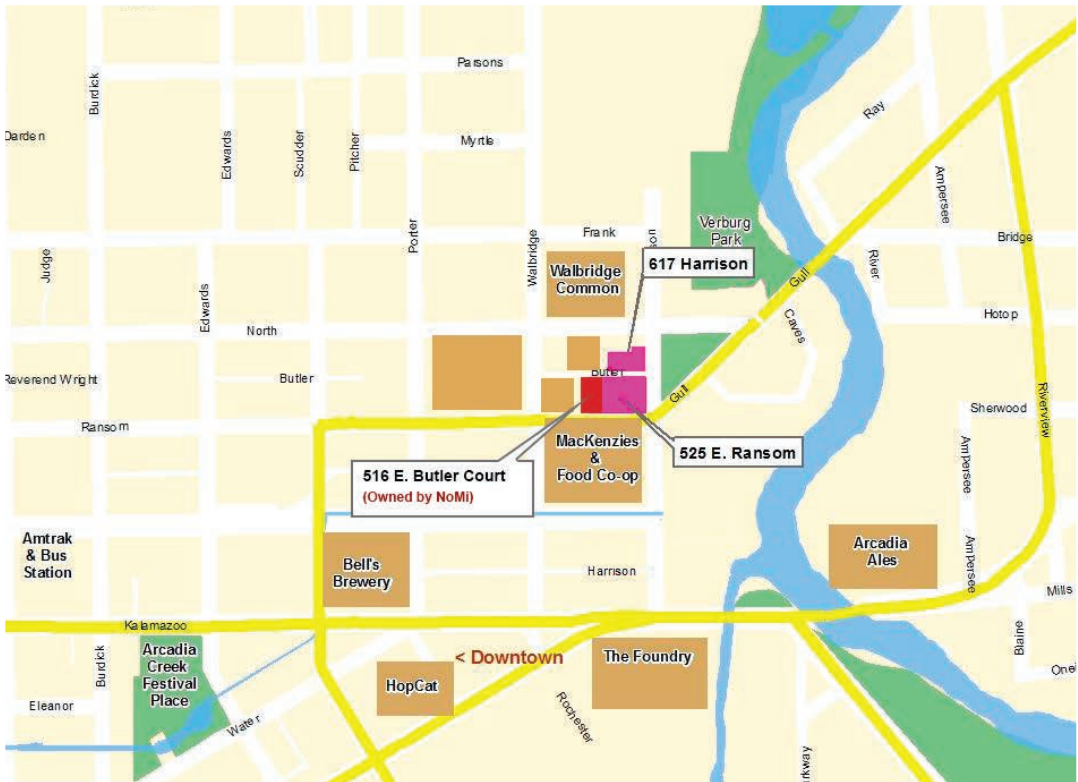
BIKE STATION



METRO STATION



SITE CONTEXT PLAN



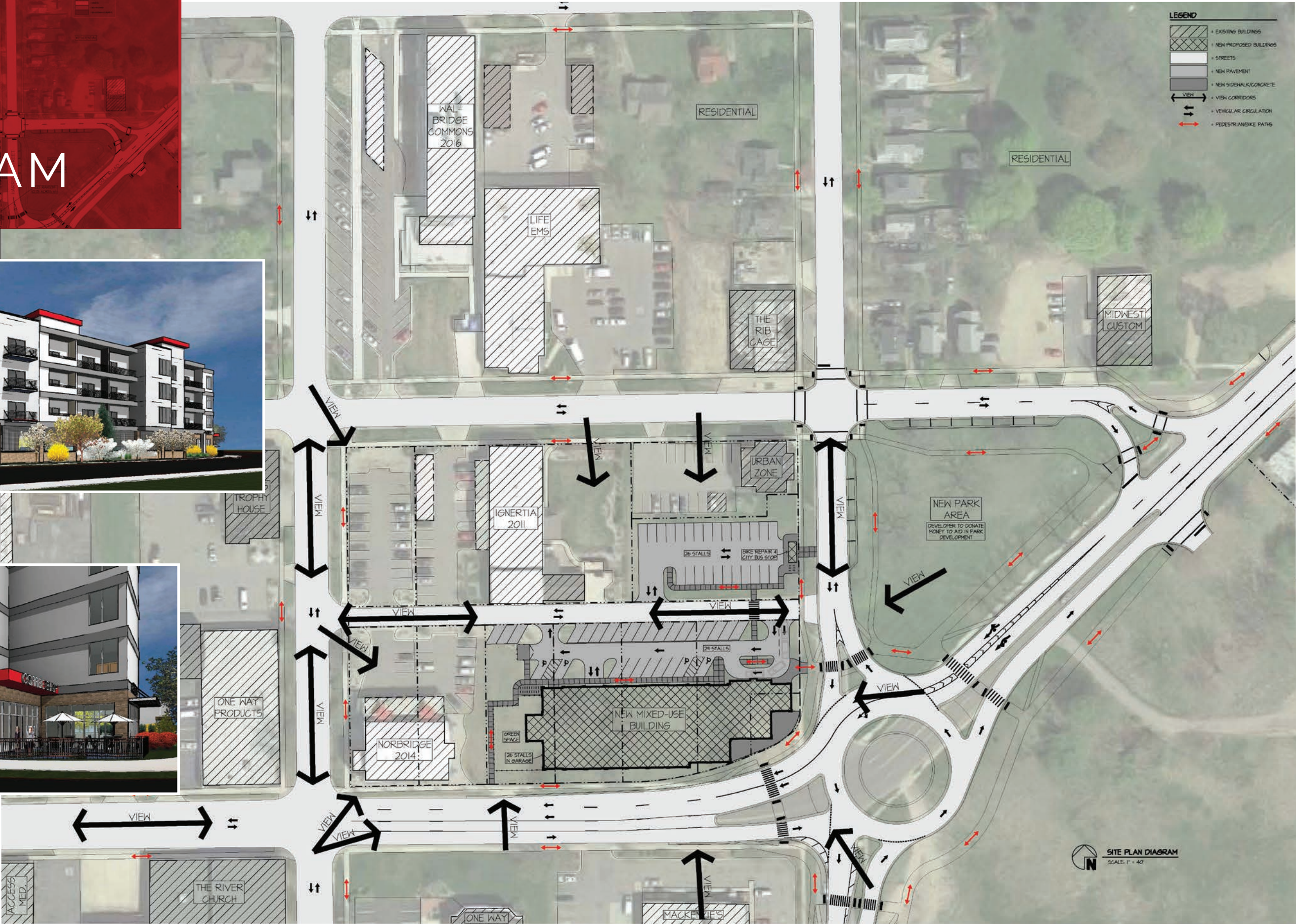
SITE PLAN DIAGRAM



3D VIEW LOOKING NORTH EAST



3D VIEW OF COFFEE SHOP





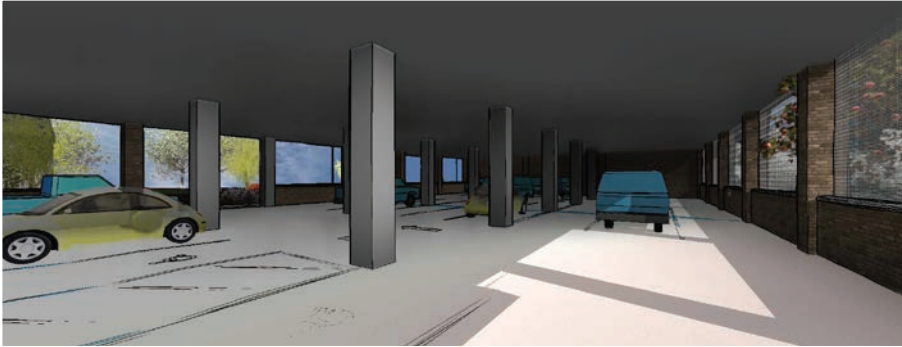
AREA VIEW LOOKING NORTH WEST



ELEVATED VIEW LOOKING NORTH EAST



3D VIEW CLOSEUP
LOOKING AT APT ENTRY



3D VIEW IN
BUILDING PARKING

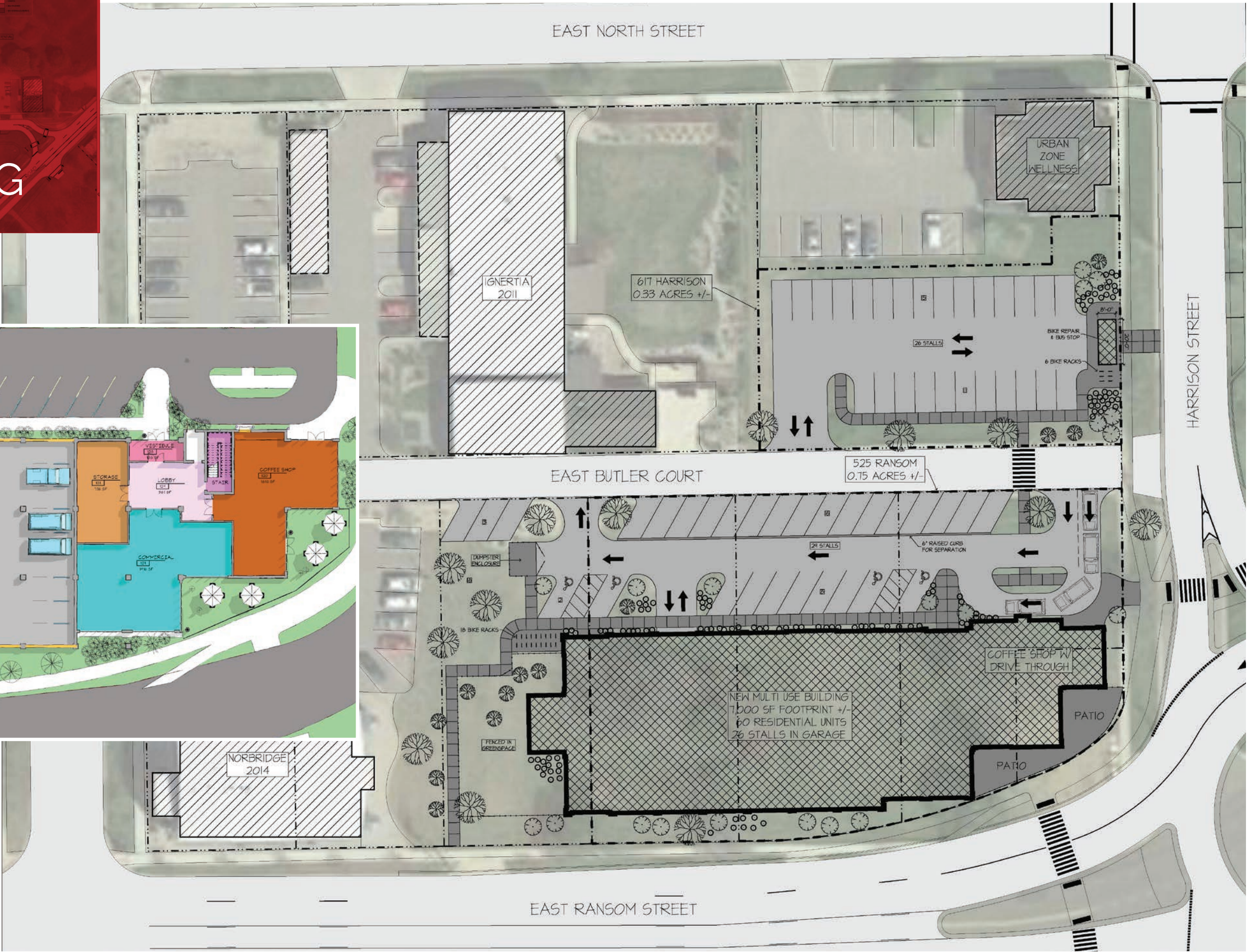


3D VIEW SIDEWALK VIEW
LOOKING NORTH EAST



3D VIEW LOOKING AT DRIVE THRU

SITE PLAN
RENDERING





NORTH ELEVATION DESIGN



EAST ELEVATION DESIGN



SOUTH ELEVATION DESIGN



WEST ELEVATION DESIGN

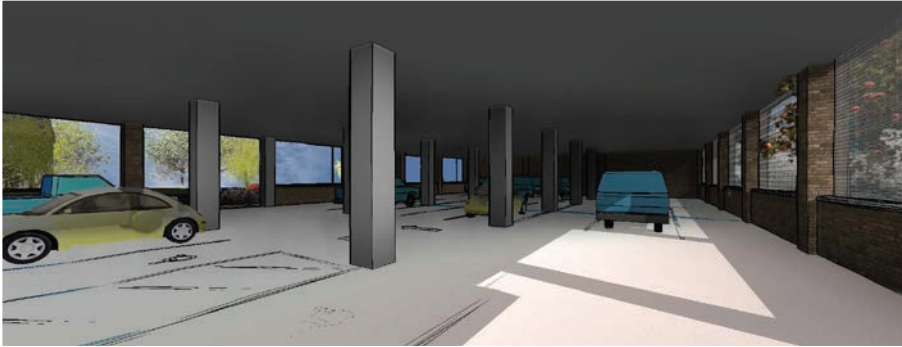
BUILDING ELEVATIONS





3D VIEW OF
COFFEE SHOP

3D VIEW IN
BUILDING PARKING



3D VIEW SIDEWALK VIEW
LOOKING NORTH EAST

3D VIEW LOOKING
NORTH EAST



3D VIEW CLOSEUP LOOKING AT APT ENTRY



3D VIEW LOOKING AT DRIVE THRU

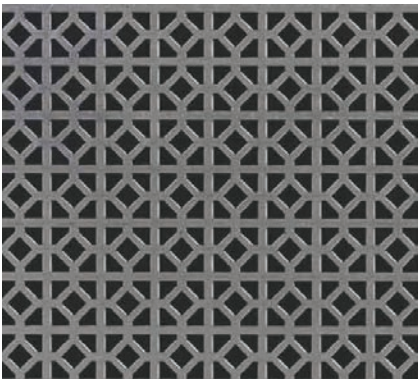


CONCEPT MATERIALS

PROPOSED BUILDING MATERIALS



BRICK



PERFORATED METAL



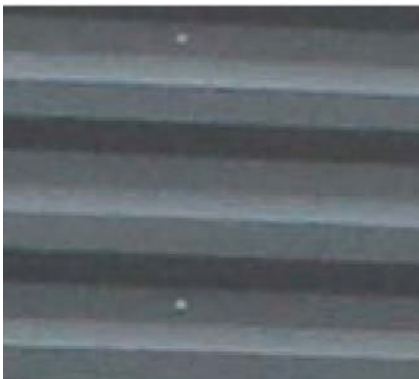
CONCRETE PIER



METAL SIDING - VERTICAL



ALUMINUM STOREFRONT



METAL SIDING - HORIZONTAL



GROUND CONCRETE FLOOR



METAL SIDING - HORIZONTAL

CONCEPT LANDSCAPING MATERIALS



FLOWERING PEAR



CORAL BELLS - PLACE PURPLE



DAYLILY - STELLA-D-ORO



BOXWOOD



WEIGELA - WINE AND ROSES



SPIREA - GOLDFLAME

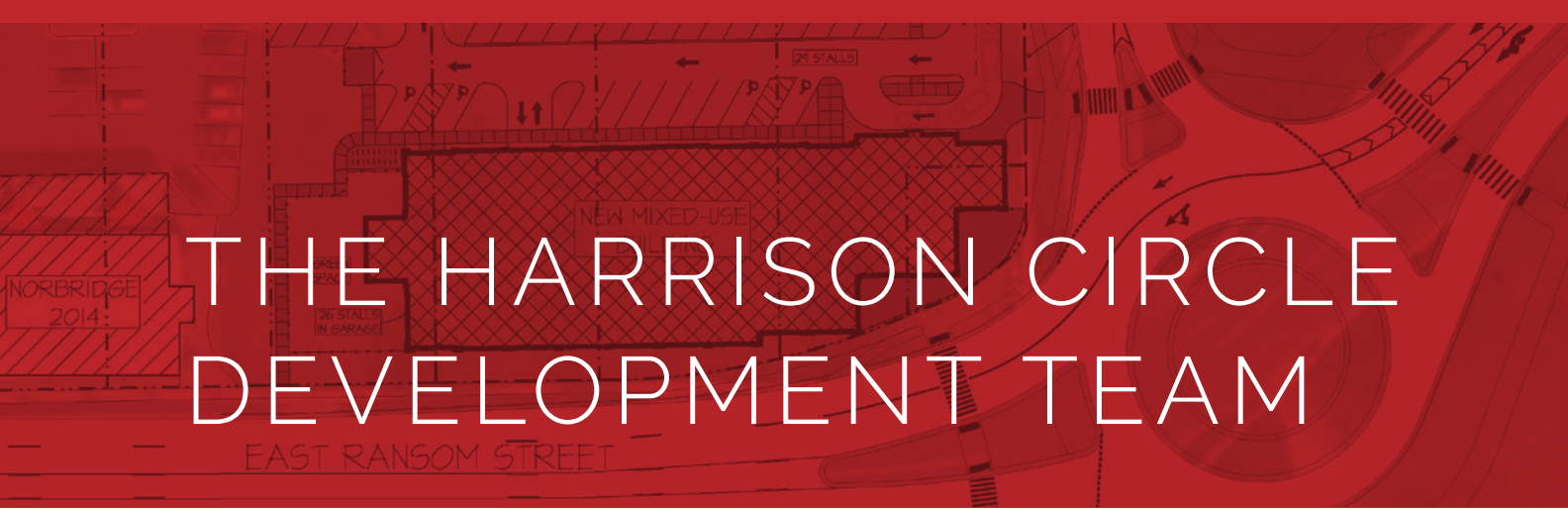


HYDRANGEA - LIMELIGHT



DWARF FOUNTAIN

The overall look of the project will be reflective of the quality of our previous projects. The Harrison Circle building will have more masonry, brick and polished concrete block, to add variety and substance to what will be another landmark building in this awesome North Side neighborhood that we call home.



THE DEVELOPMENT TEAM

The development team has been expanded to add expertise in LIHTC housing and deepen our ability to deliver a sustainable project.

MAC WALDORF

Mac has spent a career in business development in Kalamazoo focused on real estate and start-up companies. Serving as Founder and Principal of Apjohn Group LLC, Mac has worked within the community to identify, cultivate and transition early stage drug, device and pharmaceutical candidates toward commercialization. Mac has also run a real estate portfolio focused on design/build and commercial office opportunities.



JON DURHAM

Jon has enjoyed a successful career in operating several small businesses in this area. His career began at Life Story Funeral Homes and he moved on to co-founding Life Story Network, Ignertia, and Monumark. For the past four years Jon's focus has been on commercial and residential development in the River's Edge District and the North Side of Kalamazoo. He and his business partners are focused on making the North Side a place where people chose to live, work and play.



HERB AYRES

Herb's business career started in greater Kalamazoo with the Marshall and Gren Funeral Home and grew to include 3 Kalamazoo area Life Story Funeral Homes. Along the way, he's been responsible for various building construction and renovation projects, including two brown field projects and community revitalization programs. As a resident of the River's Edge neighborhood it is Herb's personal and professional commitment to see part of his business located near the downtown business district and continue to participate in the ongoing regeneration of the north side of Kalamazoo.



PHIL SEYBERT

Phil began his career in development in 1982 after graduating from Thomas M. Cooley Law School. After the enactment of the Tax Reform Act in 1986, Phil started focusing his efforts on affordable housing, utilizing Low Income Housing Tax credits as an integral part of underwriting projects. In 1991, Phil formed his own development company, P.S. Equities Inc., and since then has developed many affordable housing projects across the state of Michigan.



Today, Phil's focus remains on working with communities to better define and develop affordable and workforce housing in urban centers across Michigan.

GARRETT SEYBERT

Garrett is a licensed Real Estate Salesperson in the State of Michigan. He started early in his career as a junior apprentice, working at various multifamily sites for his dad, Phil Seybert. Growing up around multifamily properties, Garrett has an inherent knowledge and interest in the industry. He has worked on both the management side and the development side of the business, giving him a broader perspective in finding solutions and making executive decisions. Being very mechanically inclined and holding an "anything is possible" attitude, Garrett brings a fresh perspective to any project.



Garrett holds a Bachelor's Degree in Automotive and Heavy Equipment Manufacturing and an Associate's Degree in Technical Engineering from Ferris State University. He is a loving husband and father to twins, one boy and one girl; future industry leaders in the making!

MATT O'CONNOR

Matt has been involved with the multi-family development industry for over 10 years, developing over 300 residential units and several thousand square feet of retail space in Downtown Grand Rapids. Matt's primary focus is construction financing and tax incentives, having completed several successful projects with the help of the Michigan Economic Development Corporation (MEDC).



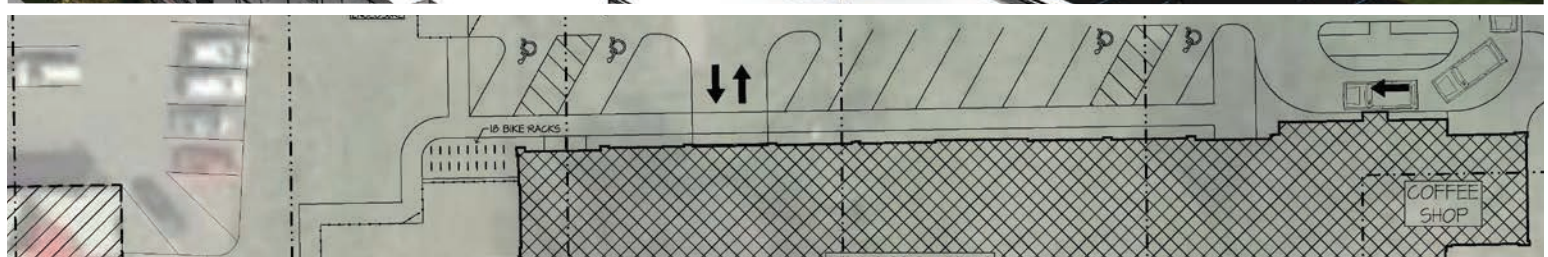
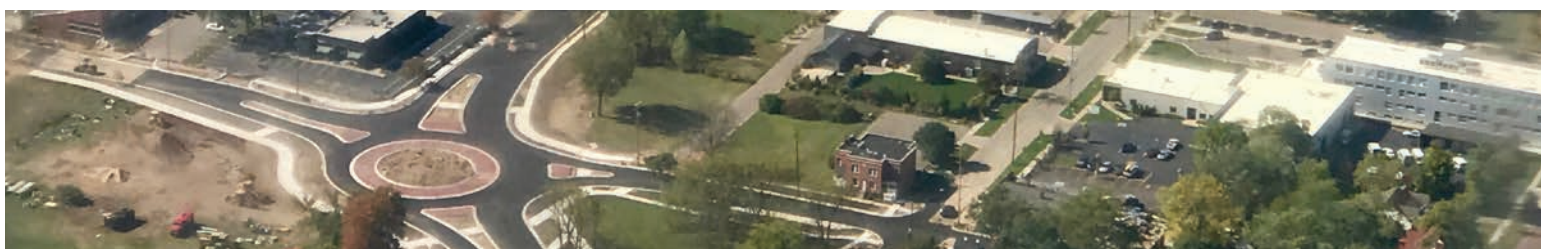
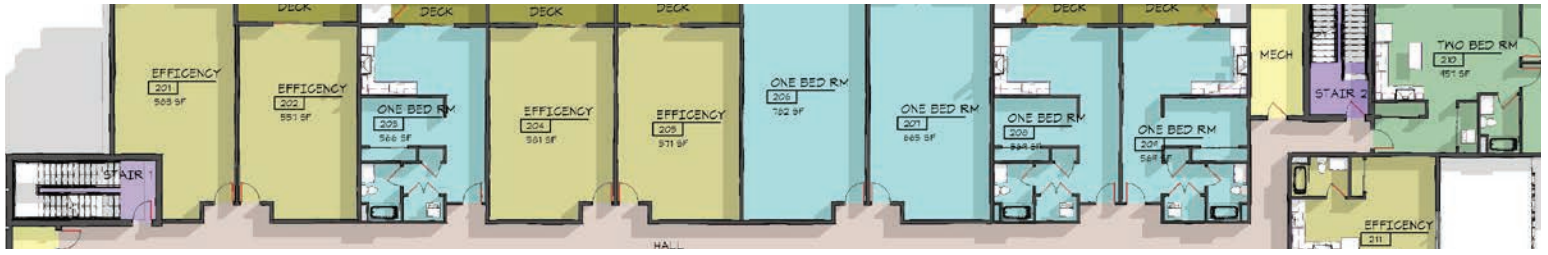
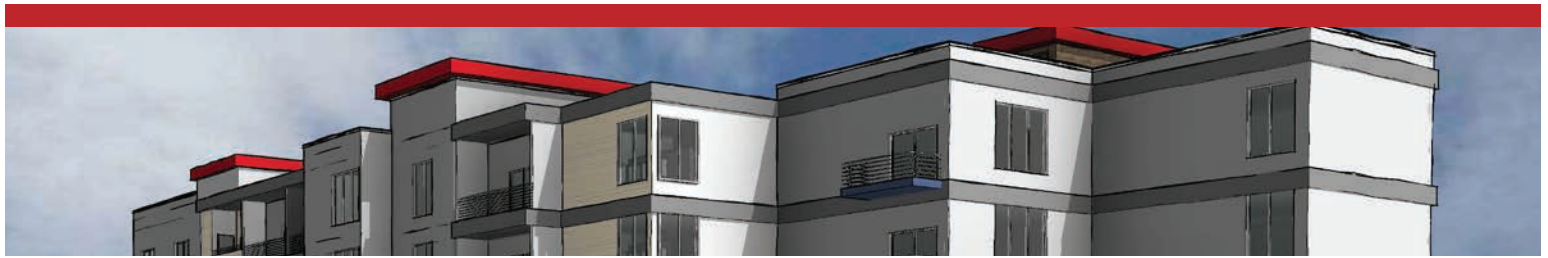
Matt has a Bachelor's Degree in Finance and Economics from Western Michigan University and holds a Board of Directors seat of Grand Rapids non-profit, Well House of the non-profit WELLHOUSE in Grand Rapids.

PROPERTY MANAGEMENT

KMG PRESTIGE

KMG Prestige is a well-regarded, fee-based property management firm, specializing in the success of multifamily residential housing. Established in 1992, KMG Prestige's portfolio has grown to over 20,000 apartment homes. KMG Prestige is approved to manage HUD and MSHDA affiliated communities.





Instructions

Rental Income

Unit	No. of Units	Unit Type	Bedrooms	Baths	Net Sq. Ft.	Contract		Utilities	Total		Section 8		% of Gross		% of Total		% of Total		Unit Type	Allowed Household Expense	Rent Limited By	Differential		Effective AMIs	Contracted Rent/Unit
						Rent	Utilities		Household Expense	Gross Rent	Rent	Square Feet	Rent	Units	Gross Square Feet	Square Feet	Under/Over	%				AMI's	Cost		
30%																									
30%																									
Area Median Income Units																									
Twenty AMI Restriction (if different from rent restriction)																									
MSHDA Project Based Voucher Units																									
Occupancy																									
A	8	Apartment	1	1.0	525	313	74	387	30,064	4.4%	10.0%	4,200	9.5%	4,200	4,680	4,680	4,200	4,680	387	TC Rent	0	0.00%	30.0%	\$0.60	
B	8	Apartment	1	1.0	560	313	74	387	30,064	4.4%	10.0%	4,680	14.0%	4,680	0	0.0%	0	4,680	387	TC Rent	0	0.00%	30.0%	\$0.65	
C	0	Apartment	2	1.5	750	375	90	465	0	0.0%	0.0%	0	0.0%	0	0	0	0	0	465	TC Rent	0	0.00%	30.50	\$0.50	
D	0							0	0	0.0%	0.0%	0	0.0%	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	
E	0							0	0	0.0%	0.0%	0	0.0%	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	
F	0							0	0	0.0%	0.0%	0	0.0%	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	
G	0							0	0	0.0%	0.0%	0	0.0%	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	
H	0							0	0	0.0%	0.0%	0	0.0%	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	
I	0							0	0	0.0%	0.0%	0	0.0%	0	0	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	
J	0							0	0	0.0%	20.0%	8,560	19.6%	8,560	8,560	8,560	8,560	8,560	N/A	N/A	N/A	N/A	N/A	N/A	
									60,168	0	8.8%	20.0%	8.8%	0	19.6%	8,680	8,680	60,168	0	0.00%	30.0%	30.0%	\$0.60		

	Area Median Income Units		Tenant AMI Restriction (if different from rent restriction)		MISHDA Project Based Voucher Units		Occupancy		Apartment 6		Apartment 8		Apartment 2		1.0		1.0		525		74		517		26,550		0		3.9%		6.3%		2,625		5.9%		2,625		517		TC Rent		0		0.00%		40.0%		\$0.64																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																															
A							1	1.0	560	443	443	74	517	31,960	0	4.7%	7.5%	3,960	7.6%	3,960	517	TC Rent	0	0.00%	40.0%	\$0.79	0	0.00%	40.0%	\$0.79	0	0.00%	40.0%	\$0.79	0	0.00%	40.0%	\$0.79	0	0.00%	40.0%	\$0.79	0	0.00%	40.0%	\$0.79																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
B							2	1.5	750	530	80	630	30	6,390	0	1.3%	0.0%	750	750	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

		Average Room Price (if different from rent restriction)																		60%		80%							
		MSHDA Project Based Voucher Units																											
Occupancy		1	10	525	662	74	736	55,609	0	8.1%	8.8%	4,675	8.3%	3,675	736	95% of TC Rem	0	0.00%	57.0%	\$1.26									
A	Apartment	1	10	560	662	74	736	63,553	0	10.0%	10.0%	4,480	10.1%	4,480	736	95% of TC Rem	0	0.00%	57.0%	\$1.18									
B	Apartment	2	15	750	80	50	854	5,022	0	1.4%	1.3%	750	1.7%	750	884	95% of TC Rem	0	0.00%	57.0%	\$1.08									
C	Apartment	0	0	0	0	0	0	0	0	0.0%	0.0%	0	0.0%	0	N/A	N/A	N/A	N/A	N/A	N/A									
D	0	0	0	0	0	0	0	0	0	0.0%	0.0%	0	0.0%	0	N/A	N/A	N/A	N/A	N/A	N/A									
E	0	0	0	0	0	0	0	0	0	0.0%	0.0%	0	0.0%	0	N/A	N/A	N/A	N/A	N/A	N/A									
F	0	0	0	0	0	0	0	0	0	0.0%	0.0%	0	0.0%	0	N/A	N/A	N/A	N/A	N/A	N/A									
G	0	0	0	0	0	0	0	0	0	0.0%	0.0%	0	0.0%	0	N/A	N/A	N/A	N/A	N/A	N/A									
H	0	0	0	0	0	0	0	0	0	0.0%	0.0%	0	0.0%	0	N/A	N/A	N/A	N/A	N/A	N/A									
I	0	0	0	0	0	0	0	0	0	0.0%	0.0%	0	0.0%	0	N/A	N/A	N/A	N/A	N/A	N/A									
J	0	0	0	0	0	0	0	0	0	0.0%	0.0%	0	0.0%	0	N/A	N/A	N/A	N/A	N/A	N/A									
		178,884																		0	18.8%	20.0%	8,905	20.1%	8,905			N/A	N/A

[illegible][illegible]

Total Units		HOME Units SF/Total Units SF		With Range	
		# HOME Units	Total Units		With Range
80	Gross Rent Potential	684,074	0.0%		
	Average Monthly Rent	713	0.0%		
	Gross Square Footage	44,300			

Utility Allowance

	Annual	Monthly
Total Income	684,074	57,006
Net Income	0	0
Net Profit	684,074	57,006
Total Project Revenue		

AMI # of Units 1 Bedroom small 1 Bedroom 2 Bedroom Income Averaging

30	16	16	0	16	1 Bedroom	16	30%	6.000%
40	12	11	1	12	2 Bedroom	-	30%	0.000%
50	0				1 Bedroom	11	40%	5.500%
60	16	15	1	16	2 Bedroom	1	40%	0.500%
80	20	19	1	20	1 Bedroom	15	60%	11.250%
Market	16	15	1	16	2 Bedroom	1	60%	0.750%
					1 Bedroom	19	80%	19.000%
					2 Bedroom	1	80%	1.000%

Total LHTC units by size
Total in Building

0	61	3	64	44.000%
36	40	4	16	** Cannot exceed
			80	

+ Mkt

Basis Boost Points for a 9% Deal:

- #2 - project is located in a QCT
- #5 - Projects that receipt points under Developments near Downtowns or Corridors
- #9 - Projects in an Opportunity Zone

Utility Allowance

	1 Bedroom	1 Bedroom	2 Bedroom	
Heating	21	21	24	
Cooking	7	7	10	
Other Electric	25	25	35	
A/C	0	0	0	n/a - windows are operable
Hot Water	0	0	0	n/a - landlord pays
Water	0	0	0	n/a - landlord pays
Sewer	0	0	0	n/a - landlord pays
Trash	0	0	0	n/a - landlord pays
Natural Gas Svc Chg	12	12	12	
Electric Svc Chg	9	9	9	
	74	74	90	

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION GRANTING ELIGIBILITY FOR A PAYMENT IN LIEU OF TAXES TO
A TO-BE-FORMED LIMITED DIVIDEND HOUSING ASSOCIATION LIMITED
PARTNERSHIP FOR HARRISON CIRCLE LOCATED AT 617 HARRISON STREET
(06-15-269-351) and 525 E. RANSOM STREET (06-15-269-352)¹**

Minutes of a regular meeting of the City Commission of the City held on the ____ day
of _____, 2020, at 7:00 o'clock p.m., local time, at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

Recitals:

- A.** NoMi Developers, LLC and Nickel Spitters, LLC and/or their respective principals or affiliates (collectively, the “Sponsors”) have formed Harrison Circle Limited Dividend Housing Association Limited Partnership (the “LDHALP”) for the purpose of securing Low Income Housing Tax Credits (LIHTC) and/or a Mortgage Loan for Harrison Circle, a development project located at 525 E. Ransom Street, 535 E. Ransom Street, And 617 Harrison Street; and
- B.** In connection with the allocation of low-income housing tax credits and/or the Mortgage Loan for the project, the Sponsors are seeking a tax exemption pursuant to MCL 125.1415a (the “Act”); and
- C.** Section 35-4 of the Kalamazoo City Code (“Ordinance”) and State Law MCL 125.1415a provide that the City may allow owners of property developed and reserved for low income persons or families to make an annual service charge payment in lieu of ad valorem taxes (“PILOT”) to the City in the amount not to exceed the amount of tax which would be imposed on the property but for its exemption from taxation granted. Terms not otherwise defined herein have the meaning set forth in the Ordinance.

THEREFORE, IT IS RESOLVED that the Sponsors are deemed eligible for the tax exemption under the Act and PILOT payments for the 80 eligible housing rental units and the appurtenant common areas, parking facilities and amenities at 525 E. Ransom Street and 617 Harrison Street,, subject to the following terms and conditions:

1. The tax exemption under the Act and PILOT eligibility shall commence on January 1st of the calendar year following receipt by the City of Kalamazoo Assessor of a Notice to Assessor, signed by the Sponsors and certified by the Michigan State Housing Development Authority ("MSHDA"), confirming that the project is eligible for the tax exemption and that the exemption would permit the LDHALP to make a PILOT, and shall continue for as long as the Project is supported by a Mortgage Loan, or for 50 years, whichever comes first, so long as the LDHALP maintains the units as serving low income persons or families; and
2. Upon notification of the award of tax credits, the Sponsors will reconfigure 525 East Ransom, to include both 06-15-269-352 and Lot 10 of Block 41 of the Original Plat of the Town (Now City) of Kalamazoo, Liber 6 of Plats, Page 8. The New Parcel I.D. Number to be assigned to 525 East Ransom is 06-15-269-353.
3. The Sponsors have formed the LDHALP and shall establish the LDHALP as the owner of the project prior to the PILOT taking effect; and
4. The PILOT for the housing units and the appurtenant common areas, parking facilities and amenities shall be calculated at a rate of four percent (4%) of annual shelter rents for 80 units during this time period and the PILOT for commercial (non-residential) areas of the project shall be equal to the full amount of the taxes which would be paid on that portion of the housing development if the project were not tax exempt, pursuant to the Ordinance; and
5. Upon closing of the Mortgage Loan, the project shall be owned by the LDHALP; and
6. The previous PILOT resolution (Resolution No. 19-12) adopted for this property is repealed and no longer in effect.

The above resolution was offered by _____ and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on _____, 2020. Public notice was given and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.

Scott A. Borling, City Clerk



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.15.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager
Reviewed by: Rebekah Kik
Prepared by: Christina Anderson

DATE: March 16, 2020

SUBJECT: Resolution to Approve the Updated Street Vacation Policy

RECOMMENDATION:

It is recommended the City Commission adopt a resolution updating the street vacation policy.

BACKGROUND:

The Street Vacation Policy is from 1992. It is out of date and does not reflect how staff process street vacations today. As a result, handling of street vacations has been frustrating for staff, has resulted in missed steps, and miscommunications between staff at department task hand offs.

Understanding this challenge, staff from the Assessor, City Attorney, Clerk, Planning, and Public Services gathered to review the existing policy document and make changes that streamlined the process by creating clear steps and assigning department responsibility.

The updates to the policy do not change the street vacation approval process. All requests are still reviewed by the Planning Commission and City Commission. The updates aimed to make the process clearer for both the City and the applicant, for example, setting a deadline for when the payment to the City must be received. Most of the changes focus on internal handling of the request, specifically which department handles which step and a timeline for when it should pass to the next staff person.

STRATEGIC VISION ALIGNMENT:

Connected City. A City that is networked for walking, biking, riding, and driving. Updating this policy allows staff to thoughtful review and process a street vacation request to ensure that it adheres to the goals of a connected city.

Good Governance. A City organization with the capacity and resources to effectively implement the community's vision in a sustainable way.

Updating this policy allows us to better serve the community by improving our ability to be a high performing organization.

COMMUNITY ENGAGEMENT:

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

Low Impact/Small Geography. The City receives 1-4 street vacation requests a year for specific segments of a street. The changes proposed do not have a great impact on the applicant, but do alter internal review and processing of the application. Because of this internal focus, the outreach conducted was 2 way discussions between the many City departments involved in this multi department process.

Following the approval of these updates, staff will update the street vacation application and provide additional "how to" information on the City's website.

FISCAL IMPACT:

The updates to the policy should ensure more timely payments from applicants requesting the street vacation policy through the creation of a process timeline.

Subject: STREET VACATION POLICY**Date:** March 2, 2020 **No.** 40.6**Page: 1 of: 4****PURPOSE:**

Public streets, courts, and alley rights-of-way are a vital piece of our transportation network, connecting residents, businesses, and institutions with each other and the greater community. Despite their importance, there are occasions, where a street, court, or alley could be vacated and its use as a public right-of-way (ROW) abandoned.

SCOPE:

This policy outlines the following:

- a. Circumstances when a vacation request may be appropriate.
- b. Review steps, required documentation, and approximate timeline of a ROW vacation.
- c. Required Planning Commission review and City Commission approval.
- d. Post approval steps for transferring property ownership of a vacated ROW.
- e. Staff roles in the ROW vacation process.

POLICY:

1. Applicability. The City will review requests for the vacation of a public right-of-way by an adjacent property owner(s) in the following circumstances. These are the minimum criteria required to make an application for a ROW vacation.

- A. The right-of-way is unimproved.
- B. The right-of-way is improved but is not publically used or sees limited use by the public and, if there is limited use by the public, a parallel route in close proximity exists.
- C. Vacation of the right-of-way would not impede the access of any adjacent property owner to their property.
- D. All adjacent property owners to the ROW must indicate their support of the vacation request in writing.
- E. Vacation will not impede the City in meeting its transportation goals.
- F. Vacation will not impact existing and planned utilities in right-of-way.
- G. Vacation will not impede the work of the Kalamazoo Department of Public Safety or Public Services Department.

2. Proposal Review.

- A. Initial Meeting. Applicants must meet with Planning Division staff to discuss the potential request and provide the following information:
 - 1) Location of requested ROW vacation
 - 2) Reasons for the request

Subject: STREET VACATION POLICY**Date:** March 2, 2020 **No.** 40.6**Page: 2 of: 4**

B. Criteria Review. Within ten (10) business days of the initial meeting City staff will determine if the request meets the criteria in 2(a-g). If the criteria are met, the request can move forward through the review process. Staff involved in this review process include:

- 1) Planning Division
- 2) Public Services – Traffic, Utilities & Records
- 3) Kalamazoo Department of Public Safety
- 4) City Assessor's Office.

3. Application. The following is required for the ROW Vacation Application. The request will be placed on the Planning Commission schedule when the complete application is received.

A. Application form and fee.

B. Location of request

- 1) On a map and as a text description.
- 2) The text description will include the length and width of the ROW in linear feet.
- 3) A survey with legal description may be required of the applicant(s) if accurate ROW dimensions cannot be determined off a parcel map or if the vacated ROW is not being split evenly between adjacent property owners.

C. Letter(s) of support or petition of support from property owners directly adjacent to the ROW.

D. Letter(s) of support from any easement holders within the right-of-way to be vacated, including easements for City utilities, electric, gas, and fiber.

E. Estimate of the fair market value for the land from the City Assessor that will be the responsibility of the applicant(s) if the request is approved.

F. Description of how the vacated ROW will be split and paid for by adjacent property owners.

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

5. Planning Commission Review and Recommendation. The Planning Commission reviews all ROW vacation applications and will recommend approval or disapproval to the City Commission. The Planning Commission review occurs during a public hearing.

A. Notice. At least fifteen (15) days prior to the public hearing, written notice will be made consisting of a map and text description of the ROW to be vacated.

- 1) The Planning Division will notify all property owners and occupants within 300' of the location via mail, this includes any easement holders and utility agencies, such as Consumers Energy, ATT, and CATV franchisees.
- 2) The Planning Division will post notice of the hearing in a newspaper of general circulation in the City.

Subject: STREET VACATION POLICY**Date:** March 2, 2020 **No.** 40.6**Page: 3 of: 4**

B. Recommendation. The Planning Commission will hold a public hearing on the request, taking comment from the applicant(s), area property owners, and other interested parties, and make a recommendation to the City Commission to approve or deny the vacation request. The recommendation may include conditions, such as maintaining utility access, maintaining or establishing easements, and making payment for the vacated property in a timely manner.

6. City Commission Decision. Planning Division staff will forward the Planning Commission recommendation for final review and a decision to the City Commission.

A. Meeting Materials.

1) Planning Division staff will work with the City Attorney's office to prepare the resolution, which will include language on any proposed conditions and the City's intent to vacate, and if necessary, decertify the street with the Michigan Department of Transportation, if approved.

2) Planning Division will prepare the staff report for the City Commission's review.

B. City Commission Meeting 1: First Consideration. The vacation request will be placed on consent agenda for a first consideration and review.

C. City Commission Meeting 2: Second Consideration. At the second consideration on the request, the City Commission will make its decision to approve or deny the request.

1) If denied, the applicant may not reapply for vacation for one (1) year unless there have been significant changes to support the request. Reapplication has the same application process and requirements of the initial application.

2) If approved, the approval is conditional upon the applicant(s) making payment for the property in addition to any other approvals placed upon the request by the City Commission.

7. Payment. The applicant(s) have sixty (60) days to provide payment to the City Clerk's office.

A. Payment includes the fair market value for the property and costs to create a metes and bounds description and record the documents.

B. If payment is not received within this timeframe, the City Commission's approval of the request will lapse.

C. The City Clerk will notify the Planning Division, Public Services, and the City Attorney's office upon receipt of the payment.

8. Quit Claim Deed. Within thirty (30) days of receipt of payment, the City Attorney's office will prepare a quit claim deed for the vacated right-of-way.

9. Easements. Within thirty (30) days of receipt of payment, City Attorney's Office and Public Services will prepare documentation for any easements required.

Subject: STREET VACATION POLICY **Date:** March 2, 2020 **No.** 40.6

Page: 4 of: 4

- 10. Document Recording.** Within forty-five (45) days of receipt of payment, the City Clerk's office will record, the resolution, proof of payment, quit claim deed, and easements.
- A. The City Clerk's office will provide proof of recording to the State Treasurer's Office and City Assessor.
 - B. The City Clerk will alert staff from the Planning Division, Public Services, and the City Attorney's office upon completion of this step.
- 11. Decertification.** Upon notification that all documents have been recorded, Public Services will undertake to decertify the vacated right of way.
- A. Public Services staff will prepare a resolution to decertify the vacated right-of-way and schedule the item for City Commission action.
 - B. Public Services staff will prepare the appropriate State-mandated form.
 - C. Public Services will send the approved City Commission resolution and State-mandated form to the Michigan Department of Transportation.

EFFECTIVE DATE: March 2, 2020

David F. Anderson, Mayor

HISTORY: Repeals and replaces policy adopted July 6, 1992



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.16.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: Scott A. Borling, City Clerk

DATE: March 16, 2020

SUBJECT: Resolution of Non-Profit Status for Charitable Gaming License - United Campus Ministry

RECOMMENDATION:

It is recommended that the City Commission adopt a resolution recognizing United Campus Ministry as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.

BACKGROUND:

United Campus Ministry (UCM) is based on the campus of Western Michigan University and has been in existence for almost 100 years. It is supported by an ecumenical group of churches and individuals and has its mission, "Infusing education with vision." For the past 20+ years, UCM has operated with a service-learning focus through long-term relationships with non-profit organizations like the Boys and Girls Club of Kalamazoo. UCM is also engaged in doing education about poverty and racial equity work.

UCM is planning a fundraising event that will include a raffle for weekend and week-long stays at a resort on Grand Traverse Bay. Funds raised through the raffle will be used to for the UCM program budget. In order to hold the raffle, United Campus Ministry must obtain a charitable gaming license through the Michigan Lottery Bureau. As part of the licensing process, the State requires the local unit of government to establish and verify the applicant's non-profit status through the adoption of a Local Governing Body Resolution for Charitable Gaming Licenses. The City Clerk has received a copy of a letter from the Internal Revenue Service confirming United Campus Ministry's tax exempt status and has verified with the Michigan Department of Licensing and Regulatory Affairs (LARA) that the organization is registered as a domestic non-profit corporation.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

9021 Legislative Support - Activities that fulfill the City Clerk's role as the "Clerk of the City Commission" (City Charter, Section 47). These activities include preparing City Commission meeting agendas and agenda packets; creating City Commission meeting minutes; processing documents for signature and transmittal following City Commission action; organizing and indexing the City Commission documents; and performing legislative research for Commissioners, staff, and citizens.

Discussion

In his role as the Clerk of the City Commission, the City Clerk receives requests from non-profit organizations who want to apply for charitable gaming licenses. The Clerk reviews the requests, verifies the organizations' non-profit status, and presents qualified organizations to the City Commission for recognition as "non-profit organizations operating in the community."

Strategic Goal Impact:



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

Discussion

The Legislative Support program has a high degree of impact on the following Good Governance Subgoals:

Communication and Outreach - Facilitate timely and effective communication throughout the organization and with the public through a variety of media modes.

Insights and Analysis - Support concept development, planning, and decision-making processes with relevant short-term and long-range analysis.

Organizational Principles - the City operates responsibly and embodies transparency, accountability, and innovation in all operations.

Data and Records Management - Maintain, preserve, and manage City records and information/data with clear, forward-looking plans so this valuable data will be a readily accessible resource that contributes to community goals.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

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

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation.



Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

RESOLUTION 20-

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL 432.103(9))

At a Regular meeting of the Kalamazoo City Commission
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on 03/16/2020
DATE

at 7:00 p.m. a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from United Campus Ministry of Kalamazoo,
NAME OF ORGANIZATION CITY

county of Kalamazoo, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining a charitable

gaming license, be considered for Approval.
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: _____

Nays: _____

Absent: _____

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and
adopted by the Kalamazoo City Commission at a Regular
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on 03/16/2020.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

Scott A. Borling, City Clerk

PRINTED NAME AND TITLE

241 W. South Street, Kalamazoo, MI 49007

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R7/02)



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.17.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: Scott A. Borling, City Clerk

DATE: March 16, 2020

SUBJECT: Resolution of Non-Profit Status for Charitable Gaming License -
Wellspring/Cori Terry and Dancers

RECOMMENDATION:

It is recommended that the City Commission adopt a resolution recognizing Wellspring - Cori Terry and Dancers as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license.

BACKGROUND:

Wellspring - Cori Terry and Dancers (Wellspring) was established in 1981 and exists "to offer a unique and authentic voice in modern dance which serves to inspire, engage, and educate our community."

Wellspring would like to conduct a "Radical RAD Fest Raffle," which would feature prizes associated with the 12th Annual Regional Alternative Dance Festival (RAD Fest). The grand prize package will include a two-night stay at the Radisson Plaza Hotel, festival tickets, and gift certificates to downtown restaurants. The raffle would commence in the spring, with the winners being announced in the fall.

Funds raised through the raffle will be used to support the production of Wellspring's 40th Anniversary Season, including RAD Fest, community outreach events, the production of two concert series, and the Wellspring Dance Academy. In order to hold the raffle, Wellspring must obtain a charitable gaming license through the Michigan Lottery Bureau. As part of the licensing process, the State requires the local unit of government to establish and verify the applicant's non-profit status through the adoption of a Local Governing Body Resolution for Charitable Gaming Licenses. The City Clerk has received a copy of a letter from the Internal Revenue Service confirming Wellspring's tax exempt status and has verified with the Michigan Department of Licensing and Regulatory Affairs (LARA) that the organization is registered as a domestic non-profit corporation.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

9021 Legislative Support - Activities that fulfill the City Clerk's role as the "Clerk of the City Commission" (City Charter, Section 47). These activities include preparing City Commission meeting agendas and agenda packets; creating City Commission meeting minutes; processing documents for signature and transmittal following City Commission action; organizing and indexing the City Commission documents; and performing legislative research for Commissioners, staff, and citizens.

Discussion

In his role as the Clerk of the City Commission, the City Clerk receives requests from non-profit organizations who want to apply for charitable gaming licenses. The Clerk reviews the requests, verifies the organizations' non-profit status, and presents qualified organizations to the City Commission for recognition as "non-profit organizations operating in the community."

Strategic Goal Impact:



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

Discussion

The Legislative Support program has a high degree of impact on the following Good Governance Subgoals:

Communication and Outreach - Facilitate timely and effective communication throughout the organization and with the public through a variety of media modes.

Insights and Analysis - Support concept development, planning, and decision-making processes with relevant short-term and long-range analysis.

Organizational Principles - the City operates responsibly and embodies transparency, accountability, and innovation in all operations.

Data and Records Management - Maintain, preserve, and manage City records and information/data with clear, forward-looking plans so this valuable data will be a readily accessible resource that contributes to community goals.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

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

FISCAL IMPACT:

There is no fiscal impact associated with this recommendation.



Charitable Gaming Division
Box 30023, Lansing, MI 48909
OVERNIGHT DELIVERY:
101 E. Hillsdale, Lansing MI 48933
(517) 335-5780
www.michigan.gov/cg

RESOLUTION 20-

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(9))

At a Regular meeting of the Kalamazoo City Commission
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on 03/16/2020
DATE

at 7:00 p.m. a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from Wellspring - Cori Terry and Dancers of Kalamazoo,
NAME OF ORGANIZATION CITY

county of Kalamazoo, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining a charitable

gaming license, be considered for Approval.
APPROVAL/DISAPPROVAL

APPROVAL

Yeas: _____

Nays: _____

Absent: _____

DISAPPROVAL

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the Kalamazoo City Commission at a Regular
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on 03/16/2020.
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

Scott A. Borling, City Clerk

PRINTED NAME AND TITLE

241 W. South Street, Kalamazoo, MI 49007

ADDRESS

COMPLETION: Required.
PENALTY: Possible denial of application.

BSL-CG-1153(R7/02)



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.18.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager
Reviewed by:
Prepared by: Sean Fletcher, Parks and Recreation Director

DATE: March 16, 2020

SUBJECT: Full-time Position Allocation for the Parks and Recreation Department for a Second Special Event Coordinator

RECOMMENDATION:

It is recommended that the City Commission approve the Parks and Recreation Department's request to add a second full-time Special Event Coordinator 1 FTE.

BACKGROUND:

The Parks and Recreation Department offers a variety of special events throughout the year for City residents. Events include Lunchtime Live, Summer Cinema (Movies in the Park), Halloween Forest, Egg Hunt/Community Egg Hunt, Six Stars Skate Jam, and Tree Lighting to name a few. The addition of a second Special Event Coordinator will allow the department to offer more events, with an emphasis on children and teens. The department currently has one Special Event Coordinator for all the events offered, which creates a very busy work schedule for one person.

The funds available to create this full-time position allocation include wages allocated to three part-time positions; Softball League Coordinator, Volleyball League Coordinator, and Recreation Office Assistant. The wages for the aforementioned positions and an overall reduction in the number of seasonal recreation staff hired will make this position allocation cost-neutral for the Parks and Recreation budget.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Strategic Goal Impact:

Inviting Public Places, Invest in Parks and Rec, Placemaking

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

The budgeted amount for this position is \$59,568, which includes wages and fringe benefits. Funds that will be utilized for this position are included in the 2020 Parks and Recreation General Fund operating budget as follows:

Volleyball League Coordinator	\$3,527
Softball Coordinator	\$12,595
Front Desk	\$20,152
Special Event Intern	\$8,321
Savings due to Hire Date May 1	\$10,581
Additional Seasonal Staff not hired	\$4,392
TOTAL	\$59,568



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.19.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by:
Prepared by: Sean R. Fletcher, CPRP, Parks and Recreation Director

DATE: March 16, 2020

SUBJECT: Prosperity Award Grant from the Consumer's Energy Foundation for the Farmers' Market Improvement Project

RECOMMENDATION:

It is recommended that the City Commission accept a \$100,000.00 Grant from the Consumer's Energy Foundation for the Farmers' Market Improvement Project.

BACKGROUND:

The Bank Street Farmers' Market planning has been ongoing for the past few years with the purchase of several properties making way for the realignment of Bank Street and parking to the south of the site. The past year has been spent refining plans and developing a phased plan for completing the farmers' market. InForm Architecture has been working with Parks and Recreation staff to develop a plan that is "buildable" and within a reasonable budget. Construction of phase one will begin September 2020.

The Consumer's Energy Foundation awarded the \$100,000.00 prosperity award grant in November 2019.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Strategic Goal Impact:

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Parks and Recreation staff along with InForm Architecture have worked closely with the People's Food Co-Op and Farmers' Market vendors to refine the plans for the market. A meeting with market vendors was held in November to obtain input about some of the finer details of the market based on the current plan. The meeting was attended by 26 vendors.

Engagement/Communication Tools

FISCAL IMPACT:

The award of this grant was initially planned to support the 2021 Farmer's Market Capital Improvement Project #cip0300057 in the 2020-2024 Adopted Capital Improvement Plan. Acceptance of this grant will allow the \$100,000 to be made available in 2020 for general improvements to the market.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.20.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, ICMA-CM, City Manager
Reviewed by:
Prepared by: Sean R. Fletcher, CPRP, Parks and Recreation Director

DATE: March 16, 2020

SUBJECT: Acceptance of \$29,489 from the Mayors' Riverfront Park Endowment Fund

RECOMMENDATION:

It is recommended that the City Commission approve an additional \$29,489.00 from the Mayors' Riverfront Park Endowment and increase the General Fund appropriation by the same amount to fund a feasibility study for Mayors' Riverfront Park and property adjacent to Red Arrow Golf Course, asphalt repair under the right field grandstands, and adding additional foul territory fencing to prevent injuries to fans.

BACKGROUND:

The asphalt in and around the baseball stadium has seen minimal repairs or improvements over the past 17-18 years. The asphalt area that will be repaired is utilized for food service and needs to be improved as it is cracked, decayed, and is creating tripping hazards.

The additional foul territory fencing will be located along the third baseline and will provide additional protection for spectators.

The Parks and Recreation Department is conducting a feasibility study for Mayors' Riverfront Park and property adjacent to Red Arrow Golf Course. The study will investigate the possibility of relocating the baseball stadium out of the floodplain and improving other aspects of the venue. The Red Arrow property will be examined to determine if it's suitable to place a youth/teen facility on the site. The sites are being reviewed together so they can compliment each other with a variety of amenities that will make both sites more attractive for citizens and event planners.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Youth Development - Opportunities for Skill Building, Educational Development and Attainment

Inviting Public Places - Invest in Parks and Recreation, Placemaking

Strategic Goal Impact:

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

The feasibility study will include several focus groups to obtain input. Youth will be engaged with regard to the possibility of a youth/teen facility at Red Arrow. The study will take a year to develop with ample opportunity for public comment.

Engagement/Communication Tools

FISCAL IMPACT:

As of January 1, 2020, the Mayors Riverfront Park Endowment Fund has \$113,729.00 available.

The additional endowment funding will provide additional resources to support improvements and repairs at the Mayors Riverfront Park and the study without utilizing additional General Fund resources or reducing planned expenditures in other areas of the Parks and Recreation 2020 Budget.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.21.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager
Prepared by: Steve Vicenzi, CFO/Director of Management Services

DATE: March 16, 2020

SUBJECT: Adoption of Updated Actuarial Assumptions

RECOMMENDATION:

It is recommended that the City Commission to adopt the following actuarial assumptions for the City of Kalamazoo Pension and Other Post Employment Benefit Plan (OPEB) plans:

- Investment Return: 7.25% (Reduced from 7.50%)
- Administrative Expenses (% of payroll): 0.75% (Increased from 0.65%)
- Wage Inflation: 3.50% (No Change)
- Price Inflation: 2.25% (Decrease from 2.50%)
- Updated Demographic Assumptions including Mortality Experience: Update to Pub-2010 Table from Society of Actuaries (Change from the RP-2000 tables)
- Amortization Period: No Change

BACKGROUND:

Every five years Gabriel, Roeder, Smith & Company (GRS) conducts an experience study for the purpose of updating the actuarial assumptions used in valuing the City of Kalamazoo Employees Retirement System and Other Other Post Employment Benefits Plan (OPEB) actuarial liabilities, assets, and actuarial determined employer contribution rates. The most recent study, completed January 7, 2020, reviewed the period January 1, 2014 to December 31, 2018. The study uses past experience along with future projections to provide a range of recommendations for actuarial assumptions.

The experience study was provided to the Retirement Investment Committee for review and recommendations to the City Commission. City staff reviewed the recommendations with the committee at the February 26, 2020 meeting. Three of the six committee members participated in the meeting, but a quorum was not present, thus the recommendation could not be voted on. It is noted that there were no dissenting opinions from members in attendance. Due to timing of

the preparation of the 2019 actuarial reports, if Commission action is not taken, any changes to the assumptions will not take place until the study to be completed for year end 2020.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



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

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

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

FISCAL IMPACT:

The recommended actuarial assumptions will reduce the funding levels from 134.7% to 128.7% for the pension system and from 56.3% to 53.0% for the OPEB system based on results as of December 31, 2018.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.22.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager
Prepared by: Steve Brown, Foundation for Excellence Manager

DATE: March 16, 2020

SUBJECT: Appointment of City Commissioner Jeanne Hess to Serve on the Foundation for Excellence Board of Directors

RECOMMENDATION:

It is recommended that the City Commission appoint Jeanne Hess as a City Commission Director to the Foundation for Excellence Board of Directors according to Section 4.02 of the FFE Bylaws and further establish the terms per section 4.04 of the FFE Bylaws as beginning on April 27, 2019, and not exceeding her current term of office as Commissioner.

BACKGROUND:

Bylaws - Section 4.02 - Numbers, Selection; A. City Directors: "As the initial terms of office for the Commission Directors ... expire or as positions held by Commission Directors ... become vacant or are about to become vacant, all future appointments to these positions shall be made by the City Commission. The City Commission shall nominate people to be considered to fill the position(s) of Commission Director and/or At-Large City Director and shall vote to nominate persons to fill any vacant positions."

Bylaws - Section 4.04 - Terms of Office: "Each Commissioner elected as a Commission Director shall serve a term established by the City Commission, but which shall not be longer than such Commissioner's current term of office as a Commissioner. If a person ceases to be a City Commissioner, either through expiration of his or her term of office as a Commissioner or otherwise, this person shall also cease to be a Commission Director and this person's position as Commission Director shall become vacant and the City Commission shall appoint a Commissioner to serve as Commission Director. If a Commissioner who previously served as a Commission Director is reelected to the City Commission, he or she may be reelected to the Board of Directors as a Commission Director. There is no limit on the length of time that a Commission

Director can serve on the Board;
provided, however, the Commission may adopt a resolution to limit the length of time that a Commissioner can serve on the Board of Directors."

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



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

COMMUNITY ENGAGEMENT:

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

FISCAL IMPACT:

There is no fiscal impact associated with this appointment.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.23.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: Steve Brown, Foundation for Excellence Manager

DATE: March 16, 2020

SUBJECT: Nomination of Housing Director and four Director Re-appointments to the Foundation for Excellence Board of Directors

RECOMMENDATION:

It is recommended that the City Commission nominate the following five Sector Representatives for the Foundation for Excellence Board of Directors:

- the appointment of Stephanie Hoffman as the Housing Sector Representative for a two-year term ending in 2022;
- the re-appointment of Charlene Taylor as Affinity Director for a three-year term ending in 2023;
- the re-appointment of Alisa Carrel as Arts Director for a three-year term ending in 2023;
- the re-appointment of Adam McFarlin as Business Director for a three-year term ending in 2023; and
- the re-appointment of Alice Taylor as Neighborhood Director, Northside Neighborhood, for a three-year term ending in 2023.

BACKGROUND:

A slate of five candidates recommended for nomination to the Foundation for Excellence (FFE) Board of Directors will be presented at the City Commission meeting on March 16, 2020. Details about the recommended nominees and the rationale behind the recommendations will be included in that presentation. However, this slate is the result of a multifaceted, collaborative process (see attached flow chart) of candidate recruitment, sector collaboration, and balancing the complementary skills and perspectives listed by the candidates with those of existing members. We hope that by sharing details about the process used to identify the final candidates

we ensure transparency and promote confidence in the final product. Below you will find an overview of the methodology used to arrive at this final recommendation.

A full methodology report showing sector engagement, candidate recruitment, and board diversity is attached to this agenda item.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



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

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

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

FISCAL IMPACT:

Foundation For Excellence

Stakeholder Director Recommendations

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MEMORANDUM

DATE: March 5, 2020
TO: Kalamazoo City Commission
FROM: Carrie Pickett-Erway
SUBJECT: Foundation for Excellence Board of Directors Selection Methodology

A slate of five candidates recommended for nomination to the Foundation for Excellence (FFE) Board of Directors will be presented at the City Commission meeting on March 16, 2020. Details about the recommended nominees and the rationale behind the recommendations will be included in that presentation. However, this slate is the result of a multifaceted, collaborative process (see attached flow chart) of candidate recruitment, sector collaboration, and balancing the complementary skills and perspectives listed by the candidates with those of existing members. We hope that by sharing details about the process used to identify the final candidates we ensure transparency and promote confidence in the final product. Below you will find an overview of the methodology used to arrive at this final recommendation.

METHODOLOGY

GOAL

The Kalamazoo Community Foundation was contracted by the City of Kalamazoo as the Governance Facilitator for the FFE. As such, the Kalamazoo Community Foundation is responsible for the coordination, identification, and selection of Stakeholders to be recommended to the City Commission for nomination to the Board of Directors. Per the FFE Bylaws, this process must include convening members of the relevant Stakeholder Groups to prioritize the candidates and ultimately results in the Community Foundation recommending a slate which achieves:

- Diverse abilities to conduct the duties of the Board
- Diversity across sectors
- Diverse perspectives

The end goal of the methodology described is to deliver a slate of candidates (“the slate”) that meets these expectations.

IDENTIFYING VACANT SEATS

Since the seating of the Inaugural Board in 2018, the Kalamazoo Community Foundation has been in contact with staff from the City to ensure continued support of the governance functions of the board. Over the course of the last year, one Stakeholder Director has stepped down from their seat, leaving that seat vacant until further action.

In addition, at the seating of the inaugural board, four Directors were appointed to initial 2-year terms to ensure one-third of terms expired each year in three-year cycles. One of the inaugural directors resigned and a replacement was selected last year to fill that seat (Charlene Taylor-Affinity Orgs/Nonprofit). All four Directors with expiring terms were willing to continue serving. City staff reported they are both valuable members of the board and recommended they be re-appointed. A cohort of leaders from each of these four sectors was consulted via email to review the current Stakeholder Director for their sector and all cohorts approved the recommendation for re-appointment.

CANDIDATE RECRUITMENT

With one vacancy to fill, the Community Foundation and City staff met to review the desired qualities for candidates (Attachment A) and to develop a process for recruitment. The application form (Attachment B) was updated to ensure the necessary information needed to prioritize candidates for the vacant seat would be gathered.

Applications were intentionally limited in terms of the depth and quantity of information submitted. The goal of the application was to collect “enough” information to make the selection, but not “too much” information so that the form itself became a barrier to apply.

The application form was made available to the public from January 1st through February 14th in both an online form and a paper format (compared to a January 31st closing date in previous years, due to a technical oversight that resulted in extending the deadline by 2 weeks). Applicants were also invited to submit a resume/Curriculum Vitae/one-page bio to provide supplemental information for the reviewers.

The City of Kalamazoo announced applications were being accepted by sharing a press release on the City website with links from the City’s social media outlets. The story was shared widely on social media and covered in local news media including MLive. Staff provided an interview on WMUK radio on January 20, 2020. To help ensure a deep candidate pool, the Kalamazoo Community Foundation also made outreach efforts by sharing the City’s news release with over 120 different area organizations including neighborhood associations, local, education institutions, nonprofit organizations and faith communities.

These efforts resulted in the submission of 23 completed applications for the open seat (compared to 35 completed applications submitted for the previous housing sector application cycle). Applications were received from across the community, with applicants representing the sector at both the leadership and grassroots levels, from inside and outside the City limits, a variety of education levels and income brackets, different religious backgrounds, and other varying identities.

SECTOR INPUT

In keeping with the expectation set forth in the FFE Bylaws, representatives of the Housing Stakeholder Group were convened to review the applicants. Key representatives from each sector were invited to participate (Instructions - Attachment C). This year we consulted with 5 representatives, allowing for candid, robust input (7 representatives participated in the previous housing sector review). A challenge to finding a large stakeholder group resulted from so many individuals being applicants themselves or close affiliates of applicants. This will be taken into consideration in future years.

After reviewing the applications, the sector reviewers were invited to a facilitated meeting to discuss the applicants, to provide additional first-hand information about candidates, and to begin to prioritize the top candidates. Following the meeting, each reviewer identified their top two candidates through an online ranking tool. Through the discussion in the meeting and the ranking tool, a clear preference emerged to recommend for the Housing Sector.

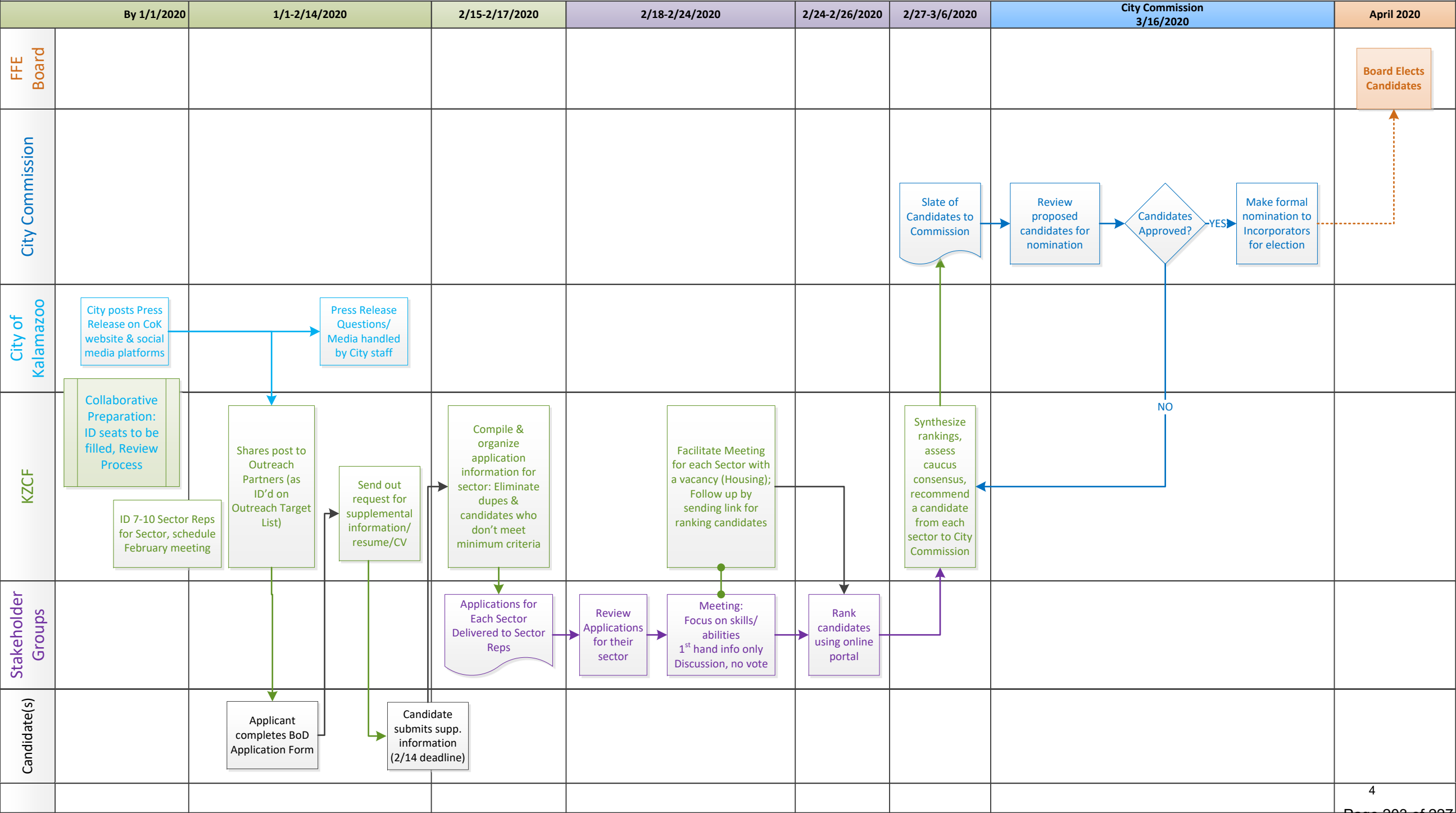
DEVELOPMENT OF FINAL SLATE

The final step in the process is to consolidate the information gleaned from the sector reviewers to ensure the final recommendation preserves a broadly diverse and skilled Board of Directors. A team of Kalamazoo Community Foundation staff with broad knowledge and networks within the community was convened to utilize their expertise to review the final slate. In addition to this expertise, the team was selected to ensure diversity in perspectives across gender and race. The team reviewed the composition of the board with a lens for equity, diversity, skills, and sector representation. The experience, diversity, and analysis provided by this process, assisted in the delivery of the desired product – the recommended candidate ensures a well-balanced Board of Directors.

AFTER ACTION REPORT

Following the completion of the application and review processes, participants will be invited to offer feedback on the experience to assist with process improvement for future recruitment efforts. Results of this feedback will be made available to the City Commission at a later date.

Foundation for Excellence (FFE) Board of Directors Identification & Selection Process



Foundation For Excellence

BOARD OF DIRECTORS: The Foundation For Excellence (FFE) Board of Directors represents and serves the public trust to ensure that the organization carries out the purposes for which it was established in a legal, ethical, and accountable fashion, thereby filling a critical link between the City of Kalamazoo and the Foundation. The FFE's work will align with the goals and objectives of the Imagine Kalamazoo 2025 Strategic Vision and Master Plan, the Shared Prosperity Kalamazoo plan, and the City of Kalamazoo. The City Commission is where all authority resides unless otherwise delegated to the FFE Board of Directors.

DIRECTOR RESPONSIBILITIES AND LEADERSHIP ATTRIBUTES

The Foundation For Excellence seeks to create an environment that allows for full activation of the talents and attributes that board members bring to the table. In addition to executing the duties and responsibilities for the role, board members have the opportunity to contribute their unique capabilities for maximum community impact.

Engage as a team member- contribute to the Board's efforts as a member of a high functioning team, by being accountable, direct and committed.

- Listen respectfully to all points of view, actively communicate, identify and consider risks and strive for effective decisions.
- Periodically conduct Board evaluation.

Contribute Knowledge- contribute a unique perspective to the breadth of knowledge that the Foundation For Excellence has at its disposal. The knowledge from directors and volunteers helps us widen that base of knowledge.

- From time to time extend learning through attendance at in-service workshops and Conferences.
- Apply broad community knowledge and represent the Foundation to the general public and to the business, corporate and non-profit communities.

Engage in Action - Come prepared for discussion and be willing to take personal action, in appropriate areas, willing to carry the work forward.

- Regularly attend Board, standing and ad-hoc committee meetings, retreats and work sessions.
- Review all agenda material in advance of the meeting to be well informed on issues.
- Respect and support all actions of the Board and maintain confidentiality. Confidential information will not be used for personal purposes or transmitted to others except in the course of a board member's duties on behalf of the Foundation For Excellence.

Be Visionary- contribute to the governance of the organization with a vision for the future.

- Establish and support the vision, mission, guiding principles and values, strategic direction, and policies for the Foundation.
- Become acquainted with the Foundation For Excellence concept, its legal basis, and function.

Support the Leadership - honor the roles of the governance board and the staff leadership, providing support to the City Manager and the leadership team through actions appropriate for volunteers.

- Meet the obligation of legal, fiduciary, and fiscal oversight responsibilities of a director.

- Assure compliance with state and federal regulations and laws.
- Make all decisions pursuant to founding documents, bylaws and established policy.
- Ensure adequate resources exist to carry out the strategic direction.
- Select, employ, provide specific expectations, conduct regular evaluations and determine compensation of the President/CEO, as needed.
- Delegate authority for organizational leadership and management to the President/CEO.

Analyze at systemic and strategic levels- Contribute to the Board's discussions by serving as a critical thinker, looking at long-term benefits and risks, provide focus and reflection on specific board level goals.

- Establish performance standards and evaluate the performance of the Foundation For Excellence.

Demonstrate Strong Character- in leadership thought and action, consistently display integrity, credibility, courage and a commitment to the values of the Foundation For Excellence.

- Conduct affairs ethically and avoid real or perceived conflicts of interest.
- Meet the obligations of duty, care, loyalty and candor.
- Monitor compliance with the organization's principles and policies and ensure the Board, individual members and the President/CEO collectively are held accountable for their performance.

Apply and Equity Lens – Value diverse perspectives, deepen understanding of the impact of racism, classism, etc., and assess challenges and opportunities with a specific focus on those most impacted by systemic barriers.

- Acknowledge personal limitations and grow your own awareness, understanding and competencies in the area of diversity, inclusion, and equity.

Activate Personal Networks - Bring to the table broad and diverse relationships that complement the existing relationships at our disposal. Be willing and effective at making introductions that expand quality relationships for the Foundation For Excellence's goals.

- Introduce staff to prospective donors, open doors to secure major gifts and consider making a personal provision to the Foundation.

Use influence as appropriate- serve as a civic minded leader, using personal influence to inspire positive community change.

Tolerate Risk- The Foundation For Excellence will at times need to take bold positions. The Board will engage in a risk/benefit analysis and make appropriate decisions.

- Explore innovative approaches to the Foundation's governance structure and operations and assess its strengths and weaknesses to build on the leadership of the Foundation.
- Always look toward the future, but have an appreciation of the past in advancing the Foundation's purpose.

Foundation for Excellence

Applications for the Housing Sector Stakeholder Director Seats will be accepted until 11:59PM ET, February 14, 2020.

We seek to engage organizations that are headquartered in, significantly located in, or overwhelmingly active within Kalamazoo City limits. We respect and promote the diversity that exists in our community through a policy of inclusiveness where all persons are treated fairly regardless of their differences or inclusion in any of the following classifications: age, ancestry, citizenship, color, disability, ethnicity, familial status, gender identity, genetic information, height, marital status, national origin, pregnancy, race, religion, sex/gender, sexual orientation, veteran status, and/or weight.

Housing Sector Stakeholder Application

First, please tell us about YOU, the potential member of the Board of Directors for the Foundation for Excellence.

Contact Information:

Your First Name: _____

Your Last Name: _____

Street Address: _____

City, State Zip: _____

City of Kalamazoo Resident? ☐ Yes ☐ No (answering "no" does not bar you from consideration)

Best Daytime Phone: _____

Email: _____

Next, tell us about yourself and why you should be considered to represent your sector as a member of the Board of Directors:

(The questions here provide a brief introduction to who you are and why you are interested in this position. You are encouraged to submit a resume, CV, or other supplemental information along with your application to help us get to know you better.)

Sector Information: Employer: _____ Position/Title: _____

Skills and Experience:

The Foundation for Excellence will provide funding to stabilize the City of Kalamazoo's budget, lower its tax rate, and pursue aspirational community projects with the stated goal of continuing this work in perpetuity.

Please indicate skills or experience you can contribute to help the Board to achieve these priorities with a needed emphasis on your experience in housing or housing-related topics:

☐ Governance/Board Administration

☐ Community Development

☐ Finance

☐ Youth Development

☐ Anti-Poverty Strategies

☐ Fundraising/Fund Development

☐ Knowledge of this Community

☐ Job Training or Placement

☐ Economic Development

☐ Neighborhood Improvement

☐ Other: _____

Please describe the skills and experience you indicated above:

We encourage you to submit your resume, CV, or other supplemental information along with your application to help us get to know you better.

Demographic Information:

The Foundation for Excellence is committed to maintaining a Board of Directors with diverse perspectives and abilities. Therefore, we invite you to share, to your comfort level, how you identify in the following areas:

Household Income (circle range)	Education (circle highest level completed)	Age _____
Under \$35,000	No High School Diploma	Race/Ethnicity _____
\$35,000-\$50,000	High School Diploma/Equivalent	Marital/Family Status _____
\$50,000-\$75,000	Trade/Vocational School	Gender Identity _____
\$75,000-\$100,000	Some College/No Degree	Veteran Status (y/n) _____
\$100,000-\$250,000	Associates Degree	Sexual Orientation _____
Over \$250,000	Bachelors Degree	Religious Affiliation _____
	Master's Degree	(If any)
	Doctorate	

Are there other ways you could bring a diverse perspective to this Board of Directors? If so what are they?

The Foundation for Excellence has contracted with us, the Kalamazoo Community Foundation, as a Governance Facilitator, responsible for the coordination, identification, and selection of persons as Stakeholder Directors to be recommended to the City Commission for nomination.

The Kalamazoo Community Foundation is the sole owner of the information collected on this form. We only have access to/collect information that you voluntarily give us through this tool, email or other direct contact from you.

We will not sell or rent this information to anyone.

We will not share your information with any third party outside of our organization, other than as necessary to complete the identification, selection, and nomination process as outlined in the Articles of Incorporation of the Foundation for Excellence.

By submitting this form, you give the Kalamazoo Community Foundation permission to use the information you share with us to facilitate the nomination and selection process for the Board of Directors of the Foundation for Excellence as outlined above.

Signature: _____

Date: _____

When complete, please return to:

FFE Governance Facilitator

Kalamazoo Community Foundation

c/o Sue Bos

402 E. Michigan Ave.

Kalamazoo, MI 49007

Questions? Sue Bos, 269-381-4416 or sbos@kalfound.org

SECTOR REVIEWER PARTICIPATION INSTRUCTIONS

- 1) **February 17, 2020** – Information Packets emailed to Sector Representatives, including:
 - a. Overview of Stakeholder Director Responsibilities and Characteristics
This should help you have a more robust understanding of what the Stakeholder Director Position entails
 - b. Confidentiality Policy
We will ask you to read and agree to abide by this policy to help ensure the confidentiality of this process
 - c. Conflict of Interest Policy
We understand that as leaders in your sector, it is likely you have relationships of varying degrees with several of the applicants up for review. We will ask you to read and agree to abide by this policy to help ensure we avoid conflicts of interest in the process
 - d. Application Materials
These are applications from candidates who would like to be considered for this position. Reviewing these applications and providing input is the most important part of your role (more on that below)
- 2) **February 17-22, 2020** – Sector Representatives Complete an Independent Review:
 - a. We ask that you read over each application and any supplemental materials (bio, resume, etc.) that were submitted by the applicant.
 - b. As you review, please make a note of:
 - i. Questions left unanswered by the materials
 - ii. Concerns raised in the reviewing process
 - iii. Helpful insights or comments that may benefit other reviewers (please only use FIRST HAND knowledge – not hearsay or information you heard from someone else.)
- 3) **By Noon, Sunday, February 23** – Help us prioritize our time together by completing the online Conversation Priority Tool:
 - a. Note any candidates for which you have a Conflict of Interest
 - b. Note the candidates you feel are most important to discuss with the group due to questions, concerns, or valuable information to share.
NOTE: It is possible we will not have time to discuss each candidate in depth.
- 4) **10:00am, Monday, February 24 – Collaborative Review at the Kalamazoo Community Foundation:**
Please arrive 5-10 minutes early for our conversation. It may be helpful to have the application materials and any notes handy to reference during the meeting, but I will also be able to project the applicant information onto the video screen.
- 5) **By 5pm, February 26** - Complete the final Candidate Ranking Tool online
 - a. This tool will allow you to choose your top 2 candidates, as well as add any notes or comments on other applicants. This information will help consolidate input from the sector representatives while considering the composition of the existing board to recommend nominees to ensure a balance of skills and perspectives is maintained.

We hope this whole process will take you about 2-3 hours over the next 2 weeks. We are immensely grateful for your willingness to support this process and the perspectives and insights you can share in helping to narrow this pool of candidates. If you have any questions, please don't hesitate to ask. My goal is to make this process as painless as possible for you – please let me know how I can help.



MEMORANDUM

DATE: March 5, 2020

TO: Kalamazoo City Commission

FROM: Carrie Pickett-Erway

SUBJECT: Recommended Candidate for Nomination to
the Foundation for Excellence Board of Directors

As the contracted Governance Facilitator for the Kalamazoo Foundation for Excellence (FFE), the Kalamazoo Community Foundation (KZCF) is happy to present the candidates recommended for nomination or re-appointment to fill the vacancies on the FFE Board of Directors. Below you will find a brief description of each candidate and the rationale for their selection. In addition, attached to this memo are the application materials submitted by these candidates.

OVERALL COMPOSITION

The overarching goal of the Governance Facilitator role is to deliver recommendations for candidates to the FFE Board of Directors which will be well-positioned and well-suited to the essential governance work of the FFE. To achieve this, the overall composition of the board must continue to include a variety of skills and expertise, diverse perspectives, and strong representation of the key sectors of the City of Kalamazoo identified within the FFE Bylaws (see below).

The re-appointment of four current Directors and the appointment of one new candidate preserve this balance. In addition to the broad skillsets represented by the existing members, the new candidate brings additional expertise and diversity of perspectives. A chart highlighting the demographic information and expertise is included in the Recommended Slate Matrix (Attachment D).

As outlined in the FFE Bylaws, the inaugural slate of Stakeholder Directors was split into groups of one-, two-, and three-year terms to ensure one-third of the General Directors will have terms expiring each year. This year and for all future years, appointments will generally be for full, three-year terms. The FFE Bylaws also state that those appointed to initial one- or two-year terms are eligible for reelection to two additional three-year terms (beyond their initial partial term) before maxing out the “two (2) consecutive three-year terms” limit. Therefore, the class elected in 2020 will serve June 1, 2020 – May 31, 2023 and all four candidates, if elected, will be eligible for re-appointment in 2023. The Housing Director, if elected in this class as well, will be eligible for re-appointment in 2022. For a full picture of the term schedule, please refer to the Gantt Chart (Attachment E).

RELEVANT SECTOR DESCRIPTIONS (from FFE BYLAWS)

Affinity Organizations (NPO) – from a group of persons representing nonprofit organizations whose mission or purpose is to advocate for and/or provide supportive services to local families and individuals

Arts Community – from the local arts community shall be drawn a local nonprofit art, music or performing arts organization.

Business/Banking – a respected business person whose principle place of business is located in the City of Kalamazoo. Preference shall be given to someone involved in banking and financial institutions that have a significant corporate presence in the City of Kalamazoo, which may include national banks, state chartered banks, state chartered trust banks and credit unions.

Housing – from nonprofit and for-profit entities whose core function or purpose is the provision of affordable housing.

Neighborhood – persons living in three neighborhoods in the City of Kalamazoo with an organized neighborhood association. Best efforts shall be made to seek stakeholders from the various neighborhoods on a revolving basis, with priority given to those neighborhoods where at least 51% of households have incomes at or below 80% of the area median income. No organized neighborhood associations shall have more than one (1) representative on the Board at one time.

RECOMMENDED CANDIDATES FOR RE-APPOINTMENT

(Complete application materials for each candidate are found in Attachment F)

AFFINITY ORGANIZATIONS (NPO) SECTOR – Charlene Taylor (re-appointment)

Key Competencies Reported: 10/10

Sector Ranking: Overall Top Ranked

In 2019, Ms. Taylor received the highest ranking among nonprofit sector leaders by a clear margin. Ms. Taylor was appointed in 2019 to complete the unexpired term of Mia Henry through May 31, 2020. She is willing and able to continue in this role. Reports of her tenure with the board are positive, her colleagues support her continuing service, and City staff and sector leaders support her re-appointment for a full three-year term.

ARTS COMMUNITY – Alisa Carell (re-appointment)

Key Competencies Reported: 6/10

Sector Ranking: Overall Top Ranked

Received the highest ranking from the sector leaders. Ms. Carell was appointed to her inaugural term in January 2018. She is willing and able to continue in this role. She has been an active and productive participant on the Board of Director. Her colleagues support her continuing service, and City staff and sector leaders support her re-appointment for a full three-year term.

BUSINESS/BANKING SECTOR – Adam McFarlin (re-appointment)**Key Competencies Reported:** 2/10**Sector Ranking:** Overall Top Ranked

Mr. McFarlin received the highest ranking from sector leaders. Mr. McFarlin was appointed to his inaugural term in January 2018. He is willing and able to continue in this role. Reports of his tenure with the board are positive. His colleagues support his continuing service and City staff and sector leaders support his re-appointment for a full three-year term.

NEIGHBORHOOD SECTOR – Alice Taylor (Northside) (re-appointment)**Key Competencies Reported:** 1/10**Sector Ranking:** Ranked in Top 5

Ms. Taylor was appointed to her inaugural term in January 2018. She is willing and able to continue in this role. Ms. Taylor has been an active and productive participant on the Board of Directors. Her colleagues support her continuing service and City staff and sector leaders support her re-appointment for a full three-year term.

RECOMMENDED CANDIDATE FOR APPOINTMENT

(Complete application materials for each candidate are found in Attachment G)

HOUSING SECTOR – Stephanie Hoffman (appointment to fill unexpired term)**Key Competencies Reported:** 4/10**Sector Ranking:** Overall Top Ranked

Ms. Hoffman received the highest ranking from sector leaders. Ms. Hoffman is consistently in the community partnering with leaders, agencies and everyday people. She is an advocate on the structural/development side of housing. Ms. Hoffman is recommended for appointment to fill the unexpired term of JoVaughn Head through 5/31/2022 and will then be eligible for re-appointment to two additional full, three-year terms.

Resident of COK	governance/Board Administration	Finance	Anti-poverty strategy	Community Knowledge	Economic Development	Community Development	Youth Development	Fundraising/Fund Development	Job Training/Placement	Neighborhood Improvement	Other	Age	Race/Ethnicity	Marital/Family Status	Gender Identity	Sexual Orientation	Education Level	Income	Veteran Status	Religious Affiliation (if any)	Other Diverse Perspective
Y	X			X		X		X		X	X	45-54	Caucasian	Single	Female	Heterosexual	Master's Degree	\$50,001-\$75,000	No	Christian	Hearing Disabled
Y	X							X				>35	Caucasian	Single/No kids	Male	Heterosexual	Master's Degree	\$50,001-\$75,000	No	N/A	
N	X		X	X	X	X	X					45-54	African American	Married	Male	Heterosexual	Master's Degree	\$100,001-\$250,000	No	Non Denomnational	
N	X		X	X	X	X	X	X				35-44	African American	Married w/ Children	Female	Heterosexual	Doctorate	\$100,001-\$250,000	No	Christian - Baptist	
Y	X			X	X		X	X				64-74	White	Married	Female		Bachelor's Degree	\$100,001-\$250,000	No	Methodist	
Y				X								55-64	African American	Single	Female		Associate's Degree	\$35,001-\$50,000	No	Galilee Baptist Church	
Y				X		X		X			X	35-44	Hispanic	Single	Female	Straight	Associate's Degree	Under \$35,000	No	Catholic	
Y	X					X		X				35-44	white	Married (2 young children)	cis woman	heterosexual	Master's Degree	\$75,001-\$100,000	No	Unitarian Universalist	
Y	X	X	X	X	X	X	X	X	X	X	X	64-74	African American	Single	female	heterosexual	Bachelor's Degree	\$35,001-\$50,000	No	Baptist	
Y	X		X	X							X	45-54	African American	Committed	Female	Straight	Some College/No Degree	\$75,001-\$100,000	Y	Christian	

*yellow highlight indicates proposed new or reappointed candidates

Demographic Diversity:	Proposed Slate of Stakeholder Directors	City of Kalamazoo
City Residency	Eight City Residents, Two outside City Limits (All Five City Directors are all City Residents - the minimum of nine is met)	Not applicable
Age:	One Millenial, Six GenX, Three Baby Boomer	Millenial (35%), GenX (19%), Baby Boomer (14%)
Race:	Four White/Six People of Color, three races/ethnicities represented	White (68.1%), Afr. Amer. (22.2%), Latino (6.4%)
Family Status:	Four Married, Six Not Married, Both with and without children	Married Households (26.1%), Single (73.9%) Households with own children under 18 (23.3%)
Gender:	Two Men, Eight Women (City Directors: Four Men, One Woman) - the total balance is 6 men/9 women)	Male (49.3%), Female (50.7%)
Sexual Orientation:	Eight identify as straight, none identify as LGBTQ, two did not answer	not available
Education:	One Some College/No Degree, Two Associate's Degrees, Two Bachelor's, Four Master's, One Doctorate	High Sc./Some College (47.9%), Assoc. (9.1%), Bach'r. (18.6%), Mast. or higher (14.8%)
Income:	Spanning from under \$35,000/yr to over \$100,000/yr	Household: <\$35k (22%), \$35k-\$50k (15%), \$50-\$75k (23%), \$75-\$100k (16%), \$100k+ (24%)
Veteran Status:	One veteran, Nine non-veterans	Veteran (10.9%), Nonveteran (89.1%)
Religious Background:	Eight Christians of different backgrounds, One Unitarian, one non-identified	not available
Physical Ability:	One hearing disabled (not deaf)	able bodied (86.2%),differently abled (13.8%)
Neighborhoods	Edison*, Oakland/Winchell, and Northside* (Also Residents from:Parkview Hills, Arcadia, West Main Hill)	not available

*Priority Neighborhoods, per FFE Bylaws

Foundation For Excellence
RECOMMENDED Board of Directors Rotation Schedule

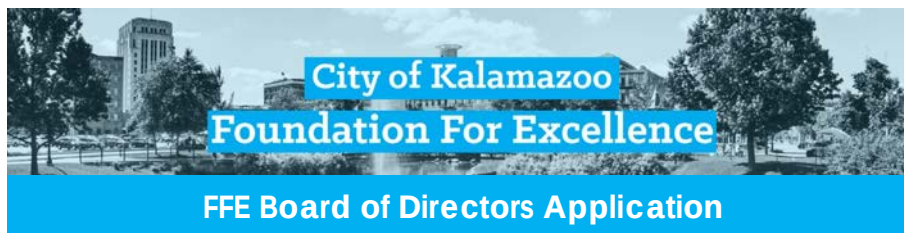
		Jun.'19 - May '20	Jun.'20 - May '21	Jun.'21 - May '22	Jun.'22 - May '23	Jun.'23 - May '24	Jun.'24 - May '25	Jun.'25 - May '26	Jun.'26 - May '27	Jun.'27 - May '28	Jun.'28 - May '29
Commission Appointees	1 Mayor: David Anderson <i>Ex Officio Director</i> (term of office)										
	2 Manager: Jim Ritsema <i>Ex Officio Director</i> (as long as holds position)										
	3 Commissioner: Jeanne Hess <i>Commission Director</i> (6/1/19 - may not exceed elected term)										
	4 Commissioner: Jack Urban <i>Commission Director</i> (6/1/19 - may not exceed elected term)										
	5 Commissioner: Nathan Dannison <i>At-Large City Director</i> (1/2/18-6/1/21)										
Sector Representatives	6 Affinity Org (NPOs): Charlene Taylor <i>Stakeholder Director</i> unexpired term: (1/2/18-5/31/20)										
	7 Arts Community: Alisa Carell <i>Stakeholder Director</i> (1/2/18 - 5/31/20)										
	8 Business/Banking: Adam McFarlin <i>Stakeholder Director</i> (1/2/18 - 5/31/20)										
	9 Education: Von Washington, Jr. <i>Stakeholder Director</i> (1/2/18-5/31/21)										
	10 Faith Based Organizations: Rachel Lonberg <i>Stakeholder Director</i> (6/1/19 - 5/31/22)										
	11 Healthcare: Angela Graham-Williams <i>Stakeholder Director</i> (1/2/18 - 5/31/21)										
Neighborhood	12 Housing Sector: Vacant <i>Stakeholder Director</i> unexpired term:(6/1/19 - 5/31/22)										
	13 Neighborhood 1: Sandra Calderon-Huezo (Edison) <i>Stakeholder Director</i> (6/1/19-5/31/22)										
	14 Neighborhood 2: Alice Taylor (Northside) <i>Stakeholder Director</i> (1/2/18-5/31/20)										
	15 Neighborhood 3: Barbara Miller (Oakland/Winchell) <i>Stakeholder Director</i> (1/2/18-5/31/21)										

Key:

Initial Partial or Unexpired Term	***does not count towards term limit***
First Full Term	
Second Term (Term Limited)	
Successor Term	

Annual Meeting Reappoint/Replace:

2020 Seats #6, #7, #8, #14
2021 Seats #5, #9, #11, #15
2022 Seats #10, #12, #13



First Name: Stephanie **Last Name:** Hoffman

Address: [REDACTED]
Phone Number: [REDACTED]
Email: [REDACTED]

City Resident: Yes

Employer: Open Doors Kalamazoo **Position/Title:** Executive Director

Skills/Experience:

- Governance/Board Administration
- Anti-Poverty Strategies
- Knowledge of the Kalamazoo Community
- Affordable housing with a supportive services component

Please describe the skills and experience indicated above: In the past several years I have sat on the boards of Restore Ministries (Prison-Reentry program), the Douglas Community Association (Youth-focused), Fair Housing Center of SW Michigan (Advocacy), and the ISAAC Housing Task Force (Co-Chair). In those roles, there have always been common themes in addressing barriers in each organization-housing is the number one issue. I have been able to not only learn but also bring knowledge necessary to advance thinking as it pertains to the board's role and ways to influence and govern within the organization. I believe it is the board's responsibility to bring positive change to our community within the respective organizations. Being able to talk openly about equity, justice, and inclusion has been key to shifting the paradigm in thinking. As deputy director, then executive director of a non-profit, I have had the privilege of designing and implementing supportive services programming that changed the trajectory of many families and individuals, by building intentional relationships based on the family/individual's dreams and aspirations. At Open Doors we understand the power of relationship and one's ability to transcend personal and generational issues with support.

Age: [REDACTED]
Race/Ethnicity: [REDACTED]
Marital/Family Status: [REDACTED]
Gender Identity: [REDACTED]
Sexual Orientation: [REDACTED]
Education Level Completed: [REDACTED]
Other:
Household Income: [REDACTED]
Veteran Status: [REDACTED]
Religious Affiliation: [REDACTED]

Other ways to bring diverse perspective: I come with a host of identities that enables me to bring a diverse perspective to the Board of Directors. I am a single black female, who served proudly in the U.S. Army honorably. I grew up in a single-parent household with a strong, independent mother. I know personally, the woes families and individuals experience due to not having enough income and access to resources. Many would consider my family growing up as "poor." When using terms like this to describe others, it connotes an individual is somehow deficient in their being. I have the

ability to bring personal and professional experience to the Board that would have the potential of changing how we as a society view our fellow brothers and sisters.

Grant permission: I grant permission to the Kalamazoo Community Foundation to use and share the information I have provided as necessary to complete the identification, selection, and nomination process for the Board of Directors as outlined in the Articles of Incorporation of the Foundation for Excellence.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **F.24.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: James K. Ritsema, City Manager
Reviewed by: Rebekah Kik, Director, Community Planning and Economic Development
Prepared by: Rebekah Kik, Director, Community Planning and Economic Development

DATE: March 16, 2020

SUBJECT: Acceptance of Eleven Properties from Tax Reversion

RECOMMENDATION:

It is recommended that the City Commission approve the transfer of the eleven properties to the City of Kalamazoo.

BACKGROUND:

Vacant parcels and the need for housing infill is a daily struggle for Kalamazoo residents. As the City's housing strategy is developed through the Department of Housing and Urban Development (HUD) Consolidated Plan and the Shared Prosperity Kalamazoo Plan, strategies to prevent displacement have been thoughtfully explored. One such way is through the construction of affordable housing in our neighborhoods replacing years of land demolished and vacated through disinvestment, redlining, and neglect.

For the past two years, Community Planning and Economic Development has partnered with Kalamazoo Neighborhood Housing Services (KNHS), Local Initiatives Support Corporation and the Kalamazoo Count Land Bank to begin working toward a single family housing infill strategy.

In 2018 and 2019, the Eastside Gateway homes were constructed with the Land Bank. Each home is now occupied with a new homeowner. As the goals for 2019 took shape, four more homes were built in Edison, Vine, and Douglas neighborhoods. The Land Bank agreed to sell parcels to non-profit entities for \$500 each. Each of these homes are now sold or under option for sale to residents.

The housing strategy for 2020 includes eight homes to be constructed by KNHS. In January 2020, Community Planning and Economic Development staff identified 11 tax reverted parcels that could be useful to meeting this goal:

- 517 Lulu
- 110 Herbert
- 116 Herbert
- 1511 Princeton
- 441 Bessie
- 1358 N Rose
- 1015 Albert
- 510 Phelps
- 521 Mabel
- 1702 Hays Park
- 3408 Hoover

These are parcels that have been through the tax foreclosure process and did not sell at auction. At the end of the tax foreclosure process, the City has the right of first refusal on these tax-foreclosed properties not sold at auction by the Kalamazoo County Treasurer.

As the need for housing is critical in every neighborhood, the consideration of the eleven vacant parcels are an important part of the housing strategy.

STRATEGIC VISION ALIGNMENT:

Relevant Priority Based Budgeting Program (program name and description):

Strategic Goal Impact:



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

Discussion

These properties will help address the identified need for infill housing.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

This is an internal review of goals and action items based on the adopted Master Plan and Neighborhood Plan

Discussion:

Engagement/Communication Tools

FISCAL IMPACT:

The fiscal impact includes a \$1.00 transfer fee to accept the properties. The County will charge the city for back taxes at settlement, but this would happen whether the City accepted the properties or if the properties were transferred to the County Land Bank.

Additionally, selling the parcels for side lots and the construction of new homes on the parcels will bring families into homeownership and the property back on the tax rolls from previously vacant status.

2B
RECEIVED
2019 DEC 30 PM 4: 00
COUNTY OF KALAMAZOO

2019-039285 12/30/2019 04:13:20 PM
Pages: 1 of 2 QC
KALAMAZOO COUNTY TREASURER
Timothy A. Snow County Clerk/Register Kalamazoo County, MI


QUIT CLAIM DEED

THIS QUIT CLAIM DEED, executed this 30th day of December, 2019 by first party, Grantor, Kalamazoo County Treasurer, whose address is 201 W. Kalamazoo Avenue, to second party, City of Kalamazoo CP&D, whose office address is 241 West South Street, Kalamazoo, MI 49007.

WITNESSETH, That the said first party, for good consideration in the amount of \$1.00 DOLLARS paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interests and claims which the said first party has in and to the following described parcels of land, and improvements and appurtenances thereto in the City of Kalamazoo, County of Kalamazoo, State of Michigan to wit:

See Attached List

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of



Mary Balkema
Kalamazoo County Treasurer

State of Michigan
County of Kalamazoo

On December 30, 2019 before me, appeared Mary Balkema, Kalamazoo County Treasurer, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of the which the person acted, executed the instrument.

WITNESS my hand and official seal



Signature of Notary
Notary Public, Van Beuren
Acting in the County of Kalamazoo
My Commission Expires: 2-11-25

EXEMPT PURSUANT TO MCL 207.505 (h) (i) and MCL 207.526 (h) (i)

DRAFTED BY
Mary Balkema
201 W. Kalamazoo Avenue
Kalamazoo, MI 49007

RETURN RECORDED DOCUMENT AND TAX
BILLS TO: Grantee

06-09-489-005

BEG AT A PT ON THE S LI OF LULU STREET 10R W OF THE W LI OF WESTNEDGE AVENUE; TH S 115.5FT PARALLEL WITH WESTNEDGE AVENUE; TH W 49.5FT; TH N 115.5FT TO THE S LI OF LULU STREET; TH E 49.5FT TO BEG.

Commonly Known as 517 Lulu

06-10-331-050

HIGHLAND PLAT E 25 FT OF LOTS 51-52

Commonly Known as 110 Herbert Street

06-10-331-092

HIGHLAND PLAT LOT 92

Commonly Known as 116 Herbert Street

06-10-350-207

DUDGEON & COBBS SUBDIVISION OR ADDITION ON SECTION 10 & 9. THE NORTH 1 ROD OF LOT 208. THE SOUTH 2 RODS OF LOT 207

Commonly Known as 1511 Princeton

06-10-365-215

DUDGEON & COBBS SUBDIVISION OR ADDITION ON SECTION 10 & 9, E 43 FT OF LOT 227.

Commonly Known as 441 Bessie

06-10-385-002

UPJOHN LAND COMPANYS ADDITION LOT 2 BLK 10

Commonly Known as 1358 N. Rose Street

06-14-209-097

HAZARDS SUBDIVISION OF SECTION 14 N 44 FT OF LOT 97.

Commonly Known as 1015 Albert Avenue

06-14-271-007

PHELPS ADDITION; THE NORTH 38.18FT OF THE WEST 97.68FT OF LOT 20.

Commonly Known as 510 Phelps

06-16-243-032

BUSH & PATERSONS 2ND ADDITION; THE WEST 44FT OF LOT 32

Commonly Known as 521 Mabel

06-23-471-825

REVISED PLAT OF HAYS PARK LOT 825. ALSO THE N 1/2 OF VACATED ALLEY LYING S OF ABOVE DESCRIBED PROPERTY.

Commonly known as 1702 Hays Park

06-32-109-065

G59-63 ASSESSORS PLAT OF OAKLAND PARK LOT 65

Commonly Known as 3408 Hoover

2019-039285 12/30/2019 04:13:20 PM
Pages: 2 of 2 QC
KALAMAZOO COUNTY TREASURER
Timothy A. Snow County Clerk/Register Kalamazoo County, MI





City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **G.1.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: Sean Fletcher, Parks and Recreation Director

DATE: March 16, 2020

SUBJECT: Approval of DNR MNRTF Grant Application for Milham Park Phase I

RECOMMENDATION:

It is recommended that the City Commission adopt a resolution approving a grant application in the amount of \$299,254 to the MNRTF administered by the DNR for Phase I of Milham Park, and authorizes the City Manager to sign all related documents.

BACKGROUND:

The City of Kalamazoo is submitting an application to receive a MNRTF grant, administered by the DNR for \$299,254 for the development of the two play areas under Phase I of the Milham Park plan. This project is supported by the 5-Year Parks Plan, by the County Parks Plan, and aligned with multiple strategic goals of the Imagine Kalamazoo Strategic Vision and Master Plan.

MNRTF Request:	\$299,254 requested
City match:	\$248,000 (45%) confirmed
Total Project Cost:	\$547,254

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



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

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Collaborate (two-way conversation) - the community will have a chance to shape the project by providing feedback.

FISCAL IMPACT:

Milham Park Improvements (project# cip0300068) was anticipated in the 2020 Adopted Capital Improvement Fund budget starting in the year 2023. The \$248,000 of City funds will be made available from transfers from the Verberg Park Improvements 2020 budget (project #cip0300067), leaving \$240,000 in the Verberg Park Improvements budget for planned improvements.

RECITALS:

- A. The City of Kalamazoo is submitting an application to receive a Michigan Natural Resources Trust Fund (MNRTF) grant, administered by the Michigan Department of Natural Resources (DNR), for \$299,254 for development of Phase I of Milham Park, which is supported by the 5-year Recreation Plan, the County parks Plan, and aligned with the Imagine Kalamazoo Strategic Vision and Non-motorized Plan.
- B. The grant applicant is the City of Kalamazoo, which will be the sole recipient, administrator, fund matcher, and fiscal agent of the Grant, including paying vendors, and receiving reimbursement from the DNR. Contact City Manager Jim Ritsema, (269) 334-8047; ritsemaj@kalamazoocity.org; 241 West South Street, Kalamazoo, MI 49007.
- C. The Milham Park Phase I project has a total budget of \$547,254.
- D. The City is hereby making a financial commitment to the project in amount of \$248,000 (45% of the project), but, in any case, no less than 25-percent of the project's total cost, from its Capital Improvement Plan.
- E. The Cost will come from the Verburg Park line item in the Capital Improvement Plan.
- F. The City will sign the Project Agreement (PA) if the grant is awarded.

THEREFORE IT IS RESOLVED:

NOW THEREFORE BE IT RESOLVED, by the Kalamazoo City Commission does hereby support submitting a Grant Application to the MNRTF administered by the DNR for \$299,254, and further resolves to make available its financial obligation amount of \$248,000 (45%) of a total \$547,254 project cost, during the 2020 fiscal year, and authorizes the City Manager to sign all related documents.



City Commission Agenda Report

City of Kalamazoo

Date: **3/16/2020**

Item: **G.2.**

TO: Mayor Anderson, Vice Mayor Griffin, and City Commissioners

FROM: Clyde J. Robinson, City Attorney

DATE: March 16, 2020

SUBJECT: A Resolution Temporarily Suspending the City's Purchasing Policy to Authorize the City Manager to Act in the Absence of the City Commission During a State of Emergency

RECOMMENDATION:

It is recommended that the City Commission adopt a resolution authorizing the City Manager to act to approve purchases and contracts which may exceed \$100,000 should the City Commission suspend its public meetings due to the coronavirus outbreak.

BACKGROUND:

With the declaration of a state of emergency by Governor Whitmer, public bodies are being advised to restrict or limit public gatherings and meetings so slow or retard the spread of contagious disease. The Michigan Open Meetings Act requires public bodies hold meetings in public places and make them open to the public, and to permit public comment. Using established protocol, the Mayor (or Vice Mayor in the absence of the Mayor) after consultation with the City Manager may suspend or cancel Regular Meetings of the City Commission.

However, the cancellation of meetings over a prolonged period would preclude the City Manager to enter contracts to begin work on contracts and projects having a value in excess of \$100,000 which are included in the 2020 City Budget. Such delays would mean that some work might have to be put over into next year and make the project more expensive. In order to provide continuity over an extended period when it is prudent for the City Commission not to meet, the attached Resolution would grant the City Manager the authority to execute contracts and make purchases necessary up to \$5 million. The City Commission would be informed when such action is taken and the additional authority granted to the City Manager would expire when the City Commission meetings are resumed or until May 1, 2020, which occurs first.

While a process exists for the cancellation or suspension of City Commission meetings, there is no process for the City Manager to act in the absence of the City Commission during a state of emergency.

enter into agreements and contracts or make purchases which exceed \$100,000. The attached Resolution addresses this situation by granting the City Manager limited authorization to act in order to keep large projects on a timeline to reduce inconvenience to the public and City staff administering such projects and avoid costly delays.

STRATEGIC VISION ALIGNMENT:

This is an internal matter and is consistent with the Good Governance Strategic Goal.

COMMUNITY ENGAGEMENT:

None. This is an internal matter and is consistent with the Good Governance Strategic Goal.

FISCAL IMPACT:

This resolution temporarily authorizes the City Manager to make purchases and approve contracts up to \$5 million provided that the purchase or project is contained within the 2020 City Commission approved budget.

CITY OF KALAMAZOO, MICHIGAN

RESOLUTION NO. _____

**A RESOLUTION TEMPORARILY SUSPENDING THE CITY PURCHASING POLICY
TO AUTHORIZE THE CITY MANAGER TO ACT IN THE ABSENCE OF THE CITY
COMMISSION DURING A STATE OF EMERGENCY**

Minutes of a regular meeting of the City Commission of the City held on March 16, 2020, at 7:00 o'clock p.m., local time, at the City Hall.

PRESENT, Commissioners:

ABSENT, Commissioners:

WHEREAS, on March 11, 2020, Michigan Governor Gretchen Whitmer declared a state emergency in response to the Covid-19 (coronavirus) Outbreak, and

In making the declaration the Governor issued a series of Community Mitigation Strategies aimed at slowing or arresting the spread of the outbreak, which included the cancellation or postponing of gatherings of 100 or more persons in a shared space, and

As the outbreak is only in the very early stages in Michigan, and to permit the continuity of governmental operations should the Covid-19 Outbreak preclude the City Commission to safely hold public meetings in order to carry out business,

NOW, THEREFORE, IT IS RESOLVED that in the event the Mayor (or Vice Mayor in the Mayor's absence or incapacity) after consultation with the City Manager deems it advisable to suspend the City Commission calendar of Regular Meetings in the interest of safeguarding public health and welfare, and so as to permit time sensitive projects to proceed without undue delay or additional cost to the City due to delay, the following contingencies are adopted:

1. Paragraph II of City Commission Policy 70.5 "Purchasing Policy" which limits the authority of the City Manager to make purchases and approve contracts not exceeding \$100,000 is suspended.

2. The City Manager is authorized to make purchases and approved contracts up to \$5 million provided that the purchase or project is contained within the 2020 City Commission approved budget.

3. In the event the City Manager approves a purchase or contract exceeding \$100,000 pursuant to this Resolution, such action shall be communicated to the Members of the City Commission within 24 hours of the City Manager undertaking such action.

4. This Resolution remains in effect until such time as the City Commission resumes its Regular Meeting schedule or until May 1, 2020, whichever event first occurs.

The above resolution was offered by _____

and supported by _____.

AYES, Commissioners:

NAYS, Commissioners:

ABSTAIN, Commissioners:

RESOLUTION DECLARED ADOPTED.

CERTIFICATE

The foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Kalamazoo at a regular meeting held on March 16, 2020. Public notice was given, and the meeting was conducted in full compliance with the Michigan Open Meetings Act (PA 267, 1976). Minutes of the meeting will be available as required by the Act.

Scott Borling, City Clerk