

City of Kalamazoo  
PLANNING COMMISSION  
Meeting Minutes  
July 1, 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; Brian Pittelko; Sakhi Vyas, Vice Chair; David Burgess,  
Mariah Phelps; Michael Harrison; James Pitts

Members Excused: Shardae Chambers; Jennifer Swan

City Staff: Christina Anderson, City Planner; Pete Eldridge, Assistant City Planner; Beth  
Cheeseman, Executive Administrative Assistant; Joe Ulery, Deputy Chief  
Information Officer; Don Hepler, Senior Systems Analyst; Amanda Cockroft,  
Marketing and Communication Specialist; Chris Preadel, City Commissioner;  
Jamie McCarthy, Redevelopment Project Manager; Clyde Robinson, City  
Attorney; Nolan Bergstrom, AmeriCorps – Neighborhood Corridor Coordinator

Public present: Mr. Ron Franklin

**A. CALL TO ORDER/ROLL CALL**

Commissioner Milliken called the meeting to order at 7:00 p.m.

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

**B. ADOPTION OF FORMAL AGENDA**

**Commissioner Vyas, seconded by Commissioner Burgess, moved approval of the July 1, 2021  
Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.**

**C. APPROVAL OF MINUTES**

**Commissioner Burgess, seconded by Commissioner Pittelko, moved approval of the June 3, 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 and leave comments to be played for the Public  
Hearings or non-agenda Citizen Comments.

## **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)

Planner Eldridge presented the staff report. He explained that a rooming house is where bedrooms are rented independently from each other and the rest of the house is used as common space for the tenants. Planner Eldridge reviewed maps and pictures of the property. The house is a two-story, three bedroom, one and a half bath house with 1235 sq. ft. The area surrounding the house is predominantly residential with some commercial and a couple of vacant lots. Planner Eldridge also mentioned that there are about 50% rental properties on Cooley Street and approximately half the block is LW-1 zoned. It transitions at Cooley to RM-36 zone district. The Future Land Use map shows it designated as Neighborhood Edge – which is indicative of an area where there is support for small scale commercial, single family, and medium density residential which would include the rooming house. Planner Eldridge stated that this request aligns with the Master Plan and also the Northside Neighborhood Plan by offering alternative housing options. Regular noticing was sent out and the applicant went door to door to reach residents on Cooley Street to explain his application. Planner Eldridge explained the rationale for staff recommendation. The proposed special use is appropriate for the area and compatible with surrounding uses on the block. The rooming house complies with the use standards of the ordinance and no additional standards need to be met. RM-36 is high density residential. In addition to the rooming house, transitional residences, rehabilitation centers, group daycares, parking lots, fraternity and sorority houses are allowed in this area as a special use. The location and design of the proposed special use minimizes adverse effects, visual impact, odor, noise, glare, and doesn't create nuisances. There are no planned changes to the exterior of the structure or interior layout. There is adequate parking on the site. No environmental impact has been noted. There is adequate road capacity and the house has an existing driveway. No new ingress/egress are to be added. There is adequate City water and sewer services, and there is adequate access for emergency vehicles. Planner Eldridge stated that this special use complies with all the standards in the ordinance. It meets the zoning ordinance and is subject to rental housing code and inspections. Staff recommends approval of the Special Use permit.

Commissioner Harrison asked how long Special Use Permits are in effect once they are issued. Planner Eldridge explained that they go with the land. As long as future landowners use it in the exact same way (as a 3-room rooming house) then there isn't any change. He said that if someone modified the structure, for example, by adding more bedrooms, that would be outside of the scope of this approval. That would bring it back to the Planning Commission.

Commissioner Vyas asked how many people are allowed to live in each room. Planner Eldridge stated that it is based on the bedroom size. He thought the building code specified a minimum of 100 sq. ft. for a single occupancy bedroom and an additional 50 sq. ft. for each additional person. Commissioner Vyas wondered if there would be enough parking. Planner Eldridge said the parking requirement is three and the driveway will accommodate that number.

The applicant, Mr. Ron Franklin, shared that none of the current residents have vehicles. As long as he has owned the property, no resident who has lived there has had a vehicle. He verified that the driveway would accommodate three vehicles as was stated. Mr. Franklin stated that there is only one person in each bedroom currently. He was not sure about the sizes.

Mr. Franklin said there is a tremendous need for these types of facilities. A lot of individuals seeking housing do not have the resources to move and support a full house on their own. This serves to help fill

that gap. He said that this type of facility also helps meet the needs of individuals coming out of jail or different facilities who are trying to work back into the community to live independently. They can come together to share expenses and support. The living room, dining room, kitchen, and bathrooms are common.

Commissioner Milliken asked Mr. Franklin how far he lived from the property in reference to management and oversight. Mr. Franklin stated that he lives about 15 minutes away from this residence.

Commissioner Pitts asked about time limit for leases. Mr. Franklin said they typically want six months at a minimum to a year. He indicated that is not a strict policy. They would like to have a 30 day advance notice before a tenant moves out. Mr. Franklin said it was similar to renting to a single family. Guidelines are needed to run efficiently.

Commissioner Pitts asked if they could choose roommates and if there was any mechanism in place to handle complaints. Mr. Franklin said he always wants to make sure there is a good fit of people within the house. If there is disruption in the household, it is addressed immediately. He wants to make sure that each person has a place of peace to call home. He said the current environment of the house is really good.

Commissioner Phelps said, in theory, a group of friends could come and rent the entire space all together. Mr. Franklin responded that they could if there are openings in all the rooms. Typically, it is only one vacancy at a time. The option is always there to rent to a single family or individuals. Because it is a rooming house, they still maintain the flexibility to rent to a single family. The Special Use permit gives that option.

Commissioner Burgess noted that for this type of rental unit, Mr. Franklin would likely have to do more management than people might have to do in other types of rentals. He thanked Mr. Franklin for providing this type of housing opportunity for people.

Commissioner Harrison asked for information about the process of ranking applications. Mr. Franklin said they would check history, references, background and make sure there aren't any concerns. He said that if there are indications of problems, in terms of not working well with the others, they are addressed, and not allowed. Checking background is very important whether it is rooming house or single family rentals.

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

No public comments.

Commissioner Milliken closed the public comments portion of the public hearing.

**Commissioner Burgess, seconded by Commissioner Pitts, moved to approve the special use permit for the rooming house at 723 Cooley Street in the Residential Multi Dwelling District (RM-36).**

Commissioner Burgess commented that the change in status for the house stays consistent with current zoning and future zoning as detailed in the staff report. He saw no concern to keep from approving the special use permit.

Commissioner Pitts thought it was a great idea. He has seen similar things on the Northside and thinks it is greatly needed. He will support the special use permit.

Commissioner Milliken said this was a great opportunity for a desperate need in the community. He believed this was a unique way to increase density without creating new construction. He indicated that they should spread the word and let people know about these types of opportunities. Commissioner Milliken concurred with the staff report that the request meets the requirements of the zoning ordinance.

**Roll call vote was taken and passed unanimously.**

2. P.C. #2021.10 Natural Features Protection Overlay Map and Text Amendments to Chapter 50 of the Zoning Code, Article 6.

Ms. Jamie McCarthy presented the staff report. She said the NFP Board has been working on the amendment to the map and to the text of the code for the last year and a half. Some changes that occurred was that the map incorporates updated data where possible, criteria was changed to be more objective, and the map was put out for public feedback. Ms. McCarthy said the text amendments are in response to observations and evaluations the NFP Board made in the past two years in implementing the code. It was also based on feedback received when engaging with the public and from comments received from the Planning Commission. She said that staff has provided the Planning Commission an overview of how NFP has been implemented to date and how it resulted in more intentional design and development with natural features of that site in mind. The Planning Commissioners heard specific examples where NFP has been successfully implemented. These examples included sites where hazardous materials were kept away from water bodies and projects where they were able to balance some land clearing while leaving some woodlands intact. Ms. McCarthy said they have the opportunity to take that process which has been tested and expand it to cover more significant natural features in the City. She mentioned that this expansion aligns with many Neighborhood Plans in the City.

Ms. McCarthy introduced Mr. Nolan Bergstrom. She said they have tried to provide more information to residents and businesses about what NFP is and how it would impact or influence their projects and properties. They created an online map to convey more information at the individual parcel level. Ms. McCarthy shared that 376 properties have been in the overlay district for two years. With the proposed expansion, there would be 1,865 parcels in the overlay in total. She indicated they are more fully covering water bodies and water shed slopes.

Mr. Bergstrom stated that the idea of the web map was to code it and make it easier for staff to reference, make it more searchable, and make it easier for residents to review. The map conveys what natural features were on the property. Mr. Bergstrom said their method was to have a primary, secondary, and tertiary natural features identified. He said that nearly half only had one major feature; 41% had two features and 12% of the 1800+ parcels had 3 selecting features. Mr. Bergstrom mentioned that probably a smaller percentage had four or more features. The criteria they looked for was the following: adjacent to preserve, adjacent to hydrology, hydrology, slope, woodland, and community feedback.

Mr. Bergstrom encouraged people to check out the map. He reviewed how to use the map by using Kleinstuck Preserve as an example. He shared that there is a static version of the map and a lookup table available as well. Mr. Bergstrom reviewed the NFP refinement process that took place from 2018-2021. He observed that it was a lot of work on the NFP Board, but they are now in a place that is very sound. Phase 3 of NFP would focus on engagement.

Ms. McCarthy shared that they provided a large format printed map and look up table at City Hall. She said they created a Fact Sheet and FAQ page which was mailed out and posted on the website. They had

information sessions to talk about how it applied to projects and properties and what those amendments looked like.

Ms. McCarthy went through how NFP applies to projects that are required to have site plan and those that are not required to have site plan. She talked about when projects would go to the NFP Board. She explained there is an option in the ordinance and zoning code for variances. This would be an option if there is a hardship, or if the rules severely limit the use or development of a property for its zoned purpose. Ms. McCarthy shared that there are special exceptions to the zoning code for state or government units, public utilities, or public universities. State laws exempt them from following the City zoning code. She gave the example that WMU has some parcels in the NFP Overlay and that are mapped in NFP 2. The purpose of mapping those is to verify that the natural features are there and because ownership can change over time. These types of projects may be reviewed by the City on a case by case basis if at all.

Ms. McCarthy pointed out that the changes in the proposed amendment regarding trees addresses the concerns they heard from the community. They made two changes for residential type projects where site plan is not required. If it is necessary to remove a protected tree species, then there are no replacement trees required. They have also removed the need to have an arborist or professional come out to evaluate the tree. For projects that are required for site plan review, she noted that there is an amendment to the bonding requirement. The amendment proposes that NFP Board has more guidance on when a bond is required instead of the blanket requirement that currently exists.

Ms. McCarthy reviewed their engagement efforts. She said that in the past month, they've had more one to one conversations with people. They held virtual information sessions. Notice letters were sent. Public comments were posted to the website. Ms. McCarthy said they offered NFP zoning reviews to talk with people specifically about their property and their projects. They received phone calls, emails, and letters from the public and various boards and organizations.

Commissioner Burgess asked Ms. McCarthy to speak about the bonding changes. Ms. McCarthy said the Board found that in many cases, especially for smaller projects, there was a low threat to natural features. The amendment would be to selectively use bonding as a tool based on written criteria. The NFP Board would evaluate if there were substantial natural features located on the site and if the nature of the work happening on the site would be a threat to the natural features. Ms. McCarthy noted they do something similar with demolition permits. Commissioner Burgess stated that he understood the flexibility that would bring but cautioned that it may open them up to claims of partiality or inconsistency.

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

Mr. Steve Symons, Ms. Kay Takahashi, and Mr. Robert Piellusch called in support for the expansion of the Natural Features Protection Phase 2. They each noted that it was important to protect natural features in Kalamazoo, especially the Asylum Lake Preserve. Mr. Piellusch stated the importance of preserving a buffer zone in light of development near Stadium Drive.

Ms. Karen Larson called in support of the NFP expansion. She mentioned lasting damage in reference to the water quality of Asylum and Woods Lakes. Ms. Larson believed that NFP Phase 2 encourages thoughtful development. She also called to let Planning Commissioners know that the stewards of Kleinstuck have reached their goal and paid off their loan. She indicated that showed the support behind the NFP. She urged the Planning Commissioners to vote yes.

Ms. Lauri Holmes called in support of the expansion of the Natural Features Protection Ordinance. She compared the NFP rules with zoning regulations as far as limits placed on what people can do with their property. She said they have been slow to realize that green spaces, trees, sources of water, hillsides and parks are as important as having neighborhoods without factories, bars, or adult bookstores. Ms. Holmes noted an article reporting studies showing that clean air and the presence of trees and green spaces in a neighborhood makes a big difference in the physical health of residents. She noted that life expectancies have been decreasing the last 10 years which is opposite of any other industrial country in the world. Ms. Holmes asked the Planning Commissioners to help ensure this community will continue to be a place where people truly love where they live.

Mr. Jon Hoadley, Mr. Chris Vederman, Ms. Beth Gregory Wallace, Ms. Ann Wester, Mr. Alan Hunt, Ms. Connie Ferguson, and Mr. Ian Magnuson called in support of NFP Phase 2. They noted that they wanted continued protection of the City's natural features. Mr. Hoadley believed it was a reasonable plan which strikes a nice balance. Mr. Hunt complimented the committee on their work and how thorough and careful they've been in reviewing parcels. Mr. Magnuson also thanked the City for working so hard and improving this tool for smart development and environmental protection.

Mr. Tom Duffield, Mr. Joe Buyers, and Ms. Iris Potter called in support of NFP Phase 2. They hoped that this ordinance would prevent the cutting of more trees and woods. Mr. Buyers and Ms. Potter, along with Ms. Bonnie Alkema and Ms. Emily Demerest, also expressed strong support of the NFP expansion in light of climate change and the City's Climate Emergency.

Ms. Diana Morton-Thompson called in on behalf of the board of Oakland Drive Winchell Neighborhood Association. She stated that they support the NFP Phase 2 map and proposed ordinance changes. Ms. Morton-Thompson stated that the documents align with City's Master Plan and the Oakland Drive Winchell Neighborhood Plan. They felt it set a logical and equitable foundation for protecting natural features in City of Kalamazoo for now and generations to come.

Ms. Rebecca Nevela, Ms. Donna Perry Keller, and Ms. Diana Morton-Thompson called in to support the NFP expansion and having their properties included in the overlay.

Ms. Judy Huxmann called in her total support of the NFP Phase 2 ordinance. She stated that it requires developers to think differently about how green spaces get developed. It doesn't unduly prohibit property owners from making changes on their parcel. Ms. Huxmann believed that the ordinance was created thoughtfully by people who know what they are doing.

Mr. John Kruizer supported the NFP Phase 2. He noted that people need places that provide restorative energy. Particularly those in the inner City without access to the country or acreage. Mr. Kruizer hoped the Planning Commission would see logic in increasing this area and giving the resources a fighting chance.

Stacy, Ms. Tina McClinton, and Richard Stewart called in support of the NFP Phase 2. They expressed thankfulness that the green space between Stockbridge and Lake Street was included in the expansion. They shared that it is full of wildlife, trees, wetlands, and a natural watershed which helps with flooding.

Ms. Sharon Deaver called in support of NFP Phase 2. She said she has watched the NFP Review Board go through cases, and she thinks they have done an amazing job. They've put a ton of work in this. Ms. Deaver noted that this is a part of the Master Plan and she hoped the Planning Commission would approve it.

Mr. Michael Vasicek called and made a statement. He said he intentionally didn't send a letter in advance for two reasons. First, his words were twisted last time and used inaccurately. Mr. Vasicek said the committee didn't address the questions or concerns that were in the letter he sent - leaving many of them to wonder if the letters were even read. He asked the Planning Commissioners to make note of his questions and discuss them live. He first requested the breakdown between commercial, public, and residential properties in the overlay. What portion is residential and why are we considering implementing this for residents? Mr. Vasicek felt it was an unnecessary undue burden. The argument for commercial and public property made sense to him and he voiced support of that. He did not think it makes sense for private residents. He suggested a proposal be made to remove private resident property from the scope. Mr. Vasicek commented that the NFP Committee stated that woodlands were only used as a secondary or tertiary characteristic of the properties in the scope. This precise statement can be found in the NFP virtual information sessions. His second question was, if that statement were true why do over 50 properties on this list have woodlands listed as their primary feature? Clearly the NFP Committee has not been truthful about the scope in this case. Potentially overreach could be the word. Mr. Vasicek thought these properties should be removed from scope regardless of classification. They may mention that community feedback was another characteristic for some of these properties. From a legal perspective, what someone thinks of your property is irrelevant from the characteristics of your property. That is just common sense. Mr. Vasicek stated that there were improvements that NFP made to their proposal and he applauded them for that. However, he said they have ignored the private property cries of government overreach. Mr. Vasicek proposed the Planning Commissioners do one of three things: 1) approve the overlay with the requirement that anyone can remove their property from scope within 30 days; 2) approve the overlay with the scope reduction as mentioned; 3) reject this proposal and have them go back and rewrite it.

Ms. Mary Vicalli from Norton Shores called in support of the NFP Phase 2. She said she comes to Kalamazoo quite often, and she really likes it. Ms. Vicalli stated that actions are needed to look out for creatures and the future of all of us. She encouraged Planning Commissioners to vote for the proposal to protect public places.

Commissioner Pittelko asked if a parcel is put in the NFP layer accidentally or by a misreading of the map, is there an appeals process if the natural features are not there. Ms. McCarthy responded that they would be able to go through the rezoning process and come to the Planning Commission. Then a case can be heard very specifically about that property.

Commissioner Phelps asked for confirmation that this would not prevent any sort of safety maintenance of natural features that were deemed a hazard. Ms. McCarthy said that was correct. She explained that there were five conditions whereby someone can remove any protected tree, such as damage to the tree or if it threatens a structure or infrastructure. Trees that are less than 24" or not on the protected species list are not considered protected and can be removed for any reason. Ms. McCarthy said the ordinance is trying to strike a balance and cause people to pause and evaluate if cutting down a tree is essential, and worth the time and expense.

**Commissioner Vyas, seconded by Commissioner Pittelko, moved to recommend approval to the City Commission for the amendment to the zoning ordinance regarding the Natural Features overlay map and text amendments.**

Commissioner Vyas said she was excited to move this forward. She acknowledged that they struggled with this ordinance previously, but what was put forth was an extraordinary body of work. Commissioner Vyas stated that it aligns with Imagine Kalamazoo and what multiple groups across the community are working toward. She said it is a wonderful next step to take on.

Commissioner Pittelko commented that he voted against this last time. He said that a lot of concerns were addressed with the changes that were made. Commissioner Pittelko appreciated the NFP Board and staff efforts in retooling this and bringing it back to them. He thought it looked better, and he was proud to support it.

Commissioner Phelps said she would be supporting this. She got the rare opportunity to be on the other side as a contributor when it was first released and now to be voting on it. Commissioner Phelps was glad to see from staff presentations that they did as good of a job as she hoped when she contributed as a resident of Kalamazoo.

Commissioner Milliken said he voted in favor a few months ago. He was glad that it failed because what they have before them is far superior to what was in front of them several months before. Commissioner Milliken said the text is cleaner and it addresses a lot of concerns that were raised. He thought the map was better and more defensible. Commissioner Milliken thought the extra time allowed them and the public to understand the text more and address the concerns raised throughout the process. He appreciated the examples brought before them of how the NFP ordinance was applied to specific projects. It showed that it met the goals of NFP and allowed development to continue. Commissioner Milliken noted that there were no complaints from people who have gone through the process. He stated that the public comments were overwhelmingly positive. Last time that was not the case. Commissioner Milliken said that was an important marker. He thanked everyone involved. He commented that this process has been a great example of democracy in action. Commissioner Milliken noted that there was one commenter who asked them to ask questions. He said he wasn't going to ask those questions. They've heard from staff multiple times about how the ordinance affects privately owned property. He was comfortable with where that stands. Commissioner Milliken said it satisfies the standards of the zoning ordinance for an amendment to a zoning ordinance. It is compliant with Imagine Kalamazoo and several Neighborhood Plans.

**Roll call vote was taken and passed unanimously.**

#### **F. DISCUSSION/ACTION ITEMS:**

None.

#### **G. REPORT:**

##### **1. City Planner's Report**

Planner Anderson said they hired a new Neighborhood Activator, Dan Baisden. She commented that Planning Commissioners haven't seen Neighborhood Plan in a bit, because they haven't had the staff to move them forward. They will see them starting again next year.

Planner Anderson said it sounded like the City Commission was going to make a motion to change meetings to in-person. She asked them to plan to be in-person for the August meeting and to reach out to herself or Planner Eldridge if they had concerns.



Commissioners Milliken and Vyas and Planner Anderson stated they would be out of town for the August meeting. Planner Anderson reminded Planning Commissioners that the September meeting is before Labor Day.

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

None.

#### **I. CITY COMMISSION LIAISON COMMENTS**

Commissioner Praedel said it was great to see so many people make comments and call in. He thought it could be daunting to see a list of 20 or more people who call in. He sees it as 20 people who are passionate about something and any time that happens in our community, it is a win. Commissioner Praedel thanked them for their diligence in taking feedback from everybody along this process. He thought City staff knocked it out of the park in terms of engagement and education opportunities and fine tuning things. He encouraged them to get some rest over the holiday.

#### **J. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS**

Commissioner Milliken thanked everyone for their attention and research. For the new members, he thought it was a good introduction into some hard core zoning ordinance work. Commissioner Milliken thought staff did a great job working through the process and addressing items that were raised last fall. He wished everyone a safe and happy fourth of July.

#### **K. ADJOURNMENT**

**Commissioner Milliken adjourned the meeting at 8:45 pm.**

Respectfully submitted,

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

Christina Anderson,  
City Planner  
Community Planning & Economic Development