

City of Kalamazoo  
PLANNING COMMISSION  
Minutes  
April 9, 2019

Second Floor, City Hall  
Commission Chambers  
241 W. South Street, Kalamazoo, MI 49007

Members Present: Gregory Milliken, Chair; Rachel Hughes-Nilsson; Jack Baartman; Alfonso Espinosa; Sakhi Vyas; Emily Greenman Wright (late), Charley Coss (late)

Members Excused: Derek Wissner, Vice Chair James Pitts

City Staff: Christina Anderson, City Planner; Robert Bauckham, Senior Development Planner; Beth Cheeseman, Code Administration Clerk/Cashier; Clyde Robinson, City Attorney; Jamie McCarthy, Projects Development Coordinator; Pete Eldridge, Zoning Administrator; Bobby Durkee, Planner I; Luis Pena, AmeriCorps Intern

**A. CALL TO ORDER**

Commissioner Milliken called the meeting to order at approximately 7:04 p.m.

**B. ROLL CALL**

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

**C. ADOPTION OF FORMAL AGENDA**

**Commissioner Greenman Wright, supported by Commissioner Vyas, moved approval of the April 9, 2019 Planning Commission agenda. With a voice vote, the motion carried unanimously.**

**D. APPROVAL OF MINUTES**

Commissioner Milliken mentioned that there are two sets of meeting minutes that need to be approved. The minutes from the November 2017 special meeting were not officially approved correctly.

**Commissioner Greenman Wright, supported by Commissioner Espinosa, moved approval of the March 7, 2019 Planning Commission minutes. With a voice vote, the motion carried unanimously.**

**Commissioner Vyas, supported by Commissioner Greenman Wright, moved approval of the November 15, 2017 Planning Commission minutes. With a voice vote, the motion carried unanimously.**

**E. COMMUNICATIONS AND ANNOUNCEMENTS**

Ms. Anderson mentioned that in terms of public hearing we will take them concurrently. There will be two separate motions, but there will be one public hearing for both. Commissioner Milliken clarified that

there will be one public hearing, one public comments, and two separate motions. One motion will be for the zoning ordinance and the other motion will be for the amendment to the map.

#### **F. PUBLIC HEARINGS**

Commissioner Milliken mentioned that there will be an opportunity for public comments as well for citizen comments.

#### **Commissioner Milliken opened the Public Hearing**

**P.C. #2019.02 and P.C. # 2019.03:** Request from the Community Planning and Economic Development Department for a text amendment to the Zoning Ordinance to create the Natural Features Protection Overlay District following the 2025 Master Plan. **[Recommendation: motion to recommend to the City Commission to approve]**

Ms. Anderson introduced Ms. McCarthy to the committee, explaining that they will both be presenting and explaining the Natural Feature Protection Overlay District. Ms. Anderson mentioned that there were changes made to the draft that was sent out for review in the packet and a clean copy was at their seats. The majority of the changes were made from the city attorney's office. Ms. Anderson explained that with the Natural Feature Protection Overlay District, it was indicated in the master plan as a goal for the city. The goal was understood to be implemented for 2019. The City Commission decided to put a six month moratorium on parcels that are indicated in the master plan as having Natural Feature Protection. There are two additional phases to the Natural Feature protection.

Phase Two will begin in the Summer of 2019. It will consist of working with partners, understanding what other natural features. Phase Three, The City hopes to implement a level of stewardship amongst individuals within the community.

Ms. Anderson began explaining what they have been working on since December and what they are currently still working on. Ms. Anderson mentioned that what is being proposed is the change to the zoning ordinance. After the Planning Commission's review, the City Commission review will be taken into two steps before being officially approved.

Ms. Anderson described the four guiding principles.

1. This does not mean no development, it's to implement more thoughtful development
2. Standards in the ordinance are to be tied to the natural feature they are protecting
3. Standards must be manageable and implemented by City staff
4. This will be a City wide ordinance

Ms. McCarthy explained the Natural Features Standards Ordinance and Plans for the following.

1. Water Resources and Wetlands
2. Trees & Woodlands
3. Slopes & Natural Heritage Areas

#### 4. Flood Plains and Habitat Corridors

Ms. McCarthy mentioned that the public feedback resulted in the inclusion of the flood plains and the habitat corridors as reserved. Phase Two will provide more time to review the issues associated with the flood plains and habitat corridors.

Ms. Anderson mentioned that they are creating a Natural Features Protection Review Board that will function similar to the downtown design review committee and the historic district committee, in sense that they review projects in conjunction with site plans. There will be seven members.

Ms. Anderson gave explanation to the committee's questions. There were questions in regards how this proposal will affect projects that are already in progress when this goes into effect, as well as reviewing how the appeal process works. Commissioner Milliken questioned how issues with interpretation of the ordinance are addressed.

Ms. Anderson responded that due to the fact that the city has issued a moratorium, that there are no projects currently in progress, and the relief process starts with the Zoning Board of Appeals. To assist individuals interpret the ordinance there will be a user guide for the NFP to assist with interpretation of the ordinance.

#### **Commissioner Milliken opened the Public Comment of the Hearing.**

Karin Larsen, resident at 2313 Parkview Ave., congratulated the members that worked on this project. She was enthused that Ms. McCarthy took the time to visit Western Michigan University and included the student's thoughts and inputs on the idea. Ms. Larsen believes that the students should be included as well. There were concerns that there is not enough time to for this proposal to be approved.

Paul MacNellis, not a resident of Kalamazoo city but a resident of Kalamazoo County. Is in favor of the document but has concerns that there are other issues that are not being taken into consideration, such as the Bow in the Cloud preserve, The Asylum Lake preserve and the Kleinstuck Preserve.

Tom Small, 2502 Waite Ave. supports approval of recommendation to the City Commission for passage of the document.

Wendy Denning, 2305 Tipperary, reluctantly agrees that the Stadium and Drake site should be allowed for commercial development. She requests a consideration to change the setback distance for wildlife from 25' feet to 100' feet and placing the asylum in the preserve.

Judith Huxmann, 3432 Bernard Ave., had concerns of overdevelopment being overwhelming for the community and the environment.

Margo Rebar, 7877 Binder rd. requested more clarity on who will be on the NFP Review Board.

Bonnie Alkema, 3318 Pine Bluff Ln, expressed concern of having an editor review the document and requests an extension of the setback along preserves.

Lauri Holmes; 2417 Highpointe Dr. presented a magazine that gave history of the Asylum preserve, in hopes to show the committee the importance of protecting the preserve with this zoning change.

Caelan Deater, 1407 Oak St. a student at WMU. He agrees with having an editor review the document, wants transparency in review of all projects, including the public's comments and inputs.

Peter Kushner, 2002 Benjamin Ave. He is the President of the Oakland Drive Winchell Neighborhood Association Board. He presented and read a letter that was submitted to the Committee stating that the O.D.W.N. Association support's the Approval of the NFP zoning overlay map ordinance as presented to the planning commission.

Sharon Dever, 455 W Lovell; she agrees with expanding the setback along preserves in the overlay and supports the approval of the NFP Overlay map.

Dean Hauck; 3228 Pine Bluff; is the owner of MI news agency. She expressed pressing concerns of the need to protect the natural features and the environmental preserves.

Rick Schell, 3313 Stadium Dr. requested to have 11 parcels be removed from the map and list because they do not meet criteria.

Matthew Van Dyk, 100 W. Michigan, an Attorney from Miller Johnson. He is there on behalf of client, requesting to revise the proposed overlay NFP map, to correctly reflect the NFP area indicated on the master plan that is on his client's property.

Jeff Messner, City Resident; WMU owns two large parcels in the proposed site in question. He questioned what authority the city has in compelling the University; which is their own independent government, to comply with the city ordinances and the NFP.

Haji Tehrani; Drive and Shine owner, 6050 Grand Mere Rd. stated that he believes his car wash business will be approximately 110 feet away from the lake. Stated how much less water is used at his car wash business than typical car washes, he will recycle the water, that in other situations or places would typically continuously contaminate the lake. He also agreed and encouraged the committee to listen to what Matt Van Dyk stated prior. He would accommodate and comply with the new regulation.

Tom; Hilcrest Ave. resident; He mentioned that we have already lost a majority of species, trees being one of them. That the trees are not growing very well. He would like to see an emphasis in the plan of not just preserving the natural features but also to expand them.

**Commissioner Milliken closed the Public Comment of the Hearing**

Ms. Anderson addressed some of the public questions and concerns. She clarified that they're looking into online public notices of projects and other options for keeping residents up to date, including an update to the public participation plan. They are looking into having an application go out for the NFP Board. She mentioned their intentions are to have members of the board represent different natural features. If a site plan is required it will require a review by the NFP Review Board. She also explained that property for University purposes, the zoning ordinance does not apply, including NFP regulations, zoning setbacks, anything that is in the zoning ordinance.

Commissioner Coss mentioned that there was discussion about potential for regulatory taking and wanted more in depth details and more details on the overlay.

Mr. Robinson explained more details of the regulatory taking for the committee. It's based on case by case bases for the regulatory taking determination with every property and site.

Commissioner Hughes – Nilsson questioned rather there will be a reserved section for the preserves and Ms. Anderson indicated that they reviewed all their possible options and felt they were not meeting their four principles.

Commissioner Vyas also expressed concerns for not including an expanded setback along preserves.

**Commissioner Coss, supported by Commissioner Hughes - Nilsson, moved to approve P.C. #2019.02:** Request from the Community Planning and Economic Development Department for a text amendment to the Zoning Ordinance to create the Natural Features Protection Overlay District following the 2025 Master Plan. **[Recommendation: motion to recommend to the City Commission to approve the text amendment.] Approve as is.**

With the time constraint of the moratorium, Commissioner Coss requested the Commissioners move forward quickly with the proposal and is in support.

Commissioner Greenman Wright expressed economic implications concerns and unintended effects on property owners. Ms. Anderson responded with additional information to answer Greenman-Wright's questions.

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

**P.C. #2019.03:** Request from the Community Planning and Economic Development Department to map the Natural Features Protection Overlay District on parcels throughout the City following the 2025 Master Plan, Future Lane Use Plan. **[Recommendation: motion to recommend to the City Commission to approve the mapping of the Natural Features Protection Overlay District.]**

**Commissioner Vyas, supported by Commissioner Greenman Wright, moved to approve P.C. #2019.03:** Request from the Community Planning and Economic Development Department to map the Natural Features Protection Overlay District on parcels throughout the City following the 2025 Master Plan, Future Lane Use Plan. **[Recommendation: motion to recommend to the**

**City Commission to approve the mapping of the Natural Features Protection Overlay District.] Approve Mapping**

Commissioner Vyas supported with discomfort knowing that there is still work need to be completed in Phase 2.

Commissioner Coss did not support because he does not believe that the project was thoroughly thought through and that is does not seem ready to present to the City Commission.

Commissioner Milliken addressed concerns and questioned what would need to be done for their approval.

Ms. Anderson further asked for what specific information the Commissioner is seeking in advance of approving of the proposal overlay map. The Commissioners did not have requests for additional information and all but Commissioner Coss were ready to move the item forward as is.

**Roll call vote was taken Commissioner Coss was the only dissenting vote.**

**G. UNFINISHED BUSINESS**

None Responded

**H. NEW BUSINESS**

None Responded

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

Ed Sitaurus from Sister of St. Joseph expressed concerned that the Planning Commission review of the site plan will cost more delay and increase costs for the sisters.

**J. CITY COMMISSION LIAISON COMMENTS**

Jack Urban, City Commission Liaison commented on how much things have changed with the public participation and civic affairs and would like to see it continue improving.

**K. CITY PLANNER'S REPORT**

Mr. Bauckham reviewed the projects that are in process and updates the commission on the progress of the projects. One project being a reuse of a building for medical marijuana. There have been 23 projects this year.

Ms. Anderson reviewed the site plans with the commission and what is currently being worked on and the progress. She mentioned that there have been a few requests to hear the site plans. She requested a special meeting before the end of the month. Mr. Bauckham informed the commission that the site plans will possibly not be ready for review and approval in time for the special meeting.

The Committee questioned rather this is something they're eligible to view. The Committee agreed to have a special meeting on April 22<sup>nd</sup>. This special meeting will not be a public hearing.

**L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS**

Commissioner Coss expressed his appreciation to Commissioner Hughes – Nilsson for having her on the committee.

**M. ADJOURNMENT**

**Commissioner Milliken, supported by Commissioner Coss, moved to adjourn the meeting. A voice vote was taken and passed unanimously. The meeting was adjourned at 10:35 pm.**

Recording Secretary: Jennifer Gutierrez



Date: 6/11/2019

City Staff Liasion:



Date:

6/11/19