

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 rehearsing 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.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "CK Anderson", is written over a horizontal blue line.

Christina Anderson,
City Planner
Community Planning & Economic Development