

## **PLANNING COMMISSION**

### **Minutes**

**June 5, 2008**

***DRAFT***

Members Present: Terry Kuseske, Chair; Casey Fawley; James Kneen; Merilee Mishall; Linda Wienir; Reed Youngs

Members Excused: Sonja Dean, Vice Chair; Bertha Stewart

Members Absent: Frank Cody

City Staff: Keith Hernandez, Deputy Director; Sharon Ferraro, Historic Preservation Coordinator, Amy Thomas, Recording Secretary

Guests: Barb Miller, City Commission Liaison

### **CALL TO ORDER**

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

### **ROLL CALL**

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

### **AGENDA (June 5, 2008)**

Commissioner Kuseske advised that P.C. #2008.06 has been pulled from the agenda. It will likely be on the July Planning Commission agenda.

**Commissioner Kneen, supported by Commissioner Mishall, moved approval of the amended Planning Commission agenda for June 5, 2008. With a voice vote, the motion carried unanimously.**

### **MINUTES (May 1, 2008)**

There were no changes to the minutes.

**Commissioner Kneen, supported by Commissioner Mishall, moved approval of the May 1, 2008 Planning Commission Minutes.**

### **COMMUNICATIONS AND ANNOUNCEMENTS**

None

## **PUBLIC HEARINGS**

1. **P.C. #2008.05: Consideration of a request from the Kalamazoo Neighborhood Housing Services to rezone 420, 424, 503 & 509 Gilbert, and 1119 & 1125 Engleman from Zone CC (Commercial, Community District) to Zone RD-19 (Residential, Duplex District).**

Planner Hernandez gave the staff report, which is incorporated in these minutes by reference hereto. The request is to rezone six parcels of land in the Eastside Neighborhood. The five vacant parcels are owned by Kalamazoo Neighborhood Housing Services (KNHS). There is a single-family house on the parcel at 1125 Engleman, which is owned by Robert Dillon. Mr. Dillon is agreeable with the rezoning. The parcel with the house is surrounded by three of the KNHS parcels. The Planning Division is recommending that this parcel be included in the rezoning to promote uniformity of the zoning of the parcels in this area.

When the zoning ordinance was amended in 2005, one of the changes was to only permit residential uses in the CC zone when they were part of a mixed use project that included office or commercial uses. Mixed uses are not required in the RD-19 zoning district. Accordingly, if the rezoning is approved, the residence at 1125 Engleman would be a conforming use. Rezoning of the other five parcels would allow KNHS to build single-family homes on those parcels. There has been little interest in new commercial development in the area. Promoting owner-occupancy of homes is a goal of the Comprehensive Plan. Accordingly, city staff is recommending that the Planning Commission recommend approval of the rezoning request to the City Commission.

Roger Eriksen, Development and Construction Manager, Kalamazoo Neighborhood Housing Services, advised that these parcels are included in a renaissance zone. Most other renaissance zones in the city are brownfield sites and they are generally much larger parcels. This is the first residential renaissance zone in the City of Kalamazoo. The renaissance zone provides a substantial tax break for property owners. Mr. Eriksen stated that 420 and 424 Gilbert are combined parcels. The City of Kalamazoo donated 503 Gilbert to KNHS to build houses, and then the zoning changed. The goal is to have owner-occupied houses on these parcels. Most of the adjacent properties are zoned for duplex use.

Mr. Eriksen advised that Kalamazoo Neighborhood Housing Services has secured grants from MSHDA (Michigan State Housing Development Authority), the Kalamazoo Foundation, Community Development Block Grant (CDBG) and HOME funds to aid in building the new homes. The duplex at 528 Gilbert was converted to a single-family home. The objective is to have a lower density per lot in this area of the city. The proposed homes are architecturally appropriate and KNHS has received historic approval for them. Photos and maps of the houses and lots were provided to the Planning

Commission by Mr. Eriksen. The Zoning Board of Appeals provided a non-use variance for the combined lots on Gilbert, and clearing has already begun on that lot. KNHS is also working on obtaining repossessed homes and empty houses in the neighborhood. Lead abatement in older homes can sometimes cost \$25,000 or more so it can be more cost effective to build new houses.

### **Public Hearing**

Robert Harger, 1122 Engleman, advised that he thought the proposed project was for duplexes or apartments rather than single-family homes. He stated that the lots don't appear to be large enough to provide parking for multi-family units. Mr. Harger commented that the subject properties used to be residential and he questioned why they had been rezoned for commercial use. He expressed concern as to what might happen if another entity obtained the properties and wanted to put duplexes on those parcels. He wanted some assurance that the neighborhood would be protected from a multi-family development in the future.

Jeremy Jaynes, 1113 Engleman, inquired if there was any way to address whether these houses might become duplexes in the future. Planner Hernandez advised that the adjacent parcels are zoned for duplex use and new duplexes could be built on them as a permitted use. The applicant has indicated they plan to build single-family homes on the subject parcels. Building has already commenced at 424 Gilbert, and building permits will probably be pulled for 503 and 509 Gilbert by the end of the week.

**Commissioner Wienir, supported by Commissioner Kneen, moved to close the public hearing on P.C. #2008.05. With a voice vote, the motion carried unanimously.**

Commissioner Mishall inquired if KNHS plans to build only single-family homes. Mr. Eriksen advised that there are no plans to build duplexes on these parcels. The objective is to have home ownership, not rentals.

Commissioner Fawley commented that KNHS is requesting the R-19 zoning because the surrounding area is already zoned R-19. However, the use they are planning would fit into the RS zoning category. Planner Hernandez responded in the affirmative and explained that the rezoning would help eliminate the potential for spot zoning of those parcels. He further explained that CC is an intense zoning use and the RD-19 zone would provide a buffer between the commercial use and the residential use. It would be preferable to not have a CC zone next to an RS-5 zone since the uses in those zones would not be compatible. With the current zoning, the properties adjacent to the subject properties could be used for duplexes.

Commissioner Mishall inquired if the RD-19 zone transitions to the RS-7 zone near Hotop Ave. Planner Hernandez advised that the zoning does change to a less intense zone in that area, but he was not certain which RS zone the adjacent properties are in.

**Commissioner Mishall, supported by Commissioner Kneen, moved approval of P.C. #2008.05, the request from the Kalamazoo Neighborhood Housing Services to rezone 420, 424, 503 & 509 Gilbert, and 1119 & 1125 Engleman from Zone CC (Commercial, Community District) to Zone RD-19 (Residential, Duplex District). With a roll call vote, the motion carried unanimously.**

### **CITIZENS' COMMENTS REGARDING NON-AGENDA ITEMS**

None

### **OLD BUSINESS**

None

### **NEW BUSINESS**

1. **Consideration of a request from the Planning Division staff for a ruling on the application of the Downtown Design Review Guidelines pertaining to the proposed size of a new sign for Mangia Mangia located at 209 South Kalamazoo Mall.**

Planner Hernandez advised that on March 25<sup>th</sup> the Downtown Design Review Committee (DDRC) approved the sign requested for 209 South Kalamazoo Mall. The sign measures 3' x 6' and is 18 square feet. The DDRC guidelines state that the maximum size of a sign for that area is 9 square feet. City staff offered to compromise and allow the applicants to have a 3' x 4' sign. The City Planners have since been advised by the City Attorney's office that city staff must follow the DDRC guidelines. However, the DDRC can make a decision that overrides the guidelines. The DDRC minutes explain the dimensional requirements. Accordingly, the Planning Commission is being asked to either uphold or deny the decision made by the DDRC.

Sharon Ferraro, Downtown Design Review Coordinator, advised that other restaurants in the immediate vicinity have signs which are smaller than the one requested by Mangia Mangia. However, the Mangia Mangia sign will be toward the middle of the block, and not as easily visible from a distance. The DDRC minutes indicate that a discussion took place regarding the possible need to revise the guidelines to allow for bigger signs.

Commissioner Youngs referred to the DDRC guidelines. He stated that the guidelines mention that signs should not extend more than 36" over the mall. Planner Hernandez

advised that the existing signs predate the ordinance. Ms. Ferraro stated that the Downtown Design Review Committee was created in May of 2005. Most of the other signs on the Kalamazoo mall were installed prior to the time the guidelines were in place. The Sprout banner was installed after the guidelines were implemented, but the DDRC never reviewed the banner.

Commissioner Mishall inquired if there is a sign in the examples provided that is similar to the sign being proposed. Planner Hernandez advised that none of the samples are similar. He referred to the Planning Commission packet, which contains a picture of the proposed sign. Ms. Ferraro advised that some of the signs in the historic photos were as big or bigger than the proposed Mangia Mangia sign. There has been discussion about updating the guidelines by the end of 2008 to allow for more dynamic signs.

Commissioner Kuseske encouraged the Planning Commission and the DDRC to resolve this issue shortly since it creates conflict rather than collaboration. Ms. Ferraro pointed out that the DDRC has guidelines not standards. Also, they are an “advisory” committee, which has no judiciary authority and that was taken into account. The current discussion is part of the process for refining the guidelines.

Commissioner Youngs inquired as to the proposed location for the sign. Ms. Ferraro advised that it will be across from V & A Bootery and the Soup Kettle.

Commissioner Kneen inquired if there are other signs that don't follow the guidelines. Ms. Ferraro advised that the Rave Theatre sign is the only other one that is larger than what the guidelines allow. There has been discussion about more signage for the Haymarket building and whether or not electronic billboards will be allowed in the downtown area. Both of those requests would currently not be allowed by the DDRC guidelines.

Commissioner Kneen inquired if the proposed sign has already been constructed. The applicant advised that the sign has not been constructed at this point, but the materials have been purchased.

Commissioner Kuseske inquired if the Planning Commission has the authority to override the decision of the DDRC. Planner Hernandez advised that city staff would not have the authority to approve the sign permit unless the Planning Commission upholds the decision made by the DDRC, and the Planning Commission can override the DDRC decision.

Commissioner Youngs inquired if Mangia Mangia is currently open for business. Ms. Ferraro advised that it is not. The applicants are remodeling the space.

Commissioner Kneen expressed concern that allowing the proposed sign would set a precedent. If bigger and bigger signs are allowed, the area could start to look cluttered. One sign would probably not do that, but several signs could create a problem. He questioned why the guidelines would not be followed, and wondered how the mall would look years from now if bigger signs are allowed.

Commissioner Kuseske mentioned that any other sign would have to be reviewed by the DDRC first. He stated that it would be preferable to not put the Planning Commission in this position again.

Commissioner Fawley suggested that the 2005 DDRC guidelines were short-sighted and that the proposed sign is acceptable. He stated that he would like to see the Planning Commission approve the sign and direct the DDRC to rewrite the guidelines.

Commissioner Kneen inquired if the Planning Commission could approve the sign while the revisions to the DDRC guidelines are pending. Commissioner Youngs commented that if Planning Commission approval were delayed until after the DDRC guidelines are adjusted, the applicants would be forced to wait until fall for approval of the sign.

Ms. Ferraro suggested making two motions: one to approve the sign and the other to request that the guidelines be revised.

Commissioner Youngs stated that he was not in favor of running message signs for the mall. He suggested looking at the circumstances for each building. Ms. Ferraro agreed and commented that circumstances are different for businesses near the corner vs. businesses that are near the middle of the block.

**Commissioner Kneen, supported by Commissioner Mishall, moved approval of the proposed sign for Mangia Mangia at 209 South Kalamazoo Mall. With a roll call vote, the motion carried unanimously.**

**Commissioner Fawley, supported by Commissioner Youngs, moved to direct the Downtown Design Review Committee (DDRC) to revise its guidelines related to sign size issues as soon as possible. With a roll call vote, the motion carried unanimously.**

#### **CITIZENS' COMMENTS**

None

#### **CITY PLANNER'S REPORT**

Planner Hernandez advised that the second public hearing was pulled from the June 5<sup>th</sup> Planning Commission agenda due to questions that arose regarding the requested zoning.

The Plasma Center would like to expand to the north and have the zoning changed to CC (Commercial, Community District). Some of the neighbors have expressed concern that if the subject property is rezoned CC and then vacated in the future, someone could have a liquor store on that parcel. Accordingly, the applicant was asked to change the request to CO (Commercial, Office). This change requires that the request be re-noticed. Residents from the neighborhood will likely be at the Planning Commission meeting in July to express their concerns regarding this issue.

Planner Hernandez thanked Commissioners Dean and Kneen for attending the stakeholders meeting regarding the Portage Creek Corridor project. The first public meeting for this project will be held on Tuesday, June 24<sup>th</sup> at the Edison Neighborhood offices at 6:30 p.m.

The next Planning Commission meeting is scheduled for Tuesday, July 8<sup>th</sup> at Borgess Hospital. Further details will be provided shortly.

### **ADJOURNMENT**

**The June 5, 2008 Planning Commission meeting was adjourned by unanimous voice vote.**

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

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