

Agenda Planning Commission

City of Kalamazoo



Thursday, July 1, 2021

7:00 PM

Electronic Meeting

A. CALL TO ORDER/ROLL CALL

B. ADOPTION OF FORMAL AGENDA

C. APPROVAL OF MINUTES

1. Approval of Minutes from the Planning Commission meeting on June 3, 2021

D. COMMUNICATIONS AND ANNOUNCEMENTS

E. PUBLIC HEARINGS

1. P.C. #2021.09: 723 Cooley Street. Request for special use permit for a rooming house at 723 Cooley Street in the Residential - Multi Dwelling District (RM-36)
2. P.C. #2021.10 Natural Features Protection Overlay Map and Text Amendments to Chapter 50 of the Zoning Code, Article 6.

F. DISCUSSION/ACTION ITEMS

G. REPORTS

1. City Planner's Report

H. PUBLIC COMMENTS

I. CITY COMMISSION LIASON COMMENTS

J. PLANNING COMMISSIONER COMMENTS

K. ADJOURNMENT

City of Kalamazoo
PLANNING COMMISSION
Meeting Minutes
June 3, 2021
DRAFT

This meeting is being conducted electronically pursuant to the Open Meetings Act MCL 15.263 (2) and MCL 15.263a 1(b).

Members Present: Gregory Milliken, Chair; *Shardae Chambers; *Brian Pittelko; Sakhi Vyas; David Burgess, Mariah Phelps, Jennifer Swan; Michael Harrison

Members Excused: James Pitts

City Staff: Christina Anderson, City Planner; Pete Eldridge, Assistant City Planner; Beth Cheeseman, Executive Administrative Assistant; Don Hepler, Senior Systems Analyst; Amanda Cockroft, Marketing and Communication Specialist; Chris Preadel, City Commissioner; Jamie McCarthy, Redevelopment Project Manager; Nolan Bergstrom, Americorps; *Jack Urban, City Commission Liaison; *Clyde Robinson, City Attorney

Public present: Matt Milcarek, KNHS

A. CALL TO ORDER/ROLL CALL

Commissioner Milliken called the meeting to order at 7:01 p.m.

Planner Anderson proceeded with roll call and determined that the aforementioned members were present.

*Commissioner Pittelko entered the meeting.

B. ADOPTION OF FORMAL AGENDA

Commissioner Burgess, seconded by Commissioner Swan, moved approval of the June 3, 2021 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

C. APPROVAL OF MINUTES

Commissioner Phelps, seconded by Commissioner Harrison, moved approval of the April 21, 2021 minutes as presented. With a voice vote, the motion carried unanimously.

D. COMMUNICATIONS AND ANNOUNCEMENTS

Chair Milliken announced the process for people to call in to leave comments to be played during the Public Hearings or during non-agenda Citizen Comments.

E. PUBLIC HEARINGS

Commissioner Milliken, Chair, abstained due to a conflict of interest. Commissioner Vyas, Vice Chair, proceeded with the public hearing.

1. P.C. #2021.07: Rezoning of 203, 207 and 211 Wall Street from Commercial Office (CO) to Live Work 1 (LW1).

Planner Eldridge gave the staff report. He showed maps, pictures, and a survey of the properties. The northwest corner of a property is being broken off into three buildable parcels. They propose to rezone these three parcels to LW-1. Each parcel created will be 45-48' wide and approximately 112' in depth. He reviewed the zoning and land uses of the area, noting that streets on the north and south sides retain residential character. The LW-1 zone falls in line with the Future Land Use map which shows both sides as residential. Kalamazoo Neighborhood Housing Services (KNHS) has worked on this project for infill housing since 2019. They have been a partner with the City as part of the City's housing strategies program. This rezoning was put on hold because of Covid. Rezoning these parcels to LW-1 will allow infill housing to be built as the current zoning (CO) doesn't allow residential units on the ground floor. LW-1 will allow residential on the ground floor and also allows for a mix of small scale commercial which would fit the neighborhood. Planner Eldridge informed Planning Commissioners, that notices were sent out regarding this rezoning, and no correspondence was received against this request. KNHS has met with people in the neighborhood, the Building Blocks program, and the Vine Neighborhood Association. Planner Eldridge reviewed staff rationale for recommendation. The rezoning request aligns with the Master Plan 2025, the Strategic Vision, and it touches on goals in the Vine Neighborhood Plan. Rezoning to LW-1 will better align with the current land uses and the character of Wall Street. Supporting infill housing will help fill a demonstrated community need for more housing. He shared that this rezoning is compatible with existing and proposed uses for the area and the rezoning will result in a logical and orderly development pattern. Planner Eldridge stated that staff's recommendation is to recommend approval to the City Commission.

Mr. Matt Milcarek, KNHS, said this project is the result of multiple years of working with Incremental Development Alliance and the City of Kalamazoo. These three parcels were purchased from ROI to put in infill housing. This year they plan to add a duplex on the corner. There will be a garage with an accessory dwelling unit above resulting in three housing units on the corner. Additional housing will probably be single-family housing due to feedback from residents, owners, and stakeholders in the area. Mr. Milcarek said they worked with the City's consultant and design people and kept an historic Burr Oak tree on the site.

*City Commissioner Jack Urban entered the meeting during Mr. Milcarek's comments.

Commissioner Burgess asked Mr. Milcarek to share more about projects his organization has done. Mr. Milcarek said that KNHS offers a wide range of services - home ownership classes and counseling, financial coaching, and foreclosure prevention counseling. His department works with construction projects - homeowner rehab projects and rehabbing vacant foreclosed homes. He said they have been in the new construction business in the last couple years. They are on year three of building infill housing in

neighborhoods – Northside, Eastside, Edison, and Vine. Mr. Milcarek said they just sold two new construction properties to low-income buyers and they have a third on the market. He shared that they rehabbed eight vacant homes and got them into homeowners' hands. They have an additional two structures on Burr Oak are coming down and making way for infill single family homes. They've probably done 15 or so client rehabs in the last decade.

*Commissioner Chambers entered the meeting.

Public comments:

Mr. John Kreuzer, Chairperson of Asylum Lake Preservation, called to voice support of NFP Phase II. He said it is imperative that the City move forward with the suggestions the community has put forth for mapping. Mr. Kreuzer believed it is absolutely necessary to factor in the importance of green spaces. For some people, it is all they have - their little slice of paradise. He said it gives them peace of mind, helps them heal emotionally, physically, and spiritually and is a positive thing. Mr. Kreuzer indicated that it is important maintain a connection with what is real – the trees, grass, air, and water. He requested that the Planning Commissioners support NFP Phase II because it is the right thing to do.

*City Attorney Robinson entered the meeting during Mr. Kreuzer's public comment.

Commissioner Vyas closed the public comment portion of the hearing.

Commissioner Burgess, seconded by Commissioner Chambers, made a motion to recommend to City Commission to Rezone 203, 207 and 211 Wall Street from Commercial Office (CO) to Live Work 1 (LW1).

Commissioner Burgess thought it was clear that LW-1 would make the parcels more consistent with the properties in the area than CO and that it would make them more consistent to where they want to be in the future according to the Master Plan Strategic Vision. Commissioner Burgess said that the staff findings support it very well and they should do what they can to support infill housing and affordable housing.

Commissioner Chambers said she was glad this has finally happened. She is in full support of the rezoning. Commissioner Chambers believes this will make the neighborhood better and the properties will have better value. She was glad to help move this to the next phase.

A roll call vote was taken and passed. Commissioner Milliken abstained.

2. P.C. #2021.08: A request to rezone properties generally located south of Paterson Street, east of Edwards Street, north of North Street, west of Verberg Park/Walbridge Street from Limited Manufacturing (M1) to Live Work 1 (LW1) and Live Work 2 (LW2) and from Residential Mixed Use (RMU) with Riverfront Overlay District 1 and Natural Features Protection Overlay to Limited Manufacturing (M1) with Natural Features Protection Overlay District.

Planner Anderson gave the staff report. They would like to rezone an area at the east end of the Northside. Approximately 80 parcels are zoned Manufacturing or RM with Riverfront Overlay and NFP. The zoning of the parcels doesn't match what is on the ground or match the neighborhood's vision of the area. These conversations were started pre-Covid and reinitiated this past March. They did some targeted outreach to have conversations with people who live, work, and own the properties in the area. They hand delivered and mailed fliers, did several presentations, and had conversations and phone calls about this work. Notice letters were sent early to inform people of an in-person meeting at NACD. Planner Anderson mentioned that the City is also reviewing streets, sidewalks, lights, and trees in this area and is going to have outreach meetings in early August. They want to make sure they are responsive to priorities of updates and repairs for this area. She showed the map of the area. She stated that M-1 doesn't support new or expanded residential. They heard from residents that they weren't able to add on to their homes in this district. Planner Anderson said that M1 typically occurs on larger blocks and larger streets than what exists here. She also shared that M1 opens uses which don't align with the community vision for the area. She said it is the same with the parcels in the east corridor. The zoning classification doesn't match the use. They are used for Manufacturing but are zoned RMU with Riverfront Overlay. Planner Anderson said they are asking for zoning to be changed to reflect what is there. She said some Neighborhood Plan goals can't proceed until the zoning is right. They are proposing a mix of LW-1 and LW-2. They put LW-1 where single-family homes already exist, and LW-2 was placed where there are larger lot developments with some commercial uses. They recommend removing RMU from the eastern parcels as well as the Riverfront Overlay but leave NFP in place and add M1. Planner Anderson reviewed the reasons for staff support of the rezoning. The rezoning aligns with the Strategic Vision, the 2025 Master Plan, and the Neighborhood Plan. She said the area has moved away from more intensive uses, and they want the zoning to support the existing uses and the vision for the area. The Northside community has expressed interest in new housing, expanding/improving existing housing and small, neighborhood-based businesses. The proposed districts will support development compatible with the existing lots, blocks, and streets. The proposed districts were created based on existing lot size and will support a logical order of development.

Commissioner Harrison noted that outreach was started pre-Covid. He wondered how many participated in meetings and about their comments. Planner Anderson said they had a meeting in January 2020 – they were looking at larger area then. She thought approximately three dozen attended that meeting. Since then, they have gone door to door and picked up meetings the community was already attending. Planner Anderson shared that a good number of the 80 parcels are vacant. About two dozen are occupied with residential structures. She said they talked to several residents on that block and heard they wanted to expand or add homes, but they weren't permitted to under M1. Planner Anderson said residents they've heard from have been supportive because it would protect existing residential uses. She mentioned they had an online map where residents could drop pins in places where they want street improvements. There were not a lot of responses from that, but they will do the meetings in August for street priorities. Planner Anderson believed they have reached a good number of property owners in the area.

Commissioner Milliken asked if any non-conforming uses would be created as a result of rezoning. Planner Anderson did not believe that they would create non-conformities. LW-1 and LW-2 are pretty flexible. LW-1 allows single-unit development and LW-2 is meant to be the transition between neighborhoods and commercial, industrial. She said the goal of this work and any small rezoning is to make the neighborhoods

whole – not just what they want in ten years, but to recognize what is there now. Commissioner Milliken commented that with the existing zoning, the majority of the parcels are non-conforming uses.

Planner Eldridge gave an example of a commercial property on Frank Street where someone is considering a change of use. He said that is a situation where the change of use will be permitted in the LW-2 zone district. He believes the new zoning will align well.

Commissioner Milliken opened the public comment portion of the public hearing.

Comment from Mr. John Kreuzer was played again.

Ms. Lauri Holmes called in support of the NFP changes. She has been on the environmental concerns committee to the City Commission and on other organizations. Ms. Holmes congratulated the City on forming the NFP Board and the way it has formulated Phase I and Phase II of the ordinance. She has seen it working well because the staff and board work with developers to make developments happen in a way that is good for ecology and the environment in the City. She fully supports the adoption of NFP Phase II.

Ms. Judy Huxmann called in support of NFP Phase II. She indicated that she chose to live in Kalamazoo because she could live in a vibrant city and be surrounded by beautiful green spaces and close to lakes and streams. Ms. Huxmann said that humans need green spaces to support their fundamental health through oxygen, habitat for animals, recreational activities, and drinking water. This is why protecting these natural systems is critical. NFP Phase II seeks to do that. She mentioned that some people may be upset to have to change to a more thoughtful approach to property development. Ms. Huxmann suggested using the large abandoned parking lots for development. Protect the Natural features.

Mr. Tom Olsted, Graphics Packaging Kalamazoo Mill, said he appreciated their relationship with the Kalamazoo City Planning and Building team. Graphics Packaging has reviewed the rezoning proposal. Mr. Olsted said he appreciated the thought included in the process of generating the proposal. At this time Graphics Packaging is neutral on the overall rezoning proposal. He asked the City to consider a boundary between manufacturing and commercial and residential real estate.

Commissioner Milliken commented that there were a couple comments unrelated to the current case. He asked IT to review and see if any non-agenda comments were related to the current case.

Commissioner Burgess asked how they decided where to place LW-1 and LW-2. Planner Anderson said that LW-1 and LW-2 are pretty similar. One big difference between the two is that LW-1 allows single unit homes and LW-2 allows duplexes. She explained that they were both meant to be flexible in uses. A mix of use may not only be vertical but may be horizontal, changing from lot to lot or block to block. To determine if it should be LW-1 or LW-2, they looked at adjacent uses. For a more intensive street, they put LW-2 there for transition between residential and intensive uses. They placed LW-2 in two places to the south where the blocks are not divided into small lots and have housed commercial use.

IT reported no additional public comments related to this case.

Commissioner Milliken closed the public hearing.

Commissioner Pittelko, seconded by Commissioner Swan, made a motion to rezone properties generally located south of Paterson Street, east of Edwards Street, north of North Street, west of Verberg Park/Walbridge Street from Limited Manufacturing (M1) to Live Work 1 (LW1) and Live Work 2 (LW2) and from Residential Mixed Use (RMU) with Riverfront Overlay District 1 and Natural Features Protection Overlay to Limited Manufacturing (M1) with Natural Features Protection Overlay District.

Commissioner Pittelko noted that this was a big rezoning. He appreciated the efforts to eliminate noncompliance and create zoning which reflects existing uses and future uses of the land. Commissioner Pittelko hoped to hear more public comment, but thought the outreach was as successful as it could be and there were no objections from the manufacturing side of things. He said he would support the rezoning.

Commissioner Chambers said that a lot of residents were excited about this going forward. When they wanted to do upgrades to their homes, they didn't know what they were zoned or what it meant. She said it became very restrictive and they couldn't use their property. Commissioner Chambers thought the community is excited that the City is listening and making changes. She believes this will be a good fit for the area. They want to revitalize the Northside.

Commissioner Milliken said it is an area of untapped opportunity. He thought this showed what an obstacle zoning can be and also the power of this implementation step. Imagine Kalamazoo is a great tool, but without these next steps, it is just a vision. Commissioner Milliken said it was unfortunate there wasn't more feedback. He noted that the public comment from the Brownfield Authority and Graphics Packaging, two major players in this area, is very influential. Commissioner Milliken said it was important to note that this is consistent with the standards and ordinance for rezoning. It is also consistent with the Master Plan and the Neighborhood Plan.

A roll call vote was taken and passed unanimously.

F. DISCUSSION/ACTION ITEMS:

None.

G. REPORT:

1. City Planner's Report
2. Natural Features Protection – Phase 2 Update

Ms. Jamie McCarthy gave a staff update regarding amendments to the Overlay District map and some text amendments. She said that NFP was adopted two years ago. It is a tool providing thoughtful design around and incorporating in natural features existing on properties. The current Overlay District map was identified in the Future Land Use map in the Master Plan. Ms. McCarthy informed Planning Commissioner that the NFP board and/or staff have reviewed and approved 12 projects in site plan. That reflects about 10% of the site plans the City reviews each year. Out of those projects there were three variances granted of four requested.

Ms. McCarthy shared examples of three projects where NFP added value through site plan review. The first was a cell phone tower which planned to put in a diesel powered generator. They were able to change to a propane generator which reduced any possibility of leaking diesel into the Kalamazoo River. A second case along stadium drive was zoned Community Commercial. Once NFP standards were applied to the site, they moved the building, tightened up parking and they were able to save half the woodlands. In addition, they were granted a variance to encroach a little into the slope setback area to put in their stormwater system. The woodland buffer was important for the neighbors to the south to reduce excess storm water and erosion. Ms. McCarthy shared a third case currently going through site plan approval. She encouraged Planning Commissioners to view the recording of the April NFP Meeting. This developer requested variances for a portion of a parking near a tree and a dumpster location which would encroach into the slope. NFP made a recommendation and ZBA granted a variance regarding the tree and they were able to redesign the site to keep the dumpster out of the slope area. Ms. McCarthy said NFP thinks the parking lot curbing and stormwater treatment will help with erosion in that area. The owner will do some planting to help stabilize that slope. They were able to protect a natural feature and build out the site the way they wanted and meet minimum parking on site.

The NFP Board looked at the Overlay District map. They worked on mapping analysis – data and criteria listed. At their last meeting, they published this recommended map and are seeking community feedback. Ms. McCarthy shared that ImagineKalamazoo.com includes an interactive map that the public can access. A person can click on parcels and see what natural feature is on the site and why it is being recommended for the NFP Overlay District. Text amendments are also there for people to review and people can search map information in a table format.

Ms. McCarthy reviewed the proposed text amendments. She said the NFP Review Board had a set of amendments to help clarify standards, make implementation more straightforward. They made changes in response to public concerns. Ms. McCarthy said they looked at the tree standard the most. The amendments simplified the tree tables and ratios. She said they helped to remove some requirements for replanting or hiring arborists that might be costly for a single family or duplex type project. There is a small change to woodland definition. Ms. McCarthy said some site development standard rules added flexibility for choices of native plants and other landscaping that is required on the site and they updated the prohibited plantings list. She said they also updated when a property requires bonding.

Ms. McCarthy reviewed community engagement efforts. She has been connecting with people via emails and phone calls and utilizing the following: Spring/Summer 2021 View from the Curb; email lists; notice letters; City news/social media; two information sessions; 1:1 times for NFP Zoning Reviews; public

comments at the NFP meeting on 6/22. They will then make a recommendation to the Planning Commission and have a public hearing on 7/1.

Commissioner Milliken commented that it was a good summary and update.

Commissioner Vyas asked for clarification on the bonding section. Ms. McCarthy stated that during Phase 1, the committee heard there were concerns that if something like bonding of a property wasn't in place, there wouldn't be big enough consequence for those who break the rules, or if there are accidents. Right now, it is automatically required in case natural features are damaged and need to be replaced. Ms. McCarthy said they are finding that with many of these projects, the natural features are minimal, or work being done would not likely impact natural features. The amendment would set a couple criteria that the board would use to determine if something requires a bond.

Commissioner Milliken asked if the code amendments are the most significant changes that have happened to NFP Phase 2 since it was before them in November. Ms. McCarthy agreed, saying they looked at the codes section by section in response to community concerns. They looked at how to change them to protect natural features adequately but not make them feel restrictive or costly. She said they added another 100-200 parcels to the map as compared to last fall. They used updated data and took away a criterion that wasn't as objective as board wanted. The parcels cover water bodies and picked up along steeper ridges and parts of river valley watershed features in the City.

Commissioner Milliken thought the code element was an important piece to note. He applauded staff and the NFP Board for addressing that. Commissioner Milliken appreciated the adjustments that have been made. He thought they clarify and address a lot of questions. He mentioned that Ms. McCarthy did a nice job at another meeting of differentiating between certain types of development that goes through staff review and certain development that goes through a public review. Commissioner Milliken thought it was a different way of telling people that this giant thing we are putting in front of you doesn't necessarily apply and pointed them to what did apply. He encouraged everyone to watch that most recent NFP meeting.

Ms. McCarthy said they would be posting a fact sheet on the website and sending that and a FAQ sheet with the notice.

H. CITIZENS' COMMENTS (Regarding non-agenda items)

Ms. Tina McClinton asked when they plan on fixing infrastructure in Southtown neighborhood. The sewers and storm drains back up and flood their neighborhood.

Ms. Lauri Holmes and Ms. Judy Huxmann's public comments were played again.

I. CITY COMMISSION LIAISON COMMENTS

Commissioner Jack Urban stated that NFP Phase 2 is a big step forward and he is happy that they are still working on what was intended in the Master Plan. It is unprecedented that the City is still implementing the product of the Master Plan 2025. So often, Master Plans go on a shelf and here they are delivering on what they said they would do. He is sensing in some quarters, some concerns of unduly restricted property rights when developing land with NFP attached to it. Commissioner Urban noted that talking to people concerned one on one, sounds like a way to reassure them or clear up misunderstandings. He warned Planning Commissioners to be prepared that when they vote that they won't please everyone. Commissioner Urban encouraged them to be prepared with a good knowledge base going into the meeting, listen carefully, and be ready to defend their vote.

Commissioner Chris Preadel thanked those who have joined the Planning Commission. He said that one of the blessings of the pandemic is that they have been able to do fantastic virtual townhall type sessions. He encouraged the public to go to the City of Kalamazoo YouTube channel and find recordings from public Boards, Commissions and Townhalls. Commissioner Preadel asked people to check out the May 24th Allied Paper Landfill Cleanup meeting and the April 12 Townhall on Northside zoning and street updates. He also informed them that the Committee of the Whole meeting on Monday, June 7 would be where staff would give more in-depth guidance on federal stimulus dollars. It is an opportunity for the 2025 Master Plan shine.

J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Vyas addressed that they were rehearing some of the public comments. She hoped that in the future they don't have to hear comments that aren't related to agenda items.

Commissioner Milliken noted that in the first rezoning hearing, there were a couple new forms that the applicants submitted. He thanked staff for including them - great information. He encouraged everyone to let staff know right away if they are unable to attend the July 1 meeting. They need to make sure they will have quorum.

K. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:46 pm.



Planning Commission Staff Report

City of Kalamazoo

Date: **7/1/2021**

Item: **E.1.**

TO: City of Kalamazoo Planning Commission

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

DATE: July 1, 2021

SUBJECT: P.C. #2021.09: 723 Cooley Street. Request for special use permit for a rooming house at 723 Cooley Street in the Residential - Multi Dwelling District (RM-36)

BACKGROUND:

The dwelling at 723 Cooley Street is 1,235 square feet with three bedrooms and one and a half baths. The lot is 33 feet by 82.5 feet. Rental records indicate it has been utilized as a one-unit rental since at least 2001. There were no prior notes in the records indicating it was used as a rooming house in the past.

The zone district is Residential – Multi Dwelling District (RM-36) which is a high-density multi-family zone district. A rooming house is permitted with the approval of a special use permit. One of the added requirements for a rooming house is one parking space per rooming unit. The driveway can accommodate three vehicles which is sufficient for the three rooming units.

STRATEGIC VISION ALIGNMENT:



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

Strategic Vision, Master Plan and Neighborhood Plan Impact:

The proposed special use aligns with the City's Strategic Vision, Master Plan and the Northside Neighborhood Plan. The rooming house use supports the Complete Neighborhoods goal within the Strategic Vision as this will add more housing choices. This also aligns with the Master Plan which identifies this area as Neighborhood Edge on the Future Land Use Map. The description of Neighborhood Edge is a mix of residential and commercial uses, including low and medium density residential. Further, the Northside Neighborhood Plan identifies the need for broad range of housing choices to meet the needs of all Northside residents.

COMMUNITY ENGAGEMENT:

Inform – the community will be made aware of the project.

Public Hearing Notices

Notice of the public hearing was published in the Kalamazoo Gazette and notices sent to all property owners within 300 feet of the subject property on June 16, 2021.

Additional Outreach

The applicant hand delivered letters to surrounding residents to provide information about the proposed special use permit request.

FINDINGS:

REVIEW CRITERIA

The Planning Commission's role is to approve or disapprove special use permit requests based on the following criteria from Chapter 8 of the Zoning Ordinance. Staff's opinion of the level of conformance of the project with the criteria is provided in the bolded text.

1. That the proposed special use is appropriate for its proposed location and compatible with the character of surrounding land uses and the uses permitted in the zone district(s) of surrounding lands.

This use is compatible with this block of Cooley Street between W. North Street and W. Frank Street which has six dwellings of which three are rentals. Slightly more than half the block is in the Residential – Multi Dwelling District (RM-36) and the other portion is Live Work 1 (LW-1). The southwest corner of Cooley and W North Street is a business, DeHaan Heating and Cooling.

2. That the proposed special use complies with Sec. 4.2: Use Standards of the zoning ordinance.

The rooming house complies with the standards of Chapter 4, Section 4.2. As a further note, the RM-36 District allows for rooming houses, transitional residences, rehabilitation centers, group day care, parking lots, fraternity and sorority houses all as special uses.

3. That the location and design of the proposed special use minimizes adverse effects, including visual impact of the proposed use on adjacent lands by: 1) avoiding significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance; 2) retaining, to the greatest extent possible, the natural features of the landscape where they provide a barrier or buffer between the proposed special use and adjoining lands; 3) locating buildings, structures, and entryways to minimize impact; and, 4) providing appropriate screening, fencing, landscaping, and setbacks.

The existing dwelling was constructed in 1905. Approval for use as a rooming house will not change the exterior appearance of the structure or the floor plan. There is also a vacant lot that separate this property from the nearest house. Additionally, there is adequate off-street parking for this use.

4. That the proposed special use minimizes environmental impacts and conforms to all relevant environmental protection standards of this ordinance, or any other state or federal laws.

The rooming house is not anticipated to have any negative environmental impacts on the property or on the adjacent neighborhood.

5. That there is adequate road capacity available to serve the proposed special use.

The existing road capacity is more than sufficient to handle the traffic for this rooming house with three rooming units.

6. That the proposed special use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.

There is an existing driveway with established access on to Cooley Street

7. That there are adequate potable water, wastewater, solid waste, park, police, and fire/EMS facilities to serve the proposed special use.

The site is adequately served by all services.

8. That the proposed special use is located and designed so that adequate access onto the site is provided for fire, police, and EMS services.

Adequate access will continue to be provided on the site for emergency services.

9. That the proposed special use complies with the appropriate standards in Chapter 6: General Development Standards and Article 7: Parking and Loading of Chapter 50.

The proposed change does not require Site Plan Review. Required parking can be accommodated on the property.

10. That the proposed special use complies with all standards imposed on it by all other applicable provisions of the ordinance for use, layout, and general development characteristics.

The rooming house use will meet all applicable zoning standards and will also be subject to any rooming house requirements in the Housing Code.

RECOMMENDATION:

It is recommended that the Planning Commission approve the special use permit request.



Community Planning & Economic Development

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

(269) 337-8026 • www.kalamazoo.org

PLANNING COMMISSION APPLICATION

APPLICANT INFORMATION			
Name: Ronald Franklin		Mailing Address: 5219 Hitching Post Rd	
City: Kalamazoo		State: Mi	ZIP Code: 49009
Phone: 269-352-5472	Email: ronald.franklin@sbcglobal.net	Preferred Contact: ☒ Email ☒ Phone	
PROPERTY OWNER INFORMATION			
If the applicant is not the property owner, owner must sign application or provide a letter stating that owner gives consent for the application to be filed.			
Name:		Mailing Address:	
City:		State:	ZIP Code:
Phone:	Email:	Preferred Contact: ☒ Email ☒ Phone	
PROPERTY INFORMATION			
Property Address(s): 723 Cooley			
Parcel Identification Number(s):		Zone District (kalamazoo.org/maps):	
TYPE OF REQUEST			
☐ Rezoning ☐ Text Amendment (Chapter(s) _____, Section(s) _____) ☒ Special Use Permit		☐ Planned Unit Development (PUD) ☐ Preliminary Subdivision ☐ Right of Way Vacation	
Description: The property is currently a 3 bdrm 1 1/2 bath and is a rental. I am requesting a special use permit allowing it to be rented by the bedroom.			
ATTACHMENTS			
☐ \$ _____ Fee		☐ Completed Review Sheet	
☐ Other documents or engagement information <i>Note: 10 days before meeting provide update on outreach to neighbors or provide any letters of support</i>			
SIGNATURE			
Signature of Applicant: <i>Ronald D. Franklin</i>		Date: <i>5/27/21</i>	
Signature of Owner (if different than applicant):		Date:	



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PLANNING COMMISSION

SPECIAL USE PERMIT REVIEW SHEET

Please describe use which requires a special use permit: (may also provide on a separate sheet):

This is a 3 bdrm 1 and 1/2 bath rental property located among many other rentals. I am seeking to have this property to be acceptable to be rented by the bdrm. There is adequate room for parking however, none of the tenants own vehicles. This property is located in the Residential - Multi Dwelling Zone District (RM-36).

Review Criteria for Special Use Permit

The Planning Commission will use the following criteria to review Special Use Permits. Please reach out to staff if you have any questions.

Will the proposed special use be appropriate for this location and compatible with the character of surrounding land uses and the uses permitted in the zone districts?

Yes, there is no difference in the daily functioning as there would be having a single family.

Does the proposed special use comply with the Use Standards of Chapter 4 and Chapter 50 for this land use?

Yes

Will the location and design of the special use reduce any negative impacts on surrounding lands with regard to: visual impact, parking and loading, odors, noise, glare, and vibration?

No, it will have no change in the impact of the issues noted.



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Does the location and design of the special use reduce undesirable effects, including visual impact of the proposed use on adjacent property by retaining some natural features of the landscape to provide a buffer between the special use and adjoining lands?

No change would be effected by this special use request.

Does the location and design of the special use reduce adverse effects, including visual impact of the proposed use on adjacent property by locating buildings, structures, and entryways to reduce impact?

No change would be effected as a result of this special use.

Does the location and design of the special use reduce adverse effects, including visual impact of the proposed use on adjacent property by providing appropriate screening, fencing, landscaping, and setbacks?

No change

Will the proposed special use reduce environmental impacts, and conform to all environmental protection standards of this Ordinance, or any other state or federal laws?

No change

Will there be adequate road capacity available to serve the proposed special use?

Yes there is adequate road capacity available



Community Planning & Economic Development

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Will the proposed special use be designed to ensure safe ingress and egress onto the site and safe road conditions around the site?

Yes

Will there be adequate potable water, wastewater, solid waste, park, police, and fire/EMS facilities to serve the proposed special use?

Yes, the police and fire/EMS facilities are in the next block to service this location.

Will the proposed special use be located and designed so that adequate access onto the site is provided for fire, police, and EMS services?

Yes

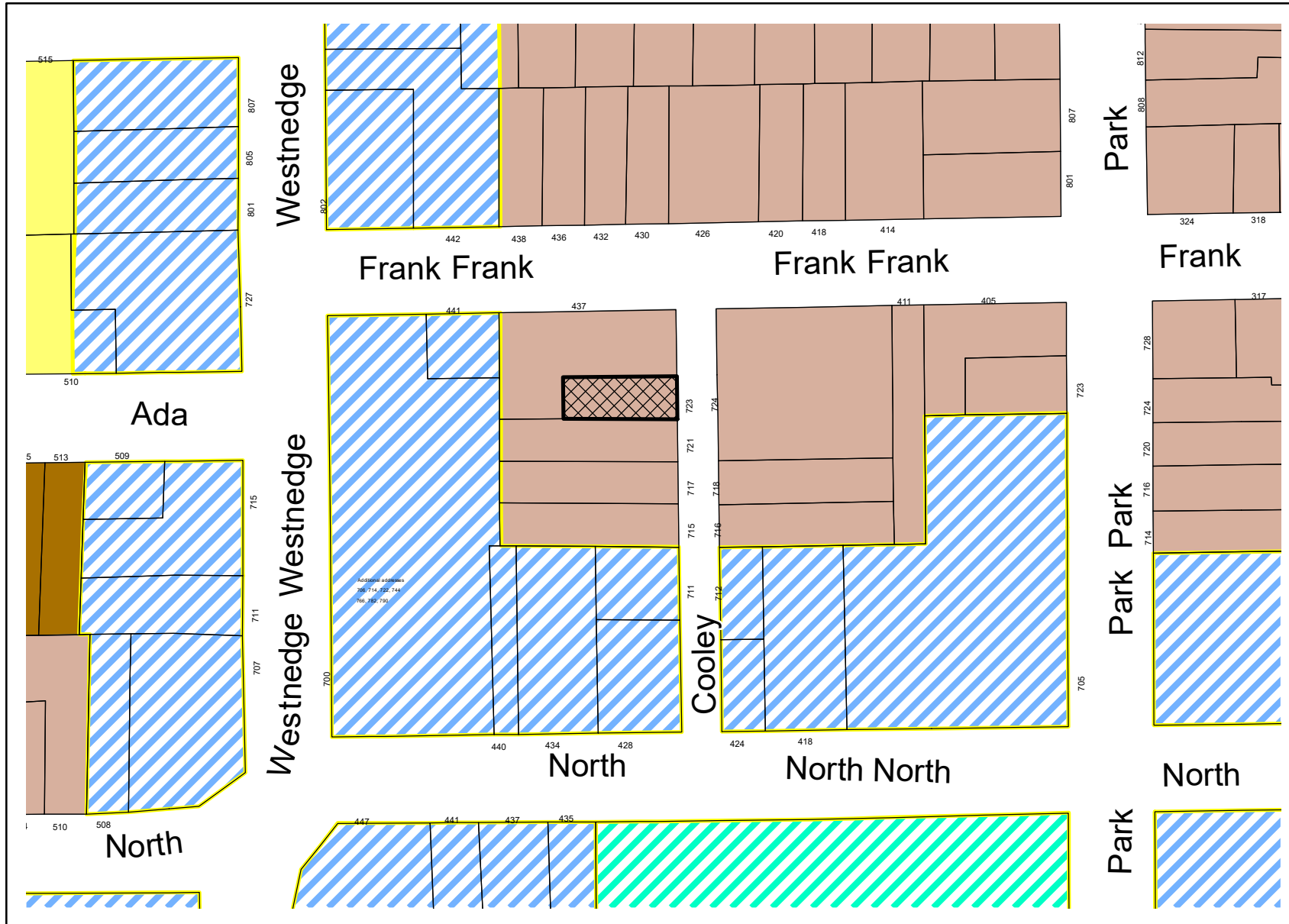
Does the proposed special use meet the appropriate standards in Chapter 6: General Development Standards?

Yes

Does the proposed special use meet all standards imposed on it by all other sections of this Ordinance for use, layout, and general development characteristics?

Yes

P.C. #2021.09 - 723 Cooley Street
 Special Use Permit
 Rooming House in the Residential-Multi Dwelling District (RM-36)



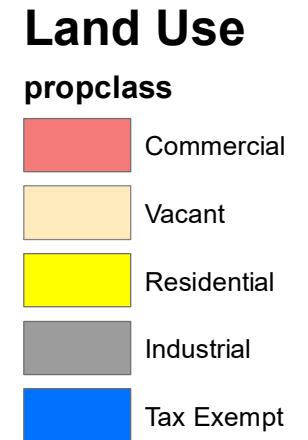
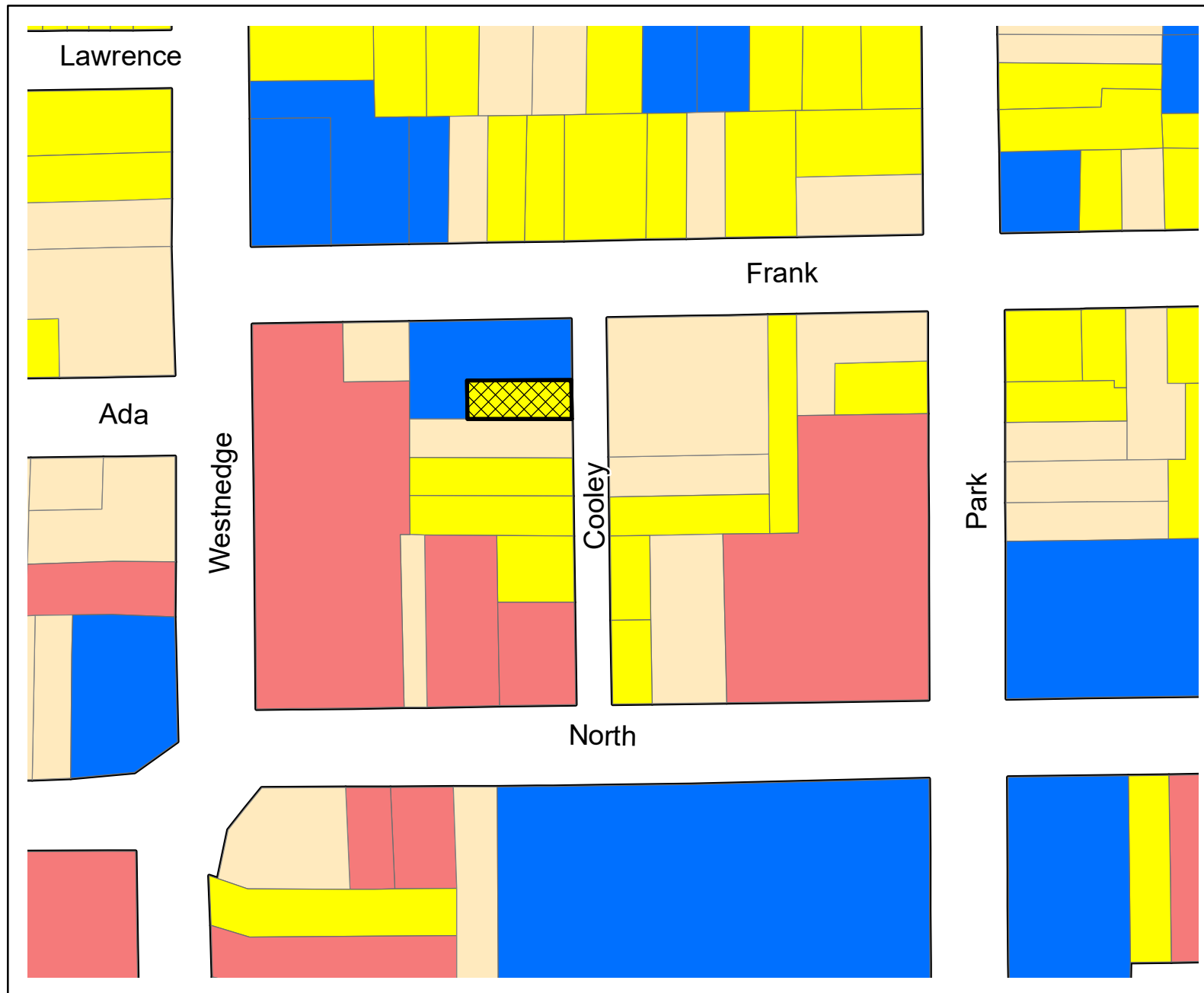
**Current
Zoning**

- Street
-  LW-1
 -  NODE
 -  RM-15
 -  RM-36
 -  RS-5

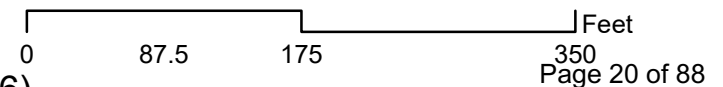


P.C. #2021.09 - 723 Cooley Street
 Special Use Permit
 Rooming House in the Residential-Multi Dwelling District (RM-36)

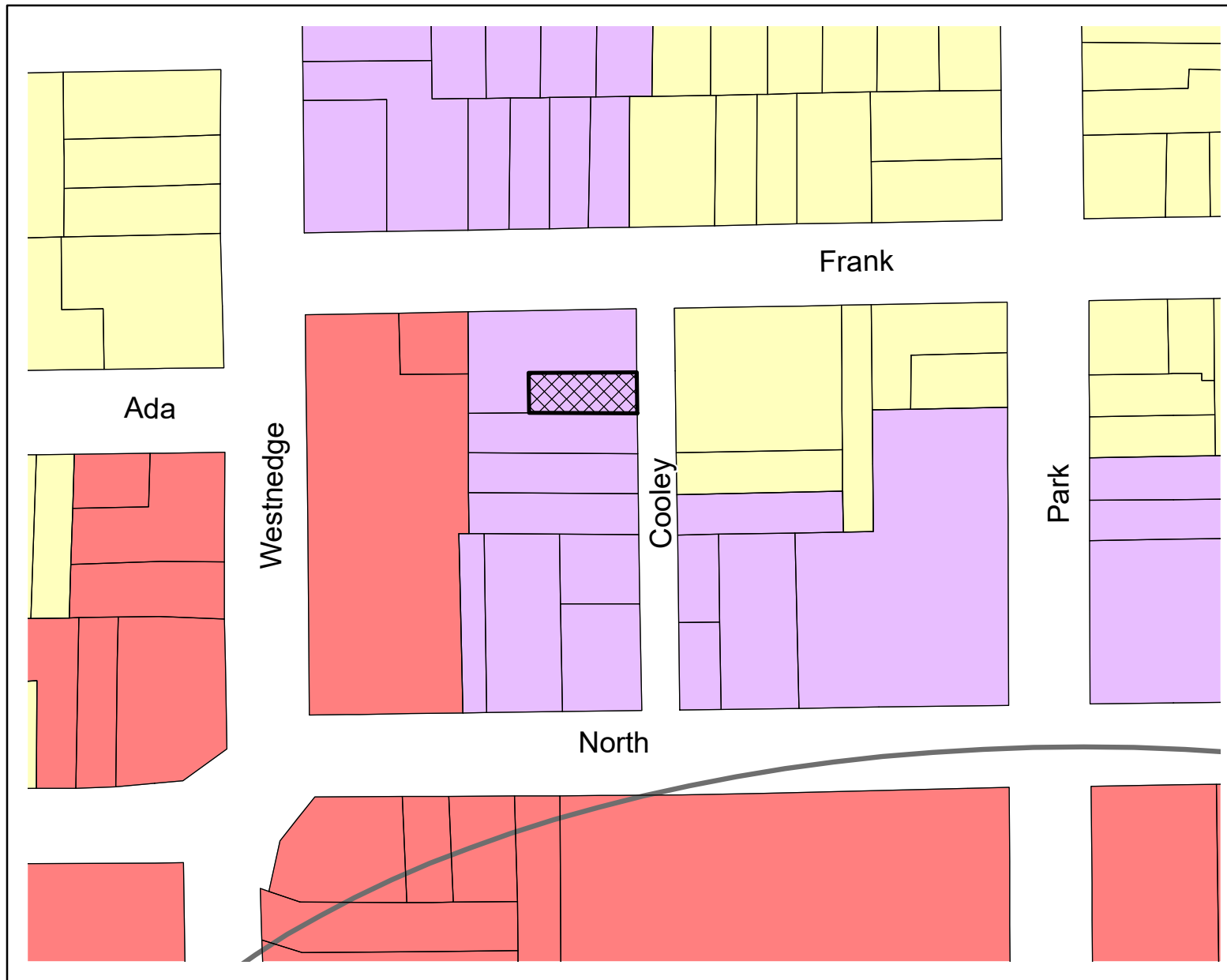
EXISTING LAND USE



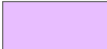
P.C. #2021.09 - 723 Cooley Street
 Special Use Permit
 Rooming House in the Residential-Multi Dwelling District (RM-36)



P.C. #2021.09 - 723 Cooley Street
Special Use Permit
Rooming House in the Residential-Multi Dwelling District (RM-36)



FUTURE LAND USE

-  Commercial
-  Neighborhood Edge
-  Node
-  R1-Residential



P.C. #2021.09 - 723 Cooley Street
Special Use Permit
Rooming House in the Residential-Multi Dwelling District (RM-36)



0 65 130 260 Feet

P.C. #2021.09 - 723 Cooley Street
Special Use Permit
Rooming House in the Residential-Multi Dwelling District (RM-36)



P.C. #2021.09 - 723 Cooley Street
Special Use Permit
Rooming House in the Residential-Multi Dwelling District (RM-36)

0 65 130 260 Feet





Planning Commission Staff Report

City of Kalamazoo

Date: **7/1/2021**

Item: **E.2.**

TO: City of Kalamazoo Planning Commission

FROM: Reviewed by: Christina Anderson, AICP, City Planner
Prepared by: Jamie McCarthy, Sustainable Development Coordinator

DATE: July 1, 2021

SUBJECT: P.C. #2021.10 Natural Feature Protection Overlay Map and Text Amendments to Chapter 50 of the Zone Code, Article 6

BACKGROUND:

Phase 1 of the Natural Features Protection (NFP) Overlay District was approved by City Commission in June 2019. Since that time the NFP Review Board has reviewed and approved over a dozen NFP site plans and recommended three variances that were approved by the Zoning Board of Appeals. The NFP standards have helped developers create projects that consider the natural context of a site with a design that fits the development needs. Examples of important changes to site plans that have resulted from NFP are reduction in the size and cost of retaining walls, preserving trees for screening, ensuring hazardous materials and storage tanks are set back from rivers, and designing parking lots to reduce stormwater and erosion into natural areas.

During the NFP Phase 1 process, the City committed to a second phase to evaluate the Overlay District map. The NFP Review Board worked with staff to complete a spatial analysis of natural features across the City and is recommending an expansion of the NFP Overlay District map. The new map increases the existing NFP Overlay District from approximately 376 parcels to just over 1,800 parcels. There are 23 parcels that are recommended to be removed from the Overlay District after they did not show natural features as part of the analysis.

A searchable map of the proposed expansion is available on the Imagine Kalamazoo Projects page under Phase 2: Mapping Natural Features for Protection. Parcels shown in green are already in the current NFP Overlay District. Parcels in pink are proposed to be added to the district. Users can click on each parcel and learn more about why it is selected for the NFP Overlay, including the primary, secondary, and in some cases tertiary natural feature on the site.

The NFP Board also is recommending text amendments to the zoning code in response to citizen feedback and from experience implementing the NFP Overlay standards during the last two years. The text amendments make changes to the tree standard to make implementation easier and less costly for residents. The changes also encourage more flexibility and long-term success

when replacing trees removed from projects subject to site plan review. The other amendments are limited changes to clarify the code, improve interpretation and implementation, and update to the best-available-science. A summary table of amendments and a blackline version are available on the Imagine Kalamazoo Projects page under Phase 2: Mapping Natural Features for Protection.

Public comments submitted to the NFP Review Board can be viewed in the attachments.

STRATEGIC VISION ALIGNMENT:

Strategic Goal Impact:



Environmental Responsibility - A green and health City.

Discussion

NFP works to protect important natural features, many of which were identified in the 2025 Master Plan, including protecting tree canopy, water and air quality, reduces erosion and stormwater, and protects open spaces and preserves.



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

Discussion

NFP helps to protect natural features on public and private properties, creating green spaces throughout the community.

2025 Master Plan

The IK @ Work section of the 2025 Master Plan calls for the protection of natural features throughout the City for well-head protection, watershed, erosion, urban forest, tree canopy, wildlife refuge, agriculture, and restoration along Kalamazoo River and Creek corridors. Specific tasks include expanding on the inventory of natural features and open space and pursuing the acquisition and/or protection of sensitive environmental areas through a range of techniques.

Neighborhood Plans

Several neighborhood plans include goals and tasks that align with the NFP Overlay District purpose. In the future land use map, the Oakland Drive Winchell Neighborhood plan identifies areas for evaluation to be included in the second phase of NFP. One of the goals of the Oakwood Neighborhood Plan is to protect the natural assets of the neighborhood. The Vine Neighborhood Plan has a goal of improving the biodiversity and sustainability in parks and open spaces. Parkview Hills seeks to strengthen the natural assets of the neighborhood. The Eastside Neighborhood Plan includes goals to

increase greenspace, tree canopy, and address other environmental issues and increase the sustainability and environmental friendliness of neighborhood.

COMMUNITY ENGAGEMENT:

Appropriate Depth of Engagement

Collaborate (two-way conversation) - the community will have a chance to shape the project by providing feedback.

Engagement/Communication Tools

Summer/ Fall 2020 - public survey using an online and printed map of City where the public was asked to place pins where they knew important natural features existed

Fall 2020 and Spring 2021 - *View From the Curb* contained information about NFP2

Fall 2020 and Spring 2021 - presentations to neighborhood associations

September & October 2020 and May & June 2021 - public comments taken at NFP Review Board meetings

June 17 and 23, 2021 – community meetings with Q&A session

June 2021 – staff offered NFP zoning reviews for parcels within the proposed map expansion

FINDINGS:

The Planning Commission's role is to make a recommendation to the City Commission regarding the proposed zoning changes. When considering the request, the following should be considered per Chapter 8 of the Zoning Ordinance:

1. The extent to which the amendment is consistent with the Master Plan 2025 and Strategic Vision.

The proposed rezoning and amendments align with goals in the Strategic Vision, 2025 Master Plan, and numerous neighborhood plans. The proposed map honors the NFP areas in the future land use map and satisfies the action in the IK @ Work section of the Master Plan by evaluating areas in the City for inclusion in the NFP Overlay District.

2. The extent to which there are changed conditions that require an amendment.

The purpose of the map amendment is to accurately reflect conditions on-the-ground where natural features are currently present (i.e., waterbodies, wetlands, steep slopes, woodlands, and areas adjacent to preserves). The proposed text amendments reflect changes in best available science and changes to make interpretation and implementation for streamlined for the applicant, board, and staff.

3. The extent to which the proposed amendment addresses a demonstrated community need.

The NFP Overlay District addresses the needs, concerns, and desires of the public expressed during the Imagine Kalamazoo 2025 Master Plan process. The protection of natural features was also identified in the IK @ Work section of the Master Plan as a necessary step in improving community resiliency to climate change and natural disasters such as flooding, extreme heat, drinking and surface water quality protection, stormwater reduction, and lowering carbon emissions. Natural features have been identified in the Master Plan and neighborhood plans as important not only for environmental health, but as natural assets that make public spaces and streets more inviting.

4. The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land, or the proposed amendment to the text of this Ordinance will maintain or improve compatibility among uses and will ensure efficient development within the City.

The NFP development standards are designed to be compatible with all underlying zone districts and project types. The Overlay District map has been applied to areas where natural features were mapped through a spatial analysis performed using reliable data sources from state and federal agencies.

5. The extent to which the proposed amendment would result in a logical and orderly development pattern.

NFP is designed to protect a portion of the natural features on parcels throughout the City instead of designating whole parcels for conservation. This will allow a consistent development pattern which relies on the

underlying zoning, and yet balances the protection of natural features through smart design standards and thoughtful uses near water and wetlands.

RECOMMENDATION:

The Planning Division recommends that the Planning Commission recommend approval of the text amendments to Chapter 50 of the Zoning Code, Article 6 Natural Features Protection (NFP) Overlay District and the Overlay map amendments to the City Commission.

June 22, 2021

Dear Planning Commission Members and City Planner,

We are very pleased and excited that the Planning Commission will be taking up the Phase II Map and Text Amendments to the Natural Features Protection (NFP) Overlay at its upcoming July 1 meeting. The Natural Features Protection Review Board of Directors has been working frequently on this additional board task under the thoughtful and diligent guidance of City Staff Jamie McCarthy, as well as invaluable technical assistance from Nolan Bergstrom.

Efforts to create the NFP began in 2018. This process was initiated by a Planning Commission meeting attended by 100s of members of the public whose comments went past midnight, echoed the spirit of Imagine Kalamazoo, and overwhelmingly voiced their support for preservation of the natural environment within the city. A more balanced development process in sensitive environmental areas via the Natural Features Protection Overlay was the result. Since then, the strategies and impact of the project have been deliberated and debated by local professionals, educators, and scientists in a variety of areas well related to the task. A major piece of feedback at the aforementioned Planning Commission meeting from the public was to be more inclusive and consistent with our choice of designated areas within NFP. After a year of application and trial of the original NFP ordinance and map, renewed deliberation and use of the language and scope of the map began. As with any good pioneering study and process we are at a phase of expanding and improving the language of the overlay as well as fine tuning and defining the map of parcels and features to be more inclusive, objective, consistent, thoughtful, fair, and simple.

During the NFP Review Board's time reviewing projects, we have learned so much including the challenges, loopholes, and unnecessary complications. NFP Phase II represents our approach to remediate those issues, while maintaining the integrity of the overlay, and listening to the concerns of the public. As a board of professionals from environmental and development fields, it is our goal to make our city a better place by facilitating more development while not losing valuable natural features that make the city a desirable place to work and live in the process. We have reviewed many development proposals for both commercial and residential projects and have always been constructive, and have always compromised with a solution for any applicant seeking a variance. No proposed development has been stopped during this time.

We support smart development that values natural features and the universal benefits they provide to the community like clean air, clean water, wildlife habitat, and carbon storage (consistent with sustainability goals). These efforts to balance environment and development are also meant to accommodate personal freedoms afforded to private property owners in the city, while recognizing that natural features can also increase value to a landowner in a number of ways including property values and health benefits. As such, we proudly recommend these updates be reviewed by your board and recommended to City Commission for approval.

Sincerely,

NFP Review Board

Mitch Lettow, Chair
Erin Fuller
Paul MacNellis
Allan Sylvester

Ashley Cole-Wick, Vice Chair
Bobby Glasser
Kyle Martin

To: Mayor David Anderson, Vice Mayor Patrese Griffin and City Commissioners
Pete Eldridge and Jamie McCarthy, City Planning Office

From: Kalamazoo Environmental Concerns Committee

Date: Thursday, June 17th, 2021

Subject: Natural Features Protection Ordinance

Background:

The ECC has been involved in the discussion about the creation of the Natural Features Protection Board, and was strongly in favor from the beginning. We hear frequent updates about the NFP board, as we currently share a member. Our understanding is that City staff have responsibly gathered community input regarding an expansion to the NFP overlay map.

Recommendation:

The Environmental Concerns Committee strongly supports the Phase 2 expansion of the Natural Features Protection Ordinance and its increased coverage of properties throughout the City.

We have noted the effectiveness of the ordinance in its initial phase as the staff and NFP Board have worked constructively with developers in the City to take into account environmental features as they plan their projects. The map and the list of proposed parcels reflects thoughtful and careful consideration of features which ordinarily might be overlooked.

This increased care for the green environment of the City is important in view of the challenges brought about by climate change and increasing urban density everywhere. We are pleased that Kalamazoo is investing thought and effort in preserving green elements, thus encouraging smarter and more sustainable development in our city.



Asylum Lake

Policy and Management Council

Landscape Services • Western Michigan University • Kalamazoo MI 49008-5324

Asylum Lake Policy and Management Council

Duane Hampton (Chair)
Department of Geological and
Environmental Sciences

Mark Frever
WMU Landscape Services

Peter Strazdas
WMU Facilities Management

Cybelle Shattuck
WMU Facilities Management

David Lemberg
College of Arts and Sciences

Steve Kohler
Institute of the Environment and
Sustainability

James Penner
Campus Planning and
Finance Council

Lauri Holmes
Asylum Lake Preservation
Association

John Kreuzer (alternate)
Asylum Lake Preservation
Association

Sharon Dever
City of Kalamazoo
Environmental Concerns
Committee

Tyler Bassett
Kalamazoo Environmental
Council

Kay Chase (alternate)
Kalamazoo Environmental
Council

Paul Scott
Oakland Drive/Winchell
Neighborhood Association

Bonnie Alkema
Neighborhood Association
of Parkview Hills

Marnie Twynham
Parkwyn Village
Neighborhood Association

Tom Sauber
WMU Natural Areas Manager
Ex-officio

To: The City of Kalamazoo Planning Commission

Date: June 23, 2021

On June 10, 2021, the Asylum Lake Policy and Management Council passed the following resolution:

The Asylum Lake Policy and Management Council supports Phase 2 of the Natural Features Protection Ordinance and its increased coverage of properties throughout the City.

We note especially that the parcels immediately adjacent to the Asylum Lake Preserve are being added to the protection afforded by the Ordinance.

Inclusion of these adjoining properties is particularly important, as the Preserve is under pressure from the surrounding roadways and potential development. This additional protection of the area around Asylum Lake offers benefits to the City which has limited green space.

We also commend the work that is already being done by the Board and staff in assisting individuals and developers in including a natural features perspective in their planning and development.

The Members of the Asylum Lake
Policy and Management Council

From: [Conway, Neal](#)
To: [McCarthy, Jamie](#); [Eldridge, Peter](#)
Subject: FW: [External Email] NFP Review Board and Planning Commission for the City of Kalamazoo
Date: Friday, June 18, 2021 10:32:12 AM

Neal Conway
Communications Coordinator
City of Kalamazoo
(269) 337-8080
conwayn@kalamazoocity.org
www.kalamazoocity.org

From: Bart and Amy Seelye <absee620@gmail.com>
Sent: Friday, June 18, 2021 10:30 AM
To: hello <hello@kalamazoocity.org>
Subject: [External Email] NFP Review Board and Planning Commission for the City of Kalamazoo

Spoofing Indicators

I'm writing in support of the proposed Phase 2 Natural Features Plan before you.

First, thank you all for your collective personal time and hard work given to the City of Kalamazoo and for all of us who live here or visit.

As a long time resident of the greater Kalamazoo area I have taken many friends and visitors from outside SW Michigan to visit our area. Invariably, they are impressed with the natural features here, but also the obvious care that the residents take in making it beautiful. From the number of homes with flowers on display to the clean and quiet natural areas within our city, such as Asylum Lake and Kleinstruck Preserve, visitors and residents alike do notice and appreciate the unique beauty of Kalamazoo.

I've spoken with a number of people who said that the natural beauty and charm of our area was an important part of the "mix" in their deciding to live and work in our community.

Your actions on the NFP will become part of our city's future identity, and have long lasting consequences benefiting wildlife, our environment, and our local economy in powerful, positive ways.

Again, thank all of you for your dedication to our community.

Sincerely,
Bart Seelye

From: [Conway, Neal](#)
To: [Eldridge, Peter](#); [McCarthy, Jamie](#)
Subject: FW: [External Email] Natural Features Plan
Date: Monday, June 21, 2021 9:13:43 AM

Neal Conway
Communications Coordinator
City of Kalamazoo
(269) 337-8080
conwayn@kalamazoocity.org
www.kalamazoocity.org

From: charleshodgman@gmail.com <charleshodgman@gmail.com>
Sent: Saturday, June 19, 2021 8:30 AM
To: hello <hello@kalamazoocity.org>
Subject: [External Email] Natural Features Plan

To: Members of the Kalamazoo NFP Review Board and the Planning Commission

I support adoption of Phase 2 of the Natural Features Plan. It will significantly improve the quality of the Kalamazoo environment and add value for generations. My own property is included in Phase 2.

Charles Hodgman
1104 EDGEMOOR AVE
KALAMAZOO, MI 49008

From: [JoAnn Yochim](#)
To: mccarthyja@kalamazoo-city.org
Cc: [Eldridge, Peter](#)
Subject: [External Email] Natural Features Protection Board
Date: Monday, June 21, 2021 7:22:12 PM

I wish to express my support of the proposed extension of the Natural Features Ordinance , Phase 2. Please approve this proposal. I commend our city planners for this work to maintain and enhance the residential areas of our city, and the quality of life within the city.
JoAnn Yochim

Diana Morton-Thompson
1827 Sheffield Drive, Kalamazoo, MI 49008

24 May 2021

Ms. Jamie McCarthy
Sustainable Development Coordinator
City of Kalamazoo – Community Planning & Development
415 Stockbridge Ave., Kalamazoo, MI 49001

**RE: Protection (NFP) Documents: Phase II Map and proposed Ordinance changes
As posted on the City website by May 21, 2021**

Dear Ms. McCarthy:

I am writing a registered professional geologist, and as a homeowner who has two (2) residential parcels in the Oakland Drive – Winchell Neighborhood that would now be covered by the NFP-Phase II. And I firmly support the passage and enactment of the above captioned NFP-Phase II documents.

In my opinion:

The technical basis for the Phase II Map is evident in that it: a) balances a science-based approach with a common sense approach; and b) clearly respects the fundamental integrity of the stream, inland lake, topographic slope and woodland systems in the City. These natural features benefit us all. However, they are a finite resource and without good stewardship it is quite possible that these critical parts of Nature may become irretrievably damaged or disappear entirely. Therefore it is incumbent on all of us, as a community, to take responsibility for our actions and to take responsibility for the land by being good environmental stewards.

The NFP-Phase II helps us all do just that: be good environmental stewards. The NFP overlay requirement do not preclude the reasonable use of property, rather like all good zoning ordinances, they seek to prohibit ill thought-through development actions that destroy natural systems, and ultimately result in ugly, failed development projects due to, among other things, unanticipated structural damages, and the immense amount of money subsequently spent in futile, ongoing maintenance activities. There is a reason for the old adage “Don’t fight Mother Nature”. Rather as the famous planner once said – “Design with Nature”.

Further, as a home owner, I do not feel burdened by having my property placed under the NFP overlay zoning. Rather it gives my comfort that 40+ years from now the land that I have tended and been so fortunate to enjoy, will continue to be respected and nurtured by future generations.

I thank the volunteers of the NFP Review Board and City staff for their time, expertise, and commitment in crafting the NFP Phase II Map and ordinance changes. I believe that these documents are truly visionary and will represent a moment in time that we can all look back to with pride and gratitude.

Sincerely,

Diana Morton-Thompson

From: [Conway, Neal](#)
To: [McCarthy, Jamie](#); [Eldridge, Peter](#)
Subject: FW: [External Email] Support for NFP Phase 2
Date: Friday, June 18, 2021 9:34:12 AM

From: Donna Keller <rdawkeller@ameritech.net>
Sent: Thursday, June 17, 2021 5:51 PM
To: hello <hello@kalamazoocity.org>
Subject: [External Email] Support for NFP Phase 2

Dear Natural Features Protection Review Board and Planning Commission,

The Audubon Society of Kalamazoo supports the NFP Phase 2 Overlay currently under consideration by your members. We recognize that all creatures--bird, human, and others--benefit when steps are taken to encourage thoughtful land use policies. By adding the Phase 2 protections to land adjacent to natural gems like Asylum Lake, Kleinstuck, and Bow in the Clouds Preserves, and by protecting watersheds like David Creek, birds that have been facing steep population declines in recent years will face slightly less pressure.

Recommendation of the NFP Phase 2 Overlay to the Planning Commission and, subsequently, to the City Commission, will help to ensure that the City of Kalamazoo continues to be a destination for both birds and the birders who watch them. We strongly urge that you recommend it for approval.

Sincerely,

Audubon Society of Kalamazoo Board of Directors

Nate Strong, President
Donna Keller
Ilse Gebhard
David Riggs
Susan Creager
John Chenault
Laura Shaw
Pam Jackson

From: [Conway, Neal](#)
To: [Eldridge, Peter](#); [McCarthy, Jamie](#)
Subject: FW: [External Email] Natural Features Inventory
Date: Friday, June 18, 2021 3:50:23 PM

Neal Conway
Communications Coordinator
City of Kalamazoo
(269) 337-8080
conwayn@kalamazoocity.org
www.kalamazoocity.org

From: MELANIE J PERRY <perry1188@sbcglobal.net>
Sent: Friday, June 18, 2021 3:24 PM
To: hello <hello@kalamazoocity.org>
Subject: [External Email] Natural Features Inventory

I was so pleased when the City approved Phase 1 of the NFP, which has successfully protected some of our natural landscapes.

I am writing in support of Phase 2 of the NFP which, if approved, will protect additional natural features such as important concentrations of trees, slopes, waterways, and more within the city, many of them adjacent to existing protected parcels like birding hotspots Asylum Lake and Kleinstuck Preserves.

I have been a life-long (79 years!) resident of the City of Kalamazoo and have so appreciated the City's efforts to protect some of the natural areas that are so unique to a city landscape.

From: [Conway, Neal](#)
To: [Eldridge, Peter](#); [McCarthy, Jamie](#)
Subject: FW: [External Email] Natural Features Protection
Date: Friday, June 18, 2021 3:50:40 PM

Neal Conway
Communications Coordinator
City of Kalamazoo
(269) 337-8080
conwayn@kalamazoocity.org
www.kalamazoocity.org

-----Original Message-----

From: Lyda J Stillwell <lyda.stillwell@wmich.edu>
Sent: Friday, June 18, 2021 2:35 PM
To: hello <hello@kalamazoocity.org>
Subject: [External Email] Natural Features Protection

Dear NFP Review Board and Kalamazoo Planning Commission,

I am a long-time resident of Kalamazoo with a great deal of fondness of this city. It offers so very much to everyone.

I also enjoy being out in nature and value those areas. Green/trees are serene and healing forces. The city of Kalamazoo needs to protect those areas within its jurisdiction. Private owners are not always so farsighted - I'm thinking of the large expanse of trees along Drake that WMU cut to make way for their business area.

So, please, you must guarantee that people have green in their lives.

Thank you.

Lyda Stillwell
4236 Persianwood Drive
Kalamazoo, MI 49006
269-388-4839

From: [Conway, Neal](#)
To: [Eldridge, Peter](#); [McCarthy, Jamie](#)
Subject: FW: [External Email] NFP Review Board
Date: Monday, June 21, 2021 8:46:43 AM

Neal Conway
Communications Coordinator
City of Kalamazoo
(269) 337-8080
conwayn@kalamazoocity.org
www.kalamazoocity.org

From: Russ Schipper <schipper.russ@gmail.com>
Sent: Sunday, June 20, 2021 12:03 PM
To: hello <hello@kalamazoocity.org>
Subject: [External Email] NFP Review Board

Dear NFP Review Board,

As a life long resident of Kalamazoo County and having recently returned to the city, I want to offer my support for the proposed changes to Natural Features Protection in the city. The entire concept is admirable and I have high respect for all who have and are working to this end. The recent concern displayed over potential damage to the Asylum Lake Preserve and the proposed addition to the Kleinstuck Preserve certainly display enthusiastic public support for “green space” in the city. This plan seems to have an excellent balance of protection and development, both of which are important to any community. So, I want to urge adoption of the updates to the plan.

I would like to add that I am a competent birder and naturalist, active with the Audubon Society of Kalamazoo, who has volunteered on many projects and surveys in SW Michigan.

Best Regards,
Russ Schipper

From: [McCarthy, Jamie](#)
To: [Eldridge, Peter](#)
Subject: FW: [External Email] Natural Features Protection Ordinance
Date: Friday, June 18, 2021 1:13:29 PM

Looks like Sidney got your email address incorrect. Here you go.

From: Sidney Brush <sidney.brush@gmail.com>
Sent: Friday, June 18, 2021 12:13 PM
To: McCarthy, Jamie <mccarthyja@kalamazoocity.org>
Cc: EldridgeP@kalamazooithy.org
Subject: [External Email] Natural Features Protection Ordinance

We support the vision of the Natural Features Protection Ordinance and Overlay District is to achieve long-term protection and management of Natural Features for public enjoyment and environmental health.

The extension of the overlay Ordinance includes parcels surrounding the Asylum Lake Preserve, including Highpointe, to add protection to that green space.

We live on Highpointe and visit Asylum Lake Preserve frequently.

Thank you.

Sidney Brush

To: NFP Review Board and Kalamazoo Planning Commission

We are writing to urge that the NFP Review Board recommend implementation of Phase 2 of the NFP as it currently stands. The addition of these proposed parcels to the NFP Overlay has been done following an impressively thorough and deliberative evaluation and documentation of the natural features of each property that justify increased zoning standards. The inclusion of these properties in the NFP Overlay District promotes more thoughtful development but does not preclude responsible development.

The loss of a few trees or pervious green space here and a few more trees there may seem minor when viewed individually. However, from a broader perspective, it appears we are headed to a death by a thousand cuts. Michigan loses a statistically significant amount of tree cover (>4000 acres) annually, mostly due to development and increased impermeable surfaces. This loss of trees contributes to an urban heat island effect, increased energy consumption, increased air pollution, decreased water quality, and compromised human health and comfort. There are three billion fewer birds in North America today than there were 50 years ago, and roughly half of the riparian ecosystems and wetlands in the lower 48 States have already been lost. In January 2021, President Biden signed Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad* which outlines the challenge to conserve at least 30 percent of our lands and waters by 2030. The Conserving and Restoring America the Beautiful report to the National Climate Task Force addresses the President's 30x30 Directive and is a call to action to support locally led and locally designed community conservation and restoration efforts of all kinds to safeguard land and water. The City of Kalamazoo declared a Climate Emergency in October 2019, accepting the role of regional leadership, with a commitment to implement actions to reduce the impacts of climate change and increase community resilience.

Inclusion of these proposed properties and their functioning ecosystems within the NFP Overlay would be consistent with the intent of the President's Executive Order and the City's declaration of a Climate Emergency. For some properties, inclusion in the NFP Overlay would provide public access to nature, especially for underserved populations. The NFP Phase 2 plan has been well developed. Understanding that there will probably not ever be complete agreement with each and every parcel, it is time to move forward with this comprehensive action that will support Kalamazoo's declaration of a Climate Emergency. Not moving forward with Phase 2 would be inconsistent with federal and local mandates and patently unjustifiable. For all of these reasons, we urge you to consider the long-term beneficial effects and consequences to our community from the protection of natural features.

Respectfully,

Gail Walter and Tom Nehil

From: [Karin Larsen](#)
To: [McCarthy, Jamie](#)
Subject: [External Email] Planning Commission
Date: Sunday, June 13, 2021 8:42:54 AM

This is on your own site announcing the Environmental Planning Award given to our city for this work. It was not a stagnant award for the environment is in a constant state of change. Approving the NFP Phase II Map will not only create a sustainable future for our city but sets a standard for communities throughout the United States. The residents for this resolution far out weigh any negative objections.

This is the moment to create a future for our city and its children. A unanimous vote will make a strong statement about where the city and residents stand and would support the Climate Crisis Resolution passed by our city.

Sep 11 2020

[Natural Features Protection Initiative Wins MAP Award as Overlay Work Continues](#)

The City of Kalamazoo's Natural Features Protection (NFP) initiative has been awarded the Environmental Planning Award by the Michigan Association of Planning (MAP/APA Michigan). The Award recognizes "efforts to create more sustainable and greener communities that reduce the impact of development on the natural environment and improve environmental quality." This award comes as City staff work to further refine natural features protection in the city through a second phase of the NFP initiative.

During the most recent Master Plan update, residents made clear their desire for protection and preservation of natural features. In December 2018, the Kalamazoo City Commission approved a moratorium on building permits for properties with the Natural Features Protection designation in the Imagine Kalamazoo 2025 Master Plan. This moratorium was enacted to provide City staff time to create an NFP ordinance in collaboration with community members.

Thank you,

Karin Larsen

Karin Larsen
karinlarsen@mediopic.com

May we come to know all people as the Chosen one. All the Earth as our Holy Land. -F.
MacEowen

From: [Rochelle Habeck](#)
To: [McCarthy, Jamie](#)
Cc: [COK - Development Center](#); [hello](#)
Subject: [External Email] Support for NFP Work and Overlay Revision
Date: Monday, June 21, 2021 10:04:10 AM

Dear Ms. McCarthy, NFP Advisors, and City Planning Directors,

Thank you for the very thoughtful work being carried out by the Natural Features Protection Review Board and staff. It is tremendously encouraging to see that our City has obtained the guidance of such experienced and informed people to develop these critical standards and to implement them in sensible ways. I am encouraged that, although our City has precious little in protected natural areas, the steps you have taken in this analysis and provide in the expanded features protection are essential for sustaining the natural features we still do have and guiding thoughtful decisions in development and construction.

In the past several years I have learned a great deal about the critical importance of these natural features for the future health and well-being of all life in our City and surrounding area. This has led a group of us to help remove the life-choking invasion of non-native honeysuckle and other invasive plants and restore the common space owned by the Cliffs Association within Parkview Hills to native plantings. Through the generous guidance and assistance of knowledgeable volunteer stewards like your NFP Review Board members, we have made great progress that is very heartening to witness. But it is far better to protect these natural features and sustain them in the first place, as your expanded Overlay seeks to do, than to lose them or attempt to manipulate their recovery and return, if that is possible at all. It is clear that the sensitive natural features “next door” to the north and east of Asylum Lake are extremely vulnerable to this fate, without the expanded overlay and thoughtful zoning.

Please continue your progressive and critical work to preserve the natural features of our community by adopting and implementing the revised overlay and standards, and help educate our citizens so that they come to understand their direct self-interest in this endeavor.

With my thanks for your service and this good work,
Rochelle V. Habeck, Ph.D.
Co-Chair, Cliffs Association Landscape Committee
Member, Parkview Hills Natural Areas Stewardship Committee
3638 Woodcliff Drive
Kalamazoo MI 49008
269-341-0381

Natural Features Protection, Phase 2 Amendments to Chapter 50, Article 6 of the Zoning Code
PUBLIC COMMENTS RECEIVED THROUGH 6/22/2021

I'm writing in support of the proposed Phase 2 Natural Features Plan before you.

First, thank you all for your collective personal time and hard work given to the City of Kalamazoo and for all of us who live here or visit.

As a long time resident of the greater Kalamazoo area I have taken many friends and visitors from outside SW Michigan to visit our area. Invariably, they are impressed with the natural features here, but also the obvious care that the residents take in making it beautiful. From the number of homes with flowers on display to the clean and quiet natural areas within our city, such as Asylum Lake and Kleinstruck Preserve, visitors and residents alike do notice and appreciate the unique beauty of Kalamazoo.

I've spoken with a number of people who said that the natural beauty and charm of our area was an important part of the "mix" in their deciding to live and work in our community.

Your actions on the NFP will become part of our city's future identity, and have long lasting consequences benefiting wildlife, our environment, and our local economy in powerful, positive ways.

Again, thank all of you for your dedication to our community.

Sincerely,
Bart Seelye

Dear Natural Features Protection Review Board and Planning Commission,

The Audubon Society of Kalamazoo supports the NFP Phase 2 Overlay currently under consideration by your members. We recognize that all creatures--bird, human, and others--benefit when steps are taken to encourage thoughtful land use policies. By adding the Phase 2 protections to land adjacent to natural gems like Asylum Lake, Kleinstuck, and Bow in the Clouds Preserves, and by protecting watersheds like David Creek, birds that have been facing steep population declines in recent years will face slightly less pressure.

Recommendation of the NFP Phase 2 Overlay to the Planning Commission and, subsequently, to the City Commission, will help to ensure that the City of Kalamazoo continues to be a destination for both birds and the birders who watch them. We strongly urge that you recommend it for approval.

Sincerely,

Audubon Society of Kalamazoo Board of Directors

Nate Strong, President	Donna Keller
Ilse Gebhard	David Riggs
Susan Creager	John Chenault
Laura Shaw	Pam Jackson

We support the vision of the Natural Features Protection Ordinance and Overlay District is to achieve long-term protection and management of Natural Features for public enjoyment and environmental health.

The extension of the overlay Ordinance includes parcels surrounding the Asylum Lake Preserve, including Highpointe, to add protection to that green space.

We live on Highpointe and visit Asylum Lake Preserve frequently.

Thank you.

Sidney Brush

I was so pleased when the City approved Phase 1 of the NFP, which has successfully protected some of our natural landscapes.

I am writing in support of Phase 2 of the NFP which, if approved, will protect additional natural features such as important concentrations of trees, slopes, waterways, and more within the city, many of them adjacent to existing protected parcels like birding hotspots Asylum Lake and Kleinstuck Preserves.

I have been a life-long (79 years!) resident of the City of Kalamazoo and have so appreciated the City's efforts to protect some of the natural areas that are so unique to a city landscape.

MELANIE J PERRY

Thanks for reviewing the draft NFP with me over the phone. Although I feel much better about the impact to me I still don't like having my private property rights taken from me. I support NFP for public Non-taxed and commercial property.

Because I believe private property rights are significantly impacted with no option to opt out, I see this much like eminent domain. If this NFP Draft goes forward I will be urging our commission to consider a fare compromise to make this more palatable to private property owners. If the Water, Slopes ,and Trees are valuable to the greater community then the greater community should support it. I suggest a significant tax break for any mapped property owners. This could make more folks willing and happy to be part of this preservation. I think this is fair and reasonable.

Matt Bond

Dear NFP Review Board and Kalamazoo Planning Commission,

I am a long-time resident of Kalamazoo with a great deal of fondness of this city. It offers so very much to everyone.

I also enjoy being out in nature and value those areas. Green/trees are serene and healing forces. The city of Kalamazoo needs to protect those areas within its jurisdiction. Private owners are not always so

farsighted - I'm thinking of the large expanse of trees along Drake that WMU cut to make way for their business area.

So, please, you must guarantee that people have green in their lives.

Thank you.

Lyda Stillwell
4236 Persianwood Drive
Kalamazoo, MI 49006
269-388-4839

This quote is important to show that when you draw a line you and do the right thing (passing the Phase II Map) there will be some anger but you can turn the tide. Many of the people on your board will now of the DDT and Rachel Carson, but not of the politic reaction and then the people's movement that created the Environmental Defense Fund.

DDT sprayed on vegetation washed into the oceans. It concentrated in fish, which were then eaten by birds of prey: in Maine, that meant ospreys. The DDT caused the birds to lay eggs with abnormally thin eggshells, so thin the eggs cracked in the nest when the parent birds tried to incubate them. And so the osprey began to die off.

When The New Yorker began to serialize Carson's book in June 1962 officers of chemical companies were scathing. "If man were to faithfully follow the teachings of Miss Carson," an executive of the American Cyanamid Company said, "we would return to the Dark Ages, and the insects and diseases and vermin would once again inherit the earth." Officers of Monsanto questioned Carson's sanity. But other Americans were willing to listen. Silent Spring inspired the fledgling environmental movement. In 1967, the Environmental Defense Fund organized to protect the environment; in 1970, President Richard M. Nixon created the Environmental Protection Agency. In 1972, the U.S. banned the use of DDT.

It is time to move forward and get the map approved.

Karin Larsen

Dear NFP Review Board,

As a life long resident of Kalamazoo County and having recently returned to the city, I want to offer my support for the proposed changes to Natural Features Protection in the city. The entire concept is admirable and I have high respect for all who have and are working to this end. The recent concern displayed over potential damage to the Asylum Lake Preserve and the proposed addition to the Kleinstuck Preserve certainly display enthusiastic public support for "green space" in the city. This plan seems to have an excellent balance of protection and development, both of which are important to any community. So, I want to urge adoption of the updates to the plan.

I would like to add that I am a competent birder and naturalist, active with the Audubon Society of Kalamazoo, who has volunteered on many projects and surveys in SW Michigan.

Best Regards,
Russ Schipper

To: Members of the Kalamazoo NFP Review Board and the Planning Commission

I support adoption of Phase 2 of the Natural Features Plan. It will significantly improve the quality of the Kalamazoo environment and add value for generations. My own property is included in Phase 2.

Charles Hodgman
1104 EDGEMOOR AVE
KALAMAZOO, MI 49008

Thank you for the very thoughtful work being carried out by the Natural Features Protection Review Board and staff. It is tremendously encouraging to see that our City has obtained the guidance of such experienced and informed people to develop these critical standards and to implement them in sensible ways. I am encouraged that, although our City has precious little in protected natural areas, the steps you have taken in this analysis and provide in the expanded features protection are essential for sustaining the natural features we still do have and guiding thoughtful decisions in development and construction.

In the past several years I have learned a great deal about the critical importance of these natural features for the future health and well-being of all life in our City and surrounding area. This has led a group of us to help remove the life-choking invasion of non-native honeysuckle and other invasive plants and restore the common space owned by the Cliffs Association within Parkview Hills to native plantings. Through the generous guidance and assistance of knowledgeable volunteer stewards like your NFP Review Board members, we have made great progress that is very heartening to witness. But it is far better to protect these natural features and sustain them in the first place, as your expanded Overlay seeks to do, than to lose them or attempt to manipulate their recovery and return, if that is possible at all. It is clear that the sensitive natural features “next door” to the north and east of Asylum Lake are extremely vulnerable to this fate, without the expanded overlay and thoughtful zoning.

Please continue your progressive and critical work to preserve the natural features of our community by adopting and implementing the revised overlay and standards, and help educate our citizens so that they come to understand their direct self-interest in this endeavor.

With my thanks for your service and this good work,
Rochelle V. Habeck, Ph.D.
Co-Chair, Cliffs Association Landscape Committee
Member, Parkview Hills Natural Areas Stewardship Committee
3638 Woodcliff Drive
Kalamazoo MI 49008

To: NFP Review Board and Kalamazoo Planning Commission

We are writing to urge that the NFP Review Board recommend implementation of Phase 2 of the NFP as it currently stands. The addition of these proposed parcels to the NFP Overlay has been done following

an impressively thorough and deliberative evaluation and documentation of the natural features of each property that justify increased zoning standards. The inclusion of these properties in the NFP Overlay District promotes more thoughtful development but does not preclude responsible development.

The loss of a few trees or pervious green space here and a few more trees there may seem minor when viewed individually. However, from a broader perspective, it appears we are headed to a death by a thousand cuts. Michigan loses a statistically significant amount of tree cover (>4000 acres) annually, mostly due to development and increased impermeable surfaces. This loss of trees contributes to an urban heat island effect, increased energy consumption, increased air pollution, decreased water quality, and compromised human health and comfort. There are three billion fewer birds in North America today than there were 50 years ago, and roughly half of the riparian ecosystems and wetlands in the lower 48 States have already been lost. In January 2021, President Biden signed Executive Order 14008, Tackling the Climate Crisis at Home and Abroad which outlines the challenge to conserve at least 30 percent of our lands and waters by 2030. The Conserving and Restoring America the Beautiful report to the National Climate Task Force addresses the President's 30x30 Directive and is a call to action to support locally led and locally designed community conservation and restoration efforts of all kinds to safeguard land and water. The City of Kalamazoo declared a Climate Emergency in October 2019, accepting the role of regional leadership, with a commitment to implement actions to reduce the impacts of climate change and increase community resilience.

Inclusion of these proposed properties and their functioning ecosystems within the NFP Overlay would be consistent with the intent of the President's Executive Order and the City's declaration of a Climate Emergency. For some properties, inclusion in the NFP Overlay would provide public access to nature, especially for underserved populations. The NFP Phase 2 plan has been well developed. Understanding that there will probably not ever be complete agreement with each and every parcel, it is time to move forward with this comprehensive action that will support Kalamazoo's declaration of a Climate Emergency. Not moving forward with Phase 2 would be inconsistent with federal and local mandates and patently unjustifiable. For all of these reasons, we urge you to consider the long-term beneficial effects and consequences to our community from the protection of natural features.

Respectfully,
Gail Walter and Tom Nehil

The Board of the Oakland Drive – Winchell Neighborhood Association supports the Natural Features Protection (NFP) Phase II Map and proposed Ordinance changes that were posted on the City website as of May 21, 2021. The Board commends and thanks the NFP Review Board, Ms. Jamie McCarthy (City Sustainable Development Coordinator), and Mr. Nolan Bergstrom (City Intern – specializing in GIS applications) for their diligence and perseverance. In the opinion of the Board, the documents described above: 1) align with the City Master Plan; 2) align with the Oakland Drive – Winchell Neighborhood Plan; and 3) set a logical and equitable foundation for managing and protecting the natural features in the City of Kalamazoo, both now and for generations to come.

We are writing this note concerning the changes to the Natural Features Protection Overlay map. We object to the inclusion of our property in the NFP overlay map as currently proposed. While we understand the intent of the NFP Overlay, we continue to believe it is neither necessary nor appropriate

to include our property in the overlay district. As we brought to your attention previously, our property is already appropriately protected by an existing conservation easement with the Kalamazoo Nature Center; second, there is no rational basis for imposing the additional NFP overlay standards on our property when nearly identical adjacent properties within our neighborhood are excluded from the overlay district.

Will affected residents be notified by mail of the proposed map changes? We have spoken with several neighbors who were not aware of the changes.

We continue to be very concerned about the significant investment that we have made in our home in Kalamazoo. The proposed zoning changes have the potential to reduce neighborhood property values by placing significant restrictions on property owners to be able to maintain, improve, and redevelop their property for future use or sale. The effect on values will be substantial, as the standards of the new overlay district are not feasible for many property owners to achieve – for instance, the time and costs it will take to go through this process will be substantially greater than prior to the implementation of the zoning overlay. The replacement options for landscape are also too limited. As a direct consequence, property values for those included in the overlay district will drop, and significantly so. It is unrealistic for anyone on the board to expect that imposing significant use restrictions on a person's property would have anything other than a negative impact on its current and future value. We intentionally avoided purchasing a home in the Historic District because of very similar concerns that are now impacting us as property owners outside of that district.

In addition to the effects on value, and the real-world impossibility of compliance for many property owners, the decision to gerrymander the boundary to include our property makes no sense. The east side of Long Road (our land) is included, but the west side, for the most part, is not. The inclusion of our property, while excluding identical property that is adjacent, is arbitrary at best. There are several additional parcels within our neighborhood that have similar slopes and tree cover which were not included in the overlay.

From recent meetings and discussions with neighbors and others impacted by the rezoning, we know our opinions are shared by many who have not yet attended meetings or have had a meaningful opportunity to send a letter to you (most have not received notice of the map changes as noted above). We respectfully request that you reconsider including our property in your final NFP Overlay map, and remove our property from the proposed overlay district in advance of the final submission from this board to the planning commission. We ask that our right to control our property not be invalidated by the NFP board.

Sincerely,
Michael and Morgen Baer

The Board of the Asylum Lake Preservation Association supports the City of Kalamazoo's proposed additions to the NFP protections. We note especially that the area around the Asylum Lake Preserve has additional parcels reserved in Phase Two. This adjacent area is an important one to include, as the Preserve is under pressure from development, since it is located within the City, which has limited green space. We support these additions, which further protect this significant resource to the community.

The ALPA Board of Directors, John Kreuzer, Chair; Lauri Holmes, Co-chair; Judy Huxmann, Treasurer; Sherry Sims, Secretary; Susan Andress, at-large; Donna Tellam, at-large; David Nesius, at-large; Mark Hoffman, at-large

mcClintontl@gmail.com - thank you for listing to all the people of all the neighborhoods all around, about natural green space , i do support the inclusion of our undeveloped parcels between lake and stockbridge and east of john int he nfp ,this area in our southtown neighborhoods last remaining natural green space ,natural watershed and the last home for the wildlife that live there, and needs protection of the nfp board i would like to please ask to see the inclusion of the highlighted plat map to verify each parcel in our natural green space in our neighborhood , we recently performed an on site tour of our natural green space with the ecc we walked it with them we toured the existing trail system ,the natural hydrology helps control watershed from the neighborhood and it is heavily wooded and lots of big trees and o pronounced slop, what does this mean for our last little piece of country in the city in southtown neighborhood and helps with flooding in our neighborhood , i no the nfp if i understand does not guarantee the site will remain undeveloped , what will this mean for are last natural green space that we of the neighborhood love so much , thank you for listing to us and thank you for saving green spaces around town please help save ours tina mcclinton 310 lake this little space help us so much , with the peace and quite flooding air quality climate changes animals and love the relaxing watching the animals big and small.

Richard@2693457000.com - We support the inclusion of the 9 undeveloped parcels between lake and Stockbridge, east of john street on the NFP map. These parcels are Southtown Neighborhoods' last remaining natural greenspace, natural watershed, and natural wildlife habitat. The area is filled with trails that the neighborhood enjoys. While the area is woods, there is a significant slope where the area is high on the lake st side while lower on the Stockbridge side. This area is known by the neighborhood to naturally help drain the excess water in the area. I would like to see the inclusion of highlighted plat map to verify each parcel in this natural space, but it appears it has been included. I am concerned that the recently added board member has a financial interest in this site and has a conflict of interest in this neighborhood. Our neighborhood recently performed an onsite tour of the natural space with board members of the ECC. We toured the existing trail systems in detail. The natural hydrology helps control watershed from the neighborhood, it is heavily wooded and has a pronounced slope. While the inclusion of the site in NFP does not guarantee the site will remain undeveloped natural space, as our neighborhood plan specifies, it will hold any future developers to a standard consistent with other similar natural sites.

The ODWNA supports the Natural Features Protection (NFP) Phase II Map and proposed Ordinance changes that were posted on the City website as of May 21, 2021. The Board commends and thanks the NFP Review Board, Ms. Jamie McCarthy (City Sustainable Development Coordinator), and Mr. Nolan Bergstrom (City Intern – specializing in GIS applications) for their diligence and perseverance. In the opinion of the Board, the documents described above: 1) align with the City Master Plan; 2) align with the Oakland Drive – Winchell Neighborhood Plan; and 3) set a logical and equitable foundation for managing and protecting the natural features in the City of Kalamazoo, both now and for generations to come.

The Board of the Oakland Drive Winchell Neighborhood Association

We reside at 840 Carolee in Kalamazoo. Our property is adjacent to the Phase II proposed expansion of the NFP of which we are very pleased!

We do have a couple of questions. The back of our property is part of a sloped, wooded area. The properties that meet our property line in the woods are located on Whites Rd, specifically 909 and 921 Whites Rd. These addresses are part of the proposed expansion. In 2020, the owners of 909 Whites Rd hired someone to clear cut most of the large trees in their backyard down the slope and into the woods. We were not happy to see this happening to the beautiful, old trees! Now, we are distressed to see that the property next door (921 Whites Rd) is doing the same thing! Is there anything that can be done? We realize that it's too late for the dozens of trees that have already been cut down, but are the property owners required to replant to replace the trees? Or more importantly, how to keep more properties on Whites Rd from clear cutting their backyards?

Mary and Steve Bittner

To: NFP and Planning Committees

Now is the time for those of us who are living here to support the proposed Natural Features Protection zoning overlay ordinance and map so carefully worked out over time by city planners and neighborhood associations, along with many volunteer expert professionals, and with input from countless residents, including ourselves. We are a nature-loving and people-loving community. This is our moment to protect and retain our local ecosystem long term for future generations to enjoy. Fortunately, neighboring communities are doing the same. This is nature's best hope!

Karen and Phil Kunze

2012 Chevy Chase Blvd. Kalamazoo, MI 49008

Winchell neighborhood residents since 1969, and members of ODWNA

My property adjoins Glen Park South. I am very much in support of the inclusion of Glen Park, in addition to my property, being included in the Phase 2 overlay district. Glen Park South has very steep slopes and is already experiencing significant erosion. This is affecting our street and neighboring properties during heavy rains by causing flooding. The inclusion of Glen Park South in the NFP Overlay District will help to thwart development that would exacerbate this erosion, in addition to protecting the woodland area in the park. My husband and I chose to purchase our home due in large part to the wooded nature of our property and the natural beauty and serenity of Glen Park South. We are both fully in support of maintaining and protecting these attributes under the NFP status.

Rebecca Nevala

As a community member and member of the Oakwood Neighborhood board, I want to voice my encouragement in favor of moving forward to adopt this new map. We are glad to see the expansion of the Natural Features Protection Overlay District boundaries (2203 Parkview Ave).

Ellen Tober

I live in the Oakwood Neighborhood and we are very fortunate to have Asylum and Woods Lake close by for the beauty and animals that live in these natural environments. Both lakes are in trouble. They have for too long been the drain areas for city streets and other environmental hazards. The water quality in both of these systems that feed other water ways in the area are in trouble due human runoff and pollutants. These natural areas need our protection as well as other areas that feed into the waterways of Kalamazoo.

Back at the turn of the 1900's there was an article that ran in the paper that told about how polluted the Kalamazoo River was from factories and runoff. The article talked about how people that lived on the river were moving away due to the smell and pollution. The end of the article stated that there was nothing that the present residents could do but that it was a problem that would need to be addressed by the generations to come.

We are that generation. The NFP Phase II map will help preserve the lands, water, and species that live among us. This action is over 100 years late in coming, but it is time. This is a historic moment. Your choice will determine what is really important. I am betting that future generations will remember your action and be grateful.

Karin Larsen

Chapter 50 - Table of Contents

What articles will be amended with the NFP Overlay.

Article 1. General Requirements (definitions)

Article 2. Review Bodies and Processes

Article 3 Zoning Districts & Map (add overlay district)

Article 4. Use Regulations

Article 5: Zoning Standards: Lot Types

Article 6: Zoning Standards: Overlay District Standards (add article for overlay
(replacing Article 6. Street Types)

Article 7. Parking & Loading Regulations

Article 8. Landscape & Screening Regulations

Article 9 Signage.

Article 10 Lighting.

Article 50-3. Zoning Districts.

50-1.3 Definitions

(these are new definition to be integrated into the existing 50-1.3 Zoning)

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

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

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

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 1.3-1 Measuring Critical Root Zone.

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

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

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.

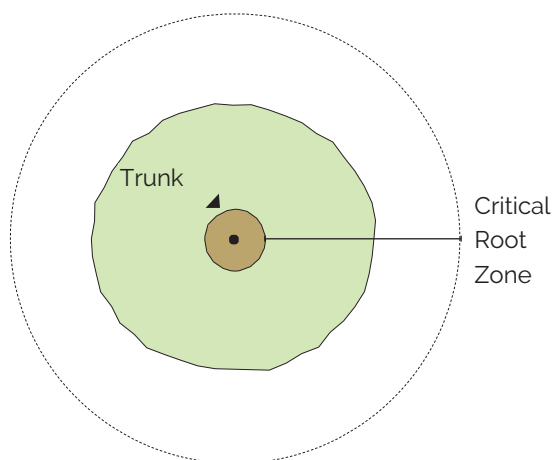


Figure 1.3-1 Measuring Critical Root Zone

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

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

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.

Forbs. Non-woody plants and wildflowers other than grasses.

Graminoids. Grasses, sedges, and rushes.

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

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.

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

Nativar. A cultivar of a native plant species.

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.

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

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

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.

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

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.

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

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.

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

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

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

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.

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

Slope Face. The surface area of the slope from Top to Toe of Slope. Refer to Figure 1.3-2 Parts of a Slope.

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

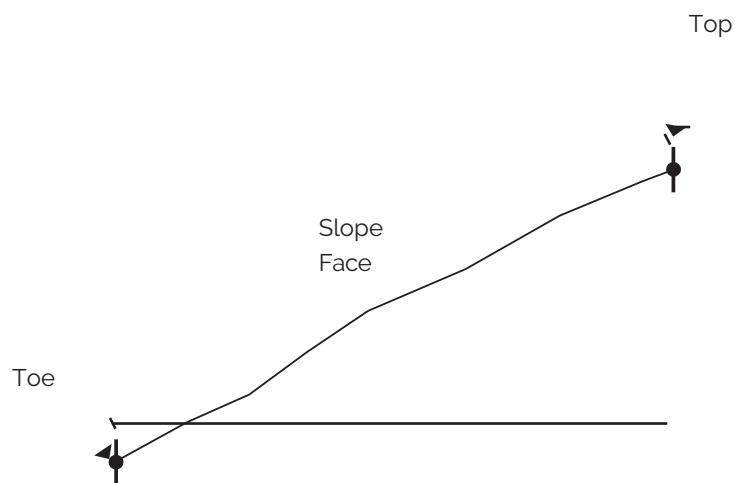


Figure 1.3-2 Parts of a Slope

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

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.

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

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

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

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.

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

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

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.

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.

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.

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

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

Article 50-3. Zoning Districts.

50-3.2 Overlay Zone Districts. Refer to Figure 1.2-2 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.

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.

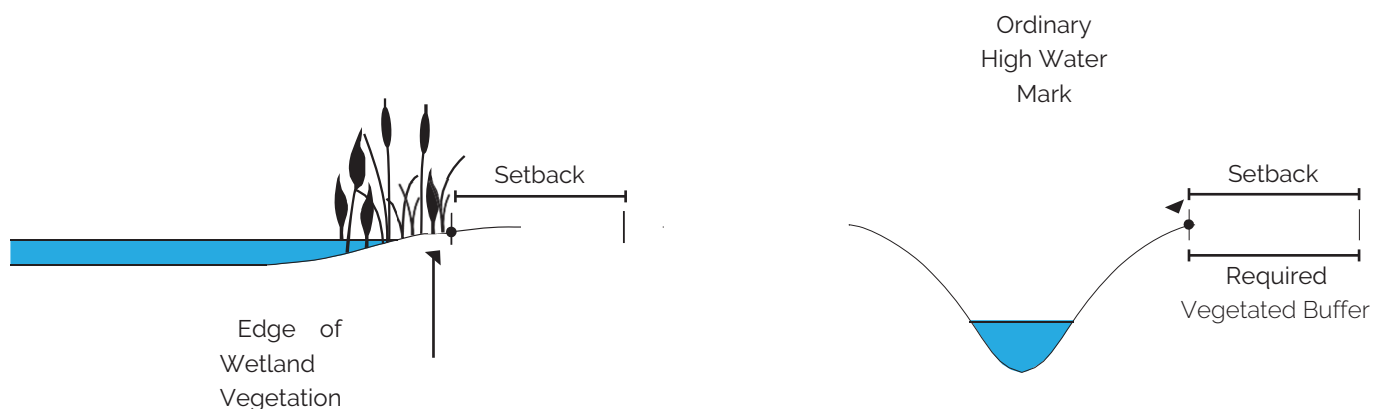


Figure 6.2-1 Measuring Wetland and Water Resource Setbacks

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.

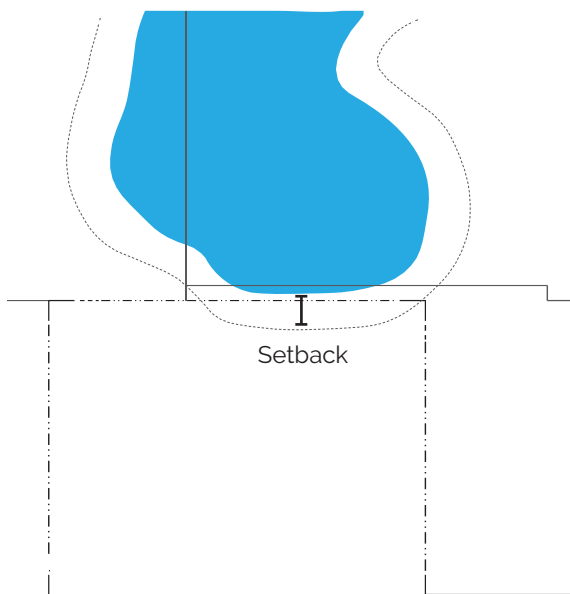


Table 6.2-1 Wetland and Water Resources Setbacks

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

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
<u>Gray Dogwood</u>	<u><i>Cornus foemina, syn C. racemosa</i></u>	<u>Shrub</u>
<u>Steeplebush/Meadowsweet</u>	<u><i>Spiraea alba</i></u>	<u>Shrub</u>
<u>Hardback/Steeplebush</u>	<u><i>Spiraea tomentosa</i></u>	<u>Shrub</u>
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/ <u>Wool Grass</u>	<i>Scirpus cyperinus</i>	Graminoid
Bluejoint Grass	<i>Calamagrostis canadensis</i>	Graminoid
Common Rush	<i>Juncus effusus</i>	Graminoid
<u>Wood Reedgrass</u>	<u><i>Cinna arundineacea</i></u>	<u>Graminoid</u>
<u>Fowl Mannagrass</u>	<u><i>Glyceria striata</i></u>	<u>Graminoid</u>
<u>New England American Aster</u>	<u><i>Symphyotrichum novae-angliae</i></u>	<u>Forb</u>
<u>Flat-Topped White Aster</u>	<u><i>Doellingeria umbellata</i></u>	<u>Forb</u>
<u>Tall Sunflower</u>	<u><i>Helianthus giganteus</i></u>	<u>Forb</u>
Spotted Joe-Pye-Weed	<i>Eutrochium maculatum</i>	Forb
White Turtlehead	<i>Chelone glabra</i>	Forb
<u>New England American Aster</u>	<u><i>Symphyotrichum novae-angliae</i></u>	<u>Forb</u>
<u>Purple-Stem American Aster</u>	<u><i>Symphyotrichum puniceum</i></u>	<u>Forb</u>
<u>Flat-Topped White Aster</u>	<u><i>Doellingeria umbellata</i></u>	<u>Forb</u>
<u>Canada Anemone</u>	<u><i>Anemone canadensis</i></u>	<u>Forb</u>
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

[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.

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 Tree is considered a Protected Tree and the standards of this Overlay apply.

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

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

(2) Tree Protection. Protected 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 Protected 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 Protected Trees shall be protected following the standards of 50-6.2K(8) Protection During Construction.

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

(a) Protected Tree is located such that it impedes access to the site, prevents utility connections, or prevents the use of a property for its zoned purpose.

(b) ~~A qualified professional has determined~~There is clear evidence that the a Protected Tree is diseased, dying, or has sustained substantial damage prior to site work.

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

(4) Replacement. Any Protected Tree ~~meeting the criteria~~ which is removed from ~~the a~~ parcel as part of a development project that requires site plan review must be replaced as follows.

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

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

~~[2]~~[1] Replacement Trees shall be selected from the Replacement Tree List in Table 6.2-5. Site context and site condition should be taken into consideration when selecting a ~~R~~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)(b)~~ 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.

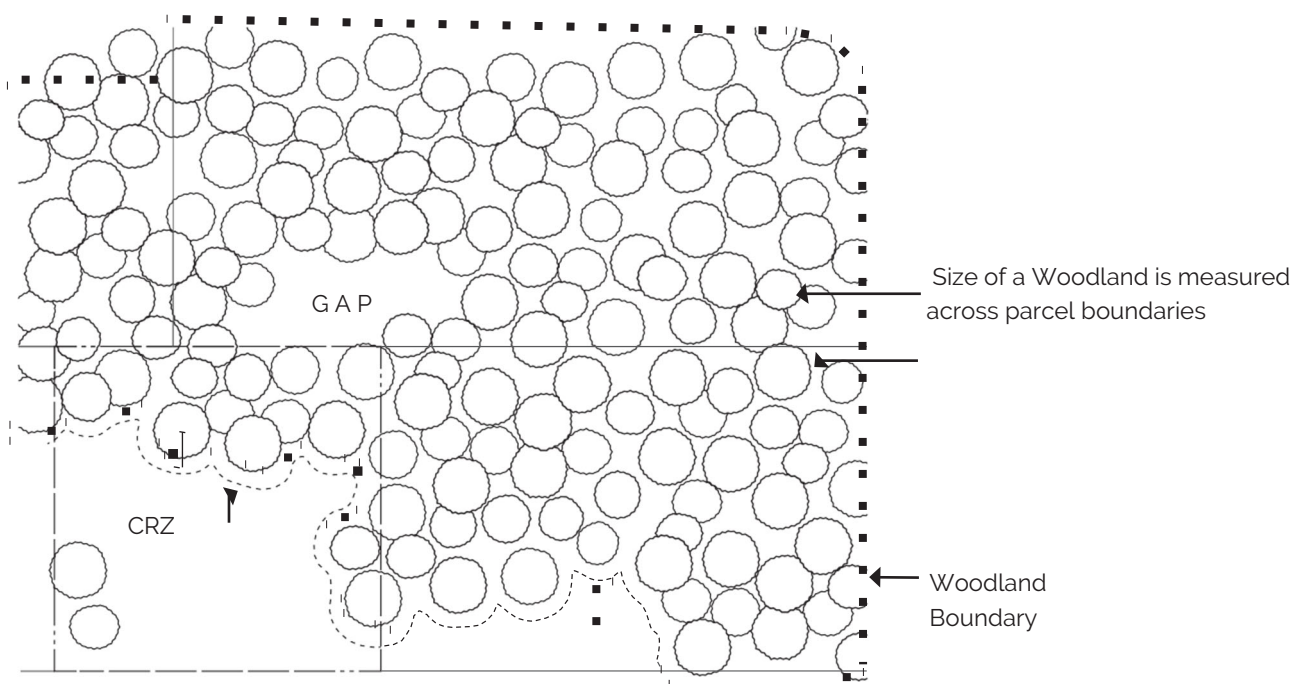


Figure 6.2-3 Defining and Delineating a Woodland

Table 6.2-4 ~~Special Status~~ Protected 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"

Table 6.2-4 (Continued) ~~Special Status~~ Protected Tree List

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 spp. 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"
<u>Pagoda Dogwood</u>	<u><i>Cornus alternifolia</i></u>	<u>4"</u>
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.

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> <u>(hybrid)</u>	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</i> (native only)	2:1	Cr
Eastern Redbud	<i>Cercis canadensis</i>	3:1	Cr, P
Elm, American	<i>Ulmus americana</i> <u>(resistant variety)</u>	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</i> and other spp.	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

Table 6.2-5 (Continued) Replacement Tree List

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
<u>Pecan Tree</u>	<u><i>Carya illinoensis</i></u>		
<u>Sweetgum Tree</u>	<u><i>Liquidambar styraciflua</i></u>		
<u>Oak, Post</u>	<u><i>Quercus stellata</i></u>		
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

(c) Natural Ground Cover. No more than twenty-five (25) percent of the ground area is mowed turf grass.

(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.

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%

[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.

(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.

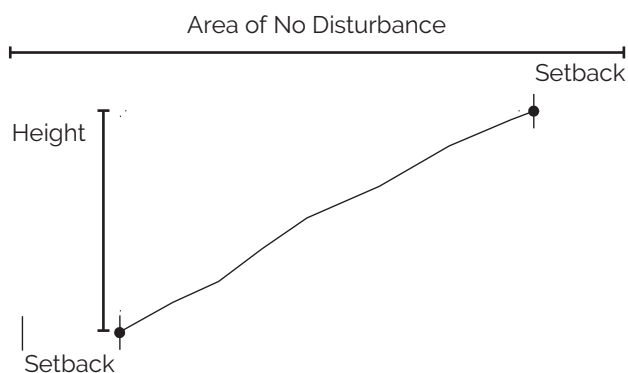


Figure 6.2-4 Protected Slope Setbacks

(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.

(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.J.~~ 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 userestrictions.

(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 required under Appendix A, Section 6.2 Landscaping and Open Space, or required elsewhere in Chapter 50, which includes the use of both Wild-type and Nativar plants. When additional landscaping is proposed on the site plan beyond the minimum requirements of Chapter 50, the NFP Review Board may allow the use of non-native, non-invasive species which have been determined not to cause adverse environmental impacts. Plants in Table 6.2-6 Prohibited Planting List or species recognized by the Midwest Invasive Species Network as non-native invasive 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

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>
<u>Princess Tree</u>	<u><i>Paulownia tomentosa</i></u>
<u>Black Alder</u>	<u><i>Alnus glutinosa</i></u>
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>
<u>Mile-A-Minute Weed</u>	<u><i>Persicaria perfoliate</i></u>
<u>Kudzu</u>	<u><i>Pueraria montana</i></u>
Grasses	
Reed Canary Grass	<i>Phalaris arundinacea</i>
Common Reed	<i>Phragmites australis</i>
<u>Japanese Stiltgrass</u>	<u><i>Microstegium vimineum</i></u>

Common Name	Scientific Name
Herbs	
Garlic Mustard	<i>Alliaria petiolata</i>
Spotted Knotweed <u>knawweed</u>	<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>
<u>Baby's Breath</u>	<u><i>Gypsophila paniculate</i></u>
<u>Goutweed</u>	<u><i>Aegopodium podagraria</i></u>
<u>Lesser Celandine</u>	<u><i>Ficaria verna</i></u>
<u>Moneyplant</u>	<u><i>Lunaria annua</i></u>
<u>Sweet Woodruff</u>	<u><i>Galium odoratum</i></u>
<u>Sweet Clovers</u>	<u><i>Melilotus spp.</i></u>

Aquatic Plants
Euonymus fortune
E. euopaeus
E. alata
Miscanthus sp.

(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.

(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

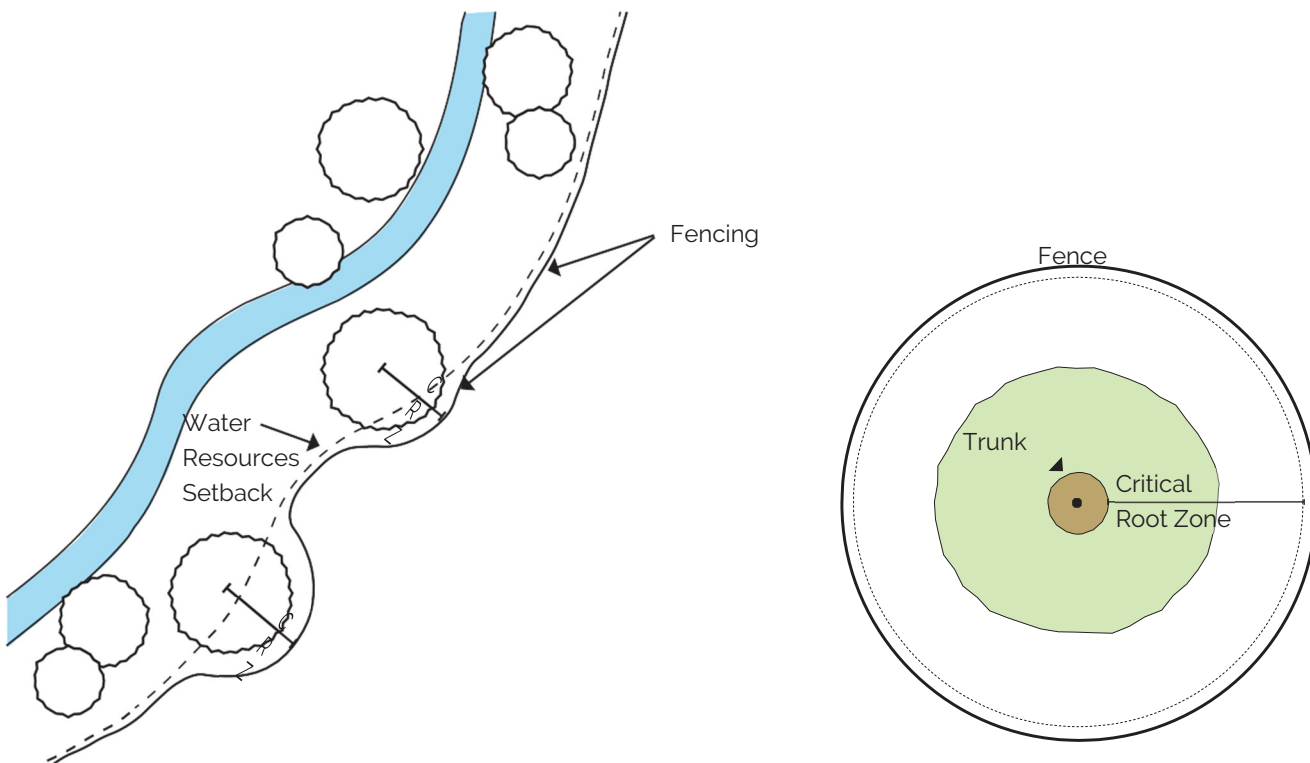


Figure 6.2-5 Placement of Construction Fencing

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.

4.K. 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.

(c) Where Site Plan is required and a zoning review and/or variance 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.L. 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. During the review and approval of all NFP site plans, the NFP Review Board will determine whether a bond or lien is required for NFP projects based on:~~
 - (a) ~~A bond is required for projects in the NFP Overlay District valued at \$100,000 or more. Whether Natural Features are present on the site such that the cost of replacement or restoration if damaged or destroyed during construction would place an undue burden on the City if not remedied in a reasonable timeframe.~~
 - (b) ~~A lien shall be applied to parcels for projects in the NFP Overlay District valued under \$100,000. The activities proposed on the site present a reasonable threat of damaging or destroying Natural Features.~~
- (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.M. 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.

**CITY OF KALAMAZOO
SITE PLAN REVIEW PROJECT LIST**

Year 2021	Project Address	Project Description	Applicant	Property Owner	Pre-App. Received	Pre-App. Meeting	Pre-App. Approval Date	Date Site Plan Rec.	Fee	Committee Meet. Date	Design Review	Site Plan Review Status	Final Site Plan Approval Date	Final Inspect.
2021.27	1500 N Pitcher	Building Demolition and Pitcher Street Overhead Crossing	Hurley & Stewart	Graphic Packagin International	4/29/2021	4/29/2021	5/12/2021	6/18/2021	\$250	In Scheduling	NA	In Scheduling		
2021.26	519 W Willard	Cell Antenna Colocation	T-Mobile/ Haley Law Firm, PLC	Celco Partnership	5/4/2021	5/19/2021	5/19/2021	6/10/2021	\$250	7/7/2021	NA	Project Under Review		
21021.25	3521 E Cork St	New Building for Moving Business	Nederveld, Inc.	HKH Properties	3/15/2021	3/31/2021	3/31/2021	6/10/2021	\$500	7/14/2021	NA	Project Under Review		
2021.24	432 W Paterson	Parking Lot	Hurley & Stewart	Spur Development, LLC	4/29/2021	5/12/2021	5/12/2021	6/9/2021	\$250	7/7/2021	NA	Project Under Review		
2021.23	511 W Paerson	Trailer Parking	Hurley & Stewart	Spur Development, LLC	4/29/2021	5/12/2021	5/12/2021	6/9/2021	\$250	7/7/2021	NA	Project Under Review		
2021.22	121 E South Street	Adult Use Marihuana Retailer	William A Kibbe & Associates, Inc.	Peregrine-International, LLC	4/16/2021	5/5/2021	5/5/2021	6/5/2021	\$250	7/7/2021	DDRC	Project Under Review		
2021.21	500 W Crosstown Pkwy	Marihuana Safety Compliance	Bosch Architecture	Enterprises, LLC	4/27/2021	5/19/2021	5/19/2021	5/27/2021	\$250	6/30/2021	NA	Project Under Review		
2021.2	1206 E Crosstown Pkwy	Safety Compliance Center	HCD Properites, LLC	BMR Real Property Management, LLC	4/7/2021	5/5/2021		5/19/2021	\$250	6/30/2021	NA	Project Under Review		
2021.19	2036 Olmstead	Rebuild Pole Buildings	Schupan and Sons, Inc	Schupan & Sons, INC	12/10/2020	12/30/2020	12/30/2020	4/28/2021	\$500	6/23/2021	NA	Project Under Review		
2021.18	2734 Miller Rd	Marihuana Microbusiness	Inform Architecture	Frostiez Farms, LLC	3/30/2021	4/21/2021	4/21/2021	5/17/2021	\$250	6/23/2021	NA	Project Under Review		
2021.17	266 E Michigan Ave	Add apartments to building	266 Michigan Ave LLC	266 Michigan Ave LLC	3/26/2021	4/7/2021	4/7/2021	5/21/2021	\$500	6/23/2021	DDRC/ HDC	Project Under Review		
2021.16	2411 Parkview Ave	Storage Building - Kzoo Books	Gloria Tiller	Gloria Tiller	4/6/2021	4/28/2021	4/28/2021	5/5/2021	\$500	6/9/2021	NA	Project Under Review		
2021.15	1009 Stockbridge	Change of Use to Community Center	CSM	Urban Alliance	2/22/2021	3/3/2021	3/3/2021	5/6/2021	\$250	6/9/2021	NA	Project Under Review		
2021.14	4037 S Westnedge	AU Marihuana Retailer	QPS Holdings, LLC	Denins Starbuck	4/2/2021	4/28/2021	4/28/2021	5/5/2021	\$250	6/9/2021	NA	Site Plan Approved	6/21/2021	
2021.13	3630 Gull Road	AU Marihuana Retailer	Viridis Design	M & N Development Co.	3/4/2021	3/24/2021	3/24/2021	5/4/2021	\$500	5/26/2021	NA	Project Under Review		
2021.12	303 E Cork St(Multiple Parcels)	Allied Cleanup Site	Tetra Tech	Lyondell Environmental Trust	3/19/2021	4/7/2021	4/7/2021	4/30/2021	\$250	5/26/2021	NA	Site Plan Approved	5/27/2021	
2021.11	610 E Cork	New Building - Gillespie Maintenance	Gar Gillespie	Gillespie Garnett, Rev. Trust	3/17/2021	3/24/2021	3/24/2021	4/14/2021	\$500	5/12/2021	NA	Site Plan Approved	6/9/2021	
2021.1	3110 Oakland Dr	New Credit Union / Mixed Use Bldgs	Bosch Architecture	Consumers Credit Union	11/30/2020	12/30/2020	12/30/2020	3/31/2021	\$500	4/28/2021	NFP	Project Under Review		
2021.09	601 Portage	Adult Use Marihana Retailer/ Grower/ Processor	Yuma Way, LLC	601 Holdings, LLC	1/19/2021	1/27/2021	1/27/2021	3/30/2021	\$250	4/21/2021	Southtown	Site Plan Approved	5/24/2021	
2021.08	1211 S Westnedge	Change of Use to Dwelling Units (Apartments)	Inform Architecture	Bavasar, LLC	2/11/2021	2/17/2021	2/17/2021	3/18/2021	\$250	4/14/2021	HDC	Project Under Review		
2021.07	104 & 110 N Drake	Adult Use Marihana Retailer	Rair, INC	Echelon Real Estate, LLC	1/20/2021	2/10/2021	2/10/2021	2/22/2021	\$500	3/17/2021	NA	Site Plan Approved	6/7/2021	
2021.06	1203 Fourth Street	Marihuana Grow	Friends of the Garden, LLC	Nielsens LLC	10/6/2020	11/18/2020	11/18/2020	2/9/2021	\$250	3/17/2021	NA	Site Plan Approved	5/11/2021	

**CITY OF KALAMAZOO
SITE PLAN REVIEW PROJECT LIST**

Year 2021	Project Address	Project Description	Applicant	Property Owner	Pre-App. Received	Pre-App. Meeting	Pre-App. Approval Date	Date Site Plan Rec.	Fee	Committee Meet. Date	Design Review	Site Plan Review Status	Final Site Plan Approval Date	Final Inspect.
2021.05	303 Balch	Funeral Home Redevelopment	Intersect Studios	Echols, LLC	8/21/2020	9/9/2020	11/13/2020	1/27/2021	\$500	2/24/2021	NA	Site Plan Approved	4/29/2021	
2021.04	508 Harrison	Apartment Development with Commercial pad sites	Byce and Associates	City of Kalamazoo Brownfield Authority	10/15/2020	12/2/2020	12/2/2020	1/21/2021	\$500	TBD	NA	Revision Required for Scheduling		
2021.03	924 Russell	Rebuild of Edison School	Tower Pinkster	Kalamazoo Public Schools	10/2/2020	10/28/2020	10/28/2020	1/15/2021	\$500	2/17/2020	NA	Project Under Review		
2021.02	1709 Fraternity Village	Fraternity House	Hurley and Stewart	1701 Fraternity Village, LLC	11/18/2020	12/2/2020	12/2/2020	1/8/2021	\$500	2/3/2021	NA	Site Plan Approved	3/4/2021	
2021.01	1628 E Main St.	Pocket Park	Kalamazoo Land Bank	Kalamazoo Land Bank	9/18/2020	9/30/2020	9/30/3030	1/8/2021	\$250.00	2/3/2021	NA	Site Plan Approved	2/11/2021	
							Total:		\$9,750.00					