

City of Kalamazoo
PLANNING COMMISSION
Minutes
January 14, 2020
FINAL

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

Members Present: *Gregory Milliken, Chair; Emily Greenman Wright, Vice Chair; Alfonso Espinosa; Sakhi Vyas; Sharda Chambers; Derek Wissner; Coreen Ellis; James Pitts; Brian Pittelko

Members Excused:

City Staff: Christina Anderson, City Planner; Clyde Robinson, City Attorney; Pete Eldridge, Assistant City Planner; Beth Cheeseman, Executive Administrative Assistant

A. CALL TO ORDER

Commissioner Greenman Wright called the meeting to order at 7:02 p.m.

B. ROLL CALL

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

*Commissioner Milliken arrived as the first Public Hearing was finishing.

C. ADOPTION OF FORMAL AGENDA

Commissioner Vyas, supported by Commissioner Espinosa, moved approval of the January 14, 2020 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

D. APPROVAL OF MINUTES

Commissioner Wissner, supported by Commissioner Vyas, moved approval of the December 5, 2019 Planning Commission minutes. With a voice vote, the motion carried unanimously.

E. COMMUNICATIONS AND ANNOUNCEMENTS

Planner Anderson welcomed new Planning Commissioner, Mr. Brian Pittelko, to his first meeting.

F. NEW BUSINESS

None

G. PUBLIC HEARINGS

P.C. #2020.01: 3921 Oakland Drive. The school Lakeside for Children is requesting a special use permit to construct a new dormitory building. **[Recommendation: Approve the special use permit request for the dormitory building]**

Planner Anderson presented the staff report. The request for a special use permit is to allow a dormitory at Lakeside Academy. The property is zoned residential (RS-5 and RM-15) and backs up to Whites Lake. Planner Anderson reviewed pictures and maps of the area. Lakeside Academy is a school that exists in a residential district. Schools are permitted in this district, but whenever they do expansions, they must come before the Planning Commission for a special use permit.

Mr. Jeff Palmer, Board Chair of Lakeside for Children, came forward to speak. He introduced Ms. Sam Lealofi, CEO of Lakeside for Children and Architect, Mr. David Jarl. Mr. Palmer reported they have taken care of at-risk children since 1908. They currently serve boys 12-18 who come from all around Southwest Michigan and communities across the state. He said they've even had boys come from as far away as California. Lakeside for Children is licensed by the State for 126 beds. Boys typically stay from 6-9 months. Mr. Palmer stated that the State asked them to increase their bed count. They plan to replace the oldest dorm on campus and use the old dorm for office/storage space.

Mr. David Jarl, architect, shared some things about the project. This one-story building will be 8700 square feet with a pitched roof with asphalt-style shingles. It will house 32 occupants: 20 in private rooms, 12 in semi-private rooms. Mr. Jarl said they determined the northeast corner of property was best suited for this use. They added parking where they could.

Commissioner Greenman Wright opened the public comment portion of the hearing.

No one came forward.

Commissioner Greenman Wright closed the public comment portion of the hearing.

Commissioner Espinosa, supported by Commissioner Pitts, moved to recommend approval of the special use permit request for 3921 Oakland Drive for the school, Lakeside Academy for Children.

Commissioner Espinosa said he believes Lakeside Academy is a great institution and something that should be supported in the community.

Commissioner Greenman Wright asked the applicant about stormwater management plans. Mr. Jarl confirmed their civil engineer is working on those plans.

Roll call vote was taken and the motion passed unanimously.

Commissioner Milliken arrived.

P.C.#2020.02: 4301 and 4305 Stadium Dr./2231 S. Drake Rd.

1) Rezoning 4301 and 4305 Stadium Drive from Zone RS-5 and Zone RM-15 to Zone CC

[Recommendation: Recommend approval of the rezoning to the City Commission]

2) Request to remove the NFP Overlay from 4301 and 4305 Stadium Drive. **[Recommendation: Recommend denial of the NFP Overlay removal to the City Commission]**

3) Rezoning 2231 S. Drake Road from Zone RS-5 to Zone CC. **[Recommendation: Recommend approval of the rezoning to the City Commission]**

Commissioner Milliken explained the order in which the hearing would continue.

Planner Eldridge presented the staff report for the three parts of the request. He explained that applicants are encouraged to do their own outreach. The City sends standard notices to property owners within 300 feet of the property in question and to neighborhood associations. The applicant is encouraged to send their own notices or go door to door and meet the neighborhood and its organizational leaders. Ideally the City would like applicants to schedule a neighborhood meeting. The applicant for these requests reached out to the Oakland Drive/Winchell Neighborhood Association (ODWNA), Asylum Lake Preservation Association (ALPA), and Asylum Lake Policy and Management Council (ALPMC) and informed them of the request in the weeks before the hearing.

Planner Eldridge said he was proud of the citizens in Kalamazoo and organizations for the feedback they provided. City staff sent supplemental packets with correspondence received to Planning Commissioners on 1/8, 1/10, and 1/13. Letters/correspondence received after 1/13 were provided on the dais. In addition to those, there were two Change.org petitions done. Planner Eldridge confirmed that City staff received a significant amount of feedback on these matters.

The three properties together equal 18.9 acres. Planner Eldridge reviewed the property around the three parcels: north is University Commons, commercial strip development; west is vacant land owned by WMU; south is Asylum Lake Preserve; east is Stadium Drive Apartments. The applicant proposes commercial development for these properties. He has a similar facility, a Drive and Shine car wash, constructed on West Main. In order to construct another car wash on these properties, he will require the zoning ordinance change from residential to commercial. CC is the predominant zoning from Rambling Road to Drake Road. Planner Eldridge reviewed maps and pictures.

1) Planner Eldridge stated that staff support the request (Part 1) to rezone 4301 and 4305 Stadium Drive from Zone RS-5 and Zone RM-15 to Zone CC. He went over the criteria to evaluate the request.

Consistency with 2025 Master Plan. Stadium Drive is a commercial focused sub-urban corridor with NFP Overlay. The request was determined to be in alignment with the 2025 Master Plan and supports the commercial development and vision there.

Changes in Condition. New commercial development solidifies Stadium Drive as a commercial corridor and intersection.

Demonstrated Community Need. There is a need to finish updating zoning of parcels to align with the Master Plan's future land use map (NFP done in 2019). Under goals in the Master Plan, there is an action item to align the zoning map with the future land use map. The request is compatible with the area, because CC dominates the zoning in the corridor.

2) Planner Eldridge stated that staff do not support the request (Part 2) to remove the NFP Overlay from 4301 and 4305 Stadium Drive.

Consistency with 2025 Master Plan. Parcels can have dual context. For this property it would include being located on a commercial corridor and having natural features and being adjacent to natural features. The NFP Master Plan designation led to a new zoning district overlay being created in May 2019 after a 6-month public process. The request to remove the overlay is not consistent with the 2025 Master Plan.

Changes in condition – Conditions for the NFP Overlay have not changed since its creation in May 2019. The City is committed to creating sustainable strategies and expanding the NFP.

Demonstrated Community Need. The community has spoken at multiple meetings that preserving natural spaces is important. The community was very involved and outspoken about the creation of the NFP during the public participation process.

Compatibility with Adjacent Land Use Zoning. The 2025 Master Plan recognizes this as a dual context site. The NFP ensures compatibility between the commercial and natural features protection.

Logical Development Pattern. Removing NFP would impact the logical and orderly development of the site to meet its two contexts.

3) Planner Eldridge stated that staff do support the request (Part 3) to rezone 2231 S Drake to CC.

Consistent with 2025 Master Plan. The new commercial development solidifies S. Drake Road as a commercial corridor.

Demonstrate community need. There is a need to finish updating parcel zoning to align with Master Plan's future land use map (NFP done in 2019). Under goals in the Master Plan, there is an action item to align the zoning map with the future land use map.

Compatible. The request is compatible with the area, because CC dominates the zoning in the corridor and allows uses such as proposed.

Commissioner Milliken asked for clarification as to which parcels correspond to which address. Planner Eldridge identified the addresses.

Commissioner Greenman Wright asked what the anticipated vision was for this corner when they were creating a future land use map and reviewing zoning along the corridor. Planner Eldridge stated the vision was for the corner to be consistent with development along Stadium Drive – developed for a commercial use.

Commissioner Ellis asked if the removal of NFP is not supported and rezoning is supported, how that works together. Planner Eldridge shared the rezoning to commercial designation is supported by staff because in the Master Plan it is shown on the future land use map. Those working on the NFP worked hard to put together a cohesive plan as well as a map. The City wants to continue to uphold and build upon that momentum. The City is not in support of removing the NFP. Planner Anderson said applicants have the right to make a request in front of the Planning Commission or Zoning Board of Appeals whether or not the request is supported by staff.

Commissioner Vyas asked if any traffic studies were conducted when considering the application. Planner Anderson stated that traffic studies are completed at the site plan stage of a project.

Commissioner Milliken asked for an explanation on how an overlay district works. Planner Anderson shared that an overlay is an additional set of standards placed on a property. Every property has a base zone, in addition to that there are standards related to site development. The Natural Features Protection Overlay is not about underlying use, but about how a property gets developed. The overlay goes on top of zoning standards for development.

Attorney Matthew Van Dyk, Miller Johnson, spoke on behalf of the applicant. He used the future land use map with the NFP Overlay to clarify a point. Attorney Van Dyk pointed out the northern portion of the property is not in the NFP as shown on the map. He said the was important because Planner Eldridge said one of the goals of the future land use map is to conform the future ordinance to it. Attorney Van Dyk stated that his client acquired the property in late 2017. His client did this after confirming through a review of the Master Plan, the future land use map, and discussion with City staff that the property could be commercially developed in an economically feasible manner. At the time, only the southern portion of the property was to be in NFP.

Attorney Van Dyk shared the following points:

1 – The property is currently zoned residential. It is clear from development in the area, this is commercial property. The request is consistent with the 2025 Master Plan. The Master Plan explicitly excludes the northern property from NFP.

2 – This is a function of changing conditions which are properly captured in the 2025 Master Plan – they are requesting conformance to the Master Plan.

3 – The uses permitted under CC is in the general public interest because this is the primary commercial corridor.

4 – All uses in CC would be appropriate here. The City Assessor reclassified the property as commercial vacant land in the 2019 tax rolls despite still being zoned residential.

5 – The character of area would not be adversely affected by the change in classification. Developing the property as commercial would be consistent with the area. Subjecting the southern property to the NFP and leaving the northern property out of it strikes the appropriate balance between commercial development on Stadium Drive and the transition to the Asylum Lake Preserve.

6 – The proposed change is in line with the City's comprehensive plan. The Master Plan calls for all to be commercial with southern property subject to NFP.

7 – The proposed change is consistent with zoning plans for adjacent governmental units.

8 – They are asking for the zoning to conform to the clear intent of the Master Plan. He said it is reasonable for his client to rely on the Master Plan and representations of City staff when he purchased the property.

Attorney Van Dyk said they are asking to rezone the property consistent with judgement reflected with the Master Plan. He also said, if NFP remains, it would render the northern parcels undevelopable without extensive variances from NFP.

The applicant, Mr. Hadji Tehrani, President and CEO of DNS Stadium Drive LLC, came forward to speak. He said he was disheartened by the negative publicity and comments, stating there were even hate comments. Mr. Tehrani felt that with everything around this property commercial, it was a good fit for them. They were clearly told the City slated this property for commercial in its Master Plan with a narrow strip in southern part being to NFP. Mr. Tehrani said the City asked them to volunteer their project through the NFP group and it would gain support. He said they spent a year participating in half-dozen meetings to define what NFP meant. After that year came the Moratorium, and then they learned NFP was on the whole property. If NFP is applied to whole property, it makes it commercially undevelopable. It would take multiple variances, and none are guaranteed to be granted. Mr. Tehrani said they bought property on premises as shown on the Master Plan to be commercially developable. He said they were told in writing by City staff only southern part of property will be in NFP. Mr. Tehrani said they followed every engineering step required to be certain the development wouldn't negatively impact the surrounding areas including the lake. He stated their development plan is 100% consistent with the City's Master Plan. They will leave quite a bit of greenery by the lake. People will not be able to see any buildings on land if sitting on a boat on the lake.

Commissioner Wissner asked him to speak to the water treatment programs he has with his facility. He also asked what they plan to do with surface water run-off and the water used within the car wash. Mr. Tehrani told him the run-off from Stadium Drive is running through the property into the lake completely untreated. They will make sure that is treated before it goes into the lake. Not a drip of water from a car wash is permitted by regulation in the State of Michigan to run-off in streams or land. Mr. Tehrani said they will put in 10 tanks to separate oil from water before it is sent to the City to be professionally treated. Water comes to the first tank while the car is getting washed and the oil gets separated from it. From there

it is called a sedimentation process. By the time it is in tank 10, the water is clear. They filter it again and use it back in the car wash. Mr. Tehrani said 80% of their water is recycled water filtered by them from the last tank. The residue from that then goes to City to be professionally treated. He shared the worst way to wash a car is to wash it on the driveway.

Commissioner Vyas asked if any traffic studies were completed prior to determining this is the land he wanted to use for a car wash. Mr. Tehrani said traffic studies are typically not done during the contingency period, but they have finished them. He said they worked with the State of Michigan because Stadium is a State highway, and they defined what traffic study to do and where our points of entry and exit were supposed to be. Commissioner Vyas asked for the results of the study because this is a dangerous intersection. Mr. Tehrani said there will only be two cuts into Stadium. One about half-way through the property about 500 feet past the Stadium and Drake corner and one at the traffic light. There is an existing cut on Drake just at the southern portion of the property. Anything south of that access on Drake, they plan to leave as green land. He said the traffic study didn't come back with any negative impact.

Commissioner Chambers asked if the car wash he wants to put on Stadium would be consistent with the one already built on Drake. She also wanted to know if he was adding a lube shop and how he planned to make sure none of that enters the water. Mr. Tehrani said that by State regulation they have a basement in the lube center that is built like an upside-down swimming pool. He said it is required to put stuff in the foundation so there is no physical way for oil to seep from that into the environment. Mr. Tehrani said they take oil from oil changes and use it to heat their facilities. He shared it is the number one preference as far as EPA is concerned to burn the oil on site for heating purposes.

Commissioner Chambers asked how competition would work when the same exact business is on West Main and those corners are not far from each other. Mr. Tehrani said they are two different markets and they anticipate having just as much volume at this location as the one on West Main. Mr. Tehrani shared they have facilities in other towns that are only a mile apart. Customers shop in different markets in different areas. They are not worried about it being a bad thing. Commissioner Chambers asked if he was worried about other car washes that exist on Stadium Drive. Mr. Tehrani said he was not worried because their service is totally different and not offered in this market. He said they have a service called interior clean. A vehicle goes on a beltway, moving about the speed of 7.5 minutes from beginning to end. They have six people standing on the belt doing services to this car. They plan to offer this service at the Stadium Drive location.

Mr. Tehrani answered Commissioner Espinosa that he has not had any environmental studies done that show the impact of development on this corner or for Asylum Lake Preserve.

Commissioner Ellis asked Mr. Tehrani if his new development footprint needed to be so large. Mr. Tehrani said it does need to be large to provide the services they offer. They provide a building, heated space, to vacuum cars inside. He said they are the first in Michigan to offer that service.

Commissioner Pitts asked him to speak on any environmental studies of wildlife. Mr. Tehrani said they took some people from an NFP forum to look at that site to figure out what the natural features were and

how to protect them. There was some discussion about turtles and how they could design buildings to make sure the turtles make it from point A to point B. Mr. Tehrani spoke about finding a happy medium between development and leaving a place natural for wild life. He said they believe the Master Plan made sense because it is a totally commercial area. Mr. Tehrani believes there is a misconception that they are building on Asylum Lake Preserve. He said not an inch of their property falls within what is considered Asylum Lake Preserve.

Commissioner Pitts followed up by asking about the distance between his commercial property (the building itself) to the preserve. Mr. Tehrani said there is roughly 150-175 feet of distance from the closest boundary of them to the lake. He said none of their buildings would naturally even come close to the edge of their property. Mr. Tehrani said they would prefer to keep the southern part of the development residential with the northern part commercial. He guessed that the distance of the carwash to the lake would be approximately 300 feet.

Commissioner Wissner pointed out that the southernmost parcel is residential. He asked if 2231 was residential or had the NFP and 4305 & 4301 were not residential, would that permit him to move forward? Mr. Tehrani agreed that in his view, residential would be more appropriate for the southernmost parcel and he would be able to move forward if the others were not.

Commissioner Greenman Wright asked for clarification as to if it was essential to rezone 2331 Drake to commercial. Mr. Tehrani said he wasn't sure the parcels could have multiple zonings if they consider it is one development. NFP would be applied to southern part regardless – commercial or not makes no difference. Planner Anderson said it would depend on the comprehensive development project and how site plan is done. She cited examples of where the driveway comes in, where it splits off, if the intent is ground-floor residential. Residential on ground floor not permitted in CC, so a variance may be needed in the future. She said in theory it is possible if the parcels were separate, but that would be decided in site plan.

Mr. Tehrani declared he will protect it no matter what it is zoned. He plans to live with this community, and he will work with staff to determine what makes sense.

Commissioner Greenman Wright clarified with staff that the intent is to merge these parcels into one property. Planner Anderson said if the developer is planning on comprehensively developing all the parcels as commercial, then through site plan we ask them to combine the parcels. If there was a parcel that had a separate residential piece, then in theory those could be on different parcels.

Commissioner Espinosa confirmed with the applicant and staff that the property was purchased in October 2017, the same month the Master Plan was adopted. Planner Anderson confirmed the NFP was mentioned in the Master Plan. Commissioner Espinosa wondered how the applicant knew his property was in NFP before NFP was put into place. Planner Anderson explained the Master Plan shows the parcels as appropriate for commercial. The Master Plan also designates the existence of natural features and goals associated with creating or preserving natural features in the City. The method of how to implement the protection of natural features had not been determined at that time. Planner Anderson said that after quite

a bit of deliberation, the City chose to implement it through zoning code which is applied over whole parcels. She said natural features (slope, woodland, trees) was clearly defined through the process. Through that definition, through review of the Master Plan, this body as well as the City Commission approved the zoning standard which applied it over all parcels on the south end of Stadium drive. City staff, the public, this body, and the City Commission used the information from the Master Plan to base zoning recommendations on how it was going to be implemented. It ended up looking like it goes over most of the properties that front stadium. If they have natural features, they were mapped. Not based on use or location. That's why the zoning map looks a little different than the Natural Features Protection map. Planner Anderson thought the first maps were released in February 2019. They started the process in January, and it was approved by the City Commission May 20th.

Mr. Tehrani said before he placed the property under contract, he had a copy of the previous map that was shown. He estimated it was as early as July or August that he was made aware of what part of property was in NFP. Mr. Tehrani said he had that in writing in an email. Commissioner Espinosa presumed that Mr. Tehrani knew about the natural features future land use map that was used in the planning stages of the Master Plan before it was adopted. Mr. Tehrani said it was just like the future land use map with NFP overlay. Commissioner Espinosa asked staff if the previous future land use map in the previous Master Plan had this property designated as commercial. Planner Anderson said it did not. Commissioner Espinosa commented that the applicant only knew this particular property was designated to be commercial during the planning of the Master Plan without certainty that NFP would be implemented on this property. He added that if there was information before everything was adopted, it doesn't sound fair to him for NFP.

Planner Anderson responded this map was approved in Oct 2017, so when he was looking to purchase the property, about the same time, he used this map (FLU with NFP overlay) as part of his discovery period to determine if there would be potential for commercial or if it would receive a favorable rezone based on the future land use map. Commissioner Espinosa asked when this map came into effect. Planner Anderson said the future land use map came into effect in October 2017. Commissioner Espinosa asked about its release to the public. Planner Anderson said they drafted the Master Plan starting in June to sometime in September. Drafts to both text and maps were discussed and released throughout that process for public review. The State required to release drafts 60 or 90 days in advance for review. Commissioner Espinosa didn't think it quite added up that the applicant knew the property wasn't going to be in the NFP before the Master Plan was adopted.

Mr. Tehrani said they didn't just rely on the physical document. There were multiple dialogues on the phone with Ms. Anderson and emails to clarify the future plan for this land. Commissioner Espinosa said he thought it would have been important for NFP to be adopted before purchasing property. Mr. Tehrani replied they are not arguing with the NFP ordinance, they want to know what part of this property falls into NFP and what part does not. According to the Master Plan the northern part did not fall into the NFP area.

Commissioner Milliken asked if staff knew what this property was designated in the previous Master Plan. Planner Anderson did not have that information in front of her. She said it was not commercial. Multiple properties were institutional along Stadium. Commissioner Milliken said Imagine Kalamazoo was a

distinct shift and a distinct declaration that this corridor is commercial. They were not relying on a past plan. Planner Anderson agreed that is what the Master Plan shows.

Commissioner Milliken opened the public hearing.

Many people came forward in opposition to the requests.

Ms. Dara Lyon Warner, Ms. Laurie Laing, Ms. Mary Maiorano, Mr. Jesse Russell and Ms. Melissa McCombs came forward urging Planning Commissioners to do the right thing and preserve this natural resource. Ms. Laing pointed out that the community clearly showed up in opposition of the request. She made the comment they don't need a new car wash; they need green space. Ms. Laing also encouraged them to update the Master Plan to protect this property. Ms. Maiorano thought Mr. Tehrani made the decision to buy the property based on a working document. Mr. Jesse Russell said he was distraught to see so many areas demolished in favor of economic gain. He asked Planning Commissioners to look at things more preservation based. Ms. Melissa McCombs shared that she loves nature and animals. She said she cares about the impact on animals that don't have a voice, and she cares about the water they are drinking.

Mr. James Asher currently attends Portage Northern High School. He said he stands in strong opposition to this construction. He shared that his family would take them to Asylum Lake. He witnessed the natural beauty there, they taught his sisters to fish there, and they would exercise their dog there. Mr. Asher stated a price cannot be put on this earth. No company, especially one from Indiana, has the right to hurt our protected environment. He urged the Commissioners to protect this piece of land for the generations to come.

Mr. Gabriel Giron, resident of Edison neighborhood, referred to Asylum Lake as a treasure in this community. He strongly urged them to deny the requests. Mr. Giron believed that any removal of the NFP would completely contradict the Climate Emergency Resolution and be a direct violation to our City's commitment to protecting our natural resources. He said to ignore the possibility that this car wash could negatively impact Asylum Lake is a red-flag. Mr. Giron also said the air pollution will drive away the birds. The natural ecosystem cannot be restored once it is taken.

Mr. Phillip Micklin said he has regularly gone to Asylum Lake since 1972, and he referred to it as the natural jewel of this community. Mr. Micklin said protecting Asylum Lake also means taking great care and responsibility for those properties by the lake. He vehemently opposed the rezoning of these lands and the NFP removal because they provide a degree of protection. He also told Planning Commissioners that it is totally inconsistent if you rezone this property to CC and keep the NFP. He wants them to keep the NFP. Because it is contradictory, he believes the NFP forbids a car wash because it has lots of protections and distance requirements. He encouraged the Planning Commissioners that if the keep NFP, then rezone the property to the least intensive commercial development.

Mr. David Benac, Vice Chair Southwest Michigan Sierra Club, opposed to any rezoning of commercial for this property and was opposed to the removal of the NFP Overlay. He said if the applicant is honest in his commitment environmental protections, where is the environmental assessment? He wondered how this

property got a commercial designation? Mr. Benac stated he would like to see the public comments where people said they wanted this to be commercial. He believed that if they can't be supplied, then they should be FOIAed. How did the applicant know this was going to be commercial before the public did? This is not what the public wants.

Ms. Sherry Sims said she has been coming to meetings on behalf of this preserve for 20 years. She is advocating for people of Kalamazoo who use the preserve. Ms. Sims said they have had many discussions about the areas that buffer the preserve. In each case, they've given up something. She cited examples of Baker Farm, Colony Farm Orchard, part of WMU. Ms. Sims said the corner has been invaded by commercial properties, but it doesn't have to continue to be invaded. She stated they need to keep this buffer here.

Ms. Susan Creager, Lawton, Audubon Society of Kalamazoo, came forward to talk about Asylum Lake Preserve as a habitat for many species of birds. Ms. Mary Spradling also came forward to advocate for the birds. Ms. Creager spoke of many types of birds who live at the preserve and use it as a migration stop-over site. She believes any disturbance (such as light pollution and lack of cover) adjacent to the Preserve will affect the birds negatively. Ms. Creager said run-off from a car wash would negatively impact the water and quality of the Lake. Asylum Lake Preserve is a refuge for wildlife and an important place for nature observation in general and bird watching in particular. She said the Audubon Society of Kalamazoo uses the Preserve for field trips and bird counts. Ms. Creager said they strongly oppose the requests. She also cited a scientific report on climate that estimates how many bird species will be on the brink of extinction or extinct by the year 2080, if bird habitat is destroyed by development and climate warming. Ms. Spradling cited the National Audubon Society report showing that ¼ of the earth's birds have disappeared in the last 40 years because of loss of habitat and window strikes. Birds fly into windows. The applicant has proposed a huge glass building lighted building at night. That is how birds die.

Ms. Olivia Pennebaker, said she moved to live by Asylum Lake Preserve, not a car wash. She referred to Asylum Lake as one of Kalamazoo's most cherished natural areas. She pointed out that the Shine & Drive carwash could pack up and leave anytime, but the damage would be permanent. Ms. Pennebaker made the comment that developers should not overrule the interests of the citizens of Kalamazoo. She also shared that in 2018 the corner of Drake and Stadium was third most dangerous intersection in Kalamazoo county. She urged Planning Commissioners to give future generations the fields and woods.

Mr. Pete Kushner, President, Oakland Drive Neighborhood Assoc, said they have been involved with the issue as this property is fully within their neighborhood boundaries. He said their response is based on extensive neighborhood feedback. Mr. Kushner said they had one meeting with the applicant in 2018, and then nothing until they received an email from the applicant's lawyer a few days ago. They are opposed to the removal of the overlay. He said the original map showed all parcels covered in some part with the NFP overlay. It wasn't until May 2019 when the property was re-parceled that two parcels were not included in the NFP overlay. As far as rezoning, the board understands that the Master Plan and the City is favorable to commercial development here. This land only needs to be usable for commercial purpose - not specifically to CC or the applicant's specific use. Mr. Kushner pointed out that CC zoning allows for multiple uses: major retail shopping, grocery stores, liquor stores, gas stations, oil change shops, car

washes, vehicle and equipment repair, and fast food drive through. He said the board does not think any of these uses are appropriate. He said they are not opposed to seeing CO or CNO. Either of these might serve as a land use buffer or transition district.

Ms. Iris Potter said she has spent much time in Asylum Lake Preserve. As a longtime advocate to land preservation, she personally opposes zoning change and development, oppose NFP removal. She said she lives by the other car wash and have seen its impact. Ms. Potter said she didn't understand why this was being considered in light of Climate Emergency Resolutions. Land development is a key factor related to climate change with a loss natural water absorption due to less open earth and trees in Kalamazoo. It is happening at a quickening rate. Let's slow this down and implement a balance in development to keep some of the green spaces that remain. Today the preserve continues to be surrounded by more development. Even with certain environmental protections, the area to be protected is affected and will never be the same.

Mr. Eric Brokus, owner of Rick and Sam's Car Wash, we have 4 locations. Mr. Tehrani's comment says he offers something different. He does exactly what the other others do and offers detailing on top of it. He said he offers detailing at one of my locations and it is not an impulse decision. People plan to get their car detailed. They decide to go to that destination. He saw no reason people cannot go to West Main for that service. Mr. Brokus questioned if Kalamazoo is the right market for Mr. Tehrani's business model. He shared that the industry standard between locations is 3 miles and that is needed to be successful. Mr. Brokus voiced the opinion that car wash and oil change is the most redundant thing that could be put on this property. He talked about other car washes and oil change places nearby (all within a mile and a half of proposed location). With this investment in this location, he believes Mr. Tehrani is relying on other competition to close. He reminded them that the Master Plan states the importance of supporting local business.

Ms. Elizabeth Marko and Mr. Matthew Bissinger both expressed concern that no environmental surveys were done to ensure wildlife and nature would be preserved. Ms. Marko said she couldn't understand having commercial property with NFP. They seem opposite. She urged Planning Commissioners to protect this space. Mr. Matthew Bissinger said the applicant acts as though if his appeals are not approved, he would be cheated. He reminded Planning Commissioners that no such legal contract exists, and it doesn't need to be rezoned. Mr. Bissinger encouraged them to keep the property as green space.

Ms. Donna McClurkan, Oshtemo, said she spends a lot of time in the city of Kalamazoo. She reminded people there were formal Climate Emergency declarations made in 2019. Ms. McClurkan said everything around us is dying and she cannot be silent. She said she is angry about what is being taken away from us, clean drinking water, places that are increasingly devoid of wildlife, ecosystems wiped out in the name of development. Ms. McClurkan stated that we do not need more places to buy stuff, office complex or strip mall or a car wash.

Mr. Tom Holmes gave maps, including the 2010 Master Plan and the properties lot divisions because he thought they were missing information. He reported that on the map they would see the Vermeulen property as a green swatch to corner showing it as open space. The next map shows the land divisions of the land before Mr. Tehrani bought them. Mr. Holmes said he talked to earlier city planners and this section was

often seen as future green space. He reported that the City Planner wrote a very good letter to Mr. Tehrani that told him of all the contingencies. She gave clarification of the process – that this was not set in stone before he bought the land. Mr. Holmes said the reviewing guidelines state it should be in general public interest – not of a small group. He felt that with the other commercial across road, it makes it more important that this stay green space.

Ms. Chris Wills brought forward the petition on Change.org. She reported that since Thursday, the City of Kalamazoo residents opposing the rezoning and to protect the NFP Overlay had gotten 3,772 signatures of Kalamazoo residents alone. Most of the signatures (8,226) are from the surrounding Kalamazoo county area. Ms. Wills said it is obvious that most people in area would like the Preserve saved and not see development near it. She feels the development of a car wash, the CC zoning, is inappropriate for this area. Ms. Wills believes that the peace and serenity of the Preserve far outweighs the benefits of a large development. Once it's gone, it's gone, and you won't get it back. She reported that another petition was started within minutes of hers with 1,177 signatures. That is close to 10,000 signatures in opposition.

Mr. Jeff Wykrent, construction trades teacher, brought up the issue of the need to regrade the property to get it to be level and install the tanks needed. He said that because the slope is significant, they will have to put in a retaining wall and backfill for a level grade to capture the run-off, wastewater, or snowplowing. Any commercial in this area would need to regrade.

Mr. John Kreuzer, Asylum Lake Preservation Association, came forward in opposition of the rezoning of the parcels listed. He said they believe 2231 should be left as zoned today, but if it is developed, it should be developed in a way which will not impact the ecological integrity of the preserve and include a buffer along the southern boundary of the parcel extending 200 feet to the north. He said they are strongly opposed to the elimination of NFP overlay on any of the properties. Mr. Kreuzer reported the 2025 Master Plan did not specify what type of commercial zoning was appropriate. He believes the requests are a complete contradiction to the Climate Emergency Resolution. He said that businesses come and go, but damage to our best and largest green space cannot be replaced.

Mr. Ian Middleton reported spending many days at Asylum Lake with family and school. He said Asylum Lake came under threat once within the last year, when run-off from WMU's construction site contaminated the area. He doesn't believe that Mr. Tehrani can guarantee 100% there will be no leaks. If leaks do occur, then dirt, residue from gasoline, motor oil, and rust could deteriorate the quality of Asylum Lake. Mr. Middleton indicated Mr. Tehrani promised this will be his largest car wash to date. He informed Planning Commissioners that Mr. Tehrani potentially plans to build a new facility on Westnedge in Portage in the future. He encouraged the applicant to look for another area to build his car wash.

Ms. Diana Whitmore asked if they knew the deforestation which will follow this construction and the number of organisms this will affect? These changes will limit homes in ecosystem, causing species to fight over their resources. Ms. Whitmore spoke of a study she did on a 1x1 foot plot on the El Sabo Nature Preserve. In that plot there were 7 different species of insects. She wondered what species they can't see in the 18.9 acres. She noted the recent Climate Declaration and that there was no environmental study. She

pointed out that no more land is being made for us in this world. Ms. Whitmore said when she walks through Asylum Lake, she can clear her head of depression and worries.

Mr. Sydney Fernandez said he grew up in the Winchell Neighborhood, adjacent to the Preserve and spent years of his youth in Asylum Lake. He spoke of the value of green space to the emotional, social and cognitive development of young people. He indicated that he and his friends cultivated foundational core values at Asylum Lake. He mentioned the values of courage, commitment, compassion, stewardship, discernment of right and wrong, community, leadership and the interconnectedness of ecological systems. Mr. Fernandez said when a community invests in its youth, whether access to green space or education, that investment pays off. He has taken many groups to Asylum Lake and support the constellation of organizations who preserve the ecosystems vibrancy and beauty. He reminded the Planning Commissioners the parcels are home to a rich ecological environment.

Mr. Roland Bissonnette mentioned that just because you can do something, doesn't mean you should. He asked Planning Commissioners to consider what they will tell the next generation when they are deprived of the green spaces when they are growing up. Nothing can replace the natural places. He compared the situation with the Lorax by Dr. Seuss, ending with, "We speak for the trees and we won't be silenced."

Ms. Susan Andress said she went to some of the meetings for Imagine Kalamazoo, and she knows one of the things people valued is green space. She requested they do not change zoning and they keep the NFP overlay on all the property. Ms. Andress said she is concerned about how far development is from the shore of Asylum Lake because the shore line can move when the water gets higher.

Ms. Lauri Holmes lives next to preserve. She mentioned that there is a Climate Emergency Resolution, and there are review guidelines which say that all uses permitted would be in the general public's interest, not merely in the interests of an individual or small group. Ms. Holmes did not think the property had to be made commercial. She asked Planning Commissioners what they should say to their children and grandchildren, when they realize the resources are not infinite.

Mr. Rex Brueggemann, President of the Arcadia Neighborhood Association, came in opposition to rezoning and NFP Overlay removal. He spoke of Asylum Lake as an amenity for the entire city. He said that apart from impact on the whole ecosystem, development there will impact the experience of people using the property. Mr. Brueggemann said he has property near the car wash on West Main – it is big and is bright. There is no way it won't impact the experience on the property. He encouraged having a process open to public participation if they are not able to get the properties in perspective – their use and significance to the community around them.

Ms. Julie Fee spoke of living behind the Drive & Shine on West Main. She believed her experience could offer insight on how it will impact the lives of the birds and animals which use Asylum Lake as their home. She can hear the car wash equipment run – sometimes in her apartment with the windows closed. She can hear music in her parking lot and on the balcony. She frequently hears an alarm sound loudly, and occasionally hears workers shout to each other. When it is dark, lights of cars waiting in line shine in her

apartment windows. She said it is still bright even after closing. She hoped the city realizes what a huge impact it will be and not allow them to build next to the preserve.

Ms. Laurie Atwater, Vice Chair of board of directors at Peoples Food Coop, spoke out against the proposals presented. She said the People's Food Coop is a sustainable building, built on brownfields with solar panels, rain garden – everything to make sure it has the least impact of environment around it. When you look at the impact another kind of business might have, sustainability is hugely important. She asked Planning Commissioner to consider ideas of sustainability in development – keep the NFP Overlay in place and deny the changes in zoning.

Mr. Matt Clysdale is a wildlife photographer and videographer in the area. Over the last two decades, spent hundreds of hours if not thousands of hours exploring the preserves and green spaces of Kalamazoo – including this property. He said he knows the proposed development is wrong for this spot. He shared lessons he learned spending time in the woods taught me lessons: 1) How important Preserves and green spaces are for wildlife. 2) What is good for wildlife is good for people. When he needed a reprieve from the stresses of City life, areas like these offered the calm and quiet needed to recharge and re-center myself. Nature is good for health – physical, psychological, spiritual, emotional health - nature is good medicine. 3) The efficacy of a Preserve is its ability to block out the outside world. He said that when the human world looms on that horizon, the quality of that experience is diminished.

Dr. Duane Hampton, Chair of Asylum Lake Policy and Management Council, starting by providing copies of letters for the Planning Commissioner. He explained the ALPMC is charged with carrying out the declaration of conservation restrictions adopted by the WMU Board of Trustees in 2004. He indicated this set of principles is designed to maintain the Asylum Lake Preserve as an asset to the greater Kalamazoo community. He said the proposed development will adversely affect the preserve and its ecosystem. Of concern, are possible adverse effects on the water quality of Asylum Lake and the impact on trees, plants and animals – some protected or endangered, that the Preserve supports. He urged Planning Commissioners to deny the rezoning and NFP requests. If the Planning Commission recommends rezoning, he strongly urged a less intensive designation be considered. They would like to see requirements for extensive buffering to lessen visual impacts and mitigate light and noise pollution and run-off. Think about to what CC opens the door.

Mr. Christopher Bovid, Attorney, concerned resident and President of Woods Lake Association, said he strongly opposes rezoning any of the parcels to CC and removing the NFP overlay. He said despite the rezoning request, this Commission can still recommend a less intense zoning district to the City Commission. Please consider that. Mr. Bovid reported the members of the Woods Lake Association have additional experience with CC zoning near lakes. He said it permits high-intensity uses with around the clock vehicular traffic. He cited examples of a Dry-Cleaning business which heavily contaminated the Bacchus property and a leak in a Gas Station storage tank near Woods Lake. Mr. Bovid said the leak is still not cleaned up, and now there is a ½ foot thick level of gasoline product at the water table that is Woods Lake. He urged Planning Commissioners not to open that door with this property.

Mr. Paul Scott, board member of the Asylum Lake Preservation Association, came forward against CC rezoning for the Stadium Drive and Drake parcels. He said they agree that CNO or CO would be good zoning for this area. He said they want that zoning for the top two parcels, and they agree the NFP should stay. They believe the lower parcel along the lake should remain RS-5 Residential. He said they agree the top two parcels are too noisy and light to remain RS-5. They believe that RS-5 is more realistic for the lower parcel if it is buffered by the office buildings in CNO or CO. He said homes built there would be worth more with lake-side view. Mr. Scott pointed out that RS-5 offers less dense building, less density would mean less traffic, which would lead to less road salt making its way into Asylum Lake. He said the zoning code refers to a buffer between commercial and residential areas. He believes the same buffer is needed for nature preserves.

Ms. Kara Moberg came forward to oppose the rezoning and the removal of the NFP Overlay. She said Planning Commissioners' decision must be in line with the Master Plan and the Strategic Vision Goals of Shared Prosperity, Connected City, Inviting Public Places, and Environmental Responsibility. She said any rezoning to commercial will take away from Inviting Public Places and Environmental Responsibility. Ms. Moberg spoke about the cut into natural spaces by the development of Arboretum Parkway and Walden Woods. She cautioned that even if Mr. Tehrani is careful about the distance of the development from Asylum Lake, the next owner of the property may not have that same intent.

Ms. Juliet Altman, said she can sympathize with applicant as she is a small business owner. As a member of the Vibrant Board of Kalamazoo and the Edison Neighborhood, she wants to make the community a better place. Ms. Altman said she was disappointed to learn of the 2025 Master Plan to make all that commercial. Mr. Tehrani says he will protect it, but what happens if his business fails or if another business comes in there. She said they need to protect it.

Mr. Troy Wallace, Arcadia Neighborhood, said the most intense commercial zoning, CC, doesn't make sense. He thought light commercial may be reasonable for the northern properties and residential for the Drake property. Mr. Wallace said it is important for college students to have good affordable housing available to them. He didn't think residents of adjacent apartment would be excited about the light and noise. Mr. Wallace asked them to be smart about protecting Asylum Lake.

Mr. Nate Hartman, came forward to say that Asylum Lake is a beautiful place, but he already sees lights reflecting in water. He can't imagine they won't see lights if the car wash is built. Mr. Hartman wants them to keep NFP in place.

Ms. Katie Pearson owns a 2-acre urban farm that practices restorative agriculture. She opposes the building of the car wash and the rezoning of land. She said they should think of dynamic, sustainable development. Development that uses civic engagement in an authentic way. She cited the example of central artery in Boston, MA and how the Arcadia creek used to be buried, is now uncovered with the museum and college. Ms. Pearson said they have the right opportunity make the right development happen.

Ms. Hamita Sharma spoke in opposition to the request. She had strong objections to paragraph 8 of document in exhibit D of the packet indicating the development of property is inevitable given its location

as recognized in the 2025 Master Plan. She cautioned that with the traffic changes of adding the new Costco, adding something on that corner will make that area a nightmare. Ms. Sharma asked the Planning Commissioners to take this very seriously as their decision will be permanent.

Mr. Jeff Brasch, business owner in Kalamazoo and a member of non-profit boards, came forward in opposition to the requests. He said he is thankful for a Proclamation of a Climate Emergency. He said if we believe we're in a climate emergency, they're the barrier to stop things to being zoned.

Ms. Sarah Ruggles, Chair of the Vine Neighborhood Association, said she was speaking for herself as a nature lover. She indicated the Planning Commissioners were there to represent the interests and to trust the best judgement of the people of Kalamazoo. She believed it was clear the people of Kalamazoo have spoken against the developer of Indiana and his paid cohort. Ms. Ruggles thanked them for upholding democracy.

Ms. Lynn Pattison read a note from Dr. John Fink. He shared that Asylum Lake Preserve has been a sacred space for his family. He loves the balance of forest, water and prairie and the wide diversity of plant and animals. Mr. Fink stated he returns to Asylum Lake nearly every week of every season for the spiritual inspiration it offers. He is troubled by the degradation that has begun and wonders how fresh and clean water will continue to flow. He is more troubled by the idea of further degradation for the northern portion along Stadium Drive. The vitality of diversity and plants will surely disappear. Dr. Fink encouraged them to shape a policy which protects this space.

Ms. Karrie Lawson, Oakwood Neighborhood, thought that going forward they would need to talk about how to marry the Master Plan to the Climate Emergency. She said her family like to use the Asylum Lake Preserve, and that NFP should be expanded.

Mr. Ron Lawson shared that he has spent a lot of time hiking in Asylum Lake with his son. He said he had no opposition to people having businesses, except when it impacts your area so much. He encouraged the Planning Commissioner to look for future generations and vote for the kids.

Mr. Andrew DeGraff shared that it is getting harder to find areas to escape to and find silence. He said people can almost find silence at Asylum Lake. Spaces like these are becoming extinct.

Ms. Sharon Dever asked Planning Commissioners to listen to citizens and the now over 8,350 people signed on the Change.org petition. She asked for them to wait until entire plan can be followed including Environmental Responsibility - especially right after we declared a climate emergency.

Ms. Judy Huxmann, Oakwood Neighborhood, said she's been in this battle for a while. She was also concerned about finding quiet places. Ms. Huxmann referenced the trees taken out in BRT2. She said they are still willingly taking out large stands of trees. Ms. Huxmann believes the BTR2 devastated the property across the street from the preserve. They are experiencing the impact of sound pollution. Stop the destruction of the trees for commercial development.

Ms. Karen Larsen shared that she had asked multiple times if they can include protection of property around a preserve. She said they were promised it would happen in the second level. Ms. Larsen expressed the fear it may be too late, unless they act for the people who are speaking and for the generations coming behind.

Mr. Mark Hoffman passed out a timeline on the property. On a prior future land use map for this property, 2/3 was designated green space and 1/3 was designated neighborhood commercial. The rezoning request calls for sweeping change of land use for a highly intensive commercial activity. Commercial rezoning is not contingent on the NFP Overlay. He cautioned that if the Overlay is removed, there would be little to control the intensity of the commercial development. Mr. Hoffman met with site designers to go over the land use. He said the land use plan was two commercial buildings, a car wash and a water control feature. Mr. Hoffman indicated the proposed site plan does not alleviate the impact on the adjacent properties. Developers can discuss the elaborate plans they envision, but those designs can change based on multiple factors. He explained a model WMU recently provided for initiating a development scenario for its 54-acre property west of Drake Road. They employed local experts and formed a community consensus committee to create a site condominium blueprint similar to a PUD. He said the designs recognized the importance of the adjacent Asylum Lake Preserve and allocated required open space for a large buffer to shield the preserve from future development that would be clustered on the opposite side of that parcel. Mr. Hoffman encouraged the developer to take an approach similar to WMU when considering development of this property.

Two people came forward in favor of the project.

Mr. Jeff Guess, Indiana, came forward in favor of this project. He is currently the District Manager of Drive & Shine. He said they appreciate people coming out and showing support of the community. The reason they want to be a part of that passion is that it mirrors their passion, values, and vision. Mr. Guess then read a statement of their vision. He said they are great stewards in the community where they live, driving significant returns on their investments, and never stopping to improve themselves and customer's experiences. Mr. Guess said they create and sustain a culture of growth, servant leadership, flawless execution, community awareness and involvement and the relentless pursuit of people centric leadership. He said they have the culture of family, considering themselves brothers and sisters. Mr. Guess said they will care about this community as family. He gave examples of the employees and owner caring for each other when crises hit them.

Mr. Matt Tehrani, VP of Technology and Chemistry at Drive & Shine, said they recycle 80% of the water they use to wash cars. He cautioned that if you wash your car in driveway, it goes right to groundwater and our streams. Mr. Matt Tehrani said the water they use goes through a series of sealed tanks on site to filter out the particles and is then sent to the City sewer to be professionally treated. The filtered particles are then collected and removed by professional soil management companies. Oil from oil changes are used to heat or they have it recycled professionally. He said they use biodegradable soaps. They are great stewards to our communities. Mr. Matt Tehrani noted how they donate back to the communities through charities. He said they have a passion for Kalamazoo and Asylum Lake. They know they cannot be successful without serving the community.

Commissioner Milliken closed the public comment portion of the hearing.

Commissioner Wissner asked if staff could clarify the boundary and history of the boundary of NFP. He referenced the discrepancy between two diagrams we were shown. Planner Anderson referred to the map a citizen had provided – it was the future land use plan from the 2010 Master Plan. She said this plan shows green space with a bit in the NE corner of commercial. She explained the future land use plan, which located natural features in the area, and the zoning code do two different things. The zoning code looks different because it was drawn using the parcel lines at the time. When the map was reviewed, with where natural features exist, with public comment, all those things were considered, and the decision was made to use zoning for the NFP implementation and map it on the entire properties. Planner Anderson reported there was a change in property lines. The first boundary looks like the initial one with the small triangle in the NE corner. The boundary which separated the railroad ROW and third parcel was shifted down. She clarified for Planning Commissioners that Michigan has clear subdivision rules. If you're not creating a certain number of new lots, there are things you can do to move property lines that don't require a review process.

Commissioner Milliken asked for an explanation of how the designation shifted from the 2010 map to the 2025 designation. Planner Anderson explained that through review it is not uncommon for future land uses to shift between Master Plans. This Master Plan focused on pairing the land use and transportation together. Planner Eldridge had noted the Master Plan designated this property, as well as others, as having more than one context. If there is a very busy street like Stadium Drive, that is vehicular oriented with higher speeds, the development that faces that should correspond to how that street works. To the south and to the east there are less intense uses. Planner Anderson said the NFP Overlay district helps balance those two contexts. The use is designated as commercial, but the how the site develops is based on context and what natural features are on the property. These things are managed through site plan with the help of NFP. Planner Anderson shared a little more about what is handled through site plan. Things like stormwater, environmental studies, transportation, and the placement of curb cuts will be finalized in site plan. She also noted this property has different road jurisdictions to compete with (City, County, MDOT) and site plan is where these elements tend to get hashed out. Which is why some of that is not available today. The questions before the Commission today are if CC is the appropriate zoning district and if it is appropriate to remove the NFP Overlay.

Commissioner Milliken confirmed with Planner Anderson that Exhibit D in the packet was from the applicant and not staff.

Commissioner Espinosa asked for clarification on the review criteria. He asked if it was through the 4,000 points of contact that they determined this property should be commercial CC, or if it was City Planning who envisioned it for CC zoning? Planner Anderson said while there were 4,000 points of contact, not every person commented on every element in the plan. Those comments were collected throughout the process. At some point a map was created and released and reviewed by the public. Comments, questions and concerns were received about different points on the map. They listened to those viewpoints and moved the plan forward. Commissioner Espinosa stated that, at that point, we would not have time to switch

anything. Planner Anderson said the Planning Commission had the opportunity to review the plan and provide feedback. She said it is important to note the Master Plan is meant to last 10 years. It is not a static map. There is a process to review and adjust the map if we find it necessary. Commissioner Espinosa noted that the draft of the Oakland/Winchell Neighborhood, only talks about light commercial development, not necessarily heavy commercial development for that corner. He said if they have people in the neighborhood expressing that they don't want that, he doesn't understand how it became nominated as a commercial corridor.

Commissioner Wissner asked the applicant to talk about the rear of the parcel and what plans are regarding grading and light. He wondered what about the plan for fill and if people would see light from other areas of the lake. Mr. Tehrani said lighting would be designed by regulations. He said they are required to limit light pollution. Mr. Tehrani shared that his architect did a simulation and if you were on a boat on the lake, you couldn't see the building. The building is beyond the slope. Mr. Tehrani said there is a significant dip that will have to be brought to grade. He indicated the challenge with NFP is that it looks at slopes whether man-made or natural. Mr. Tehrani said the NFP would make this property undevelopable because you can't fill if you have a 20% slope or more.

Commissioner Milliken stated they heard comments about the possibility of lesser commercial designations. He asked Mr. Tehrani if he was interested in a lesser designation or if he wanted to continue with the requested CC zoning. Mr. Tehrani confirmed he wanted to continue with the request for CC zoning – he would need that zoning to construct his business. Commissioner Milliken asked, based on your previous comments, are you interested in pursuing your third request regarding the rezoning of the Drake Road parcel? Mr. Tehrani confirmed he wanted to pursue the request for rezoning the Drake parcel to CC.

Commissioner Greenman Wright asked if we are legally able to propose a different zoning at this meeting, or do they have to proceed with the requests before them? Attorney Robinson said that is an excellent question for which he did not have an immediate answer. Commissioner Milliken said he believed they should proceed with the requests that were made. He said the applicant made a request on CC zoning and the Planning Commissioners should make a recommendation based on that request. Commissioner Milliken said he thought they can provide feedback on what zoning they believe is appropriate if its not CC.

Commissioner Vyas clarified that if CC was not approved, then the zoning would remain residential. Planner Anderson clarified that if they don't approve CC, it would go forward to the City Commission with the recommendation. Commissioner Ellis requested clarification. Planner Anderson explained that when it relates to zoning, the Planning Commission makes a recommendation to the City Commission. The City Commission will take that information, the minutes, the record of public comment, and then through a two-step process will decide. The City Commission's decision is the final decision.

Commissioner Wissner, supported by Commissioner Pitts, moved to recommend approval of the NFP Overlay removal on 4301 & 4305 Stadium Drive to the City Commission for P.C. #2020.02 Part #2.

Planner Anderson asked him to restate the motion as numbers were transposed in the address on the agenda. He agreed.

Commissioner Wissner stated it is difficult to discuss one piece without the others. He said there is a convincing argument that the parcel on Drake (2231) is enough of a buffer from the elements of Stadium to Asylum Lake. He said it is difficult to argue that Stadium Drive is not a heavily commercial zone. Commissioner Wissner said that is one of the few developable parcels in Kalamazoo. He wondered where else in Kalamazoo one might develop a large parcel. He said he's not a huge proponent of a car wash, but they are being asked if it should be zoned commercial or not. Commissioner Wissner believes this is an appropriate use for this corner. He wishes to see protections of Asylum Lake Preserve, but he believes the Preserve and the Stadium Drive parcels should be looked at separately. Commissioner Wissner thinks a natural feature border between the two with the 2231 S. Drake parcel achieves this.

Commissioner Greenman Wright asked for clarification as to whether Commissioner Wissner was saying they should repeal the NFP Overlay. Commissioner Wissner clarified saying it should be removed from the two Stadium parcels and kept for the Drake parcel.

Commissioner Espinosa said he was not agreeing with Commissioner Wissner. He read through everything they received and then went to the Strategic Vision Goals which directs the Master Plan. Commissioner Espinosa listed off the Strategic Vision Goals, noting that Environment Responsibility had been mentioned several times. He shared that in seven of those Strategic Visions, Climate Action is mentioned. He said it was very challenging for him to say that just because the surrounding area is developing into commercial structures, they must do it. That is not a strong argument to him. Commissioner Espinosa drew attention to the Environmental Responsibility because that has been the main concern for most of the people who have come to this meeting today. He read page 40 of the map of the Strategic Vision: Environmental Responsibility - a green and healthy City. Commissioner Espinosa indicated the key word was redevelopment. He said there are multiple places in Kalamazoo that could probably benefit from \$10 million. Commissioner Espinosa also quoted page 47, the Economic Vitality Goal of the Strategic Vision for the City of Kalamazoo. Commissioner Espinosa said it is very clear, the Strategic Vision speaks against this proposal. He referred to some lines in Imagine Kalamazoo at Work - Implementation, regarding the intensity the business would bring to the area; mitigating run-off, erosion and contamination of water; developing a climate action plan; protecting natural features through policy for wellhead protection for watersheds; and erosion, urban forest, tree canopy, wildlife refuge along Kalamazoo river and creek corridors. Commissioner Espinosa questioned how the applicant could say that run-off and contamination would be impossible – especially with the big impervious surface which will be established there. He also referenced how important our watersheds are.

Commissioner Espinosa stated that three points that he took straight from the Imagine Kalamazoo at Work - Implementation: 1) consider the built-out environment and evaluating vacant lands or new projects as they relate to protection including but not limited to restoration of wetlands (this project is the opposite of restoration), forest and daylight creeks. 2) Pursue the acquisition or protection of sensitive environmental areas, throughout a range of techniques such as conservation easements, deed restrictions, transfer of development rights, land conservancy donations, transfer to foundations or public bodies. 3) Expand on

inventory of natural features and open spaces to frame green ways and classify priority areas to unify neighborhood greenway plans across the city for connectivity. Commissioner Espinosa asked how they could move forward when it would set a precedence against their own plans. He believed developing this just because it fits the area, doesn't justify the damage for the area and for future generations. He stated he was very much in opposition to rezoning and removing NFP.

Commissioner Milliken said that as creative as the boundary line solution may be, he fears it may open Pandora's Box. There are hundreds of other parcels where only the corner of the parcel may be shown on the future land use map in the NFP designation but shows the whole parcel through the zoning implementation. If approved, he feared they would see many similar requests coming through which would disrupt the development pattern, the fabric of the community and the effectiveness of the NFP ordinance. In terms of the criteria for amending the zoning ordinance, he didn't think there had been any changes since April when this was approved. Commissioner Milliken said he didn't see a need that warrants the amendment since it was approved in April, and he certainly didn't think it's compatible with the adjacent land use of Asylum Lake.

Commissioner Wissner asked if it was zoned CC and NFP was on all three parcels, would a business be able to work with City to navigate that? Planner Anderson said during site plan the applicant would work with staff to figure out how to work with NFP and if any relief might be required. NFP never intended to say no development on a property it just talks about how a site develops.

Commissioner Milliken reminded Planning Commissioners that the motion is to approve the removal of the NFP Overlay.

Roll call vote was taken and the Planning Commissioners unanimously voted no. The motion did not pass.

Commissioner Vyas, supported by Commissioner Ellis, moved to recommend approval of the rezoning 4301 and 4305 Stadium Drive from RS-5 to zone CC to the City Commission for P.C. #2020.02 Part #1.

Commissioner Vyas shared that she was planning to vote no. She didn't feel this zone is appropriate given the use. She said she is more comfortable leaving it as a residential zone for now.

Commissioner Ellis said she believed the land should be kept as residential use. She felt the land could be used for something both City and residents would like – something that could expand to the lake and add to the natural beauty of it.

Commissioner Vyas clarified for Commissioner Milliken that she said for now because someone could come for another requested district and they would consider it.

Commissioner Greenman Wright said she couldn't add much from what Commissioner Espinosa already read from the Strategic Vision. She said page 144 clearly articulates what should be their driving force

and criteria as they judge the most appropriate use of land. She expressed she was thankful they did not have to evaluate anyone's business plan or how many car washes were needed. They just needed to interpret the Master Plan and the Strategic Vision. Commissioner Greenman Wright said she thinks the Strategic Vision really dictates this is not necessarily an appropriate land use or zoning for this area. She felt it would be opening a giant box for intensive use. She believes they have an opportunity to fulfill the Strategic Vision. Commissioner Greenman Wright added that she is aware that Kalamazoo is landlocked and have 50% of the area of the City off the tax rolls. She said they are limited as to where we can develop and have tax revenue. She believes that where there are limitations, there is creative power. Commissioner Greenman Wright expressed a desire to see how they can innovatively redevelop brownfield areas before they carve out the last corner.

Commissioner Milliken shared that he felt torn about the decision. The Strategic Vision was done before Imagine Kalamazoo and the property was still called commercial. Oakland Winchell called it commercial. They say we must follow the Master Plan and keep the NFP, then say we can't follow the Master Plan because things have changed. Having said that, he was not sure CC is the appropriate zone. However, he does think commercial is appropriate there - no one wants a single-family home on Stadium Drive.

Commissioner Wissner said if we want green space and preserves here, where do we want businesses? If Stadium Drive, off the expressway, near other car-related businesses isn't appropriate, then where else in Kalamazoo is appropriate. He observed that on Stadium Drive, green space is strange. Commissioner Wissner said they could see it developed to the City boundaries, now they have an applicant who is ready to invest, and they say no because they aren't sure about whatever. He said it didn't feel right to him.

Commissioner Vyas could appreciate where he was coming from. The one thing she was holding onto was the review criteria presented by the staff. She said she was not sold this is a demonstrated community need. She read the review criteria referencing Compatibility with Adjacent Land Use Zoning. Commissioner Vyas again was not sold on this point with this case. She indicated it may be possible to rezone it at some later time if it is appropriate. The decision tonight doesn't set this particular parcel in stone forever.

Commissioner Greenman Wright spoke in reference to what Commissioners Vyas and Milliken said, the operable word is guidance. She said they are tasked with discerning specifically for this corner what is the most appropriate use. Commissioner Greenman Wright encouraged the applicant to think of more creative uses that are not so intensive. There are other places in Kalamazoo that are open and where a developer doesn't have to cut down trees. She said they must use all their information: input from the community, guidance from City staff, information from the applicant, in addition to their guiding documents. She doesn't not believe this is the most appropriate use for the land.

Commissioner Espinosa shared that it is not impossible for the applicant to find zoning or property appropriate for his use. He said Table 4.1 shows M-1 and 2 which is appropriate for a car wash.

Commissioner Pitts said they have difficult decisions to make. All the planning and hard work in the Master Plan is a great thing. The City needs businesses for economic growth in Kalamazoo. At the same time, he

understands they must listen to their community. Commissioner Pitts stated he wanted to be on the right side of history when this is over.

Roll call vote was taken and the motion did not pass. Commissioner Wissner voted yes.

Commissioner Greenman Wright, supported by Commissioner Chambers, moved to recommend approval of the rezoning of 2231 S. Drake Road from residential RS-5 to CC to the City Commission for P.C. #2020.02 Part #3.

Commissioner Greenman Wright said she had nothing to add to the rationale. She would be voting no for this. She said she has the expectation of an innovative use that both protects the intent of the community as well as an opportunity for growth and development.

Commissioner Milliken said if this vote goes the same as the previous vote, he would like this to be an item of discussion for a future meeting for the future land use map and/or zoning category, so we're not faced with this discussion again in the future.

Commissioner Ellis shared that citizens' comments and letters did not fall on deaf ears. Safety and love for Kalamazoo was in mind and guiding her vote.

Roll call vote was taken and the Planning Commissioners unanimously voted no. The motion did not pass.

P.C. #2020.03 – Request for text amendment approvals. Chapter 50 Zoning Ordinance Articles 1, 3, 4, 5, and 7. **[Recommendation: Recommend approval of the text amendments to the City Commission]**

Commissioner Greenman Wright, supported by Commissioner Vyas, motioned to table P.C. #2020.03 – Request for text amendment approvals for Chapter 50 Zoning Ordinance Articles to the next regularly scheduled meeting.

A voice vote was taken, and the motion passed unanimously.

H. OTHER BUSINESS

Confirmation of Planning Commission 2020 Calendar: 1/14, 2/6, 3/5, **4/2**, 5/7, 6/4, **7/2**, 8/6, 9/3, 10/1, 11/5 and 12/3 (Verify availability for **BOLDED** dates as these are close to holidays)

Planner Anderson said they are required to post the calendar after the meeting. She asked Commissioners to review the dates, in particular, the ones close to holidays.

It was agreed they will post this calendar.

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

A citizen came forward and made a statement about planning and considering zoning on vacant residential parcels to have appropriate codes for urban agriculture uses.

Another gentleman came forward, he said this was the first meeting of which he was a part. He applauded everyone coming here and said he is more interested than ever to be involved in Kalamazoo. He said he appreciated all of them.

J. CITY COMMISSION LIAISON COMMENTS

None

K. CITY PLANNER'S REPORT

None

L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Chambers thanked City staff for sending everything and keeping them up to date on the requests.

Commissioner Ellis welcomed the new Commissioner and wished everyone a Happy New Year. She announced that Saturday is the Women's March in Kalamazoo, 11:00am Bronson Park.

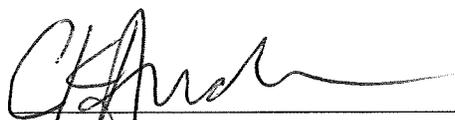
Commissioner Greenman Wright requested to have a script for filling in.

Commissioner Espinosa commented on the amount of people who showed up and asked if they could just have Neighborhood representatives talk. Planner Anderson said it is totally their option. Neighborhood Associations may issue a statement, but individuals may want to come and speak anyway.

M. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 12:38am.

Respectfully submitted,



Christina Anderson, City Planner
Community Planning & Economic Development