

City of Kalamazoo
PLANNING COMMISSION
Minutes
June 6, 2019
FINAL

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

Members Present: Alfonso Espinosa; Emily Greenman Wright, Vice Chair; Derek Wissner; Sakhi Vyas; Charlie Coss

Members Excused: James Pitts; Gregory Milliken, Chair

City Staff: Christina Anderson, City Planner; Pete Eldridge, Zoning Administrator;; Beth Cheeseman, Code Administration Clerk/Cashier; Clyde Robinson, City Attorney

A. CALL TO ORDER

Commissioner Greenman Wright 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 Wissner, supported by Commissioner Espinosa , moved approval of the June 6, 2019 Planning Commission agenda. Upon voice vote, the motion carried unanimously.

D. APPROVAL OF MINUTES

Commissioner Vyas, supported by Commissioner Coss, moved approval of the April 9, 2019 Planning Commission minutes. Upon voice vote, the motion carried unanimously.

Commissioner Coss, supported by Commissioner Espinosa, moved approval of the April 22, 2019 Planning Commission minutes. Upon voice vote, the motion carried unanimously.

E. COMMUNICATIONS AND ANNOUNCEMENTS

Ms. Anderson informed the committee that Mr. Jack Baartman accepted a position in Minnesota and has left the state. In addition, Ms. Rachel Hughes - Nilsson resigned from the board a couple months ago so there are two vacancies. She mentioned they are in the process of convening the interview Committee.

F. PUBLIC HEARINGS

P.C. #2019.04. A request for a special use permit to allow a group day care use in the house at 1417 Crawford Avenue serving seven to twelve children. [Recommendation: motion to approve the request with one condition.]

Commissioner Greenman Wright opened the public hearing

Mr. Eldridge, Zoning Administrator; reviewed the details of the case on hand. Currently it is a registered and licensed home daycare for six children. To the south of the property is an apartment complex. There is a commercial neighborhood zoned area south of the apartment complex. To the east, north and west are owner occupied dwellings. The future land use map shows this area as Neighborhood Edge. The area is predominately residential mixed rentals as well as owner occupied; it is a transitional area.. There is sufficient space on both sides of the street for pick – up and drop – off of children. He described the traffic details of the nearby streets in the area, Monroe, Crawford and Sprague. He indicated that Ms. Terri will increase her open hours from 5 am to 11 pm., Monday to Friday.

Ms. Terri informed the commissioners that she didn't come prepared with a statement. She was under the impression she would just be answering possible questions. She brought her parents to speak on her behalf as well. She mentioned her future goal is move her business into day care center . She wants to first begin in her home to start up the business. She got full permission from her landlord for day care.

Commissioner Greenman Wright opened public Comment

Quianna Jenkins; 1234 Egleston Ave., just moved to the area from Chicago, IL. She mentioned that she never trusted anyone with her kids before, Ms. Terri has helped her a lot and they're very close. Her child loves the day care, Ms. Terri assisted with her child's potty training. There are also cameras around the property. She would like to see her day care expand so that others can have the same experience she has had.

Commissioner Vyas, supported by Commissioner Espinosa, moved to close the public comment portion of the hearing. Upon voice vote, the motion carried unanimously.

Mr. Eldridge mentioned that as far as the public feedback, they did not receive any correspondents in regards to support or opposition. They did reach out to the neighborhood association and they did not have any comment. He indicated that Ms. Terri reached out to her neighbors, whom did not indicate any concerns on the matter.

Commissioner Wissner questioned the day care residing in a rental home, if it causes issues or if there are other steps in regards to legal obligations.

Mr. Eldridge answered that the day care can be approved to be in a rented single family home, an apartment etc. The State of Michigan has requirements for a home day care, in regards to what it has to provide in order for it to be a licensed home day care. There are additional requirements for the size (space) of the daycare, such as a group day care. The property area would just have to be sufficient depending on the size (number) of children. Ms. Terri has been fulfilling all necessary obligations in order to run the current day care. He indicated that the location is currently licensed with the State of Michigan. The fact the property is a rental is not an issue. They have consent from the property owner; the applicant has her state licenses.

There was concern from Commissioner Wissner if it was acceptable that the applicant is a renter or does it need to be the home owner. Mr. Eldridge verified that the applicant only requires consent from the landlord/homeowner.

Ms. Anderson confirmed that the consent is the only requirement, and that the property is adequate in space for the amount of children in the day care and other requirements.

Mr. Eldridge clarified that the State decides the amount of children the property is adequate for.

Ms. Terri clarified other requirement details from the State. She explained the licensing detail if she stayed or moved and there was new resident. When her license expires she would have to reapply. A new residents would have to apply for their own license. She informed the committee that she has an extension on her license and is also scheduling another inspection presently.

Commissioner Coss, supported by Commissioner Wissner, moved to approve P.C. #2019.04. A request for a special use permit to allow a group day care use in the house at 1417 Crawford Avenue serving seven to twelve children. **[Recommendation: motion to approve the request with one condition.]**

Commissioner Vyas indicated that she only sees one condition but that there were two conditions. Ms. Anderson commented that there is just one condition which is to be operated until the required licensing by the State.

Commissioner Coss restated the motion.

Roll call vote was taken and passed unanimously.

G. UNFINISHED BUSINESS

None Responded

H. NEW BUSINESS

- Updates on the Public Participation Plan Getting to Yes: Development Continuum in Kalamazoo

Ms. Anderson presented; the presentation was given to a few of their partners such as the Land Bank and the Neighborhood partners, including the Edison Business Association. The presentation is called "Getting to Yes." She informed the committee that Mr. Bobby Durkee will be taking over the site plan who has been serving the site plan committee; Mr. Bob McNutt will be the project committee lead. Mr. Eldridge will be lead of the Planning Commission. Ms. McCarthy will be running the Natural Features Board. Mr. Antonio Mitchell will be assisting the financial incentives with cases. Mr. McNutt he can review ideas with applicants and guide them with requirements and obligations. Mr. Roger Iverson will be the Building Official. Ms. Anderson informed that the goal is to have a predictable and sufficient process. She informed the

committee that there is a development day at the City on Wednesdays from 8 am – 10 am, everyone is welcome and it's free for individuals but you have to call to reserve a spot. Ms. Anderson also stated the pre site plan application is a free process. She informed the commission that they are working with a group called "Incremental Development Alliance", they are reviewing the process together, to assure that they requesting the correct information. They offered training with small developers; they also know the codes and their goal for wanting additional housing. They will assist in creating shelf ready structure. They are going to update their public participation plan and amend it specifically to include an addition for petitioners, people who applying for this board or others for review. There is already an appendix created for the neighborhoods. They would like the neighborhoods to be able to go through and pick the tools which are right their neighborhood. Ms. Anderson presented an example of what the City of Ann Arbor currently does for their development review process; the example is a checklist of the process that they follow for their development review. Ms. Anderson informed the committee that currently updating the city website, as well indicating another example of Gainesville Department.

Ms. Anderson informed the committee that her goal is to get the public participation in front of the City Commission for approval in July – August.

- Update on Medical and Recreational Marihuana

Mr. Eldridge discussed the medical and recreational marihuana issues and updates. He reviewed that Commissioner Wissner questioned previously about the ramification of recreational marihuana, and indicated that there is still no answer. Mr. Eldridge did mention that once the State rules are released which should be soon that should hopefully give the commission answers to their questions. Mr. Eldridge mentioned that in April 2018, they adopted the medical marihuana ordinance. The first licensing open enrollment the summer of 2018 they had thirty – six applications, three applications were denied and or withdrawn. He indicated that the most contentious area was E. Cork St. He also added that Drake Rd./W. KL Ave. had eight applications for provisioning centers\Eighteen provisional certifications were issued by the city clerk. There are two grow facilities and ten provisioning centers throughout the city. There are two that are currently open, one on the northwest corner of the city known as the Compassionate Care by Design and one on safety compliance facility on E Cork St. He continued to briefly review some other minor cases that are currently in process. He informed the committee that the facilities are fairly spread out throughout the city. The next challenge is the expiration of the provisional certifications issued by the city clerk office that are valid for one year. The State approval needs to be diligently pursued within that year. They will be going through and viewing who will be eligible for an extension and whose certifications are expiring or expired presently. There are multiple steps in the site plan review preliminary site plan process; once they have the site plan approval then permits can be issuance. Mr. Eldridge indicated that there were numerous concerns by staff on how the recreational marihuana ballot proposal will be applied; they're currently waiting on the rules to be officially released. He mentioned that there was a recommendation for considering adopting a temporary opting out of the commercial medical

marijuana for that year. The recreational marijuana does not have an official guide/ rules in licensing currently.

Commissioner Greenman Wright questioned clarification on the purple parcel indicated on the map. Mr. Eldridge explained that the area indicated in purple is the excluded areas, identified as schools, churches, daycares and etc. These are protected land uses, and ineligible.

Commissioner Espinosa questioned that if a facility has a liquor license, how it would affect the process. Mr. Eldridge informed that they're not allowed to interact or be on the same property.

Commissioner Espinosa expressed that he believes that it would be ideal to consider allowing some facilities to do recreational marijuana. Mr. Eldridge responded that they want to make sure the commissioners are comfortable with the suggested notion.

City Attorney Robison explained that in order to get into medical marijuana business the city had to agree with recreational marijuana, the city had to make an affirmative choice. The state has until December of 2019 to have its rules and application process in place. The state is to have its emergency rules by mid-June 2019, the state will be able to accept applications after that. Mr. Robinson reviewed again the purple parcels on the map. The state will issue a license provided you are within an acceptable distance from schools and the location where you want to locate the recreational business that it is not in area or zone exclusively for residential use. Attorney Robinson informed the committee that there is no tax money being collected for any marijuana sales.

Commissioner Espinosa elaborated that with the recreational, they also included hemp in the law, and individuals can grow hemp in their residence with a license from the agricultural department.

Attorney Robinson disagreed that he believes hemp growing and processing in residential homes is authorized without having to accept recreational marijuana

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

None

J. CITY COMMISSION LIAISON COMMENTS

None

K. CITY PLANNER'S REPORT

Commissioner Greenman Wright stated that they are going to pass on the city planners report considering it is already included in the packet and reviewed.

L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Ms. Anderson informed that they are working on applicants for the Planning Commission to interview.

Commissioner Coss informed that there is also need for applicant for the City Commission.

Commissioner Greenman Wright indicated that it also would be a good time to reach out to the neighborhood association.

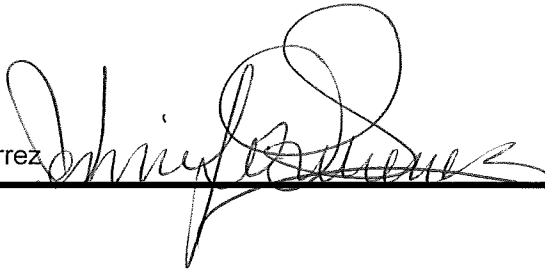
Commissioner Espinosa questioned rather there is a stated number of day cares in the City of Kalamazoo. Ms. Anderson informed that there is no way to get accurate number of day care that is currently running.

Commissioner Coss indicated that the city clerk's office is always looking for people to help with elections.

M. ADJOURNMENT

Commissioner Coss, supported by Commissioner Espinosa, moved to adjourn the meeting. A voice vote was taken and passed unanimously. The meeting was adjourned at 8:26 pm.

Recording Secretary: Jennifer Gutierrez



Date: 8/6/2019

City Staff Liasion:



Date: 8/6/2019
