

Agenda

City of Kalamazoo - Planning Commission

May 7, 2020

City Commission Chambers, City Hall, 241 W. South Street

7:00 p.m.

- A. Call to Order:
- B. Roll Call:
- C. Adoption of Formal Agenda:
- D. Approval of Meeting Minutes from April 15, 2020 Special Meeting
- E. Communications and Announcements:
- F. New Business:
- G. Public Hearings:
 - 1. P.C. #2020.07: 1009 E. Stockbridge Avenue. The Urban Alliance is requesting a special use permit to allow the building to be used as a community service center at this location. [**Recommendation: approve special use permit for community service center**]
 - 2. P.C. #2020.08: 2203 Paddington Road. Sandra Hester is requesting a special use permit to increase her daycare to a group daycare with seven to twelve children at this location. [**Recommendation: approve special use permit for group daycare**]
 - 3. P.C. #2020.09: Presentation of Oakland Winchell Neighborhood Plan for incorporation into the 2025 Master Plan. This is a joint request of the Oakland Drive Winchell Neighborhood Association (ODWNA) and the City's Community Planning and Economic Development Department. The neighborhood plan draft document is available for review at <http://www.imaginekalamazoo.com/plans/#neighborhood-plans> [**Recommendation: approve recommendation for neighborhood plan adoption by the City Commission**]
- H. Other Business:
- I. Citizens' Comments:
- J. City Commission Liaison Comments:
- K. City Planner's Report:
- L. Miscellaneous Comments by Planning Commissioners:
- M. Adjournment:

City of Kalamazoo
PLANNING COMMISSION
Minutes
April 15, 2020
DRAFT

Electronic meeting
under the authority of Executive Order 2020-15
issued by Governor Gretchen Whitmer

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

Members Excused:

City Staff: Clyde Robinson, City Attorney; Christina Anderson, City Planner; Pete Eldridge, Assistant City Planner; Dorla Bonner, Diversity, Equity and Inclusion Director; Beth Cheeseman, Executive Administrative Assistant; Joseph Ulery, Deputy Chief Information Officer; Neal Conway, Communications Coordinator

A. CALL TO ORDER

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

B. ROLL CALL

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

C. ADOPTION OF FORMAL AGENDA

Commissioner Greenman Wright, supported by Commissioner Espinosa, moved approval of the April 15, 2020 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

D. APPROVAL OF MINUTES

Commissioner Greenman Wright, supported by Commissioner Ellis, moved approval of the March 5, 2020 Planning Commission minutes. With a voice vote, the motion carried unanimously.

E. COMMUNICATIONS AND ANNOUNCEMENTS

Planner Anderson explained the process for the public to comment on agenda and non-agenda items during the meeting.

F. NEW BUSINESS

None.

G. PUBLIC HEARINGS

1. P.C. #2020.06:

1) Text amendments to Section 4.1 Use Table and Section 4.2 Use-Specific Standards of Appendix A – Zoning Ordinance for the purpose of moving the regulations for medical marihuana facilities to Chapter 50.

2) Text amendments to Chapter 50, Article 1: General Requirements and Article 4: Use Regulations for the purpose of adding adult use marihuana establishments to Chapter 50.

Planner Eldridge presented the staff report. He explained the history of the adult use marihuana proposal and reviewed the timeline of public outreach. In November, City staff had their first marihuana panel discussion. In February, a draft of zoning was released to the public, there were two public feedback meetings, a panel discussion, and small group discussions on the Social Equity policy. The draft of the Social Equity policy was released for public comment in March, and a virtual town hall meeting with City Commissioners was held in April. Planner Eldridge stated that they had also received written correspondence from the public.

Planner Eldridge said that the State of Michigan created 10 license types for adult use. He pointed out that many license types are the same or similar as medical marihuana with some differences in the quantity of plants and the definitions. Planner Eldridge shared that some adult-use licenses require proof of Michigan residency or that the person already holds a medical marihuana license from the State (requirement until 2021). He also explained the new recreational license types: Excess Grower, Microbusiness, Designated Consumption Establishment, Event Organizer, and Event License. Planner Eldridge stated that the City Commission will consider Event Organizer and Event License through the license ordinance.

Planner Eldridge said there was one universal standard regarding marihuana license types. That standard is a 1000' separation from pre-existing public and private schools (K-12), and a 500' separation from State licensed child-care centers. He said this would also include schools and child-care centers in adjacent municipalities.

Planner Eldridge reviewed the zoning and special requirements for Grower, Processor, Safety Compliance, Secure Transport, Retailer, Microbusiness, Excess Grower Establishment, and Designated Consumption Establishments. He also explained the spacing reductions allowed under the Social Equity policy. For those eligible, Retailers separation would be reduced to 500' and Microbusinesses separation would be reduced to 250'. Planner Eldridge explained that they are using the zoning code, reductions in separation distances and reduction of fees for those in key census tracts, and good faith hiring to impact social equity.

Planner Eldridge talked about the text amendments. He said there were adjustments to definitions; changes that make medical and adult use marijuana businesses more similar in their regulations; the restriction on sale of food items was removed for provisioning centers. Some formatting was done for better organization and clarity, including to match the format of Chapter 50. City staff's rationale for the text amendments were: Consistency with the Master Plan, Change of Conditions, Demonstrated Community Need, Compatibility with Surrounding Uses and Results in a Logical and Orderly Development Pattern.

Staff recommends approval of these amendments to the City Commission.

Commissioner Greenman Wright asked about the impression staff got from the public regarding the text amendments. Planner Anderson said that, overall, people were positive and supportive of the work. Residents seemed focused on the details, even if they had specific concerns or questions. She said there wasn't a lot of feedback from the draft that was posted online. Planner Anderson shared that one of the themes of the February meetings was the Social Equity policy. People wanted to talk about the details, the benefit to the community, and accessibility for locals to get involved in the industry.

Planner Eldridge shared about the meetings held in the City Commission Chambers in February. He said people in the industry wanted to make sure they can dual license and they to know when they could apply for adult-use licenses. Citizens seemed concerned that separation distances and dispersing of the facilities around the City would continue. Planner Eldridge said they had to talk about the differences between the medical marijuana act and the adult-use initiative and why they didn't list out all protected land uses.

Commissioner Espinosa commented that it was difficult to distinguish between CC and LW2 on the maps because they are all blue and purple shades. He also asked if the separation standards are staying the same for medical marijuana facilities or if they will be changed in the future. Planner Anderson stated those are not proposed to be changed. Planner Eldridge added there have been concerns of removing certain separations for protected land uses. He stated that is a piece which will require more public feedback. At this time, if people want a dual license facility, they will need to abide by the more restrictive uses in the medical marijuana ordinances. Planner Anderson agreed that changing the separation standards for medical marijuana would require a larger discussion than they have been able to have at this point. She reminded Planning Commissioners that the zoning code is never static. It can be changed if it is not working.

Commissioner Espinosa asked for clarification if a greenhouse would be considered an enclosed building for the CC zone. Planner Eldridge responded that a greenhouse is considered a closed building. The greenhouse would have to meet State requirements for security which would require solid walls. He was not sure they would approve a plastic-sided greenhouse for a grow operation. Commissioner Espinosa commented that the cost of growing in an enclosed building is high, and greenhouses allow you to have an operation in colder months.

Commissioner Milliken asked about language added to permit outdoor activities for Grower Establishments. He quoted the language for Class A establishments in zone CC along with subparagraphs regarding outdoor activities. Commissioner Milliken asked for clarification of whether outdoor activities

are allowed in CC. Planner Anderson stated it is not allowed in CC, but that option is available in manufacturing districts. Commissioner Milliken suggested they investigate the language of that section, so they don't have interpretation questions down the line.

Commissioner Ellis invited Ms. Bonner to speak about the Social Equity policy.

Ms. Bonner said they wanted to make sure the equity policy was approved with the ordinance and the zoning because those in medical joining the adult-use side will be required to do the same things because they will be the largest manufacturers. The State has a Social Equity policy and Kalamazoo was one of the communities disproportionately impacted by the war on drugs and it has a high rate of poverty. Anyone applying for recreational licenses in this community are required to submit a Social Equity plan to the State. Kalamazoo was allowed to further refine and develop a local equity policy to make sure the community benefits from the adult-use marijuana business. It was modeled after the State in terms of the licensing deductions. The goal was to make sure that impacted people really benefit from the adult-use business and have wealth building opportunities. Ms. Bonner said they requested that 25% of all fees and tax generated go toward community impact. They hope to use funding to help people prepare to enter the business in 2021; to support the Shared Prosperity of Kalamazoo priorities of Strong Youth, Strong Families, and Good Jobs; to provide down payment assistance to those impacted by the war on drugs; to provide supportive funding for blight elimination in the core communities of Edison, Eastside and Northside. Those are the communities in the City with the highest level of poverty that are the most racially concentrated. They want to make sure to follow their focus in Shared Prosperity of Kalamazoo to impact those communities.

Commissioner Espinosa and Commissioner Pitts asked questions regarding the qualification of living in a neighborhood for three years. They wondered if a person would still be eligible if they moved after three years. Ms. Bonner responded that it needs to be their current residence. They want to make sure people are committed to the neighborhood by longevity.

Commissioner Milliken opened up the public comment portion of the hearing.

Mr. Omar Fakhouri, stated concern about the number of dispensaries/provisioning centers to be permitted in the City if ordinance passes as is. He believed the ordinance would allow over 40 dispensaries at 1000' or over 60 at 500' for social equity applicants. Mr. Fakhouri stated that would cause most businesses to fail unless they are wealthy corporations. He cited Ann Arbor as an example of a city that is more than twice the size of Kalamazoo that has less of a number of permitted facilities. He said, as a small business owner, he has invested his life savings into his provisioning center, and he has a lot at stake. Mr. Fakhouri stated support of social equity but feels it hard to support it as presented. He wondered, if the City thinks 1000 or 2000' separation distances between facilities is appropriate to mitigate risks and saturation, why would 500' make sense for a different type of applicant. Mr. Fakhouri expressed support for disproportionately impacted people getting a foot in the industry, but he believes this ordinance does the complete opposite. He thinks there will be so much competition that only the wealthy, well-funded corporations will survive. He recommended allowing approved provisioning centers to be grandfathered in and have access to cannabis for their community. He also suggested increasing separation to 2000 feet and allow only applicants with social equity eligibility to apply and open it to others after that.

Mr. Todd Levy, Representative of Gage Cannabis, said he believed that some of the language in the proposed zoning ordinance should be changed or tweaked. The buffers should be 500' from facility to facility or there should be a clarification on units of measurement. He said the ordinance currently says it is measured from marihuana building to lot line of buffered use. Mr. Levy suggested measuring from building to building because some lots are shaped irregularly. He said that would be an acceptable alternative.

Mr. Joey Kejbou, Attorney with a focus in the cannabis arena, said there was one segment in the ordinance and FAQ responses related to that segment that he believes to be inaccurate and inconsistent. The proposed ordinance would result in a significant saturation for marihuana facilities. He said the prior buffers in place for the medical marihuana ordinance have been lifted with the exception of schools (K-12) and daycares. Mr. Kejbou stated that in the City's FAQ responses, it is suggested that the reasoning behind less restrictive buffers is because Michigan's adult-use State laws prevent a municipality from restricting adult-use licensees from operating near anything except schools and daycares. He said there is nothing in MRTMA which would prevent a municipality from restricting licensees from being near parks, churches, or any other criteria that a municipality believes to be creating a reasonable restriction on adult-use facilities. Section 6 of MRTMA specifically states that the municipality may regulate the time, place, and manner of marihuana establishments. He said this provides any municipality with broad discretion to implement any regulations and buffer restrictions that would be beneficial to their local economy and environment. Mr. Kejbou asked Planning Commissioners to reconsider current buffers and expand the scope of sensitive uses to other sensitive uses so that the current adult-use ordinance is similar to the medical marihuana ordinance.

Sandy, resident of Kalamazoo, expressed concerned about the tidal wave of marihuana businesses the City wants to bring into our community. She said she is not against marihuana but does not want it to be too normalized for children. She suggested the City go slower with the number of dispensaries and not to allow consumption lounges. Sandy asked why staff thinks it makes sense to have dispensaries next to churches or drug rehabilitation facilities. She wondered why they have less restrictive measures than with medical marihuana. Sandy recommended limiting the amount of businesses by separating them with larger buffers than what is proposed. She urged Planning Commissioners to keep them away from churches, schools, parks and universities, and then review the situation again in a couple years.

Mr. Jevin Weyenberg said he is part of a group who holds two medical licenses in the City. He praised City staff and Attorney Robinson for their work with ordinance. Mr. Weyenberg believes it will provide for excellent opportunities for many residents in the City of Kalamazoo. He is looking forward to the small businesses that will be created because of the excellent work of the City.

Ms. April Ouweleen, President of the Kalamazoo Eastside Neighborhood Association, feels that dispensaries on the Eastside might bring better businesses to their area and help eliminate some of the blight that surrounds them. She said there are many empty buildings that could be dispensaries and vacant lots where buildings could be put up to grow the marihuana. Ms. Ouweleen feels the marihuana laws and different zonings will bring an improvement in certain areas of the City.

Mr. Jack Urban, City Commissioner, asked Planning Commissioners to comment on issues with odor complaints. He asked if the proposed ordinance will provide enough protection to people who will be annoyed by the odors of these operations.

Jonathan shared that he strongly feels they should maintain the same language as was used for medical marijuana – 1000’ from building to building, not property line to property line. He believes this will help to make sure that Kalamazoo has a healthy and robust landscape and not have over-saturation.

Commissioner Milliken commented that several questions were raised about the differences between the adult-use regulations and medical-use regulations. He asked staff to explain why they are different. Planner Anderson said they are different, in general, because they come from two different acts that lay out different standards. Medical marijuana was developed by the legislature and the 2018 activity was a voter initiative. The standards, definitions, and regulatory issues are different. She said they don’t merge easily, but they tried to bring them together whenever possible. Planner Anderson stated that one major difference was buffered protected uses. The State act for medical laid out several specific uses: 1000’ from schools, 500’ from daycare, parks, churches, public housing, rehab facilities, and public pools. Those buffered protected uses were not something discussed with the public for adult-use marijuana, so they followed the State statute for schools and daycare.

Attorney Robinson agreed with Planner Anderson’s remarks. He added that one person’s comments regarding the time, place, manner language being broad is correct. Attorney Robinson said there is nothing to preclude the City from giving the same protections to the same protected uses. He indicated that some of that is a good idea as referenced by the drug-free zones under State and Federal law. They could extend to recreation centers, parks, pools, and places where families with children gather. Attorney Robinson said they were reluctant to do that because they didn’t talk to the public about it. He said they can make that change if the Planning Commission wanted to do that.

Commissioner Wissner stated that, regarding the social equity piece, he understood the motivation of providing easier access to those who might have been adversely affected with prior marijuana issues. He understood the fees, but had a harder time understanding the distancing. Commissioner Wissner said the reduction in separation distance seems as if it is taking the incentive and placing it not on the individual applying, but on the community as a whole. He thought there may be more dense areas just because people might be applicants.

Planner Anderson stated that a retailer already must hold a medical license by the State. That will limit who is able to be a retailer in the City of Kalamazoo through 2021. She said in order to impact the ability for social equity eligible Kalamazoo residents to own a retailer, they incentivized that if the majority of a business is owned by someone who meets the qualifications, they would get the reduction. Planner Anderson said they wanted to give an advantage as far as distance to support that ownership piece. This is tied specifically to our local policy which needs to benefit residents in our community.

Commissioner Milliken brought up the question regarding odor complaints. Planner Eldridge stated that they have language in place for medical marijuana facilities which would be applicable to adult use

facilities. The language is very specific to odor control for growers, processors and safety compliance facilities. Planner Eldridge quoted the ordinance, “No medical marihuana facility shall permit the emission of marihuana odor resulting in a detectable odor that leaves the facility’s premises upon which it originated and interferes with the reasonable and comfortable use and enjoyment of another’s property.” Planner Eldridge also commented that the Michigan mechanical code has a section for ventilation requirements. He said there are several safeguards to eliminate odor issues. If they aren’t dealt with properly, we can turn to our ordinances.

Attorney Robinson added that any of these businesses must be run in conformity with statutes and administrative rules. The administrative rules for medical marihuana and adult-use marihuana are required to meet certain exhaust ventilation requirements. He said there is some concern that the State allows outdoor grow operations. They have tried to mitigate that by limiting that type of operation to the manufacturing areas and requiring a 500’ buffer to any residential zone close to the manufacturing area.

Commissioner Espinosa asked for clarification regarding location criteria related to in-home caregivers. He said the primary caregiver must be located 1000’ from a school or 100’ from a youth center. He wondered if that was correct.

Attorney Robinson said that 1000 and 100 is correct and was taken directly from the federal law. He said there are more protections for schools than a youth center. It is related to the drug-free schools zone law in the federal statutes.

Commissioner Milliken asked for the remainder of the public comments.

Mr. John Hilliard, Millwood Neighborhood Association, asked about Public Safety’s input; how many marihuana facilities of any type will be allowed in any one neighborhood; rules and regulations for Event organizers and Event licenses; enforcement and auditing. He stated the opinion that Microbusinesses should be in designated neighborhoods and allowed 500’ apart and not 250’ apart.

Mr. Jay Fleming congratulated staff on the ordinance. He said he has seen a lot of these local ordinances, and he feels this is the best hope locals have of getting into the industry in Kalamazoo. The lowering of buffers and some of things they are doing for social equity is fantastic. Mr. Fleming stated the biggest issue locals have getting into the industry is real estate. He felt the Planning Commission and staff have done a fantastic job of looking at ways to make that available. Leaving more space for small businesses, microbusinesses and consumption lounges allow more possibility for wealth for individuals in the community. Mr. Fleming suggested lowering some of the buffers even further for locals.

Attorney Robinson stated that Public Safety had a lot of input on the medical side, and they are aware of what is being done. They know these businesses pose a potential target for break-in. They are aware of that and they are welcoming of these businesses with the hope it will move some illegal traffic off the street into legitimate businesses.

Planner Anderson said it is hard to determine how many businesses may be in any one neighborhood. Because of distance requirements between retailers, it depends on where the first one goes, then it will go

from there. Retail licenses will go first to those with medical licenses. Planner Eldridge added that they attempted to anticipate the number of medical marijuana facilities along one corridor and ended up with about half of what they anticipated. He said it is hard to predict in each neighborhood.

Planner Anderson stated that Event organizer and Event licenses would be discussed through licensing at the City Commission level and not zoning. She indicated that auditing and enforcement would be handled through the annual renewal for local and State licenses. She said there is a review process carried out by the Economic Development Corporation board. License holders will have to report on their compliance with the standards and the Social Equity plan. Planner Eldridge shared they have had some discussion of how to spread out the license reviews to allow for an adequate review period for each license holder.

Commissioner Milliken closed the public hearing.

Planner Anderson announced that the call line was open to leave messages for non-agenda items.

Planner Anderson announced a correction. She said the 500' spacing distance between Microbusinesses is not intended to be applied in manufacturing districts. This is for separation when they are in the CC and LW2 districts. Planner Anderson requested that be put forward as a correction in the document.

Commissioner Greenman Wright asked why the spacing adopted for liquor stores was not applied to the distancing requirements to retail locations. Attorney Robinson said they don't know if marijuana retailers will be more like a liquor store or more like a pharmacy. There are places where, if there aren't tight controls, people can congregate, and it can create a problem. He said they've attempted to mitigate that through the spacing requirements and through the permitted zoning. The staff made the best guess on how this will play out in the community.

Commissioner Espinosa commented that many of the substances that can cause problems for individuals come from the corner store pharmacy. Commissioner Espinosa noted the skepticism behind marijuana, but he believes there are great benefits to individuals.

Commissioner Pitts asked for clarity regarding those who are eligible with a conviction. Attorney Robinson stated that under the statute adopted, an individual is eligible to get an adult-use license regardless of past criminal history of marijuana offenses except if found guilty of distribution to a minor.

Commissioner Espinosa, supported by Commissioner Vyas, moved to recommend the approval of the text amendments to the City Commission for Section 4.1 Use Table and Section 4.2 Use-Specific Standards of Appendix A – Zoning Ordinance for the purpose of moving the regulations for medical marijuana facilities to Chapter 50 and Text amendments to Chapter 50, Article 1: General Requirements and Article 4: Use Regulations for the purpose of adding adult use marijuana establishments to Chapter 50, with the condition that the Microbusiness 500' separation distance is only applicable within the CC and LW2 districts.

Attorney Robinson said there was nothing wrong with the motion but suggested restating it to say there is no separation distance under M-1 and M-2 because there is currently an exception under Microbusiness.

Commissioner Espinosa thought City staff did a great job of reaching the general public and receiving public comment and talking to people in the industry. When it comes to ordinances, they're not always perfect, but this opens doors to individuals and communities that want to do something different and get involved in industries. He is looking forward to seeing how things develop and what challenges and issues will come.

Commissioner Vyas agreed with Commissioner Espinosa's comments. She said she is proud of City staff for their work on this. Commissioner Vyas believed it was a lot of detail-oriented work, in addition to making sure they're not boxed into a lot of rules. She thought they did a great job of finding that balance.

Commissioner Ellis was happy that anyone who is not able to watch the meeting will be able to watch it online and reminded viewers that all the information is online. She thanked City staff for being on top of it and getting things pushed on and moving along.

Commissioner Milliken brought up that, previously, they had created three new commercial zoning districts with the intention of eliminating CCBD zoning. He didn't think it made sense to involve CCBD zoning in this amendment when they intend to eliminate that district and create the new ones. Commissioner Milliken expressed concern that they would be creating non-conformities as a result of this action. He suggested hitting the pause button on anything downtown until the three new zoning districts are finalized. They can then revisit them and determine the particular uses acceptable in those zoning districts.

Planner Anderson agreed that Commissioner Milliken was correct. They did approve text amendments that created three new districts. She reminded them that those districts are not mapped. The public process to map those has not started, and the City Commission has not voted on those text amendments. Planner Anderson wasn't sure about businesses getting through the licensing vs. the time it would take for mapping and readjusting D1, 2, 3. She thought it was a possibility. Non-conforming businesses would be grandfathered in. Planner Anderson asked Attorney Robinson how non-conforming businesses would work with the annual license renewal.

Attorney Robinson reminded Planning Commissioners that use runs with the land. A person/entity would have to demonstrate an intent to abandon an existing use.

Commissioner Milliken said he thinks it will make it simpler to wait until they have more knowledge of those districts.

Attorney Robinson stated that they can amend the motion to eliminate locating in the CCBD for now.

Per Commissioner Espinosa's request, Commissioner Milliken restated his suggestion that CCBD (Consumption Establishments and Retailers) be removed from this zoning district until the zoning process is completed for D1, D2, and D3.

Commissioner Wissner, supported by Commissioner Pittelko, made the motion to amend the ordinance to remove CCBD from the two uses that it is stated in, the Designated Consumption and the Retailer.

Commissioner Espinosa asked if they can add a timeline on the amendment. Planner Anderson responded that she wants zoning done as soon as possible, and downtown is next on agenda. However, they are not in normal circumstances, so it is difficult to know when/how they will be able to engage with the downtown businesses and users. Planner Anderson shared that if a Commissioner would like to direct staff to review an issue to be brought back forward, they can do that.

Commissioner Espinosa wanted to review the specifics of the newly created districts. Planner Anderson gave a quick review. D1: most restrictive with active ground floor districts to support principal shopping streets. D2: ground floor uses but opened to allow a wider variety of civic uses and open space uses. D3: downtown, pretty wide open with residential and commercial on the ground floor. This district is much more flexible with its uses for residential and commercial.

Commissioner Espinosa asked if it will add anything that makes a business non-compliant once they change. Planner Anderson shared that it will depend on how the community maps the districts. She said she hasn't heard anything against having marijuana businesses in downtown. After community discussion and public input to map those districts, there may be a desire to adjust uses so one of these businesses would not be permitted. Planner Anderson agreed, in theory, it could open the door to something non-conforming in the future.

Commissioner Espinosa confirmed with Planner Anderson that non-conforming businesses would be grandfathered in. Commissioner Espinosa believed it would be challenging to add something non-conforming since it is already in a business district.

Commissioner Greenman Wright wondered if temporarily banning them from CCBD would create an over-concentration in nearby neighborhoods. Planner Eldridge said that because they would have to be in the CC zone district to open up a Consumption Establishment or a Retailer and would have to meet separation distances, he didn't think it would generate a concentration.

Commissioner Milliken commented that the time it takes to set up one of these businesses and get the licensing vs. the time to complete the zoning work, won't result in a significant proliferation of these uses. He suggested that since they know this is in process, they should be prudent with their work and not put something in the ordinance that they know is going away.

Commissioner Milliken restated the motion made by Commissioner Wissner and supported by Commissioner Pittelko.

Roll call vote was taken: Commissioner Espinosa voted no, all other Planning Commissioners voted yes. The motion passed.

Planner Anderson reminded Planning Commissioners of the two conditions: remove CCBD from the Designated Consumption and Retailer uses and Microbusinesses should not have the 500' separation distance applied to M-1 and M-2.

Commissioner Espinosa asked to clarify the motion to say we are going to revisit the Designated Consumption and Retailer uses downtown instead of eliminating it. Attorney Robinson said that can be taken as direction to staff. Planner Anderson said it is duly noted there is interest in moving that along as quickly as possible.

Commissioner Milliken asked for a roll call vote on the motion with the two conditions recently stated.

Roll call vote was taken, and the motion passed unanimously.

H. OTHER BUSINESS

None.

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

Mr. Richard Stuart asked, as a resident and business owner on Portage Street, for a 6-month moratorium on any design or zoning changes that effect the business corridor on Portage Street. He requested to be contacted in response to his comment.

J. CITY COMMISSION LIAISON COMMENTS

None.

K. CITY PLANNER'S REPORT

Thank you for participating in this new format.

L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Milliken urged Planning Commissioners to watch for emails regarding public meetings as work is still being done regardless of the pandemic. He thanked City staff for their assistance with setting up and helping with the meeting. He also expressed thanks for donations on behalf of Bronson.

Commissioner Chambers thanked the City Commissioners and Planners for coming together to get public comment and helping to move this process along. Stay safe.

Commissioner Pitts said it was good to see everybody. Stay safe.

Commissioner Greenman Wright appreciated the investment of time the City staff made in making the meeting secure and setting up the phone number. She thought this is a really good way for public engagement and to make it as much like a real business meeting as possible.

Planning Commission

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Commissioner Ellis hoped everyone had a great holiday. She believes the City is doing a great job. She said they did receive emails about medical marihuana. She hoped everyone is being safe too.

M. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 9:25 pm.



Planning Commission Staff Report

City of Kalamazoo

Project Address: 1009 E. Stockbridge Avenue
Case #: P.C. #2020.07
Meeting Date: May 7, 2020
Applicant: Urban Alliance
Owner: United Methodist Church
Public Hearing: Yes
Date Legal Ad Published: April 21, 2020

Project Summary:

The applicant is requesting a special use permit to allow the conversion of the former church to a community service center.

Recommendation:

The staff recommends that the Planning Commission approve the special use permit request.

ANALYSIS

Property Size:

1.4 acres

Description of Current Use of Property:

The property is improved with a structure formerly utilized by the United Methodist Church. The sanctuary, classrooms, offices, kitchen and meeting space total

***Community Planning & Economic Development
Department***

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Staff Contact Information:

Christina Anderson, AICP, City Planner
Peter Eldridge, AICP, Assistant City Planner

approximately 9,000 square feet. In addition, there is a gymnasium that is approximately 2,400 square feet on the northeast corner of the building. The paved parking lot has 42 off-street parking spaces. The building has been occupied by Urban Alliance for the last six years along with offices for a couple other nonprofit organizations.

Current Zoning District:

Zone RD-19 (Residential – Residential Duplex District)

2025 Master Plan & Imagine Kalamazoo 2025 Alignment:

The Future Land Use Map denotes the subject parcel as R-2 Residential which is described as medium intensity. Community Service Centers are typically found in neighborhoods. The mission of the Urban Alliance is to cater programming to the Edison Neighborhood.

The request meets the Shared Prosperity goal of the Strategic Vision pertaining to ‘Youth Development’ for youth support services and programs that support adult job training. Additionally, ‘Complete Neighborhoods’ for alignment of land uses with needs of the neighborhood and providing support for the full range of citizen needs.

Surrounding Zoning and Land Uses:

North: Zone RD-19: Single-family home and one vacant lot

East: Zone RD-19: Single-family homes

South: Zone RD-19: Single-family homes

West: Zone RD-19: Single-family homes

Project Description:

The Urban Alliance has been present in the Edison Neighborhood for 15 years and located at 1009 E. Stockbridge Avenue for the past five years. The organization is planning to purchase the property. At this time, they are not planning on any modifications to the building footprint. However, updating the look and functionality of the building are planned, including for the heating/ cooling system, accessibility, lighting, windows and doors.

The mission of the Urban Alliance is to understand and meet the needs of the community through outreach. Urban Alliance participates in the Group Violence Initiative (intervention); Truth, Racial Healing & Transformation Kalamazoo; Momentum Programs (workforce development); Partners with Kalamazoo Neighborhood Housing Services to provide financial literacy through LISC funding. At the present time there are two other nonprofits with space in the building which are Building Blocks and an office for the Group Violence Intervention Coordinator. Urban Alliance has approximately 20 full time employees.

Urban Alliance plans to open up the sanctuary for community events, concerts and meetings. They are also partnering with local churches and plan to provide space for them to increase services in the community. Other programs are also planned within the

building. Consideration is being given to outdoor community use areas (basketball, soccer, community garden, etc.) in the existing yards.

Outreach:

Urban Alliance has reached out to the community to provide an update of the plan to acquire the property and building at 1009 E. Stockbridge Avenue. A neighborhood open house was held the second week of March. Additionally, the information for this project has been shared with the Edison Neighborhood Association.

Review Criteria:

The Planning Commission's role is to approve or disapprove special use permit requests based on the following criteria from Chapter 8 of the Zoning Ordinance. Staff's opinion of the level of conformance of the project with the criteria is provided in the bolded text.

1. That the proposed special use is appropriate for its proposed location and compatible with the character of surrounding land uses and the uses permitted in the zone district(s) of surrounding lands.

The subject property is bordered by three public streets. Most of the traffic flow utilizes Stockbridge Avenue and Mills Street which are Connector Streets. The main entrances to the building are on the south and east sides resulting in minimal activity on the north side of the building which is directly adjacent to a single-family home. The prior use as a church also had associated community programs operating from this property.

2. That the proposed special use complies with Section 4.2: Use Standards of the zoning ordinance.

Community Service Centers are allowed by special use permit in the residential zoned districts with approval from the Planning Commission.

3. That the location and design of the proposed special use minimizes adverse effects, including visual impact of the proposed use on adjacent lands by: 1) avoiding significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance; 2) retaining, to the greatest extent possible, the natural features of the landscape where they provide a barrier or buffer between the proposed special use and adjoining lands; 3) locating buildings, structures, and entryways to minimize impact; and, 4) providing appropriate screening, fencing, landscaping, and setbacks.

The footprint of the existing building will not be altered. Urban Alliance has been in operation at this site for the past five years with no nuisance complaints received by the City. The site has off-street parking for staff and program participants.

4. That the proposed special use minimizes environmental impacts and conforms to all relevant environmental protection standards of this ordinance, or any other state or federal laws.

The community service center use is not anticipated to have any negative environmental impacts on the property or on the adjacent neighborhood

5. That there is adequate road capacity available to serve the proposed special use. **There is a rear entrance off Race Street. However, Stockbridge Avenue and Mills Street are aligned with main entrances to the building and both of these are Connector Streets.**
6. That the proposed special use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site. **No additional driveway entrances or off-street parking are planned for the property in connection with this project. Existing roads and conditions are believed to be safe and adequate.**
7. That there are adequate potable water, wastewater, solid waste, park, police, and fire/EMS facilities to serve the proposed special use. **The site is adequately served by all services.**
8. That the proposed special use is located and designed so that adequate access onto the site is provided for fire, police, and EMS services. **Adequate access will continue to be provided on the site for emergency services.**
9. That the proposed special use complies with the appropriate standards in Chapter 6: General Development Standards and Article 7 Parking and Loading of Chapter 50. **A site plan will be required to be reviewed and approved for this community service center.**
10. That the proposed special use complies with all standards imposed on it by all other applicable provisions of the ordinance for use, layout, and general development characteristics. **This project requires site plan review approval.**

Findings:

Staff has made the following findings regarding this request:

1. Community Service Centers are allowed as special uses in Zone RD-19 with approval from the Planning Commission.
2. The proposed use will be able to comply with all Zoning Ordinance requirements.
3. Urban Alliance has been a tenant in this building for the last five years while providing programs and services to the neighborhood.
4. The proposed facility will continue to house Urban Alliance Staff and provide meeting space for outside groups.
5. Urban Alliance administers programs that service youth, adults and other nonprofits.

RECOMMENDED ACTION

The staff recommends that the Planning Commission approve the special use permit request for the community service center.

Attachments:

1. Background on Urban Alliance
2. Existing Zoning Map
3. Aerial Map
4. Existing Land Use
5. Future Land Use
6. Site Diagram for Church

ABOUT US

The people who are making a difference every day.

WHERE OUR STORY BEGAN



EMBRACE



URBAN
ALLIANCE

Our roots began in 1999 when our founding members made an observation that shaped the next 20 years and unknowingly at the time, was the impetus for a legacy that would affect generations, Urban Alliance. Our founding members observed that within our community, individuals were unseen, underserved, and not pursued by the very systems set up to serve them. With an open heart and an open mind, the founding members set out to pursue relationships with the most marginalized members of our community in a “way” that was authentic and practical. A team of volunteers set out with a mission to recklessly pursue individuals, and this began on the street corners and within the local gangs.

The focus was on connection; a real relationship built on love and acceptance through creating a space of understanding and empathy. It was through these actions that our earliest volunteers would communicate to our friends in the neighborhood that they are valuable members of society worthy of love, opportunities and success. It wasn't an overnight transformation, but through the effort of 7+ years of relationship building and radical pursuit, long lasting relationships were formed. It was these very connections and friendships that shaped the framework of what would be Urban Alliance.



ENGAGE

In 2006 Urban Alliance received its non-profit status and continued to operate as a conduit to embrace marginalized



URBAN
ALLIANCE

communities within Kalamazoo. With our primary focus being on the Northside, Eastside, and Edison Neighborhoods.

As a result of our initial efforts and critical relationship building we began to engage deeper, listening to the needs, wants and desires of our friends in the neighborhoods. We engage our friends in this way because we believe that programs and initiatives designed for marginalized communities should come directly from the hearts and minds of individuals living in marginalized communities. This thought process created a space for our current initiatives and partnerships: Momentum Urban Employment Initiative, Urban Outreach Initiatives, Financial Opportunities Collaborative, GVI Partnership, Youth Academy partnership and more.



EMPOWER

It was very clear that our friends in marginalized communities were valuable, capable, intelligent, compassionate and courageous individuals that desired to be seen and empowered. Our friends didn't need a handout or a hand up. They needed someone to believe in them and create a space where their potential could be utilized in a way that would advance them. All of our initiatives and partnerships have been uniquely designed to create a platform for individuals to uncover their talent and potential, learn new skills, and most importantly, learn to believe in themselves again. At Urban Alliance we create a space for this to happen, our friends do the hard work.



WHERE WE ARE NOW

Now, 20 years after this work began we have nearly 20 full-time staff members all working together to use our privilege and access to continue to embrace, engage and empower our friends with excellence all while challenging our community as a whole to do the very same.

At Urban Alliance we have recognized that our responsibility extends to educating the mainstream community about the incredible discoveries we have made about individuals who have often been neglected by our society and systems. Discoveries that within these underserved and impoverished neighborhoods are some of the most exceptional individuals you will ever meet. We are honored to be in a position that allows us to actively address the very systems that have prevented our friends from being fully heard and seen. We call this work shifting the narrative. Specifically, shifting the narrative and perception around who we as a society deem as valuable.

This work is only possible because of relationships that have been established, are being established, and will be established within the future. We have a saying amongst staff that “everything we do here at Urban Alliance is an excuse to build a relationship.” Because, without a relationship a true understanding can never be developed.

And so, we continue to pursue, we continue to listen, and we continue to lay it all on the line for our friends.



**MOMENTUM
ALLIANCE
URBAN
EMPLOYMENT
INITIATIVE**

'Momentum' started in the fall of 2013 from observed needs in the core neighborhoods of Kalamazoo. Namely, many individuals desiring work, were not properly equipped and supported to find employment, maintain employment and experience employment growth opportunities.

**MOMENTUM
BUSINESS
NETWORK**

Connecting
Employers and
Employees

Urban Alliance has established the Momentum Business Network (MBN) whose members guarantee interviews for each graduate upon completion of the program and whose policies allow for the hiring of Momentum graduates.

[Learn more](#)

**URBAN
ALLIANCE
TECHNICAL
CENTER**

Hands On Technical
Training

Beginning in 2015, Urban Alliance formed a partnership with Kalamazoo Valley Community College (KVCC) to provide technical training on the back end of Momentum. These intensive, accelerated, employer-driven academies have been highly successful in equipping Momentum

**URBAN
OUTREACH
INITIATIVE**

Embracing Urban
Communities

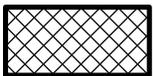
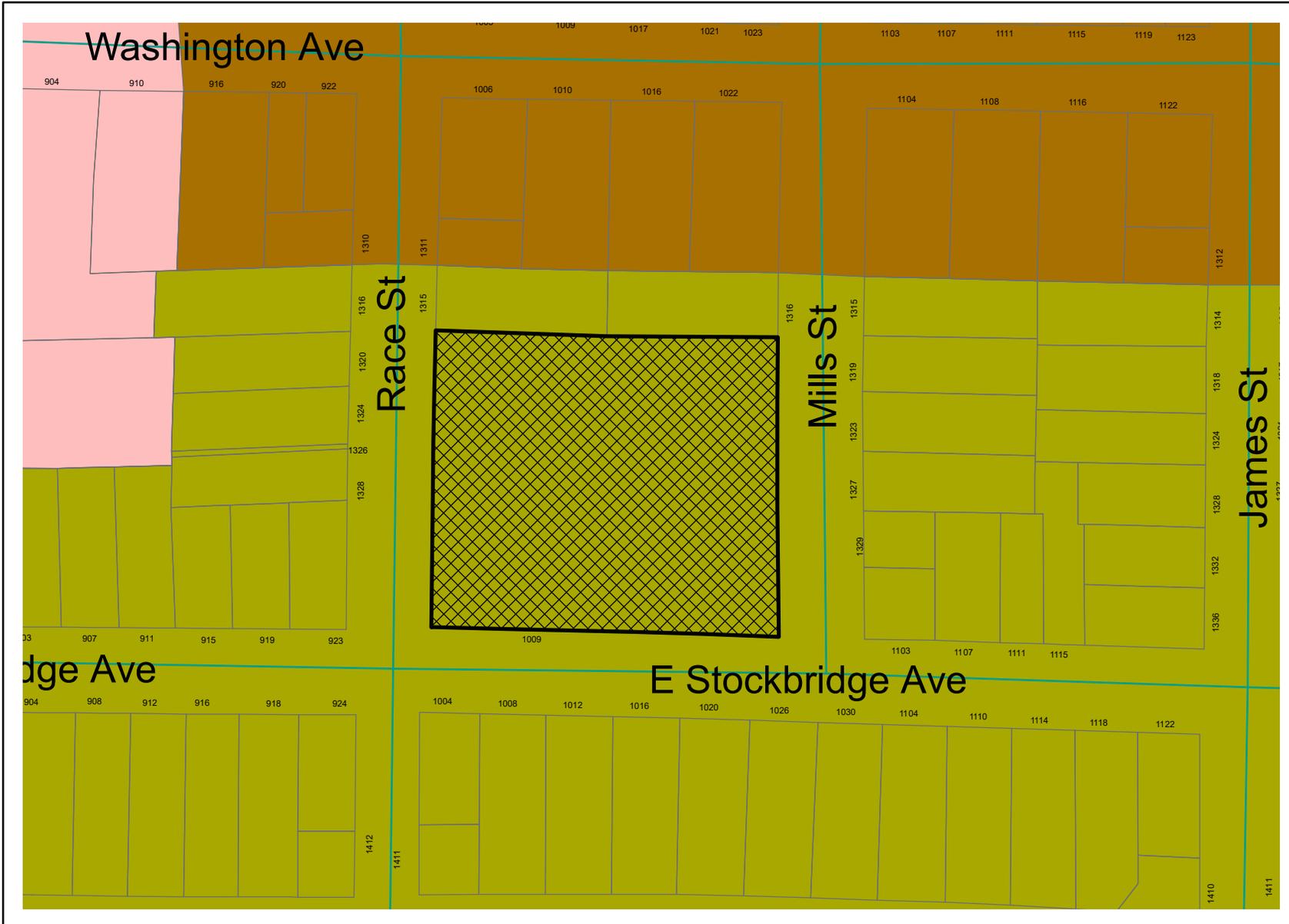
The Urban Outreach Initiative (formerly Vanguard Street Ministry) is foundational to the overall work and success of Urban Alliance. This initiative is our "boots on the ground" efforts to build relationships with individuals in urban communities.

[Learn more](#)

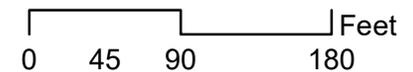
PC #2020.07 – 1009 E Stockbridge Ave. Special Use Permit – Community Service Center

Current Zoning

-  CC
-  RD-19
-  RM-15



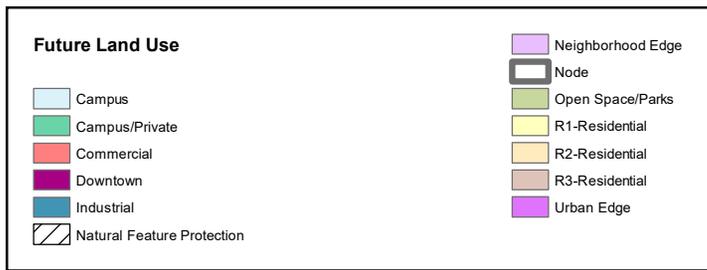
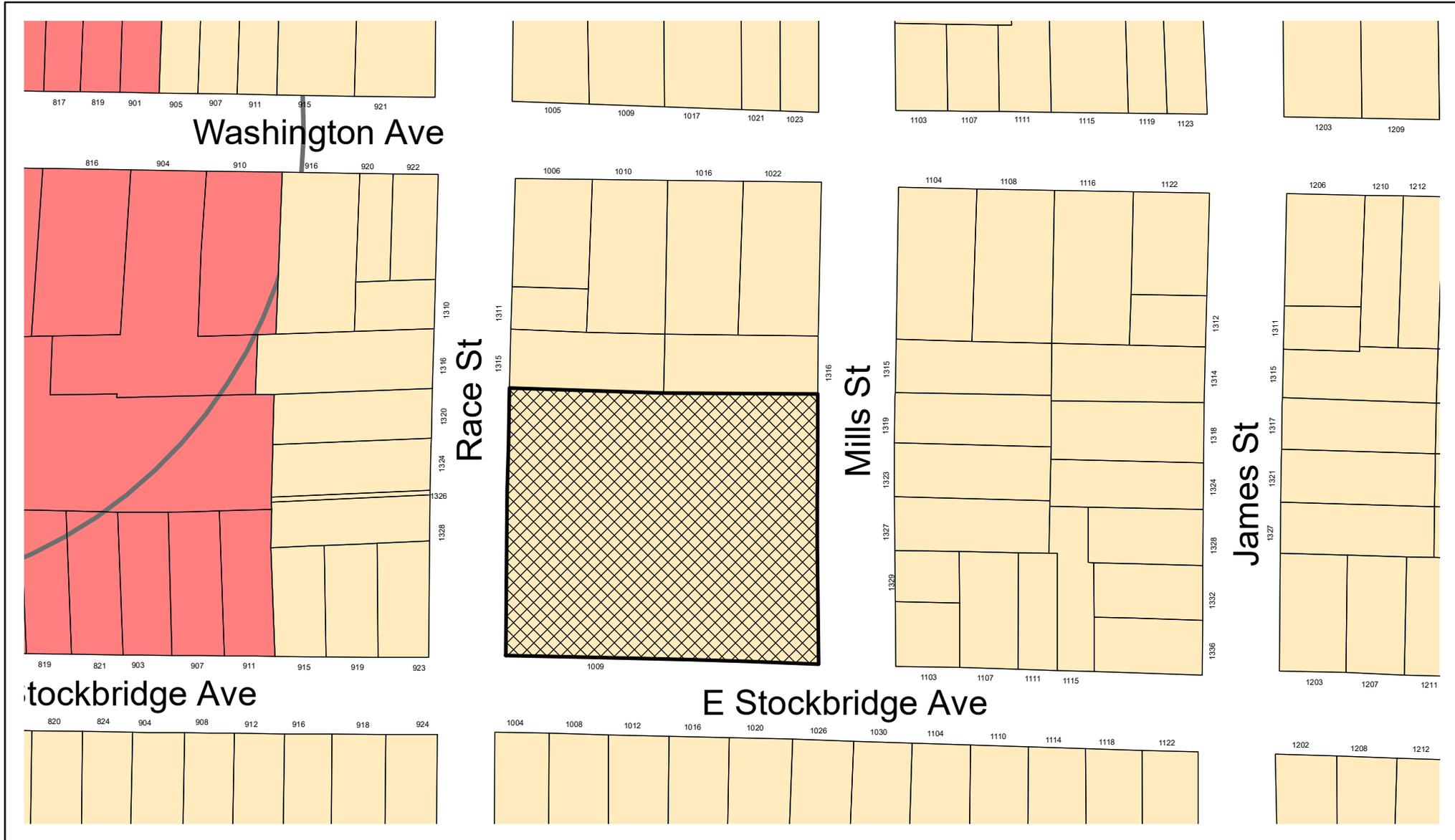
PC #2020.07 – 1009 E Stockbridge Ave.
Special Use Permit – Community Service Center



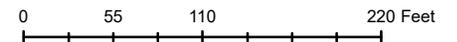
**PC #2020.07 – 1009 E Stockbridge Ave.
Special Use Permit – Community Service Center**



PC #2020.07 – 1009 E Stockbridge Ave. Special Use Permit – Community Service Center



PC #2020.07 – 1009 E Stockbridge Ave.
Special Use Permit – Community Service Center





1316

1315

1316

1315

1320

1319

1324

1323

1326

1327

1328

1329

923

110

1009

RACE ST

MILL ST

RACE ST

E STOCKBRIDGE AVE

E STOCKBRIDGE AVE

264'

280.3'

230.3'

264'



Planning Commission Staff Report

City of Kalamazoo

Project Address: 2203 Paddington Road
Case #: P.C. #2020.08
Meeting Date: May 7, 2020
Applicant: Sandra Hester
Owner: Willie B. Boyd / Garry and Sandra Hester
Public Hearing: Yes
Date Legal Ad Published: April 21, 2020

Project Summary:

The applicant is requesting a special use permit to expand the day care operation from a family day care (capacity one to six children) to a group day care (capacity seven to twelve children).

Recommendation:

Staff recommends that the Planning Commission approve the special use permit request, with the following conditions:

1. The group day care use shall not be operated until the required license is obtained from the State of Michigan.

ANALYSIS

Property Size:

.182 acres

***Community Planning & Economic Development
Department***

245 N. Rose Street, Ste. 100
Kalamazoo, MI 49007
(269) 337-8044
(269) 337-8513 [fax]
www.kalamazoo-city.org

Staff Contact Information:

Christina Anderson, AICP, City Planner
Peter Eldridge, AICP, Assistant City Planner

Description of Current Use of Property:

The property contains a single-family home.

Current Zoning District:

Zone RS-5 (Residential – Residential Single Dwelling District)

2025 Master Plan & Imagine Kalamazoo 2025 Alignment:

The Future Land Use Map denotes the subject parcel as R-1 Residential which is described as low intensity residential. Home day cares are an appropriate land use in R-1 Residential.

The request meets the ‘Complete Neighborhoods’ goal of the Strategic Vision pertaining to creating areas that support the full range of daily needs of the community. Neighborhood-based day care uses facilitate ease and convenience for those residents living nearby who need such a service.

Surrounding Zoning and Land Uses:

North: Zone RS-5: Single-family home

East: Zone RS-5: Single-family home

South: Zone RS-5: Single-family home

West: Zone RS-5: Single-family home

Project Description:

The property is located in the Milwood Neighborhood. It has a two-story single-family home with 1,602 square feet of living space which was built in 1950. The home has four bedrooms, two and a half bathrooms, and an attached garage. The rear yard contains a fenced in yard, shed and small deck. The front yard has a double lane driveway. Ms. Hester has been licensed to operate a family day care since 2006 at this location. She currently has children ranging from 18 months to 11 years of age. A day care license allows for infants through 12 years of age.

Ms. Hester is at capacity now and serves almost all first shift workers with the exception of one second shift worker. She would like to expand her capacity and be able to provide day care for more second shift workers, as she has had to turned away families. Ms. Hester’s daughter assists her with the day care operation.

Outreach:

The information for this project has been shared with the Milwood Neighborhood Watch Organization. All neighbors within 300 feet of 2203 Paddington Road have received letters announcing the public hearing on May 7th.

Review Criteria:

The Planning Commission's role is to approve or disapprove special use permit requests based on the following criteria from Chapter 8 of the Zoning Ordinance. Staff's opinion of the level of conformance of the project with the criteria is provided in the bolded text.

1. That the proposed special use is appropriate for its proposed location and compatible with the character of surrounding land uses and the uses permitted in the zone district(s) of surrounding lands.
The subject property is bordered by other single-family homes. Child day care uses are common in residential neighborhoods. The operation will be licensed and monitored by the State of Michigan.
2. That the proposed special use complies with Section 4.2: Use Standards of the zoning ordinance.
Group day care uses are allowed by special use permit in this zone with approval from the Planning Commission.
3. That the location and design of the proposed special use minimizes adverse effects, including visual impact of the proposed use on adjacent lands by: 1) avoiding significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and does not create a nuisance; 2) retaining, to the greatest extent possible, the natural features of the landscape where they provide a barrier or buffer between the proposed special use and adjoining lands; 3) locating buildings, structures, and entryways to minimize impact; and, 4) providing appropriate screening, fencing, landscaping, and setbacks.
The house and property are residential in use and appearance. The maximum number of children in the group day care will not exceed twelve. As is required for group day care homes, children will only be allowed to play outside with proper supervision. No changes are proposed to the house or yard.
4. That the proposed special use minimizes environmental impacts and conforms to all relevant environmental protection standards of this ordinance, or any other state or federal laws.
The group day care use is not anticipated to have any negative environmental impacts on the property or on adjacent properties.
5. That there is adequate road capacity available to serve the proposed special use.
It is anticipated that the existing road capacity will be sufficient to accommodate the traffic for the proposed use. Though some residents have raised concerns about the increase in traffic.
6. That the proposed special use is designed to ensure safe ingress and egress onto the site and safe road conditions around the site.
The existing two-lane wide driveway will be adequate to accommodate the proposed use. The day care children will be dropped off/picked up from the driveway or in front of the house.

7. That there are adequate potable water, wastewater, solid waste, park, police, and fire/EMS facilities to serve the proposed special use.
The subject property is adequately served by all of these facilities.
8. That the proposed special use is located and designed so that adequate access onto the site is provided for fire, police, and EMS services. **Adequate access will continue to be provided on the site for emergency services.**
9. That the proposed special use complies with the appropriate standards in Chapter 6: General Development Standards and Article 7 Parking and Loading of Chapter 50.
Staff believes the proposed use complies with the standards in Chapter 6 pertaining to off-street parking.
10. That the proposed special use complies with all standards imposed on it by all other applicable provisions of the ordinance for use, layout, and general development characteristics.
Staff believes the proposed use will meet the applicable provisions of the Zoning Ordinance.

Findings:

Staff has made the following findings regarding this request:

1. Group day care uses are allowed as special uses in Zone RS-5 with approval from the Planning Commission.
2. Day care uses in homes are common in residential neighborhoods.
3. The proposed facility will be licensed and monitored by the State of Michigan.
4. The applicant has met with license adviser to confirm State requirements for a group day care can be met.
5. The neighborhood has been informed of the proposed change to a group daycare.

RECOMMENDED ACTION

The staff recommends that the Planning Commission approve the special use permit request for the group day care use in the existing house for seven (7) to twelve (12) children, with the following conditions:

1. The group day care use shall not be operated until the required license is obtained from the State of Michigan.

Attachments:

1. Special Use Permit Application/License
2. Existing Zoning Map
3. Aerial Map
4. Existing Land Use
5. Future Land Use



Application for Special Use Permit

Fully completed application, fee, and all related documents must be returned to the Community Planning and Development Department at least four (4) weeks prior to the Planning Commission Meeting.

Please Include the \$375 Fee

SU-2/5

Return to the Community Planning and Development Department, 415 Stockbridge Avenue, Kalamazoo, MI 49001

A. Applicant Information

Name of Applicant Sandra Hester Phone 269-568-0158
Address 2203 Paddington Rd Fax _____
City Kalamazoo State Michigan Zip 49001

[If the applicant is not the property owner, a letter signed by the owner agreeing to the Special Use Permit must be included with the application]

Email-nancypeersa6@yahoo.com

Owner of Parcel [if different than applicant] SAME as above Phone _____
Address _____ Fax _____
City _____ State _____ Zip _____

Provide names and addresses of any other person having a legal or equitable interest in the property

N/A SAME AS ABOVE NO OTHER PERSON

B. Property Information

Street or Street Address 2203 Paddington Rd
This property is located between Portage Rd street
and _____ street, on the
 north south east west side of the street.

Number of acres _____

Legal Description of the property [may be on a separate sheet attached to this application] Its a 2 story 4 bcd room home

C. Purpose of Request [describe briefly the nature of your request]

I have been licensed since 2006 by State of Michigan operating a Family Daycare of 6 would like to expand to be able to care for 7 to 12 kids, to accommodate and serve the community its parents need of 2nd and 3rd shift, want to be able to help them by doing so parents can accept 2nd + 3rd shift jobs to care for their family

D. Attachments [8 – 24” x 36” prints; 2 – 11” x 17” prints]

- Development Site Plan
- Topographic Map
- Architectural Renderings [may be waived by the City Planner]

This application shall be completed in full and accompanied by all supporting data and the application fee before it will be accepted by the City of Kalamazoo.

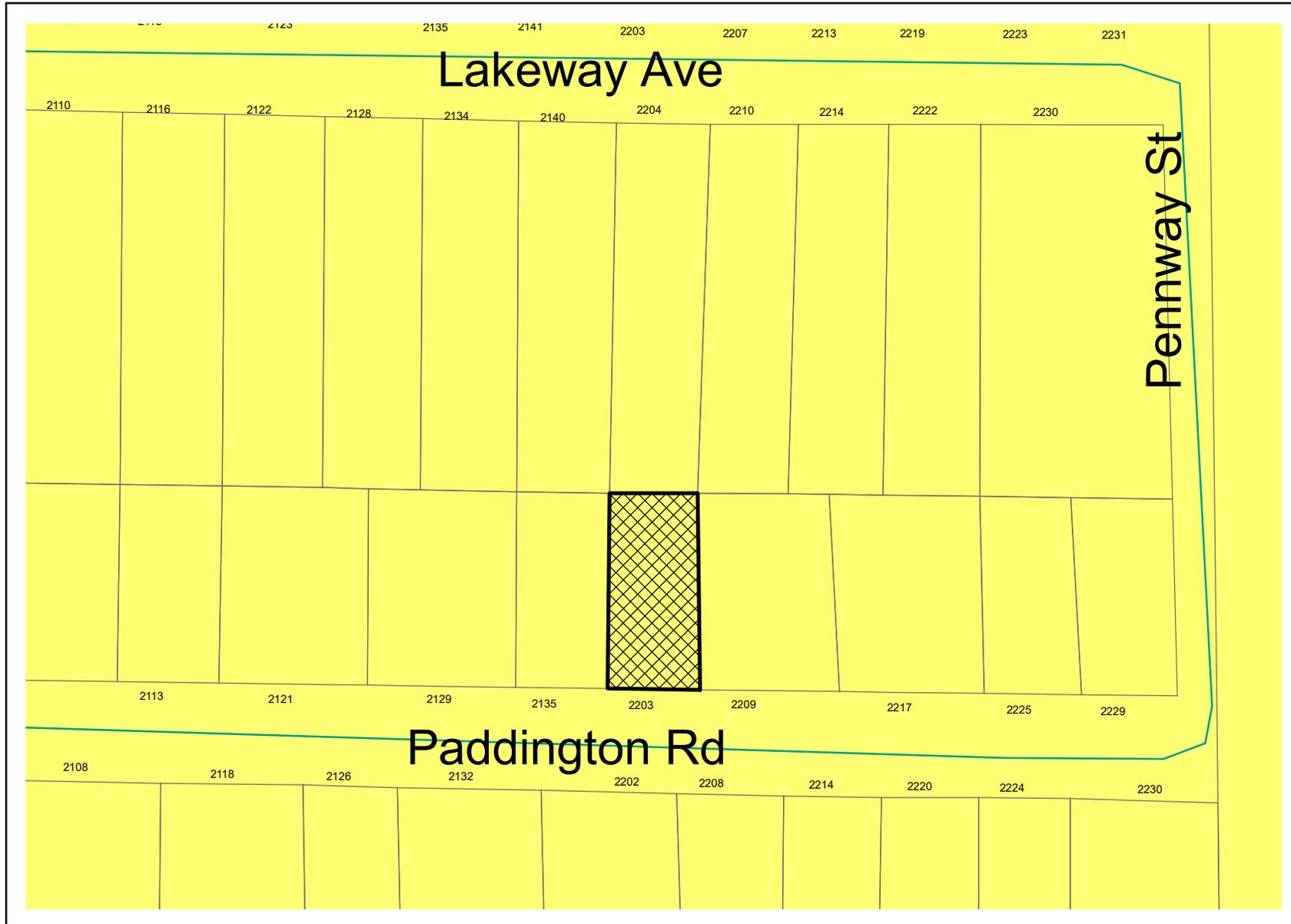
Sandra Hester
Signature of Applicant

3-11-20
Date

Signature of Owner (if different than applicant)

Date

P.C. #2020.08 – 2203 Paddington Rd. Special Use Permit – Group Daycare

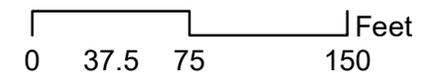


Current Zoning

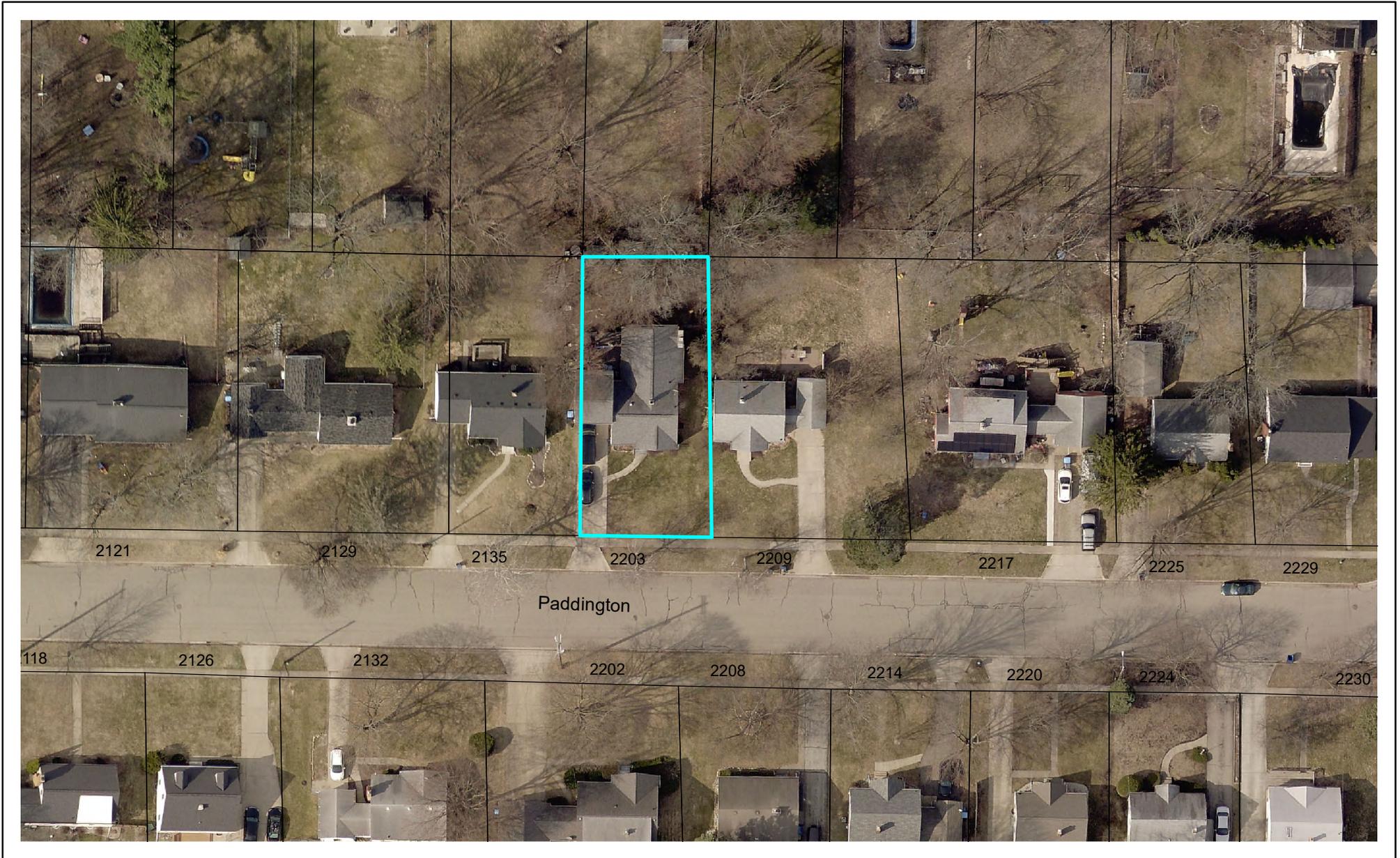
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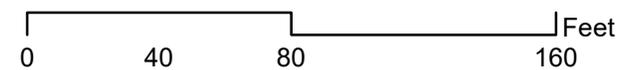
P.C. #2020.08 – 2203 Paddington Rd.
Special Use Permit – Group Daycare



**P.C. #2020.08 – 2203 Paddington Rd.
Special Use Permit – Group Daycare**



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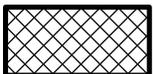


**P.C. #2020.08 – 2203 Paddington Rd.
Special Use Permit – Group Daycare**

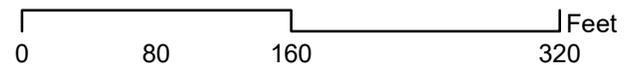


**EXISTING
LAND USE**

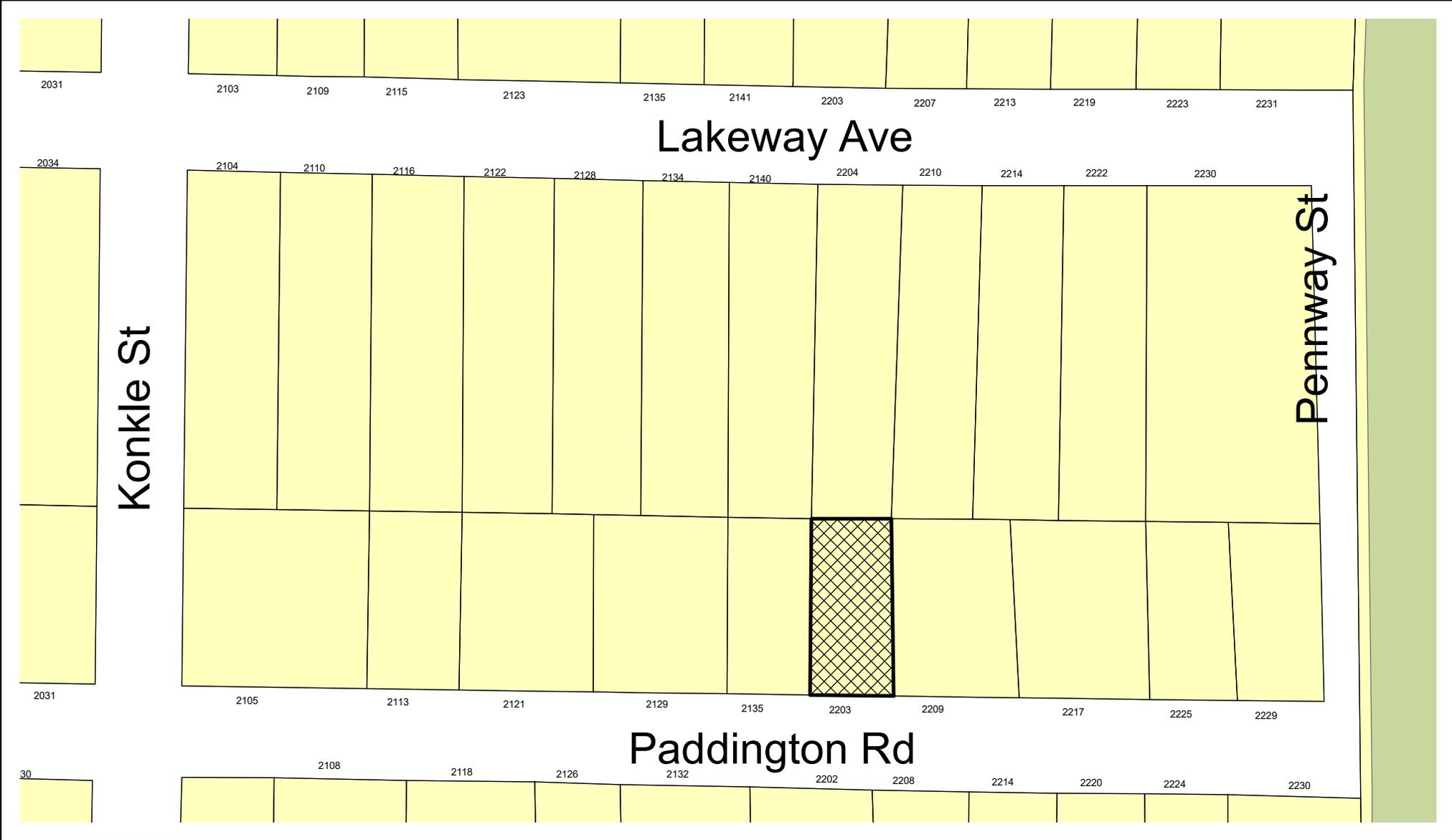
-  COMMERCIAL
-  VACANT
-  TAX EXEMPT
-  INDUSTRIAL
-  RESIDENTIAL



**P.C. #2020.08 – 2203 Paddington Rd.
Special Use Permit – Group Daycare**



P.C. #2020.08 – 2203 Paddington Rd. Special Use Permit – Group Daycare



Future Land Use

Campus	Neighborhood Edge
Campus/Private	Node
Commercial	Open Space/Parks
Downtown	R1-Residential
Industrial	R2-Residential
Natural Feature Protection	R3-Residential
	Urban Edge

P.C. #2020.08 – 2203 Paddington Rd. Special Use Permit – Group Daycare

