

PLANNING COMMISSION

Minutes

November 2, 2006

The City of Kalamazoo Planning Commission meeting was called to order by Commissioner Kuseske at 7:00 p.m. in the City Commission Chambers of Kalamazoo City Hall, 241 W. South St., Kalamazoo, MI 49007. Approximately 10 additional people were in attendance.

MEMBERS PRESENT

Terry Kuseske, Chair; Frank Cody, Vice Chair; Sonja Dean; James Kneen; Merilee Mishall; Bertha Stewart; Linda Wienir

MEMBERS EXCUSED

Kelly DeRango; Casey Fawley

CITY STAFF

Keith Hernandez, Deputy Director/City Planner; Rob Bauckham, Assistant City Planner; Amy Thomas, Recording Secretary

CALL TO ORDER

Commissioner Kuseske called the meeting to order at 7:05 p.m.

ROLL CALL

Planner Hernandez completed roll call and determined that the aforementioned members were present.

ADOPTION OF FORMAL AGENDA (November 2, 2006)

There were no changes to the agenda.

Commissioner Cody, supported by Commissioner Kneen, moved approval of the November 2, 2006 Planning Commission Agenda. With a voice vote, the motion carried unanimously.

APPROVAL OF MINUTES (October 5, 2006)

Commissioner Wienir submitted the following corrections:

Page 4, 1st sentence, “caregiver” not care giver. Page 5, line 9, “safe” not save; 4th paragraph, 4th line, 5th and 6th sentences, “setbacks” not set backs. Page 6, 1st paragraph, 4th sentence, “its” not it’s; 3rd paragraph, 3rd sentence, “runaways”, not run-aways. Page 8, 3rd paragraph, last sentence, Wienir was “absent”, not abstention. Page 14, 3rd paragraph, 5th sentence, “southernmost” not southern most. Page 15, 6th paragraph, 3rd sentence, omit an extra word, “the”, “whether or not.” Page 16, motion to close the hearing, “with a voice vote, motion passed unanimously.” Sentence is out of order and needs to move back to p. 15 after the motion was made. Page 17, in 1st sentence under miscellaneous comments by Commissioner Kuseske, there is an extra word, “that.”

Commissioner Cody, supported by Commissioner Kneen, moved approval of the October 5, 2006 Planning Commission Minutes as amended. With a voice vote, the motion carried unanimously.

COMMUNICATIONS & ANNOUNCEMENTS

Planner Hernandez reviewed the letters from citizens who wrote in about agenda items.

The site plan review for the Rockford Lab project in the BTR Park has been postponed until the December Planning Commission meeting. The applicant requested more time to adjust the plans for re-submittal.

Commissioner Kuseske shared a communication he received from Pam O’Connor regarding the Vision Plan. Ms. O’Connor’s letter expresses concern regarding the substantial changes to the downtown area that are discussed in the Vision Plan. The letter requests that the Planning Commission place this matter on their agenda for discussion. Planner Hernandez will provide information later in the meeting regarding the Vision Plan.

OLD BUSINESS

Historic District Study Committee reports – presentation.

Sharon Ferraro, Historic Preservation Coordinator, City of Kalamazoo, was present to discuss the proposed additions to the historic district. The study of the proposed additions has been ongoing for the past couple of years. Ms. Ferraro stated that a local historic district tends to have a positive impact on neighborhoods and helps properties maintain their value. On average, properties in historic districts increase in value from 15% to 45% more than properties outside the district. There is also a 25% tax credit available to people that restore historic buildings.

Ms. Ferraro provided a brief review of the proposed districts, which include the West Main Hill District, the Nelson Kirkpatrick house, the Lillienfeld house, the Marlboro Apartments, the street car barn on Cameron and Washington, and an addition to the

Stuart Neighborhood Historic District. She requested that the Planning Commission provide her with any comments they have about the proposed districts and, particularly, if they feel the proposal complies with the city's Comprehensive Plan. If approved by the Planning Commission, the proposed amendments/additions will be placed on the City Commission agenda for review and public comment, hopefully before the end of 2006.

Commissioner Cody inquired as to the process for dealing with comments from the prior public hearings. Ms. Ferraro advised that some of the comments have already been incorporated into the proposal. The Planning Commission can request that other comments be incorporated into the proposal.

Commissioner Cody inquired as to the concerns regarding the W. Main Hill designation. Ms. Ferraro stated that Kalamazoo College objected to the national register historic designation and the local historic district designation for their property. The neighborhood asked for the boundaries of the proposed designation, and there is a report that covers about 80% of the properties in the proposal. Kalamazoo College feels they are good custodians of their property and that a historic designation isn't necessary. The Kalamazoo College properties were not included in the proposal because opposition from the college could halt the historic designation process for the entire neighborhood. The St. Thomas Moore parish, the WMU police station and the Road House restaurant were not included in the designation because they are non-contributing structures.

Commissioner Kneen, supported by Commissioner Mishall, moved to advise the City Commission that the proposed historic property and district changes are in compliance with the Comprehensive Plan. With a roll call vote, the motion carried unanimously.

PUBLIC HEARINGS

1. **P.C. #2006.16: Consideration of a request from Westwood Plaza, LLC to rezone 4328 West Main Street from Zone CO (Commercial, Office District) to Zone CC (Commercial, Community District).**

Planner Bauckham provided the staff report, which is incorporated in these minutes by reference hereto. The area proposed for rezoning is the former Pizza Hut property on W. Main, between Picadilly and Northampton. The purchase of the property by the applicant is contingent upon the rezoning. They also own the adjacent strip mall to the west and they would like to have all of their properties in the same zone. The applicant would like to remove the former Pizza Hut building, which is now vacant, along with the strip mall buildings, and construct either one or two new buildings for commercial occupancy. The Pizza Hut was a legal, non-conforming use in that zone, and the building could not be rebuilt if more than 50% of it was damaged. The proposed project would require site plan review through the city's Community Planning & Development Department. The nearby W. Main and Drake Rd. intersection is the busiest intersection in the county.

Attorney Pat Lennon, Miller, Canfield, Paddock and Stone, 444 W. Michigan Ave., was present to represent the applicant. Also present was Terry Patterson from Treystar, representing Westwood Plaza, LLC. Attorney Lennon advised that the applicant's request is not out of character with the surrounding properties. This is an opportunity to take a non-productive property and make it productive again. The applicant is not proposing a change in use for the property but is trying to bring it into conformity with the zoning code, and make aesthetic improvements to the property. This is a border parcel and the applicant wants to extend the community commercial zoning by one more parcel.

Commissioner Kneen requested clarification regarding the property use and the zoning. Attorney Lennon approached the dais to provide a further explanation on the map that he had of the property. He stated that the new plan would have to go through site plan approval.

Commissioner Mishall referred to the letter from Dr. Krymis and inquired as to traffic concerns regarding this property. Attorney Lennon advised that combining the parcels will mitigate traffic problems and that is part of the goal of the project.

Public Hearing

No one spoke at the public hearing.

Commissioner Wienir, supported by Commissioner Stewart, moved to close the public hearing on P.C. #2006.16. With a voice vote, the motion carried unanimously.

Commissioner Cody, supported by Commissioner Kneen, moved to recommend to the City Commission the approval of the request from Westwood Plaza, LLC to rezone 4328 West Main Street from Zone CO (Commercial, Office District) to Zone CC (Commercial, Community District). With a roll call vote, the motion carried unanimously.

2. **P.C. #2006.17: Consideration of a request from Lawrence and Susan Ward to rezone 104, 110, and 118 N. Drake Road from zone RS-5 (Residential, Single-Dwelling District) to Zone CC (Commercial, Community District).**

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. The subject property is just north of Green Acres Drive. The owner is also the applicant. The parcels are vacant and a house was removed about two years ago. Two or three houses that were located on the parcels to the north were removed in 2004. The applicant would like to market this property for future commercial use. The property is located on the heavily traveled Drake Rd. corridor. There is vacant land to the north,

apartments to the east, Lowe's home improvement store is to the west across the street, and single-family homes to the south. The Future Land Use Plan calls for a commercial category for this property. If the subject property is rezoned, the applicant would combine the parcels and market them for development. The property to the north is also designated in the Future Land Use Plan for general commercial use. The subject property is not conducive to single family use because of the traffic on Drake Road and the surrounding commercial and apartment uses.

Commissioner Cody inquired as to the notice that was given to the surrounding property owners. Planner Bauckham advised that notice of this application was mailed to property owners within a 300-foot radius of the subject property.

Attorney Gary Apps, 813 W. South Street, was present to represent the applicants who were unable to attend the Planning Commission meeting due to illness. Attorney Apps stated that he advised his clients to choose the zoning that was most compatible with the city's plans for the area.

Public Hearing

No one spoke at the public hearing.

Commissioner Kneen, supported by Commissioner Dean, moved to close the public hearing on P.C. #2006.17. With a voice vote, the motion carried unanimously.

Commissioner Mishall requested clarification regarding the letters from the property owners on Green Acres Drive. Planner Bauckham advised that the letters are from adjacent property owners who feel the property should remain with the character of the parcels to the north. Single-family use would not be ideal for the subject property because of the high traffic volume and the surrounding commercial use. Two options are either office or commercial uses. The office zone would not allow commercial uses. Commercial zoning would allow more uses, and the Future Land Use Plan allows for that zoning on the subject property. There are no plans to change the zoning for the properties on Green Acres or Stonebrook, which are in the single-family zoning district. The letter writer is not happy about the proposed commercial use next to his house. Any plans for the applicant's property would be subject to site plan review by city staff, and screening would be required between the two properties.

Commissioner Dean inquired if the applicant owns the two parcels to the north of the subject property. Planner Bauckham advised that someone else owns those two properties, and one of the properties is owned by the apartment complex to the east. Commissioner Dean commented that what the map shows appears to be spot zoning in this instance. She inquired as to the timeline for the rezoning. Planner Bauckham replied

that the rezoning would likely be finalized late this year or early 2007. He clarified that this is not spot zoning since there are multiple parcels involved.

Commissioner Kneen inquired as to what was at the end of Green Acres, and Mr. Bauckham replied that there is a church at the end of the street.

Commissioner Cody, supported by Commissioner Kneen, moved to recommend to the City Commission the approval of the request from Lawrence and Susan Ward to rezone 104, 110, and 118 N. Drake Road from Zone RS-5 (Residential, Single-Dwelling District) to Zone CC (Commercial, Community District). With a roll call vote, the motion carried unanimously.

3. **P.C. #2006.18: Consideration of a request from John MacKenzie for a special use permit to allow a building addition for MacKenzie's Bakery located at 527 Harrison Street to be used for food production for the business.**

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. Planner Bauckham stated that this location was the first brownfield redevelopment in the City of Kalamazoo. The existing 4,000 square foot building is located on East Ransom and Harrison Streets. The applicant is requesting a 3,000 square foot addition on the south side of the building for food production for all of the MacKenzie's bakery sites.

This site is in the commercial mixed-use zoning district and is also in sub area 4 of the Riverfront Overlay Zoning District. Food preparation operations of this type are categorized as industrial uses in the district and they are only allowed with a special use permit (SUP). One of the requirements of the zone and the overlay is that 35% of the property must remain as open space. The proposed project only provides for 13% open space. Accordingly, the applicant has also applied for a variance to this requirement from the Zoning Board of Appeals (ZBA), and that issue will be addressed at the next ZBA meeting on November 9th.

The new addition will be compatible with the existing building and the surrounding area. A common hallway will join the two buildings in the center. The two areas between the buildings will be either mechanical storage or a garden area. There will be no customer entrance on the addition but it will resemble a storefront on the east side of the building, similar to the existing building. There will be parking on all sides of the building, and there will be a driveway connection to the south. Landscaping will be added to the perimeter and the south side of the new addition. The mechanical equipment will be screened. The building setback will be greater than 10 feet from the property line. One of the concepts of the riverfront overlay district is to move new buildings up close to the property line, typically within 0 to 10 feet. However, because this is an addition to an existing building, the applicant wants to maintain the existing setbacks. The two trees on the site will be preserved. City staff believes the SUP request meets the necessary criteria

and recommends that the Planning Commission approve the SUP with the condition that the variance be approved by the ZBA regarding the open space criteria.

Commissioner Kneen inquired if city staff anticipated any problems with the ZBA. Planner Bauckham advised that there has been no negative feedback regarding tonight's hearing, and that suggests that the neighbors don't have a problem with the request. It is preferable to maintain open space, but a public park exists directly northeast of the site.

Nelson Nave, the architect for this project, was present on behalf of MacKenzie's Bakery. Mr. Nave stated that the addition will have the appearance of an historic building. It will have clapboard siding rather than brick. The addition will line up with the existing building and form a multiple façade appearance. The subject property is in an area that was primarily light industrial. The proposed project spans the gap between light industrial and the village shop look.

Commissioner Dean inquired as to the city's intentions for the property to the south. Planner Bauckham stated that the city has met with the property owner of the site, and another substantial development is being planned for it. Details of those plans are not available at this time.

Commissioner Kuseske commented that the applicant is setting the pace for development in that area, and he expressed his appreciation for what the applicant has accomplished.

Public Hearing

There were no public comments.

Commissioner Cody, supported by Commissioner Dean, moved to close the public hearing on P.C. #2006.18. With a voice vote, the motion carried unanimously.

Commissioner Kneen, supported by Commissioner Cody, moved approval of P.C. #2006.18: Consideration of a request from John MacKenzie for a special use permit to allow a building addition for MacKenzie's Bakery located at 527 Harrison Street to be used for food production for the business, with the condition that a variance be approved by the ZBA for the required open space for the site. With a roll call vote, the motion carried unanimously.

CITIZENS' COMMENTS REGARDING NON-AGENDA ITEMS

None

NEW BUSINESS

None

CITIZENS' COMMENTS

None

CITY PLANNER'S REPORT

Planner Hernandez stated that the Capital Improvement Program (CIP) project list will be on the Planning Commission agenda in December. The CIP sub-committee, consisting of Commissioners Kuseske, Stewart, Cody and Wienir, will convene prior to the December Planning Commission meeting. Commissioner Kuseske advised that he attended the CIP meetings and learned about the process. The CIP process helps to find the best way to spend available funds.

Planner Hernandez stated that the Stuart Neighborhood Association has been pursuing a traditional housing density overlay. If such an ordinance is in place and a landowner voluntarily lowers the number of units in their building, they would not be allowed to increase the number of units after that point. City staff prepared the overlay document and provided it to the Stuart Neighborhood for their review. The residents approved of the overlay. This matter is also scheduled for the December Planning Commission meeting.

Planner Hernandez referred to the Vision Plan and stated that he has not been able to review it. He advised that the Vision Plan is not endorsed by the city, nor did city staff have any input with regard to the document. Commissioner Dean advised that the DDA (Downtown Development Authority) compiled the document.

Commissioner Kuseske stated that Jeff Chamberlain provided him with a copy of the Plan, which compares Chattanooga, TN and Richmond, VA to Kalamazoo. It explores three issues: a sports arena, an arts center, and a convention center. The Vision Plan looks at the ultimate dream for Kalamazoo and places those venues in various parts of downtown Kalamazoo. The Wild Bull Restaurant is already on the site that had been designated by the Vision Plan as the location for the convention center. The Vision Plan provides a possible formula for development of the downtown area, but it was not an approved plan. Commissioner Kuseske suggested that city staff communicate with Ms. O'Connor regarding this information.

Planner Hernandez stated that there have been discussions about the possibility of closing the section of Portage Street adjacent to Pfizer, Inc. The street vacation request has not yet come before the Planning Commission as a formal request, so it's not official at this point. Pfizer wants a contained campus for security reasons, and they hope to accomplish

that by closing off the Street. However, there might be other possibilities for accomplishing that goal. They can't move forward without city approval. Commissioner Dean advised that Pfizer held an information session on this plan about 9 months ago. They weren't looking for city endorsement at that point; it was presented as a vision plan.

Planner Hernandez stated that the following Planning Commissioners' terms will be expiring shortly: Wienir, DeRango & Fawley. Planner Bauckham advised that Commissioner Wienir expressed interest in serving another term, and city staff is awaiting a decision from Commissioners DeRango and Fawley. In the past, board/commission terms have expired on January 1. Since that is a busy time of year and a difficult time to make such a transition, the City Commission made the decision to have the terms expire at the end of March. The Planning Commission will need to change its by-laws to reflect this altered term schedule.

Planner Bauckham advised that there are tentatively four items scheduled for the December Planning Commission meeting, which are as follows:

1. Former Pfizer employees have started up new businesses and two of those businesses are located at the Innovation Center in the WMU BTR Park. The businesses want to relocate to a new facility in the BTR Park and expand. The new building would be located on the north side of the business park between Richard Allen and the soccer field. The companies requested that their application be pulled from the November Planning Commission agenda; they are considering scaling back the size of the building.
2. A rezoning request is being considered for a piece of property on South Westnedge Avenue north of the McDonalds restaurant. The front portion of the subject property is in a commercial zone and the back part is in a multi-family zoning district. The applicant wants to buy the parcel and construct a new building on the back of the property to be used for commercial or office use. They also want to use the existing building, and they are seeking a commercial rezoning for that parcel.
3. A request has been made to locate a transitional residential use (similar to the ARK) on West Lovell. The facility will be focused on young girls experiencing problems at home.
4. Also scheduled for the December Planning Commission agenda is the zoning overlay being considered for the Stuart Neighborhood.

Commissioner Mishall mentioned that she'd heard the Kalamazoo Public School System wants to build a middle school on the WMU foundation property. She inquired if that request might come before the Planning Commission. Planner Bauckham advised that the property in question is currently in a single-family zone. The new ordinance includes an institutional zone, which is intended for schools. Therefore, it might be appropriate to

Rezone the property accordingly. However, a final decision has not been made on that project.

MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Cody suggested streamlining the approval process for the Planning Commission. For instance, he mentioned that it was not necessary to have a formal vote to close the public hearing. Commissioner Kuseske advised that he was following the directions he'd been given.

Commissioner Cody mentioned that there had been discussion before a motion was made. He commented that it would be appropriate to have a motion and then request discussion after the motion is made and seconded.

Commissioner Stewart inquired as to the definition of an excused absence. Planner Hernandez stated that if a commissioner called city staff to advise that they would not be attending a meeting, it would be counted as an excused absence.

ADJOURNMENT

Commissioner Kneen, supported by Commissioner Cody, moved to adjourn the November 2, 2006 Planning Commission meeting. With a voice vote, the motion carried unanimously.

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Keith Hernandez, AICP
Deputy Director/City Planner
Community Planning & Development