

City of Kalamazoo
PLANNING COMMISSION
Minutes
February 6, 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; Derek Wissner; Coreen Ellis; James Pitts; Brian Pittelko

Members Excused: Shardae Chambers; Sakhi Vyas

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

A. CALL TO ORDER

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

B. ROLL CALL

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

C. ADOPTION OF FORMAL AGENDA

Planner Anderson announced that Planner Bobby Durkee was unable to come to the meeting to present the information on Transitional Residences. She requested the item be moved from F.1. New Business to K.1. City Planner's Report.

Commissioner Greenman Wright, supported by Commissioner Espinosa, moved approval of the February 6, 2020 Planning Commission agenda as amended. With a voice vote, the motion carried unanimously.

D. APPROVAL OF MINUTES

Commissioner Milliken requested the addition of the words, "if it's not CC," to the last sentence on page 20, paragraph 4.

Commissioner Ellis, supported by Commissioner Espinosa, moved approval of the January 14, 2020 Planning Commission minutes as amended. With a voice vote, the motion carried unanimously.

E. COMMUNICATIONS AND ANNOUNCEMENTS

None

F. NEW BUSINESS

Transitional Residence Report was moved to K.1. City Planner's Report.

G. PUBLIC HEARINGS

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**]

Planner Anderson presented the staff report. She reported they had some text amendments to Chapter 50, the zoning ordinance, to review. She said there were three reasons to make the changes. 1) They have been using these code for about a year. There were places where the language wasn't clear, where they would get questions, and where variances were need. 2) The City is working in Vine, Edison, Eastside, and Northside to do some mapping work. Specifically, to use the mixed-use districts: Live Work 1, Live Work 2 and Node for the commercial center district. Planner Anderson explained when those districts were created, they were narrowly defined for the Northside. The code needed some tweaks to make them work elsewhere. 3) They are kicking off their downtown zoning process and will be organizing meetings in the coming months. In order to start those conversations, they created new downtown districts. Planner Anderson stated these districts will live only in the document until they are mapped. She explained these districts will give them a starting point to have discussions with downtown property owners, business owners and residents. Right now, downtown is one big district. Planner Anderson pointed out they allow residential uses on ground-level everywhere in downtown. They don't want that on the ground-floor of the mall because it is the active, principal shopping area. They needed to find a way to differentiate that. She remarked that the copy online has changes in red to make them easier to pull them out.

Commissioner Espinosa asked if the downtown districts will be mapped on the future land use map. Planner Anderson said the zoning code and zoning map will be updated and clarified the difference between the zoning map and the Master Plans Future land Use map. She said that right now all of downtown is CCBD zoning. Conversations at downtown meetings have let them know they need to think about it in different chunks. Planner Anderson said the creation of these districts gives them a starting point for conversations about what will be allowed in the different areas. They took the zoning they have now and input they already had to create these districts. Planner Anderson said they have one district where residential is not allowed on the ground floor; one district allows it on the ground floor and allows religious assembly and other civic uses on the ground floor; one district where everything goes. They will have discussions with the community to figure out how they get located downtown.

Commissioner Espinosa asked if they have proposed locations where they are thinking of putting the zoning. Planner Anderson said she has ideas as a planner and by looking at best practices. The City will take this and what they hear at meetings, then push and pull the line one direction or another to make sure it is working. She indicated they will consider the Master Plan's hierarchy of streets with the priority streets being the most pedestrian active, walkable streets. Planner Anderson guessed they would recommend a more restrictive downtown district with active ground-floor uses on the priority street.

Planner Anderson said that over the last two weeks, they've had four zoning meetings with Neighborhoods. She said they went in recognizing problems with the current zoning, acknowledging the vision for the area, and asking them to consider the new districts. Planner Anderson said you need to have a balance and come in with ideas to have a starting place.

Planner Anderson said they updated the parking map to match the new DEGA boundary. They made a change on the parking table as it relates to hotels, especially hotels by the expressway. She said they were bumping up against the maximum coverage allowed. The code was written too narrowly for hotels that exist along the expressways and that kind of community commercial district.

Commissioner Milliken asked about the change on the parking table, on page 17, where it talks about attached units. He reported that it says up to two spaces are permitted if they are internal to a primary or secondary building. He wondered if that required garages. Planner Anderson stated that it doesn't require garages. She said the parking standard says one space per dwelling unit. Less parking is required for an all-senior project and more is required for student housing. They've found through multiple projects that the code bumps up against the two-car garages for most single-family homes or attached homes. They needed to work in a way to allow what was very standard in the neighborhoods. The verbiage they chose says that everybody gets their one space per unit. Attached or detached dwellings can have two parking spots. The driveway doesn't count.

Commissioner Milliken said the way it is written, it makes it sound like it needs to be enclosed. He pointed out that if you're building a 6-unit townhouse development, you could have an open parking lot with 12 spaces. That would not be internal to a building. Planner Anderson stated that a carport is a good point. She requested they continue with questions while she thinks about this issue.

Commissioner Greenman Wright asked about the use of carriage strips and gravel driveways. Planner Anderson said when they updated the parking and loading section in 2018, Public Services was updating its access management policies. They were able to have a conversation about when that is the appropriate material and how that works. Planner Anderson stated that they allow the carriage strips provided there is a little distance between where gravel starts and the right of way. The reason for that is to make sure materials are not running off into the storm system. That is why quantity and size of gravel is limited.

Commissioner Greenman Wright referred to the permitted use table on page 15, saying there are residential units in Live Work 1 and D1, 2, and 3. She said that especially downtown along Westnedge and Cedar there are a lot of single-family homes still being used as homes. She wondered what the expectation is when the property is sold.

Planner Anderson shared that residential is allowed without restriction in D2 and D3. In D1, residential could happen on the ground floor, just not along the front of the building. If it is a rear unit that is ADA or if they just want a ground-floor unit, that is fine. She said it is the same for Node. They want those areas to be active commercial units. Active uses need to be on the ground floor. She said this would be part of the discussion they would have with downtown, but she didn't anticipate they would do the most restrictive district.

Commissioner Greenman Wright stated that Westnedge and Vine is designated as Node and there are still homes there. Planner Anderson stated that the changes are a lot of cleanup, eliminating problems and making sure zoning code matches the vision; the intention is not to create a lot of nonconformances.

Commissioner Espinosa asked for a clarification on the standard for 4.4 and C. Agriculture. When it says, the use of outdoor farm machinery is not permitted, he wondered what kind of farm machinery it meant. Planner Anderson said the line would be drawn if someone made a complaint. The Zoning Inspector would look at what is reasonable for the residence. Planner Anderson said they haven't had to make that clarification since it's been in the code. They worked with KVCC and their Sustainable Food and Urban Agricultural people to come up with that definition. They felt that was a clear definition.

Commissioner Milliken asked about page 25, Development Standards for Agriculture as an Accessory Use. It says it is permitted in all yards. He made the comment that there are lot types that may not have a lot of room for agriculture. Planner Anderson responded that the City allows you to use your front yard for agriculture purposes. Residents are required to submit a plan, so they can know how to draw a line about nuisance/weed violations vs. a planned natural scape and agriculture. Planner Anderson gave the example of Martinis. She said both in the right of way and curb lawn their landscaping is all edible herbs. She said residents can't disregard building requirements, but this kind of agriculture is permitted. This standard was added after conversations with MI State University's Extension. They have a woman who works closely with the Urban Farm program at KVCC.

Commissioner Milliken added that on, page 32, under uses, 5.4 A.2, he thought something was missing. There is a sentence that doesn't have a verb. Planner Anderson read the portion he questioned and answered that they are talking about uses and it is just for clarification. When you see the restrictions in the lot types, if you need more information, this is where you go. After some discussion, it was decided to leave the wording as it was.

Commissioner Milliken asked about page 37, Lot Types by Zoning District. He said that D1 is only commerce, so he thinks of Bronson Park and the civic buildings around it. He wondered if civic lot types should be in D1. He was assuming Bronson park will be in the D1 district. Planner Anderson said she

didn't think it would be in the D1 district. D1 is the principal shopping district by definition. D1 talks about priority streets and the principal shopping area. D2 and D3 is where civic buildings are allowed.

Commissioner Milliken talked about the front build to zone where there is an addition of 0-10 feet for public space, wider sidewalks, on-street parking, or cafes, but then the footnote says it is not permitted in D1. He said it would depend on how D1 is mapped. If it is Michigan Avenue or the Mall, that's where he would expect to find larger sidewalks. Planner Anderson commented that those exist already. The mall has a wide sidewalk and allows for sidewalk cafés. Michigan Avenue will have a wider sidewalk. The extra space (0-10 feet) was added for Nodes where the sidewalk is never as wide as downtown. They wanted to allow some flexibility for neighborhood nodes to have that extra space.

Commissioner Espinosa asked about Appendix A. Planner Anderson said Appendix A is where the old zoning code exists. Everything is in the Municipal Code as a chapter number or Appendix letter. The zoning code developed in 2005 was in Appendix A. She said that one of the negatives of doing the incremental approach is that it's not as clean to go find things online. She hopes as we move through these changes - commercial by mid-year and then turn to residential - they will have a much cleaner map and document. Planner Anderson said they felt when they began the process, the 2005 code would have been difficult to edit.

Planner Anderson stated that she wanted to go back to the parking table. If this moves forward, she wanted to make sure it was phrased in a way that made them comfortable. Cities around the country are rethinking parking. It is extra space and impervious surface. They find places all over the City where there is empty parking. When they updated the code 18 months ago, they changed the parking requirements to result in less spaces required, and they also included a maximum of 110% over. They found that one of the problems was, while they were dealing with multi-unit buildings on corridors and downtown, they were potentially causing problems for new single-family homes going in or new attached housing. The intent was to rectify that. Planner Anderson proposed striking after the word, "permitted." Commissioner Milliken said that was perfect.

Commissioner Ellis spoke up regarding the addition to the districts D1, 2, 3. Planner Anderson verified for her that they do not know what the map will look like. It will be part of a lengthy, public process to determine where the districts will go. Planner Anderson said where you draw the line with the districts will require a lot of discussion amongst stake holders. Commissioner Ellis suggested simplifying the language, so it doesn't feel like anyone is losing or gaining something. She wanted to make sure it's clear D1 is not better than D2, perhaps clarifying that one is retail and one is residential. Planner Anderson agreed that each district has its own intent. They are often numbered or lettered and that usually implies intensity. Each one will have different standards as to where buildings are located on a lot or relating to uses. It is all about if the district reflects the character of the area.

Commissioner Espinosa stated that Central CCBD will disappear and it will be D1, D2, D3. He asked why they didn't work this out in overlays. Planner Anderson said overlays add another layer of standards. An overlay says everything underneath is fine with a couple of exceptions, or with these added rules.

When a code is updated, a second set of standards wouldn't help if the base is not right. They are put on areas that need additional thought or standards, like NFP. Planner Anderson shared that if the base zoning is correct, then you can move forward.

Commissioner Milliken commented that this would be easier if they knew the map, but if they flip it around and try to map without knowing the standards for the districts, it would be an exercise in futility. Generally, in downtown they've set three zoning districts up, then they will go out and work with the downtown. They can then have informed conversations with people because they will be able to look at D1, 2, and 3 and understand the difference between them, see the pros and cons and be able to respond appropriately. It seems hypothetical to them now, but it is more productive in the long run.

Commissioner Milliken opened the public comments portion of the hearing.

Mr. Jeff Messer came forward and informed the Planning Commissioners that only the agenda was posted on the website. He stated there were no additional attachments. Mr. Messer said the public had no opportunity to read the changes much less respond to them for the Planning Commission. He also informed the Planning Commissioners that he is color blind and cannot see the changes when they are only listed in red. Because the City Commission has asked City Staff to produce documents that are accessible, he requested documents be posted with the text struck through. He indicated his question of the significance of moving Appendix A to Chapter 50 had been answered through the Planning Commissioners discussion.

Attorney Clyde Robinson stepped forward. He said on page 77, regarding parking spaces there is a gap in paragraph one. Attorney Robinson pointed out there is provision under ½ and over ½, but nothing equal to ½. He also encouraged the Planning Commissioners to make sure their microphones are turned on.

A resident came forward (no name given) and commented on planting in his yard. He was concerned he would need to apply for a permit or variance. He said he dug up his grass and planted ground cover in his yard, so he doesn't get a mowing charge when he is out of town.

Dr. Michael Elzinga from the Oakwood Neighborhood stepped forward to speak. He said they have some confusion with a new development that's taking place. He said the specific source of confusion they are having right now has to do with the change in what is now RS5 to a R1, 2 designation. The other one is the new definition of the multi-family unit of 5 or more units per building. He wondered if this new definition of multi-family unit could be interpreted in such a way to shoehorn it into a district that is R1 or what used to be RS5. He also suggested the including the intent of code changes when revisions are done. He brought up the example of the reason for changing the multi-family unit definition. He wondered if it would be used to artificially inflate the density of housing in a given area.

Commissioner Milliken closed the public comment portion of the hearing.

Planner Anderson responded to the concern about ground cover. She explained the tall grass and weed ordinance vs. a native planting or vegetable garden. If residents put in plants as part of their landscape design that could be mistaken for tall grass and weeds, they need to alert the City, so they don't get an enforcement.

Planner Anderson stated she didn't know why the full packet was not on the City website. She said she would absolutely have a conversation with the Clerk as to why it is not consistently being posted. Planner Anderson said, although a couple of things were changed, the draft code has been up on the Imagine Kalamazoo website for quite a while. In addition, this item was originally on the agenda for the last meeting and they didn't get to it. She encouraged the attendees that if they're looking for something that is not there, please let them know so they can rectify it immediately. Most things the staff brings will be on imaginekalamazoo.com.

Planner Anderson told Dr. Elzinga that she would follow up with an email afterwards. She said they don't have all the other residential districts that exist in the City in the use table. They haven't done the cleanup of the residential districts. So, RS5 applies to the RS5 rules in Appendix A because that is where that district resides. The new divisions for residential which divides it into three categories: 1 and 2 units, 3 and 4 units, and 5 units and up, only apply to the districts it is listed under in this use table.

Commissioner Milliken commented the amendments before us have nothing to do with the residential districts that exist in this use table. Planner Anderson clarified not the use table doesn't, but there is one place where they talk about all residential districts. That is in the accessory uses of structures. Things like home occupation rules, new standards for secondary buildings, and new standards for accessory dwelling units. Those would apply to all residential districts.. They have all the residential districts to review and remap later this year. They will be looking at those elements at that time.

Commissioner Greenman Wright, supported by Commissioner Espinosa, moved to recommend approval of text amendments with the changes to City Commission.

Commissioner Greenman Wright shared this is exciting chapter going forward and will be a useful tool for central city neighborhoods as they are growing and changing. She expressed excitement about the agricultural use changes.

Commissioner Milliken commented that this meets review criteria of the zoning ordinance and complies with the Master Plan.

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

H. OTHER BUSINESS

None

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

Mr. Jeff Messer came forward to speak about recurring zoning violations. From May 2017 – February 2020, he has removed posters attached to City property within the public right of way in the central business district. He said they are sometimes posted on the outside windows of vacant private property. Mr. Messer said he reported the violations to multiple City staff and brought the signs to City offices. He asked the Planning Commission to motivate the City staff to take aggressive enforcement action or to empower him to act on behalf of the City to enforce the advertising ordinances.

He gave Ms. Cheeseman a copy of his remarks and asked them to be included in the minutes of the meeting.

J. CITY COMMISSION LIAISON COMMENTS

City Commissioner, Jack Urban, came forward. He said he heard one of the citizens suggest including the intent of changes to the code. He said that may mean a lot more detail and there needs to be a balance. He indicated there could be some preliminary explanation of intent, especially when the changes are a furtherance of public input of what went into the Master Plan. He believed that should be emphasized.

K. CITY PLANNER'S REPORT

Planner Anderson shared there will be a lot of zoning changes coming before the Planning Commission over the next year, including adult use/recreational marihuana. She said they are doing a public process for the marihuana ordinance. She reported the first meeting was this week and it was well attended with lots of questions and dialogue. She said there is another public meeting next week. Planner Anderson reported that the State puts out a certain number of use types: dispensary, retail, grower, processor, special event pop-up license. Some questions that will need to be answered is what use types will the City allow and where will they allow them? She said there is already a robust discussion of a social equity piece to this ordinance. The City of Kalamazoo is one of the 40 or so disadvantaged communities according to the State – meaning it is a community with a disproportionate number of convictions and arrests on marihuana charges. Because of that, if you qualify for certain things, at a State level you get a discount on your licensing fees. One thing they are thinking about is what can they do on a local level to pair with that. Planner Anderson encouraged Planning Commissioners to come next Tuesday at 6:30pm in the Commission Chambers for the next meeting. She said they will hear a presentation from City Attorney Robinson and a dialogue led by Dorla Bonner and Pete Eldridge. She told them to watch for meetings in March and the ordinance would likely be coming to the Planning Commission in April.

Planner Anderson shared that because of the need to do noticing better, they made changes to the Public Participation Plan. Those changes should be going to the City Commission soon. A second thing

Planning Commission asked for was something to show where transitional residences exist right now in Kalamazoo. She said there is a perception they are in close proximity to each other. Planning Commissioners were given a handout which included a map of the City showing locations of transitional residences approved by them. There was also information on whether the residences were fully certified or not. The other layer of information was residences approved in the county – not brought before the Planning Commission. The information provided goes back to about 2012.

Planner Anderson explained transitional residences are a type of group living. There are 12 different classifications of group living: adult foster care, dormitories, foster families, fraternity houses, sorority houses, rooming houses, and assisted living facilities. She said they don't all come before the Planning Commission. They are permitted in a variety of different places, often in commercial locations. Transitional residences and adult foster care are often located in residential settings because one of the intents of those uses is to create a community around the people who live there. They are re-entering the community after being homeless or domestic abuse, post-incarceration or post-rehab. That is what staff focused on in getting this data. If there needs to be a distance between occurrences in the residential areas, they will need to think about that when they revise the residential zoning code. The code says transitional residences need to be separated by a distance of 1500 feet when located in a commercial area.

Commissioner Milliken asked for clarification regarding no rental certificates. Planner Anderson explained the City requires rental certifications for any rental property. If you have an Air BnB, you need to have rental certification to make sure it is up to code and there aren't safety violations because other people are living there. She asked Planning Commissioners to review the information and she could either direct questions to the appropriate people or have someone come to a meeting to answer questions.

Commissioner Greenman Wright believed it would be helpful to know the location of adult foster care homes. Planner Anderson agreed that was a good point, but she shared that it's harder to get the information if the City is not involved in approving or certifying them. She said if it is permitted by right by the State, like facilities with up to 6 adults, they don't always know about them. Planner Anderson said she is happy to have a conversation with staff about what records might be sent to them.

Commissioner Greenman Wright shared that the Vine Neighborhood, because of the most recent case on Axtell, is attempting to do their own survey within the neighborhood. She said there is a high concentration of adult foster care homes there. The survey is to help the Neighborhood Association decide their criteria to support both the applicants and the neighborhood. Planner Anderson asked Commissioner Greenman Wright to put the person leading those efforts in touch with her.

Planner Anderson shared that they are about to undertake an inventory of structures in the City. Sharon, Historic Preservation Coordinator, did it last time on her own. She said this will be an update for their records. The inventory must be done when the leaves are mostly off the trees so they can take photos of each street. This will be done on tablets and stored in a database. They are looking for volunteers. The kick-off meeting for the survey was held last night at the Van Deusen Room. She believes it will take two seasons of work. In addition to taking pictures, they have added extra data points, questions about the structures and sidewalk. Planner Anderson added that properties are not eligible for historic districts unless they are 50 years old. Commissioner Milliken cautioned about creating too many historic districts. Planner

Anderson responded that the inventory is to understand what is in their building stock. Commissioner Wissner questioned whether that information was already available. Planner Anderson responded that much of it was available, they are updating that system, and many photos are out of date.

Planner Anderson announced that March 4th at 6:30pm is the next Street Design meeting. It will be in the Van Deusen Room of the Kalamazoo Public Library. This is the 3rd meeting of 4 of the Street Design Process. There will be a presentation and open-house style discussion.

L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Espinosa asked about the Neighborhood Conservation overlay. Planner Anderson told him it exists in the zoning code, but it has never been used. She said there are several things in the code which are not mapped. Those will probably be removed from the code if they are not used. Commissioner Espinosa encouraged City staff to find out why these things were created and if they can potentially be used. Planner Anderson said the review allows them to take each section of code and find out what works or doesn't work. They can then decide what to keep, add, subtract or simplify. Commissioner Espinosa pointed out that the traditional housing unit development and NCO was not mapped. He thought it was odd to have it and not use it. Planner Anderson said they could have been used and changed, but not extracted from the code.

Commissioner Ellis said the transitional residence information is useful. If someone needs this information in 10 years, they will have it as a tool and a guide. She reported that she went to the marihuana meeting and asked how involved Planning Commissioners should be if this information will come back before them. Planner Anderson referred question to Attorney Robinson. She cautioned that if there are three or more Planning Commissioners there, don't discuss business or the topics before you. Attorney Robinson responded they can attend and take in information. They should maintain a semblance of neutrality. They should not talk about their position on something or how they feel about something. He told them not to have conversations about the topic, unless it is in the Planning Commission session, and do not have online conversations.

Planner Milliken stated he also attended the meeting. He thought he understood a lot of the law and details, but the social equity piece was unique for this law. He said it was helpful to attend.

Commissioner Wissner asked when the next meeting would be held and if it was available on YouTube. Planner Anderson said the next meeting would be Tuesday at 6:30 in the Commission Chambers. Commissioner Wissner was encouraged to check the Public Media Networks page and the City YouTube page.

Planner Anderson encouraged Planning Commissioners to attend the meeting. She said it will be helpful to understand different use types and State parameters in order to weigh and figure out what will work for the City and where they will go in the community. Planner Anderson stated that not all pieces will come before this board. Some pieces belong solely in licensing and would come before the City

Commission. The Social Equity piece will be a policy or program. It is tied to the license and may be an additional document. She believed Planning Commissioners will hear it even though that policy is not coming to them. Understanding it may be helpful in reviewing cases.

Commissioner Espinosa sent Congratulations to Commissioner Vyas on her new baby.

M. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:43 pm.

Respectfully submitted,

A handwritten signature in black ink that reads "Christina Anderson". The signature is written in a cursive, flowing style. Below the signature is a horizontal blue line.

Christina Anderson,
City Planner
Community Planning & Economic Development