

City of Kalamazoo
PLANNING COMMISSION
Minutes
March 5, 2020
FINAL

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

Members Present: Gregory Milliken, Chair; Emily Greenman Wright, Vice Chair; Shardae Chambers; Derek Wissner; Coreen Ellis; Brian Pittelko

Members Excused: Alfonso Espinosa; Sakhi Vyas; James Pitts

City Staff: Clyde Robinson, City Attorney; Pete Eldridge, Assistant City Planner; Katie Reilly, Neighborhood Activator; Beth Cheeseman, Executive Administrative Assistant

A. CALL TO ORDER

Commissioner Milliken called the meeting to order at 7:01p.m.

B. ROLL CALL

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

C. ADOPTION OF FORMAL AGENDA

Commissioner Greenman Wright, supported by Commissioner Chambers, moved approval of the March 5, 2020 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

D. APPROVAL OF MINUTES

Commissioner Ellis, supported by Commissioner Greenman Wright, moved approval of the February 6, 2020 Planning Commission minutes. With a voice vote, the motion carried unanimously.

E. COMMUNICATIONS AND ANNOUNCEMENTS

None

F. NEW BUSINESS

None

G. PUBLIC HEARINGS

1. P.C. #2020.04: 416 Phelps Avenue. The Greater Open-Door Church of God in Christ is requesting a special use permit to allow the construction of a new church at this location. [**Recommendation: approve special use permit for the church**]

Planner Eldridge stepped forward to give the staff report. He said the old structure on the property has been removed and the property (.53 acres) is vacant at this time. Planner Eldridge stated the current zoning and future land use maps show the area as residential, and churches are commonly found in residential zoned areas. Planner Eldridge reviewed maps and pictures of the property and showed a proposed building layout. In 2019 there was a fire significant enough to need to demolish the rest of the church. They desire to rebuild the church on the same location with a similar footprint. The proposed church is approximately 4,926 square feet (previously 4,500 square feet) including a sanctuary, fellowship hall, kitchen and offices. The church conducts afterschool programs for children and a food pantry. The applicant has letters of support and was in contact with the Kalamazoo Eastside Neighborhood. Planner Eldridge stated that as far as review criteria, there's not much changing with this site. This project will require site plan review where they will look at the issues of stormwater collection, screening, landscaping, and curb cuts. He went over the following rationale for staff recommendation. Church and other religious assembly is allowed as a special use in the RS-5 zone; churches are a common use in residential neighborhoods and are a vital component of providing youth support services; the site was previously occupied and owned by this church entity; the church will begin offering outreach ministries again when they are able to rebuild.

Commissioner Milliken questioned the increase in parking for the new building. Planner Eldridge agreed the proposed layout shows more parking than code allows. He said there are also issues with impervious cover and stormwater collection. Those issues will be reviewed in the site plan process.

Mr. Jeff Brown, JRB Property Management, said the parking area is on a wish list to be discussed and dealt with later. They are keeping the building to the same footprint.

The applicant, Pastor McLain, confirmed there will not be a significant difference from what was there before. He clarified property lines.

Commissioner Milliken commented that the footprint, the size, and the building will mirror what was there before. He asked if the operation and size of the congregation would mirror what was there before? Pastor McLain confirmed that it would. They will still do their food pantry, afterschool programs, and an outreach for hat, gloves, and coats.

Commissioner Ellis asked the Pastor to talk about what happened, what they've gone through and the wish list mentioned. Pastor McLain shared that it was an 11-year-old boy who burned the church. He was skipping school and entered by breaking out a back window. The boy is in Detroit now and is under evaluation. He said they don't know what he used and how it burned. Pastor McLain said he was out of the country at that time and received pictures on his phone. They weren't given a lot of information because

the boy is a minor. Mr. Brown responded that the wish list referred to the extra parking on the proposed layout.

Commissioner Chambers asked if they will work on better security so something like this doesn't happen again. Pastor McLain said the intention is to have extra security, lighting, and cameras.

Pastor McLain stated they have letters from the Eastside Neighborhood Association, a resident of the community and St. Mary's church where they currently have services and do their food pantry ministry. Pastor McLain submitted those letters to Ms. Cheeseman.

Commissioner Milliken opened the public comment portion of the hearing.

No one came forward.

Commissioner Milliken closed the public comment portion of the hearing.

Commissioner Ellis, supported by Commissioner Wissner, moved to approve the special use permit request to allow the construction of a new church at 416 Phelps Avenue.

Commissioner Ellis thanked the Pastor for the ministry they have in the community and thought the proposed layout looked nice.

Commissioner Milliken stated agreement with the findings in the staff report. He said the request is consistent with review criteria in the zoning ordinance.

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

2. P.C. #2020.05: 3635 E. Cork Street. HKH Properties, LLC is requesting a special use permit to allow a moving and storage business at this location. [**Recommendation: approve special use permit for the moving and storage business**]

Planner Eldridge stepped forward to give the staff report. Two Men and a Truck are requesting a moving and storage business to occupy this site. He said the property is 2.52 acres with an existing 12,100 square foot building. Planner Eldridge said the property's current zoning and future land use is listed as commercial. He then reviewed maps and pictures of the property. The property previously had a retail store front with storage in the back. He said that Two Men and a Truck is currently located down the street on a smaller property and in a smaller building. The proposed site allows for a larger building and more acreage for the parking needed for a growing business. They plan to have retail space, warehouse space and an office area in the building. They want to add an additional 12 parking spaces. On the side of the building there would be 18 additional spaces for truck parking. Planner Eldridge stated that Mr. John Hilliard, Millwood Neighborhood Watch, reached out to him. Mr. Hilliard said they discussed it at a meeting, and they have no issue with it. Mr. Jerry Andrews, owner at D&S Auto, sent an email and is in

support. Planner Eldridge said this use is very compatible with what is around it. They have no plans for additional curb openings, but they do plan on a landscaping buffer at the south side of the building. Other than additional parking and landscaping, there are no other changes planned. Planner Eldridge said there is a significant amount of green space remaining on the property, and this project is subject to site plan review. He shared the rationale for approval. A moving and storage business is permitted as a special use in zone CC. This would allow for the operation and expansion of an existing Kalamazoo business which follows the Strategic Plan of Economic Vitality and Business Retention. The existing building was used in a similar capacity, so there would be minimal site improvements required. Planner Eldridge added that the property directly adjacent is zoned M-1 which is used in a more intensive manner.

Commissioner Greenman Wright asked if the storage units will be inside the building with no additional storage/warehousing being built. Planner Eldridge confirmed that was the case.

The applicant, Mr. Kyle Norcutt, came forward. He agreed they have mobile storage containers they use for customers and then bring them back and store them inside the building.

Commissioner Greenman Wright commented she was surprised by the amount of open space. She encouraged the applicant to take advantage of planting native species that don't need to be mowed. She thought they could do a lot of incredible low-maintenance plantings there. Mr. Norcutt said he previously owned a landscaping business, and he is looking forward to cleaning up the building. The Parking for trucks will be set back with buffers for landscaping. He said there is parking for 18 Trucks, and they currently have between 12-14. As the employees come in during the day, the trucks go out and are gone most of the day. Mr. Norcutt said he plans to add lights and security cameras, new asphalt and clean/update the building.

Commissioner Milliken said his only comment was going to be on landscaping and that the request was straightforward.

Commissioner Greenman Wright thanked the applicant for using a vacant building. She thought it was a good use of the property and should fit right in. She believed they have some great improvements planned and it should make a big difference on that corridor.

Commissioner Ellis asked if there are other Two Men and a Truck in the area. Mr. Norcutt stated this location covers Kalamazoo and Battle Creek and has office staff. He has a franchise in Grand Rapids and another one in the Holland/Grand Haven area.

Commissioner Milliken opened the public hearing.

No one came forward.

Commissioner Milliken closed the public comment portion of the hearing.

Commissioner Greenman Wright, supported by Commissioner Pittelko, made a motion on P.C. #2020.05 to approve the special use permit to allow the moving and storage business at 3635 E. Cork Street.

Commissioner Greenman Wright said this request is within the scope of the Future Land Use plan and the Master Plan. She believes it is a good use of an existing building and the applicant has great plans to improve the property.

Commissioner Milliken stated that he supported the findings made in the staff report. He shared that the request is supported by the review criteria in the zoning ordinance. Commissioner Milliken appreciated the comments by the applicant about the landscaping and screening he will provide which will then be reviewed through the site plan process.

Roll call vote was taken, and the motion was approved.

H. OTHER BUSINESS

Planner Eldridge stated there is now an annual report required by neighborhoods which receive funding from the City of Kalamazoo. Representatives of the neighborhoods will give a brief overview of all the good things going on with which the City is able to help.

1. Neighborhood Association Report – Kalamazoo Eastside Neighborhood Association.

Ms. Pat Taylor came forward to give the neighborhood report. She brought conceptual boards of activities that were planned with the residents, and in partnership with the Land Bank, the E-net group and the City's Community Planning and Economic Development. Ms. Taylor said residents got together with a consultant and came up with a vision of what they want to have happen on the East Main corridor and in the neighborhood in general. They identified what the City can help with, what they can do together and what they can do collaboratively with other organizations. She said there is one item which will take a while to work on, and that is the Dairy Queen/laundromat area. Ms. Taylor said everything else is falling into place. They are getting assistance from a wide variety of organizations. Borgess is talking about coming on board, helping them and possibly getting employees in the housing area. She said Rockwell Park is being redone and looks gorgeous. Ms. Taylor reported that people are coming out and feeling better about being in the neighborhood. People coming through have given them positive feedback.

Ms. Katie Reilly, Neighborhood Activator, held up the boards as Ms. Taylor explained them. The first board was an artist's rendition of what the Eastside Square could look like. She said residents got together and said what housing and commercial businesses they would like to see there.

The second board was labeled the East Main Commercial Project and talked about phases they will go through. Phase 1 is the corner at Edwin Street and Phase 2 is across the street with small businesses and mixed-use area scenario. She said they are still working with owner of East Main Food and Beverage to figure out how they can work together to make this a positive area and improve his business too.

The third board was labeled 1616 E Main and showed what the building looked like before the project with the Land Bank and Eastside Neighborhood Association (Eastside Voices). After doing small homes on Foresman and doing the pocket park, they came up with the idea of capturing the historical aspects of Eastside. Mr. Buddy Hannah, resident, with the help of Mr. Sid Ellis, did interviews along with some youth and some artists who used to live on the Eastside. They recruited PMN to teach the youth film making and documenting. They came up with a book. Ms. Taylor said the book is at the library to be shown at the Art Hop along with the mural and the interviews. When Second wave media came, they did interviews of some notable residents. She explained that the board shows the vision residents thought would be appropriate on East Main. They would like to have another plaza type activity there, possibly food truck rallies. They want to bring activities into the neighborhood that people would enjoy.

Commission Milliken asked staff if the Eastside Neighborhood's vision was feasible as they work through zoning ordinance updates. Planner Eldridge confirmed they are feasible. He said the boards show a mixed- use development with lots of pedestrian space. This is similar to Live Work zones, and certain Commercial areas are being rezoned to Live Work zones.

Commissioner Milliken told Ms. Taylor that what they are doing is inspiring. He indicated the comradery and spirit this engagement has brought to the neighborhood has incredible value. Ms. Taylor shared that she is looking forward to working with residents, the City and anyone else who wants to come onboard.

Commissioner Greenman Wright shared that she was delighted to hear a WMUK report on Art Beat featuring stories from Eastside Voices. Ms. Taylor said they are looking to do more things like that. She believes that art adds to the vision of what they are trying to do.

Commissioner Chambers shared that she came to a couple of events when they were planning. She expressed excitement for them now that their plans are starting to come to pass. She believes the park is going to be amazing and food truck rallies will bring more life to the Eastside.

Commissioner Ellis encouraged Ms. Taylor to plan yearly events and make sure the City's Parks & Recreation Department knows about the park so they can possibly do fun things for kids during summer.

2. Neighborhood Association Report – Edison Neighborhood Association.

Ms. Venessa Collins-Smith, board member and resident of Edison, came forward to report on the neighborhood's accomplishments.

- Assisted 35 residents who received tax foreclosure notices. Partnered with KNHS services to promote home ownership and offer credit repair classes.
- Worked with Impact Kalamazoo in 2019 for home repairs. In 2019 KNHS increased Edison's housing stock with a new build on Stockbridge.
- Having monthly meetings with Washington Square businesses to work on streetscape issues and hosting multiple family events.
- City of Kalamazoo, Consumers Energy and others are replacing municipal utilities on Portage Street. Street replacement is scheduled to begin in 2021.

- Partnered with several youth organizations to host events addressing anti-bullying, celebrating rocket football and other youth activities at our center.
- Partnered with the City of Kalamazoo to host 8 crews for My City Youth employment. Going forward with the YMCA to create a 24-hour licensed daycare at the Creamery site on the corner of Portage and Lake Street.
- Looking into the logistics of making Edison a community wi-fi friendly neighborhood.
- Partnered with Washington Square Collective to increase the appearance of Portage Street's store fronts. Weekly scheduled trash cleanup on Portage.
- Helped in the establishment of new businesses, Layla's' Cool Pops and the Kpep Diner. A future endeavor is the opening of an authentic Mexican restaurant.
- Partnered with several organizations to make our Delaware court an artistic park-like eating area.
- Hosted speakers at the Community Connection meetings. Wrote articles in the Edison Voice newspaper.
- Working to identify streetlights that are not working and partner with Consumers Energy to make needed repairs.
- Reed park improvements are nearly completed. The completion of Mills Street resurfacing, ADA sidewalks, bike lanes within the Edison neighborhood.
- Looking forward to new bike trail extension in 2020 to follow Portage Creek and connect to the Kalamazoo Farmer's market.

Ms. Collins-Smith thanked the Planning Commissioners for letting her share the accomplishments of the Edison Neighborhood.

3. Neighborhood Association Report – Vine Neighborhood Association.

Mr. Steve Walsh, Executive Director, Vine Neighborhood Association, came forward to give a report. He said the residents wanted more ways to socialize and interact with each other. Mr. Walsh said Art Hops are scheduled for the rest of the year with events tacked on to the end of those. He shared that it is the 40th Anniversary of the Neighborhood Association. They will have several events scheduled for that. Their annual meeting will be hosted by O'Duffy's Pub which has agreed to open their back area. There will be live music with time to meet and mingle afterwards. He said they've received favorable feedback about their public art initiatives. They are working with agencies such as the Rotary and Lisc to put up more public art. They have planned concerts in Pioneer Park and in the Skate Park. Mr. Walsh said they have struggled with capacity and efficacy, pointing out that he is only one person with one part-time staff. He said they have a sidewalk survey which has languished for three years. They are struggling to make changes in lighting and speed within the neighborhood. They are working with Safeways to School program to increase safety around El Sol Elementary. They have partnerships for the summer with KPEP and My City, and they are working with KNHS Services on affordable housing in Vine. He said there is a strong feeling that if the affordable housing leaves, it will disrupt the community of the neighborhood. They have a very walkable neighborhood and if affordable housing goes away, then so will connectivity. He thanked Planning Commissioners for their time.

Commissioner Greenman Wright stated that affordable housing is an ongoing issue affecting core neighborhoods. She asked what the City could do to support neighborhood associations. Mr. Walsh said he hadn't thought of the City's role. He shared that the Neighborhood Association owns 11 residential units, and they have tried to embrace HUD standards. Mr. Walsh said as they've refinanced, they were told to raise those rents. He said their residents have a challenge in getting to the table and having the resources to compete with property management groups. He would love to partner with another non-profit. They need to buy the properties and put families in them.

Commissioner Greenman Wright asked Mr. Walsh how he sees the new development going on in the central business district affecting the Vine Neighborhood. Mr. Walsh said he is optimistic by nature. He is hoping there is a way for new residents and long-term residents to have an equitable process.

Commissioner Milliken thanked the neighborhood representatives for their reports.

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

Mr. Ken Larsen shared that his granddaughters stay with them quite often. He is concerned about the smell that comes with smoking marihuana. He said they have an individual living in the neighborhood next to someone who grows for medical reasons. There are times that person can't sit out on their back porch because the smell is so strong. He read an article where they talked about the effect on prices of homes where the smell is quite prevalent. He said it is a concern for them. Mr. Larsen said he was not saying his neighbors will smoke, but if they do, they will need to close windows and doors and use air conditioning.

J. CITY COMMISSION LIAISON COMMENTS

Commissioner Jack Urban came forward. He commended whoever had the idea of having neighborhood association leaders give information. When their information deals with planning and zoning issues, it is important to hear their point of view directly. Commissioner Urban encouraged them to remember the meeting is being televised. They need to make sure the visuals can be picked up by the cameras and the audience needs to see them too. He said it was good to know what is going on in neighborhoods. He commented that those neighborhoods that have associations get more attention than those which do not.

K. CITY PLANNER'S REPORT

Planner Eldridge touched base on the issue that came up of illegal posting of signs, primarily Shakespeare's Comedy Club. He said that is something staff is investigating how to address more adequately. Shakespeare's says it is not the managers there, but the promoters for various acts that perform at the comedy club. Planner Eldridge said they are addressing that.

Planner Eldridge said there are two big items on the site plan review list. Chick Fil-A has initiated demolition and pulled a building permit. The other, Graphic Packaging International, is still in the site plan review stage. They are doing a major facility upgrade with multiple buildings. He said they are building up, height wise, with one being approximately 80 feet in height. He said the project runs from Pitcher to Harrison Street.

Planner Eldridge gave an overview on where they are with the adult use marijuana ordinance. He announced that he had fliers available for upcoming neighborhood meetings. Planner Eldridge pointed out that Attorney Clyde Robinson is on the team to help form the Adult Use Marijuana Ordinance, Social Equity Policy and the local licensing component. There are three pieces coming together. Planner Eldridge shared that information is available on the City's website: the draft ordinance, dates and times of upcoming neighborhood meetings and other background information. Planner Eldridge said they are working toward the stated goal of ordinance completion by June 1. They had two meetings in February to collect a variety of feedback.

Planner Eldridge showed a list of medical marijuana license types and adult use license types. City staff received approval from the City Commission for additional time to draft the Adult Use Marijuana Ordinance. That extra time was, in part, to give them time to investigate the social equity part. He said they are working diligently on that. Planner Eldridge said for the first two years, an applicant must have a medical marijuana license to apply for the equivalent adult use license. As far as social equity, there are only certain licenses available to them if they are not already in the business. The citizen initiative was crafted with some protections in place for those already in the business. He shared the City of Kalamazoo has 21 medical marijuana facilities: 3 grow, 3 grow/processors, 2 processors, 2 safety compliance, and 11 provisioning centers. Provisioning centers already open in the community or opening soon will apply for Adult Use license once the ordinance is adopted. Planner Eldridge believed that is a clear and logical path. For adult use licenses, they are focusing on providing 1,000 feet from any K-12 schools and 5,000 foot separations from daycare. This provides equivalent protections based on drug-free zones established around schools and some separation from child-care centers. Planner Eldridge explained individual licenses and that maps of where the licenses are allowed will be coming later.

- Class A grow is allowed in Manufacturing and the CC Commercial zone but is limited to 100 plants.
- Processors are allowed in M-1 and M-2.
- Safety compliance (lab facilities and offices) are allowed in the CC zone district. That will be expanded to Live Work 1 & 2 zones, the BTR Park, M-1 and M-2.
- Secure transport allowed in the CC zone with some limitations and it is also allowed in M-1 and M-2.
- Retailers are allowed in the CC zone district, expanding to Live Work 1 zone. There will be a 1,000-foot distance between retailers or provisioning centers. Also included is a component of social equity. If 51% or more of a business' ownership is local (living in the City for 3+ years) and they live in certain areas of the City, they would qualify for reduction of 1,000-foot separation distance to 500 feet. It would open land for those individuals that wasn't available for someone applying for out of town.
- Micro businesses are allowed in the CC, Live Work 2, M-1 and M-2. For the Live Work 1 or CC zone district, the 500-foot separation distance would be reduced to 250 feet if the applicant qualifies under the social equity policy.
- Excess growers remain in M-2. These are individuals or entities with multiple class C licenses.
- Designated consumption establishments will be allowed in CC and CCBD zone districts.

Planner Eldridge said there will be more discussion during upcoming meetings. The framework is fluid right now and they need to solidify the social equity policy.

Attorney Clyde Robinson said the Social Equity piece is very important. He shared that the statute talks about disproportionately impacted communities – those communities having a higher than average rate of

marihuana prosecutions where 30% or more are living at poverty level. Attorney Robinson said that for Kalamazoo, that meant Kalamazoo City. The state has put into effect the following: those who have lived in the City of Kalamazoo with residency for 5 years will qualify for a 25% discount in fees from the State; those with a previous marihuana conviction, will get another 25% discount; if you prove you are a caregiver for at least two years between 2008-2017, then you get another 10% discount. Attorney Robinson spoke about disproportionate arrests for possession of marijuana between African Americans and white people, though the level of use for both races was about the same. He reported that the law in Michigan says we cannot give preferences based on race. Also, the 14th amendment requires equal protection and must be race neutral. Attorney Robinson said the City is trying to determine how they can assist those who have been disproportionately impacted by marihuana enforcement. Attorney Robinson said they are having internal and public meetings. They are looking into an incubator or mentoring program for people to get started in the business and grow from there. Another idea is micro business, get started on the low end and grow your business. If you are a resident and impacted, possibly provide more spaces for you to locate that business. They hope to have something in place by June 1. He also informed Planning Commissioners that there is a lawsuit which was noted in the newspaper.

Commissioner Greenman Wright asked what percentage of licensees are located from outside of Michigan. Attorney Robinson said he didn't have that information. That would need to come from the City Clerk's office.

Commissioner Greenman Wright said she remembered when passing the ordinance with medical marihuana, there were concerns of paving the way for outside people to come in. She wondered if that is the case and if the adult use protocol could be the remedy. Attorney Robinson stated that for most large operations you must have the medical in place for two years. The statute was written to benefit those already in the market.

Planner Eldridge reminded Planning Commissioners, there is an April 2nd meeting and a Special Meeting on April 15th. This board will be revisiting adult use marihuana next month.

Commissioner Milliken noted there are several things they are still working on and there is less than a month before the meetings. He wondered how the timing would work for that. Planner Eldridge said having that second meeting in April will give a little extra time. He said some of the elements of the Social Equity policy has been drafted on paper and is being diligently worked on. He believed they have the framework because there are a lot of direct crossovers or close to direct crossovers from medical marihuana. Planner Eldridge said some license types need to be looked at, and they need to get feedback from the public. He said the City can chose to opt out of some license types.

Commissioner Milliken confirmed with Planner Eldridge that if they have comments, questions, or thoughts on this, City staff would welcome those any time during the next couple weeks. Planner Eldridge said they are looking for all feedback at this time. They have the June 1st date to have a finished product done, and it is imperative to stay on track with ordinance development.

L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Greenman Wright shared that in reference to the larger meetings they've had recently, she believed people are coming to understand the role of the Planning Commission. Citizens are interfacing with City staff and City government. Despite the long meeting, there was a positive outcome with citizens of the City. Well done, Commissioners.

Planning Commission

March 5, 2020

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Commissioner Chambers reminded them to vote on Tuesday.

M. ADJOURNMENT

Commissioner Milliken adjourned the meeting at 8:41pm.

Respectfully submitted,

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

Christina Anderson,

City Planner

Community Planning & Economic Development