Meeting Agenda

City of Kalamazoo - Zoning Board of Appeals

December 10, 2020

Electronic Meeting: Streamed on the City of Kalamazoo YouTube Channel and Facebook 7:00 p.m.

A. Call to Order:

B. Roll Call

C. Communications and Announcements:

D. Approval of the Meeting Minutes for November 12, 2020

E. Public Hearings:

1. ZBA #20-12-24: 210, 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street /205 and 209 E. Stockbridge Avenue. LIFT Foundation is requesting a reapproval of a previously approved use variance from Chapter 4, Section 4.2 Q.3, to allow residential dwelling units on the ground floor level of each of the proposed apartment buildings (60 residential units total), where retail or other commercial floor space is required on the ground floor level in Zone CC.

2. ZBA #20-12-25: 522 and 530 S. Rose Street. PGJ Development is requesting the following: 1) a dimensional variance from Chapter 50, 5.6 C, for a 12% increase in impervious cover from 75% to 87%, 2) a dimensional variance from Chapter 50 -7.4 (2)a, to authorize a vehicular entrance for the proposed building on the building’s front façade, where garage bays or loading areas of all types are to be located in the side or rear yard, 3) a dimensional variance from Chapter 50, 5.6 C, of two-stories to allow a five-story building and 4) a dimensional variance from Chapter 50, 50-7.2 A, to authorize a variance of five off-street parking spaces to allow for a total of 40 off-street parking spaces where 35 is the maximum spaces for the proposed 64 senior apartments.

3. ZBA #20-12-26: 508 Harrison Street and 660 Gull Road. River Caddis Development LLC is requesting: 1) a use variance from Chapter 4, Section 4.2 Q.3, for residential units on the ground floor in the proposed apartment complex where retail or other commercial floor space is required on the ground floor, 2) a dimensional variance from Chapter 3, Section 3.7 Table RF-O.1, to reduce the lot area per dwelling unit from 1,500 square feet to 1,234 square feet for 222 dwelling units, and 3) a dimensional variance from Chapter 3, Section 3.7 Table RF-0.1, to allow a range between 5 and 30 feet from the required 0 to 10 foot front build-to requirement for the primary building façade.

F. Other Business:

1. Update on interviews for vacancies

G. Adjournment:
This meeting will be conducted electronically in order for members, staff, and the public to comply with the Emergency Order Under MCL 333.2253 – Gathering Prohibition and Mask Order issued by Robert Gordon, Director of the Michigan Department of Health and Human Services, on October 29, 2020.

Members Present: Matt Lager - City of Kalamazoo, MI; Dick Skalski- City of Kalamazoo, MI, Chris Flach- City of Portage, MI, Jeff Carroll- City of Kalamazoo, MI, Beth van den Hombergh- City of Kalamazoo, MI

Members Absent: Christina Doane

City Staff: Pete Eldridge, Assistant City Planner; Clyde Robinson, City Attorney; Deanna Benthin, Recording Secretary

Chair Lager called the meeting to order at 7:00 p.m. stating the meeting was being streamed live on Facebook and the City’s You Tube channel.

Mr. Eldridge stated the change in the roll call vote for attendance, the Board Members need to indicate their location of where they are calling from.

MINUTES:

Mr. Skalski, moved to approve the minutes of October 8, 2020 as submitted, seconded by Ms van den Hombergh.

Motion approved by voice vote unanimously.

NEW BUSINESS:

PUBLIC HEARINGS: Chair Lager summarized the process and explained the Zoning Board of Appeals public hearing rules of procedures. For each request, the secretary will read the application into the public record. The applicant or their representative will have 10 minutes to present their comments, followed by public comments received from calling 269-226-6573 to leave comments for any of the properties on the agenda, received via phone will be aired for the panelist and audience. Then the public hearing would be closed on the request. The Board would then conduct the finding of facts. The Board must approve the Finding of Fact. Therefore, the first vote you here is not a ruling on the request, but the Finding of Fact, then the Board discusses the request in order to determine a ruling. The Board reserves the privilege to ask questions of persons who have already spoken even though the public comment portion is now
closed. Once discussion has ended the Board moves onto a roll call vote. A full board consists of six members and four affirmative votes are required to grant a motion for a non-use or use variance.

Mr. Carroll read the application for 500 Golden Drive, Parcel #06-27-425-002:

ZBA #20-11-21: 500 Golden Drive: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by The Heritage Community of Kalamazoo owner of 500 Golden Drive which is situated in Zone RM-15, Residential – Multi Dwelling District. The applicant is requesting the following variances from Chapter 5, 50-6.2 D (3), Natural Features Protection Overlay Standards: 1) A variance to authorize a number of plantings to be non-native plants; and 2) A variance to plant a non-native tree species of arborvitae known as Spring Grove in place of Hetz Wintergreen.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were forty-two notices of public hearing sent and zero responses were received.

Jay Prince - Allegan, MI, President and CEO for Heritage Community stated the property is intended for Senior Housing, stating he’s been working with the NFP Board, in regards to all the plantings to enhance the quality of life for the residents and for the trails and property.

Mark Robinson, Landscaping Architect with Johnson Hill - East Jordan, MI, spoke to the request, the first is a small percentage of the shrubs/plantings are non-native. The second component is regarding the arborvitae as a hedge they used a native arborvitae that meets the standards of the code, they won’t promote the deer eating them. The western arborvitae spring grove isn’t favored by deer, and side by side you can’t tell them apart. They want to plant those to not be eaten by animals. That’s the sum of the request.

Chair Lager asked if they went before the NFP Board for approval of the changes in plantings. Mr. Robinson stated they went before the NFP Board and they are satisfied with the proposal.

Mr. Skalski commented to where he lives and that the deer are currently eating his neighbor’s bushes, they have wrapped them with burlap to keep them from continuing to eat them.

Mr. Eldridge commented on October 27, 2020 the NFP Board reviewed and unanimously approved the modification to the landscaping plan for the non-native species, their reasons are stated in the NFP Boards review letter provided to the Board. They were in favor of allowing the specific non-native species proposed on the site plan for the following reasons:

1. none of the non-native plants selected are considered invasive or environmentally damaging.
2. landscaping areas appear to be well contained, will minimize unwanted spread of non-native plants.
3. the site plan meets the intent of the NFP because of the large amount of beneficial native plants.
4. the high plant diversity of gardens is ecologically desirable.
From the zoning standpoint this project exceeds the number of plantings required, there’s no reduction in the number of trees. There were no comments from the public. Chair Lager closed the public hearing.

**FINDING OF FACT**

Mr. Carroll moved the Finding of Fact as follows:

1.) The Finding of Fact for 500 Golden Drive shall include all information included in the notice of public hearing dated October 28, 2020.

2.) Forty-two notices of public hearing were sent and zero responses were received.

3.) A public hearing was held before the board and public comments were accepted.

4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.

5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Mark Robinson and Jay Prince spoke on behalf of the application stating the arborvitae is desired to create a required screen between the properties, spring grove species is desired because the deer do not eat that plant, the native species would be eaten and reverse the screen between the properties, the NPF Board is unanimously supportive of the variance request.

Mr. Skalski seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Carroll moved to approve the application for 1) a variance to authorize a number of plantings to be non-native plants, seconded by Mr. Skalski.

Chair Lager commented he was in favor of the motion the NFP Board knows the most about the plants has approved and recommended the changes, there’s no negative impact to the neighboring property.

Motion approved by roll call vote unanimously.

Mr. Carroll moved to approve the application for 2) a variance to plant a non-native tree species of arborvitae known as Spring Grove in place of Hetz Wintergreen, seconded by Mr. Skalski.
Motion approved by roll call vote unanimously.

Mr. Carroll read the application for 104, 110, 118 N. Drake Road, Parcel #06-18-320-001, 06-18-321-002 and 06-18-321-001:

ZBA #20-11-22: 104, 110, 118 N. Drake Road: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by Windsor Township OG, LLC for 104, 110 and 118 N. Drake Road which is situated in Zone CC, Commercial – Community District. The applicant is requesting a dimensional variance from Chapter 50, 50-7.2 A, to authorize a variance of seventeen (17) off-street parking spaces to allow for 32 off-street parking spaces where 15 is the maximum number of off-street parking spaces permitted for this commercial development.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the items described above. There were twenty-five notices of public hearing sent and zero responses were received.

Patrick Frakes - Jackson, MI, represents Ra ir Systems, the contract owners of the parcels, they have a two-million-dollar provisioning center proposed, they need additional parking spaces. The site is isolated from additional parking and spoke to his concerns of the peak hours and that they don’t want people to park in another parking lot and run across Drake Road. They are trying to get additional people in for health and wellness environment. He spoke to the clientele that come to the store and visit or shop. They have a secure entry and it slows the entry into the store. They have eight people working; nine with someone checking people into the store, nine of the thirteen parking spots are already taken, and they need two handicap spaces. They want to preserve the green space also and it will be behind the building. Granting the additional thirty spaces will help with their clientele. They produce the products in their store and spoke to the proposed success of their future business. They’ll hire and promote from Kalamazoo residents. He spoke of his Director of Construction and Engineer available to answer questions.

Chair Lager questioned the number of employees. Mr. Frakes spoke to the required employees; they must have a secure entry. The cannabis comes pre-packaged, it helps with theft, security and odor. It’s a benefit to the City and provides additional employment. Chair Lager questioned a mention of Phase Two. Mr. Frakes spoke to a consumption lounge, but they haven’t committed to it based on future growth and wants to make sure it’s an upscale commercial business. He spoke to the consumer base and future planning. They are commercial real estate developers and purchased the properties beside.

Mr. Skalski spoke to the storm water holding area. Mr. Frakes replied the storm water retention area is a conceptual area, as per the outcome of the ZBA variance they were seeking the site plan approval.

Mr. Eldridge spoke to the floor plan and layouts he provided the Board. Mr. Frakes stated to wanting WMU art students to paint a mural on the inside wall to add a local flair.

Mr. Eldridge spoke to the employee’s count of nine, and the fifteen parking spaces required. There’s not a lot of customer parking. The Board can grant a reduced number of parking spaces
but would have to add an additional handicap space. He spoke to the Bay City business and their parking. The City doesn’t like deviation to the ordinance, but the reason for the ZBA is to look at the employee count and mentioned the staff report.

Chair Lager questioned when the parking in the ordinance changed. Mr. Eldridge replied in fall of 2019. He questioned what the peek number of clients would be. Mr. Frakes stated sometimes they have six checkout stations and may need twelve to fourteen checkouts in the future as they grow.

Mr. Carroll questioned the maximum occupancy the fire marshal would give them. Mr. Frakes stated the Bay Area business he thought was in the forties.

There were no comments from the public. Chair Lager closed the public hearing.

**FINDING OF FACT**

Mr. Flach moved the Finding of Fact as follows:

1.) The Finding of Fact for 104, 110, 118 N. Drake shall include all information included in the notice of public hearing dated October 28, 2020.

2.) Twenty-five notices of public hearing were sent and zero responses were received.

3.) A public hearing was held before the board and public comments were accepted.

4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter.

5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Patrick Frakes represented the applicant, stating they are investing 2.5 million dollars, the applicant is requesting the variance due to concerns with safety, patrons crossing the road to enter the facility, they are challenged with the fact they need nine employees, customers stay anywhere from five to forty-five minutes increasing congestion. Chair Lager questioned the high number of employees. Mr. Frakes replied due to safety and high professional standards. Mr. Skalski questioned the future development mentioned. Mr. Frakes replied that would depend on how the variance outcome went, there’s potential for future developments to the east. Mr. Eldridge noted that nine employees eat away at the fifteen parking spaces, there’s no street parking and after twenty-five spaces, there needs to be
two total handicap parking spaces. Other sites have about thirty parking
spaces. Mr. Carroll asked about maximum occupancy load. Mr. Frakes
stated it is estimated to be above thirty.

**Mr. Skalski seconded the Finding of Fact.**

**Motion approved for the Finding of Fact by voice vote unanimously.**

**Mr. Skalski moved to approve the application, seconded by Mr. Flach.**

Chair Lager reviewed the criteria conditions that must be met to qualify, stating the location of
the property not having adjacent parking, concerns with parking across Drake Road and being
convinced from running a high functioning business it seems logical to have a high employee
count. The ordinance did change stating he was in favor.

Mr. Skalski stated he lives nearby and the area around there is a heavy with parking areas, with
possibly future expansion, he feels it’s a good option.

**Motion approved by roll call vote unanimously.**

Mr. Carroll read the application for 1211 S. Westnedge Avenue:

**ZBA #20-11-23: 1211 S. Westnedge Avenue: An application for a variance to the
provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by
The Lift Foundation for 1211 S. Westnedge Avenue which is situated in Zone CN-1,
Commercial – Neighborhood District. The applicant is requesting the following: 1) A use
variance from Chapter 4, Section 4.2 Q.3, to authorize dwelling units on the ground floor
level, where retail or other commercial floor space is required on the ground floor level in
Zone CN-1; 2) A dimensional variance from Chapter 5, Section 5.2 to authorize the
construction of 60 dwelling units with 627 square feet of lot area per dwelling unit where
Zone CN-1 requires 1,800 square feet of lot area per dwelling unit; and 3) A dimensional
variance from Chapter 50, 50-7.2 A, of 22 off-street parking spaces to allow a total of 38
off-street parking spaces where 46 are required.**

Please note that this request will not change the zoning classification of the property. This is a
request for a variance only regarding the items described above. There were one hundred forty-
six notices of public hearing sent and two responses were received.

Steve Haasevoort- Kalamazoo, MI with Inform Architecture and a Board Member on the Lift
Foundation, along with Lisa Wilcutt, with Lockhart Management. He stated the Lift Foundation
is a non-profit organization for affordable housing. The proposed project is a complete
interior/exterior renovation of an existing motel into sixty studio apartments for affordable mixed
income housing. Their asking for three variances, one for a use variance for dwelling units on
the ground floor level, the motel currently has only residential use on the ground floor so it
wouldn’t be a change. The second variance is a dimensional variance to allow sixty units on this
site with reduced lot area per dwelling. Third, is a reduced parking variance count on the site,
many tenants won’t have vehicles on site, there’s on-street parking available, they intend to have
apartments without parking available to them. There’s a great need for affordable housing in Kalamazoo and the opportunity to improve this site.

Chair Lager clarified their transforming the Knight’s Inn into permanent housing. Mr. Hassevort stated they’d be renovating into long-term self-sufficient studio apartments, for mixed income.

Mr. Skalski asked about the new windows and if there’d be other exterior enhancements. Mr. Hassevort stated they propose a new roof, windows, siding, balcony railings, adding a small kitchen area, the Lift Foundation owns all their properties, so they want to upgrade the property because they’ll keep it.

Mr. Eldridge spoke to the commercial floor space requirement on the ground floor level, the bulk of this property is in the CN1 zone, the requirement of not allowing residential units on the ground floor, but the motel units are on the floor already, they’re not making any changes to that. The dimensional lot area, it’s functioned this way for decades, the layout is sixty dwelling units and they want to keep it to sixty units. The second request is for a dimensional variance for parking, he spoke to 60 off-street parking spots and to the 46 parking spots being required. There is a bus stop, within walking distance of a grocery store, there’s on-street parking available. They are proposing 38 parking spaces which fixes the fire truck access point issue. The mixed income affordable studio apartments are a cost-effective lodging and a welcome upgrade.

There were no comments from the public.
Chair Lager closed the public hearing.

FINDING OF FACT

Ms. van den Hombergh moved the Finding of Fact as follows:

1.) The Finding of Fact for 1211 S. Westnedge Avenue shall include all information included in the notice of public hearing dated October 28, 2020.

2.) One hundred forty-six notices of public hearing were sent and two responses were received.

3.) A public hearing was held before the board and public comments were accepted.

4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter. Steve Walsh from the Vine Street Neighborhood Association, and Sharon Ferraro, Historic Preservation Coordinator for the Historic District Commission provided letters in support.

5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: The Lift
Foundation is requesting the variances, they are looking to convert the Knight’s Inn into affordable housing units. Steve Hassevoort from Inform Architecture and Lisa Wilcutt of Lockhart Management, provided information: points noted were there are no substantial changes to the layout, most tenants won’t have cars, it will be noted in the tenants leases parking isn’t available for some units, there’s no need for additional parking, this is a mixed income project aimed for affordable housing. Mr. Skalski asked about other improvements. Mr. Hassevoort stated a kitchenette, windows, siding, new roof, balcony railings, the Lift Foundation will own the property they retain ownership themselves for probably thirty years. Mr. Eldridge spoke to the CN1 Zone, 50% of the units are on the ground floor and have the same number of rooms for the last 50 years, it’s difficult to remodel, it will, they will maintain the same core structure, they can manage the 46 parking spaces, the contract will state no parking available, the bus stop is nearby, a grocery store is near, bike racks, hey meet the fire truck access, new landscaping, and adds vibrancy to the neighborhood.

Mr. Skalski seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Carroll moved to approve the application for 1) A use variance from Chapter 4, Section 4.2 Q.3, to authorize dwelling units on the ground floor level, where retail or other commercial floor space is required on the ground floor level in Zone CN-1, seconded by Mr. Skalski.

Chair Lager spoke to the request, they have neighborhood association support and stated he was in favor.

Motion approved by roll call vote unanimously.

Mr. Carroll moved to approve the application for 2) A dimensional variance from Chapter 5, Section 5.2 to authorize the construction of 60 dwelling units with 627 square feet of lot area per dwelling unit where Zone CN-1 requires 1,800 square feet of lot area per dwelling unit, seconded by Mr. Skalski.

Motion approved by roll call vote unanimously.

Mr. Carroll moved to approve the application 3) A dimensional variance from Chapter 50, 50-7.2 A, of 22 off-street parking spaces to allow a total of 38 off-street parking spaces where 46 are required, seconded by Mr. Skalski.

Mr. Carroll stated he was in support, especially with a bike rack.

Motion approved by roll call vote unanimously.
OTHER BUSINESS:

Mr. Eldridge commented there are already requests for the December 10th meeting

ADJOURNMENT:

The meeting was adjourned at 8:16 p.m.
NOTICE OF PUBLIC HEARING

November 25, 2020


Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the LIFT Foundation. The request concerns the properties at 210, 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue; which are situated in use Zone CC, Commercial – Community District; Zone CN-1, Commercial – Neighborhood District; and M-1, Manufacturing – Limited District.

The applicant is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow residential dwelling units on the ground floor level of each of the proposed apartment buildings (60 residential units total), where retail or other commercial floor space is required on the ground floor. Please note that this is a renewal of the same variance granted on February 21, 2019 which has expired.

Please note that this request will not change the zoning classification of the property. This is a request for variance only regarding the item described above.

The meeting will be held on Thursday, December 10, 2020 at 7 p.m. Due to COVID-19 this public meeting will be held electronically and streamed live on the City’s Facebook page and YouTube Channel. Check www.kalamazoocity.org for details on providing public comments.

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at https://www.kalamazoocity.org/boards

Sincerely,
ZONING BOARD OF APPEALS

Peter C. Eldridge, AICP
Assistant City Planner c: Property File
Zoning Board of Appeals (ZBA) Application
Community Planning & Economic Development Department
245 N. Rose Street, Ste. #100
Kalamazoo, MI 49007
Phone: 269-337-8026
www.kalamazoocity.org

Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Economic Development Department at least four (4) weeks prior to the Zoning Board of Appeals meeting.

Applicant:  Name  LIFT Foundation, A Nonprofit Housing Corporation
Address  2725 Airview Blvd. Suite 202
City, State, Zip  Kalamazoo, MI 49002
Phone  269-350-2019  Cell  269-217-5731
Fax  269-350-2039  Email  lisaw@lmc-mi.com

Owner:  Name  Bronson Properties Corporation and Kalamazoo County Housing Choices
Address  See attached
City, State, Zip  
Phone  
Cell  
Fax  
Email  

(if the applicant is not the property owner; a letter signed by the owner agreeing to the variance must be included with the application.)

Property Information
Street or Street Address  See attached, the locations to be built upon are 205 and 209 E. Stockbridge Ave.
This property is located between South Burdick street and Bank street, on the (√) north  ( ) south  ( ) east  ( ) west side of the street.
Parcel #:  Zone:

Type of Request
[ ] Interpretation of Chapter(s)  Sections(s)  of the City of Kalamazoo Zoning Ordinance.

[ ] Use Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See Requirements List.)

[ ] Dimensional Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See Requirements List.)

[ ] Appeal of an Administrative Decision

Description

Attachments
[ ] $375.00 Fee
[ ] Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
[ ] Sketch plan of the property in questions (2 copies)
[ ] Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies) Site plan approval letter

Signature of Applicant  Date  11-11-2020
See attached Letters of Agreement
Signature of Owner (if different than applicant)  Date

Rev 10/2020
LIFT Foundation Use Variance Request

Applicant – See application

Owner – Bronson Properties Corporation owns the following parcels:

1) 216 Lake St.
2) 220 Lake St.
3) 302 Lake St.
4) 302 Lake St. Rear
5) 308 Lake St.
6) 308 Lake St. Rear

Address of owner: 601 John Street, Kalamazoo, MI 49007

Owner phone and email: Gregory Milliken, 269-341-7044, millikeg@bronsonhg.org

Owner – Kalamazoo County Nonprofit Housing Corporation owns the following parcels:

1) 205 E. Stockbridge
2) 209 E. Stockbridge
3) 210 Lake St.
4) 316 Lake St.

Address of owner: P.O. Box 467, Portage, MI 49081-0467

Owner phone and email: David Artley, 269-569-1382, barrieandmaddie@gmail.com

Property Information

Street or Street Address:

1. 210 Lake St. – South side of Street
   CCN # 06-22-344-263 Zone: Community Commercial

2. 216 Lake St. – South side of street
   CCN# 06-22-344-262 Zone: Community Commercial

3. 220 Lake St. – South side of street
   CCN# 06-22-344-261 Zone: Community Commercial

4. 302 Lake St. – South side of street
   CCN # 06-22-415-001 Zone: Community Commercial

5. 302 Lake St. Rear – South side of street
   CCN# 06-22-415-260 Zone: M-1

6. 308 Lake St. – South side of street
   CCN# 06-22-415-002 Zone: M-1

7. 308 Lake St. Rear – South side of street
   CCN# 06-22-415-259 Zone: M-1
8. 316 Lake St. – South side of street  
   CCN# 06-22-410-002  
   Zone: M-1

9. 205 E. Stockbridge – North side of street  
   CCN# 06-22-349-001  
   Zone: CN-1

10. 209 E. Stockbridge – North side of street  
    CCN# 06-22-349-003  
    Zone: Community Commercial
LIFT has been an affordable housing provider in Kalamazoo County since 1966. The current project responds to the need identified in the City’s Imagine Kalamazoo 2025 Master Plan (the “Plan”) for affordable housing adjacent to the downtown area. It will tie into the “Healthy Living Campus” by promoting a healthy living ideal with a smoke free campus, greenhouse, community garden, walking path, playground and fitness center. The development’s 60-units will provide housing to those at 30%, 40%, 60% and 80% of the area median income. LIFT’s goal is to provide housing that is walkable, close to employment, transportation and amenities. Hawthorne Park will be a distinctive community with a strong sense of place for its residents.

LIFT is working within the current zoning requirements of the parcels that, when combined, will be zoned Community Commercial (CC). While there will be a daycare center in the building along East Stockbridge, LIFT requests that the building located to the west of the property be permitted to have residential units, including barrier free accessible units, on the first floor instead of commercial tenants. This Use Variance was previously approved by this Board on February 21, 2019, however, a renewal is requested as Hawthorne Park was not awarded Low-income Housing Tax Credits (LIHTC) and will reapply for an award in February of 2021. It will be necessary to have a current approval to submit with the LIHTC application.

The site plan includes two buildings and has received site plan approval from the City of Kalamazoo, including verification that the sanitary sewer system is adequate to serve the project. Further, the Michigan Department of Environment, Great Lakes and Energy (EGLE) is in the process of issuing the final permit for the development. It is important to note that very little work will be performed at the north end where the Lake Street properties are located. Outside of a walkway the Lake Street properties will largely be preserved in their natural state.

Use Variance
1. In the “Plan”, this site has been identified for future zoning as “Neighborhood Edge,” a zoning district “that enable[s] existing and new development flexibility for a variety of building types that support residential density and commercial scale in appropriate locations” (the Plan, page 25, column 1, partial paragraph top of page). While not in place yet, this is the zoning that the City is working towards in this area. We believe that within the flexibility described, residential units are appropriate on the first floor of the building that will be located away from any main street. Residential units on the first floor will consist of barrier free accessible apartments as well as units that can be easily converted to be accessible. It is possible, under current zoning, to building up to a six story building with an elevator, but LIFT does not feel that such a design is appropriate for the neighborhood. Finally, the neighborhood is currently made up of a mix of commercial and residential with single family residences that are used entirely as personal homes.

2. The unnecessary hardship is that the Lake Street parcels are located in a 100-year flood zone. The developer would have preferred to rezone the parcels to residential multifamily, but due to the flooding concerns expressed by neighbors, has decided instead to work within the existing zoning.

3. The developer did not create the special circumstances identified in item 2 above. Furthermore, when identifying land for development, nonprofit developers have limitations that they must work within in order to obtain funding.

4. The purpose and intent of the Ordinance is to promote public health, safety and general welfare. In the Plan the City commits to, “Working with area nonprofits to develop affordable housing” (the Plan, page 89, column 1, bullet point 3). Both the Ordinance and the Plan support this variance request. Without decent, affordable housing many of our citizens will remain in precarious housing situations that are either unaffordable or stressful (i.e., in shelter, outdoors or doubled-up) that can affect their health, safety and general welfare.

5. The developer is requesting a variance that is not expected to adversely affect its neighbors in any way since this particular block is currently a mix of purely commercial establishments, home-based businesses and single family homes. This use will be a benefit to the neighborhood.

6. Granting of this variance will be entirely consistent with the purpose and intent of the Ordinance in promoting public health, safety and general welfare. Housing that is decent, safe and sanitary (HUD’s standard) provides a place for families to grow and make progress on their goals rather than being preoccupied by whether or not they will be able to pay the rent next month or where they will sleep that night.
3.3.2020

LOCKHART MANAGEMENT & CONSULTING
ATTN: LISA WILLCUTT
2725 AIRVIEW BLVD #302
PORTAGE, MI 49002

Dear Mrs. Willcutt:

RE: Site Plan Approval - Hawthorne Park Mixed Use Development
210, 216, 220, 302, 302 (Rear), 308, 308 (Rear) Lake Street &
205 and 209 E Stockbridge Ave.

The city Site Plan Review Committee has completed its review of the site plan for mixed use
development at 209 E Stockbridge and above listed parcels. The plan meets the requirements of
the city Site Plan Review Committee. Therefore, we are pleased to indicate that the site plan
has been approved. You or another project representative may apply for the required permit
building, trade, soil erosion, utility, paving and any other required permits at this time.

Prior to occupancy of the building please contact our office to schedule an inspection of the site
plan improvements.

Thank you for your cooperation during this process.

Sincerely,

Bobby Durkee, AICP
Planner I

c: Property file
Chair Youngs reviewed the criteria conditions that must be met to qualify, there’s a need to see through for safety reasons and stated he was in favor.

Mr. Flach asked about decorative metal fencing. Mr. Eldridge stated metal fencing was preferred.

**Motion approved by roll call vote unanimously.**

Mr. Houston read the application for 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue, Parcel #06-22-344-262, #06-22-344-261, #06-22-415-001, #06-22-415-260, #06-22-415-002, #06-22-415-259, #06-22-410-002, #06-22-349-001 and #06-22-349-003:

ZBA #19-02-07: 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue: An application for a variance to the provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by the LIFT Foundation. The request concerns the properties at 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue; which are situated in use Zone CC, Commercial – Community District; Zone CN-1, Commercial – Neighborhood District; and M-1, Manufacturing – Limited District. The applicant is requesting a use variance from Chapter 4, Section 4.2 Q.3, to allow residential dwelling units on the ground floor level of each of the three proposed apartment buildings (60 residential units total), where retail or other commercial floor space is required on the ground floor level in Zone CC. Please note that the majority of the land area assembled for this project is located in Zone CC. Therefore, the development regulations for Zone CC are applicable site development standards for the multi-family project.

Please note that this request will not change the zoning classification of the property. This is a request for a variance only regarding the item described above. There were forty-eight notices of public hearing sent and two responses were received.

Attorney Jeff Swenerton, spoke on behalf of the Lift Foundation, the proposal consists of three different buildings, in three different zoning classifications, in the CC District. The zoning ordinance permits mixed use multi-family residential with commercial provided there’s commercial on the first floor. They want to do 60 units in the three buildings and are asking for a minor use variance to have residential in buildings two and three that are not on the road frontage. This will permit them to have barrier free housing on the first floors and meets the Master Plan for 2025, working to achieve affordable housing. He spoke of the Lift Foundation and their background. He stated it will be a community asset in the CC Zoning District. The first floor will have a day care center, and may have residential units in back. They have purchased eight parcels and are closing on two other properties. The commercial is in the CC District the three buildings are accessed off E. Stockbridge Avenue and are barrier free. He spoke about the north half of the project, the flooding in this area has been a concern, and this project will not exasperate the flooding concerns, but will reduce those. The bioswale will be dug out, and help the flooding conditions. They could have designed more buildings there, but chose not to at this time. They could build these buildings up to six stories, but will only be
three stories each. The special circumstances are the need for the barrier free to be on the first floor.

Lisa Wilcott, Lift Foundation, 2725 Airview Blvd. Ste #302, commented they redesigned this project after hearing the neighbor’s concerns; they have lots of flood retention and will be vetted by the DEQ, and won’t be disturbing wetlands. They intend to make it a community asset, with a community garden, a walking trail, they won’t disturb wildlife, she had the DNR check the area, there are no endangered species in the area. There will be community space available within these buildings. She spoke of the Lift Foundations work within the community.

Mr. Houston commented the area is a known area to flood, by adding their buildings, what impact will that have. Attorney Swenerton stated overall with the bioswales on the north side it will be an improvement even with the three buildings it would be an improvement to the flooding concerns there. Ms. Wilcott stated the Stockbridge properties are not in the flood plain area. Mr. Houston commented the City has been trying to solve the flooding in this area for over fifty years and they feel they have the solution. Ms. Wilcott stated they have a solution to have more places for the water to go. The bioswales will create a deeper place for the water to go, and the DEQ will have to approve.

Mr. Lager commented the purpose of the variance is to simply allow barrier free access on the first floor.

Chair Youngs clarified the Board is not deciding on any flood plain issues, only to decide if to allow residential units on the ground floor.

Mr. Flach commented the building on Stockbridge will have commercial space. Attorney Swenerton replied correct.

Mr. Flach asked if this meets the future Master Plan. Mr. Eldridge replied yes, from the mixed use development stand point. The City has pushed for commercial on the public street. The Master Plan is for affordable housing. They are doing amendments to the Zoning regulations; they are looking at project that is more than just affordable housing units. It has a day care center on the property; it’s not just an affordable housing complex. They are looking at ordinance, the intent was to create mixed use buildings, however, they are finding a lot of mixed use projects aren’t 100% commercial on the ground floor. Many projects and variations have come before the Board for variances. They plan to make changes to that ordinance.

Speaking in favor:

David Anderson, member of the Lift Foundation Board, stated they are the largest local non-profit developer of affordable housing in Kalamazoo County; their mission is to create, preserve, manage and own for the long term affordable multi-family housing. They have redesigned the development after hearing the neighbor’s concerns. The Stockbridge property doesn’t flood and never has the intent will be to help and exceed the requirements. The three story buildings don’t have elevators, they aren’t required, and needs the barrier free on the ground floor. They are asking for the two interior buildings where a commercial presence wouldn’t be appropriate. This is a mixed income project for low to moderate income.
Speaking in opposition:

Richard Stewart, resident and owner of a business in the proposed Southtown Neighborhood, he spoke to the City not recognizing the Southtown Neighborhood. He stated the use variance application by the Lift Foundation is inappropriate and unethical, because other sites are available. On January 3, 2019 The Lift Foundation applied to rezone the same parcels to allow a 90 unit apartment building and the Planning Commission denied the application after hearing neighbors speaking out against the development. Now Mr. Anderson is side stepping the Planning Commissions denial and going before the ZBA with a new revised plan. This plan doesn’t overcome the objections, it brings a new safety concern, and the proposed site is four acres of natural greenspace and a water shed. It’s the last natural green space, the last natural water shed, the last habitat for wildlife. Flooding is the number one issue they deal with. He spoke to the City connecting the sanitary sewer to a separate sewer system that causes extreme pressures to the neglected systems. The City states each house can get a backflow preventer valve installed in their house. He feels that’s a band aid solution to the problem of the high pressure in the sanitary sewer lines. He spoke to the letters of support from people who don’t live in the neighborhood. He feels the Kalamazoo Mental Health and the KVCC buildings placed additional burdens on the existing system. He spoke to Mr. Andersons comment on meeting the requirements as KVCC and Kalamazoo Mental Health that has failed. He has health and safety concerns for the retention ponds in the area for children.

Mr. Carroll asked what neighborhood the City says he lives in. He lives in the fringe of Vine and Edison Neighborhoods.

David Greeley, 326 Lake St., stated he has rental properties at 320, 322 and 324 Lake St. that border the 300 ft. radius of this property. He applauded the City wanting to help low income people in the City and commented he rents to low income families too. His concern is with street flooding and the sewers backing up. The streets flood around them, he parks his cars up higher during flooding. The City doesn’t have the funds to fix the flooding, but asked that they don’t make it worse. Adding more rentals into this area isn’t a good choice.

Mike Fleckenstein, owner of property at 935 John St., stated this variance has implications, noting similar variances have been granted. The retention on site of rain and storm water on site is good, but feels you’ll see run off. He feels an engineering study needs to be done on the sewage lines.

Ann Brown, 215 Lake St., runs a child care center and has concerns with flooding. Her other objection is this project is proposing a child care center and so is the proposed YMCA center at Lake St. and Portage St.

Vicki Vanos, 326 Lake St., stated she met last month with the Planning Commission and they voted down to change the zoning at this property. There have been two floods in the last five months. She’s a limited licensed psychologist in the City of Kalamazoo with children, for over twenty years, she feels everybody deserves the same treatment and had concerns with putting lower income people who work every day, live paycheck to paycheck and house them in a flood plain area, they deserve better. There’s housing being built downtown, low income housing units shouldn’t have to be built in a flooded area. Upjohn Park is under water, then goes to Bronson Park, look at the difference.
Jeffrey Neal, 1222 John St. he’s lived there for over 20 years, and owned a business downtown on the Mall for over 30 years, the downtown business district was extended. He’s against the variance for this affordable housing project, traffic, light pollution, crime and decreased property values are a few of his concerns. He understands the needs for affordable housing, and would like to see a project similar to a neighborhood by Farmer’s Market, houses where people can take pride. He spoke of Interfaith Homes, a Lift Foundation project, with no hand gun signs, stating no trespassing, illegal activity; this isn’t what they want in this area.

Tina McClinton, 310 Lake St., she’s lived there for over thirty years, she feels safe, doesn’t want to lose the green space, they lost twelve acres with KVCC building, there is a lack of infrastructure. The parcels in this application are the last greenspace in this neighborhood; she spoke of the wildlife that would be disturbed, the flooding in the area. The Planning Commission denied this plan now it’s before the ZBA with another request. She’s already flooded three times in the last three years, requiring a new furnace and water heater.

Linda Runkel, 307 Stockbridge, stated she owns three other properties on Stockbridge, has a beautiful backyard, she’s very upset over this request.

John Davis, 920 S. Burdick, he stated no one would build a house on Lake St or Burdick, they know they have a water problem and it floods. He understands the issue of having a shortage of low income housing so build them housing and put them in an area that’s known to flood isn’t a good idea. The City has a flooding problem, it will flood again. There are other places to build, the Planning Commission said no, please listen to them.

Jacob Lamphere, 148 Stockbridge, stated Stockbridge floods, he had six inches of water in his basement, the DHS’s parking lot floods. He has problems with retention ponds and bioswales supposedly taking care of the problems of flooding.

Mr. Eldridge commented this is a challenging area, from a hydrology standpoint. He received feedback from the Director James Baker, he relayed any development in this area has to demonstrate there is net zero storm water discharged. The storm water created on the property has to be managed on the property. The sanitary sewer capacity the Engineering Staff reviewed it and said there are no issues with capacity to bring 60 more units on line. There’s no deficiency. Mr. Baker explained during a flood event the sanitary sewer, when the streets flood and the manholes are submerged there’s infiltration of water around the manhole covers and water does get mixed into the sewage and increases the flow, in some cases it reverses the flow, that’s the backups that occur. There is a program to install back flow preventers units in homes to address no reverse flowing. Mr. Baker stated there no capacity deficiency for these 60 units. Mr. Baker stated to contact Public Services for any flooding concerns. He stated the original request was for a 90 unit project that was in the flood plain, it’s now a 60 unit project that shifted to the south and the three buildings are outside the flood plain. The use variance is for the ground floor usage only. The Board has approved other mixed use variance requests.

Mr. Carroll clarified the original request was denied at the Planning Commission. Mr. Eldridge commented this is a concept plan only; the site plan review committee will have to review the plan next.

Mr. Eldridge clarified if this development had commercial use on all three buildings on the ground level. It would go straight to the site plan review.
Chair Youngs clarified the request before the Zoning Board is for the two buildings to have ground floor barrier free units rather than a commercial use.

Attorney Swenerton stated they were before the Planning Commission to rezone the property only.

Mr. Carroll questioned if residential or commercial use had a higher demand on the sanitation system? Mr. Eldridge stated he’d only be guessing if he answered.

Mr. Carroll clarified the Director Mr. Baker stated there was no issue with the demand on the sewer system. He commented the occupants, being lower income or with accessibility issues, shouldn’t they have commerce near them, food, service, etc.

Chair Youngs closed the public hearing.

**FINDING OF FACT**

Ms. Doane moved the Finding of Fact as follows:

1.) The Finding of Fact for 216, 220, 302, 302 (Rear), and 316 Lake Street / 205 and 209 E. Stockbridge Avenue shall include all information included in the notice of public hearing dated February 6, 2019.

2.) Forty-eight notices of public hearing were sent and two responses were received.

3.) A public hearing was held before the board and public comments were accepted.

4.) The Zoning Board of Appeals received documents on the request including lot diagrams with boundaries and drawings, aerial photographs, site plans, elevations and a letter from the City Planner and minutes from the January 3, 2019 meeting.

5.) The Finding of Fact shall include those documents just described and also all facts and comments made during the public hearing, which are summarized to include without limitation, the following: Chair Youngs mentioned a conversation with a person connected to this case, upon referral to the ZBA no further discussion occurred. Attorney Jeff Swenerton, spoke to the request, the Lift Foundation wants a use variance for the housing units on the bottom floor of buildings two and three. It was stated that it fits in with the Master Plan. The new plan includes bioswales to aide in flood minimization. A total of 60 units in the three buildings. A new plan will have to be approved by the DEQ and be environmentally sound. Staff confirmed the mixed use such as
current request is consistent with Master Plan and is being updated to reflect this. Other exceptions are it’s not in a commercial node having been approved. David Anderson, Lift Board member spoke in favor, spoke to the mission, the modified plan to reflect community feedback. It will not have elevators so to be accessible it needs ground floor units. Speaking in opposition; Richard Stewart, spoke to the loss of four acres of green space, it’s the last habitat for wildlife, they have problems with sewer lines, and plumbing lines backing up, and standing water. David Greeley, stating sewage and street flooding is already significant would be made worse with the new project and wishes to maintain green space. Mike Fleckenstein, he didn’t have objections to the variance itself but had concerns with flooding and related dangers. Ann Brown, concerns with flooding, adding a daycare with another one Lake and Portage being added, making it the third day care in the area. Vicki Vanos, the Planning Commission already denied their application, due to flooding concerns, doesn’t feel people should live in high flood areas or less desirable areas. Jeffrey Neal, feels the density, cars, traffic, and crime will be increased by the presences of this project, and the area will be better served by other types of businesses. Tina McClinton, doesn’t wish the natural area to be changed, concerns with flooding and increased crime, showed pictures of wildlife and flooding. Linda Runkel, wishes to maintain the greens space, concerns with flooding. John Davis, concerns with flooding, people living in a heavy flood zone, it’s not safe, and would be too dense. Jacob Lamphere, concerns about increased flooding on Stockbridge. Mr. Eldridge reports development has to improve the storm water, it will stay on the property and engineering reviewed it, determined it will not overload the sanitary sewer and the backflow preventers will aide in stopping the sewer backup issues. All three buildings will be out of the flood plain area.

Mr. Carroll seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Lager moved to approve the application, seconded by Mr. Houston.

Mr. Houston stated he had mixed feelings. The ZBA concerns are with the use only, the site has issues, and he empathizes with the area.

Mr. Lager stated Kalamazoo has a water problem. However, they are discussing the first floor only on the buildings and creating barrier free access, it meets the Master Plan, and the future zoning changes planned. He’s in favor of the first floor placement of the residential units.

Motion approved by roll call vote.

Yes: Houston, Youngs, Lager, Doane, Flach
No: Carroll
TO: City of Kalamazoo Zoning Board of Appeals

FROM: Pete Eldridge, AICP, Assistant City Planner

DATE: December 1, 2020

SUBJECT: ZBA #20-12-24: 210, 216, 220, 302, 302(Rear), 308, 308 (Rear) and 316 Lake Street / 205 and 209 E. Stockbridge Avenue. The Lift Foundation of Kalamazoo is requesting the reapproval of the previously approved use variance from Chapter 4, Section 4.2 Q.3, to authorize dwelling units on the ground floor level of the proposed apartment buildings (60 residential units), where retail or other commercial floor space is required on the ground floor in Zone CC that expired on February 21, 2020

BACKGROUND

The properties are located in three zone districts, but the majority of the land area is located in Zone CC therefore these are the development regulations which apply. Zone CC does not allow residential development on the ground floor and the proposed project is an affordable housing development.

The Zoning Board of Appeals granted this variance for this project on February 21, 2019, prior to the Lift Foundations application to the State for Low Income Housing Tax Credits (LIHTC) in the June competitive round of review. The project was not awarded the low-income housing tax credits and the variance expired. The Lift Foundation is resubmitting the project for review in the February round with the end goal of having housing for residents at 30%, 40%, 60% and 80% of the area median income (AMI).

There have been a few modifications to the proposed project. The buildings will remain in approximately the same location as the proposal in 2019 but there will now be just two buildings where before there were three buildings. The project will have a two-story building along E. Stockbridge Avenue with 14 residential units and a commercial daycare and then a four-story building with 46 residential units to the north of the first building. Barrier free units will be available on the ground floor in both buildings. The community gardens and the greenhouse were shifted to the east of the parking lot placing these amenities closer to E. Stockbridge Avenue. On March 3, 2020, Site Plan Review approval was obtained for Hawthorne Park.

The Master Plan 2025 Future Land Use Map identifies this property as ‘Neighborhood Edge’ which is intended to allow for a mix of small-scale development serving as a transitional area to more intensive commercial development and key street corridors. Traditional commercial as well as low and medium residential density is permitted. Additionally, the Strategic Vision Goal of ‘Complete Neighborhoods’ is supported with regard to providing a variety of housing types.

VARIANCE CONSIDERATIONS
The literal interpretation of this provision would hinder providing residential housing units, including the accessible units, on the ground floor. Both Stockbridge Avenue and Lake Street have structures with residential on the ground floor. Staff has also mentioned in the past that this requirement which applies to many of the commercial zone districts will be evaluated for future amendments.

The circumstances were not created by the applicant and this minimal action will allow for the mixed-use development proposed to move forward with a smaller footprint of commercially used space for the daycare on the ground floor level of the front building.

**RECOMMENDATION:**

Staff supports the granting of the variance as this use variance has been previously granted for the same project in 2019. Additionally, there is a strong need for more mixed income housing in our community.
300' Mailing Boundary
216, 220, 303, 302 rear, 308, 308 rear and 316 Lake St
205 & 209 E Stockbridge
January 16, 2019

City of Kalamazoo Zoning Board of Appeals
Community Planning & Development
415 East Stockbridge Ave.
Kalamazoo, MI 49001

RE: LIFT Foundation’s Use Variance Request for 216 Lake St., 220 Lake St.,
302 Lake St., 302 Lake St. Rear, 308 Lake St., and 308 Lake St. Rear

Dear Zoning Board of Appeals Members:

Bronson Properties Corporation is the owner of the properties referenced
above. It is our understanding that the LIFT Foundation will be submitting a
use variance request involving these properties along with others in the
immediate vicinity. They desire a variance to allow for residential units,
including barrier free residential units, to be constructed on the first floor.
This variance would apply only to the two buildings that are located in the
middle of the property and not immediately on a main street.

Bronson supports the request and the applicant’s effort to increase the
availability of quality, relevant housing options. Quality housing has been
determined to be one of the key determinants in personal health, and efforts
like this to improve the successful establishment of quality housing in
Kalamazoo’s core neighborhoods will improve the overall community health of
our City.

If you have questions or need additional information, please feel free to
contact me at millikeg@bronsonhg.org.

Respectfully Submitted,

[Signature]

Gregory Milliken, AICP
System Manager, Real Estate
Bronson Healthcare Group
November 11, 2020

City of Kalamazoo
Community Planning & Development
415 East Stockbridge Ave.
Kalamazoo, MI 49001

RE: LIFT Foundation’s Use Variance Request for 205 and 209 E. Stockbridge Avenue

To Whom It May Concern:

Kalamazoo County Housing Choices (KCHC) is the owner of the properties listed above. I am writing to state that my organization agrees with the Use Variance requested by LIFT Foundation that would allow for residential units, including barrier free accessible units, on the first floor of one of the two buildings. It is our understanding that this variance would apply only to the building that is located to the west of the property and not on a main street.

KCHC supports this request as it increases affordable housing in Kalamazoo, which is one of our organization’s missions.

Should you have any questions please contact me at 269-569-1382.

Sincerely,

[Signature]

David Artley
President
Kalamazoo County Housing Choices
NOTICE OF PUBLIC HEARING

November 25, 2020

RE: ZBA #20-12-25
522 and 530 S. Rose Street
Parcel #06-22-114-027 and #06-22-119-026

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by PGJ Development. The request concerns the properties at 522 and 530 S. Rose Street, which are situated in use Zone LW-1, Live Work 1 District.

The applicant is requesting the following: 1) a dimensional variance from Chapter 50 -5.6 C, for a 12% increase in impervious cover from 75% to 87%, 2) a dimensional variance from Chapter 50 -7.4 (2)a, to authorize a vehicular entrance for the proposed building on the building’s front façade, where garage bays or loading areas of all types are to be located in the side or rear yard, 3) a dimensional variance from Chapter 50 -5.6 C, of two-stories to allow a five-story building and 4) a dimensional variance from Chapter 50, 50-7.2 A, to authorize a variance of five off-street parking spaces to allow for a total of 40 off-street parking spaces where 35 is the maximum spaces for the 64 senior apartments proposed.

Please note that this request will not change the zoning classification of the property. This is a request for variances only regarding the items described above.

The meeting will be held on Thursday, December 10, 2020 at 7 p.m. Due to COVID-19 this public meeting will be held electronically and streamed live on the City's Facebook page and YouTube Channel. Check www.kalamazoocity.org for details on providing public comments.

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldrigep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at https://www.kalamazoocity.org/boards

Sincerely,
ZONING BOARD OF APPEALS

Peter C. Eldridge, AICP
Assistant City Planner
Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Development Department at least four (4) weeks prior to the Zoning Board of Appeals meeting.

Applicant:  Name ____________________________
Address 518 E. North St,
City, State, Zip  Kalamazoo MI 49007
Phone  ____________________________  Cell  ____________________________
Fax ____________________________  Email  gseybert@psequities.com

Owner:  Name ____________________________
Address 522 1/2 South Burdick
City, State, Zip  Kalamazoo MI 49007
Phone  ____________________________  Cell  ____________________________
Fax ____________________________  Email  nantt@aol.com

(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)

Property Information
Street or Street Address 522 & 530 South Rose Street, Kalamazoo MI
This property is located between __________ W Cedar St ______ street and __________ W Walnut St ______ street, on the
☑ north   ☐ south   ☐ east   ☑ west side of the street.
CCN# #06-22-114-027 & #06-22-119-026 Zone ________ Live Work 1.

Type of Request
[ ] Interpretation of Chapter(s) ____________________________ Sections(s) ____________________________
Paragraph(s) ____________________________ of the City of Kalamazoo Zoning Ordinance.

[ x ] Use Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary hardship to the applicant will result. All Use Variance Requirements must be met. (See Requirements List.)

[ x ] Dimensional Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See Requirements List.)

[ ] Appeal of an Administrative Decision
Description #1- 12% increase in impervious coverage (75% to 87% impervious) #2- a parking variance to exceed the 110% maximum amount of parking allowed (35 allowed compared to 40 proposed) #3- a garage bay on the front façade facing a primary street (Rose Street), where garage bays are not permitted. Rose street is the only access available to the proposed site. #4- 2 stories of additional height to allow a 5-story building, where up to 3 is permitted in the Live Work 1 zone. The previous CC zone designation permitted a 5-story building.

Attachments
[ x ] $ 300 Fee
[ x ] Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
[ x ] Sketch plan of the property in questions (2 copies)
[ x ] Additional attachments as needed e.g. (pictures, architectural drawings, petitions, etc. (2 copies)

Signature of Applicant ____________________________  Date 11/13/2020

Signature of Owner (if different than applicant) ____________________________  Date ____________________________

Rev 2/2016
Narrative

530 Rose St. Senior Apartments is a proposed 64-unit mixed income affordable housing development for Seniors aged 55+ at income levels of 30%-60% AMI (area median income) including 13 market rate units to maximize points in the very competitive 9% LIHTC (Low Income Housing Tax Credit) round. Back on December 12th 2019, the ZBA approved a density bonus for the 530 Rose St. Senior which at the time was the only variance required as proposed. In February of 2020 we applied to MSHDA for a tax credit allocation and for various reasons we were not successful with that application. It is our intent to reapply to MSHDA for a credit allocation in February of 2021. Presently, there are 4 variances required for the same proposal due to the property being rezoned by the city from CC to Live Work 1. The only changes to the proposed development from December 12th 2019 to the present time are changes we have made in an effort to reduce the variances required for the same development that was previously approved.

As stated earlier, the only variance required in the previous zone district was a density variance. Under the current zone- district a density variance is no longer required; however, the following 4 variances are now required as a result of the change in zoning from CC to Live Work 1:

- a 12% increase in impervious coverage (75% to 87% impervious)
- a parking variance to exceed the 110% maximum amount of parking allowed (35 allowed compared to 40 proposed)
- a garage bay on the front façade facing a primary street (Rose Street), where garage bays are not permitted. Rose street is the only access available to the proposed site.
- 2 stories of additional height to allow a 5-story building, where up to 3 is permitted in the Live Work 1 zone. The previous CC zone designation permitted a 5-story building.

Given that the development as a whole, has not changed since the original approval, we request the ZBA take into consideration that the zoning designation change was initiated and formalized by the city of Kalamazoo unbeknownst to the developer. We recognize and understand the city had its reasons for initiating a rezoning of the subject parcel, but given the fact that the project was previously approved under the prior zoning designation, and the
overwhelming need for affordable housing within the community of Kalamazoo, we would request that this body give due consideration to our variance requests.

Use Variance Questions

#1 Under the new zoning district, Live Work 1, the proposed use is a permitted use and is essentially the same use as was approved December 12th, 2019 by this board as well as the planning commission under the CC zoning designation. The new zoning designation, Live Work 1, places new constraints on the proposal which didn’t exist previously. The literal interpretation and enforcement of the terms and provisions of this revised ordinance would in fact for all practical purposes deprive applicant from using the property for development of affordable housing as previously approved by this body.

#2 The development plan as proposed is essentially the same as was approved December 12th, 2019 under the prior CC Zone designation. The City of its own volition, rezoned the property to Live Work 1 creating the special circumstances and conditions necessitating the need for the variances sought pursuant to this request. These special circumstances or conditions are not, to the best of petitioner’s knowledge, applicable to other land or structures within the same zone district at the present time as petitioner is not aware of any other pending projects or previously approved projects within the immediate area under the prior CC zoning designation, other than petitioners’ proposal.

#3 Please refer to the previous answer in #2 hereinabove.

#4 The grant of the requested variances provides petitioner the same opportunity as was previously approved (December 12th, 2019) to develop 64 affordable housing units. We have adjusted the front Façade as well as the parking to more closely align the project with the present zoning, and the variance request being made is the minimum action required to restore petitioners prior approves granted by this boar and would not be contrary to the public interest, and would carry out the spirit of the ordinance and help to alleviate the overwhelming need for affordable housing within the Kalamazoo community.
#5 The property is currently being utilized as a surface parking lot. The proposed development will entail the investment of over 10MM in the neighborhood/community, and provide 64 new much needed affordable housing units in the city of Kalamazoo. The proposed development will enhance the existing valuations within the immediate neighborhood and surrounding community.

#6 Petitioner believes the proposed project and the addition of 64 affordable rental housing units to the community is not only consistent with the intent and purpose of the ordinance but is also consistent with the immediate adjacent properties, most of which are rental housing units, and help to satisfy the overwhelming need for affordable housing in the Kalamazoo community.

**Dimensional variance questions**

#1 The only public street the property has access to is Rose street, therefore the driveway and garage bay door must be located on Rose Street. The subject parcel is not a corner parcel and is located in the middle of the block, there simply are no other options from which to access the parcel.

#2 The special circumstances surrounding petitioners request are not the result of petitioners or owner’s actions. The physical characteristics of the site are what they are, there is only one public street from which to access the site, and the other variances requested are simply a result of the recent rezoning of the parcel from CC to Live Work 1 which placed additional constraints on the project that was previously approved under the then existing CC zone

#3 The site can only be accessed from Rose Street much like many other properties within the same block that front Rose St. As for the height variance, 5 stories were permitted in the previous zone district and approved by this body as well as the planning commission. The impervious surface and parking variances are necessitated by the design of the building. The existing parking is all surface parking and the petitioner proposed to conceal all future parking from public view underneath the proposed building (see elevations).
The practical difficulty in seeking the necessary variances is a result of the zoning change since the prior approvals granted on December 12th, 2019.

#4 The grant of the requested variances provides petitioner the same opportunity as was previously approved (December 12th, 2019) to develop 64 affordable housing units. We have adjusted the front Façade as well as the parking to more closely align the project with the present zoning, and the variance request being made is the minimum action required to restore petitioners prior approvals granted by this board and would not be contrary to the public interest, and would carry out the spirit of the ordinance and help to alleviate the overwhelming need for affordable housing within the Kalamazoo community.

#5 The property is currently being utilized as a surface parking lot. The proposed development will entail the investment of over 10MM in the neighborhood/community, and provide 64 new much needed affordable housing units in the city of Kalamazoo. The proposed development will enhance the existing valuations within the immediate neighborhood and surrounding community.

#6 Petitioner believes the proposed project and the addition of 64 affordable rental housing units to the community is not only consistent with the intent and purpose of the ordinance but is also consistent with the immediate adjacent properties, most of which are rental housing units, and help to satisfy the overwhelming need for affordable housing in the Kalamazoo community.

#7 Petitioner is not requesting any dimensional variances which involves required landscaping.
Zoning Board of Appeals
Staff Report

TO: City of Kalamazoo Zoning Board of Appeals

FROM: Pete Eldridge, AICP, Assistant City Planner

DATE: December 1, 2020

SUBJECT: ZBA #20-12-25: 522 and 530 S. Rose Street. PGJ Development is requesting:

1) a dimensional variance from Chapter 50, 5.6 C, for a 12% increase in impervious cover from 75% to 87%
2) a dimensional variance from Chapter 50 -7.4 (2)a, to authorize a vehicular entrance for the proposed building on the building’s front façade, where garage bays or loading areas of all types are to be located on the side or rear façade,
3) a dimensional variance from Chapter 50, 5.6 C, of two-stories to allow a five-story building,
4) a dimensional variance from Chapter 50, 50-7.2 A, to authorize a variance of five off-street parking spaces to allow for a total of 40 off-street parking spaces where 35 is the maximum spaces for the proposed 64 senior apartments.

BACKGROUND

PGJ Development applied in June 2020 for Low Income Housing Tax Credits (LIHTC) to build 64 units of senior housing. Prior to this submittal they received a variance to allow the number of dwelling units proposed. The State of Michigan did not award this project, or any Kalamazoo project, tax credits in the June Round. PGJ Development plans to reapply in February 2021 with a goal of providing senior housing for income levels of 30% to 60% of the area median income (AMI). This project will also include 13 market rate senior units.

Since the project originally was viewed by this Board and had their site plan approved back in May 2020, the area was rezoned from Zone CC to Live Work-1. The dimensional variance to allow the 64 units approved on December 12, 2019 is no longer needed, Live Work 1 does not have a density requirement. However, other variances are required from Live Work 1 to support the project before it is submitted to the State. This project has been caught up in an awkward position between rezoning, approval of the site plan, and the next round of State Tax Credits.

The applicant has worked to meet the new code requirements and to ensure that what is requested in the minimum amount necessary. This includes a reduction of the garage bays on the front façade from two to one and the number of off-street parking spaces has been reduced. The height of the building is unchanged at five stories. This project was given pre site plan approval in May 2020; a requirement which yields LIHTC project points by the State during the review. A second site plan review will be scheduled for later this month, based on the outcome of the Zoning Board of Appeals meeting.

The Master Plan 2025 Future Land Use Map identifies this property as ‘Urban Edge’ which is intended to allow for a mix of medium-scale development serving as a transitional area to the more intensive downtown. This category also allows for medium to high density residential
development. The Strategic Vision Goal of ‘Complete Neighborhoods’ is supported with regard to providing a variety of housing types within the neighborhoods.

**VARIANCE CONSIDERATIONS**

1) Impervious Coverage. This number has not significantly changed since last fall. The lots are small and around surrounded by other development. Also, the impervious coverage limits, changed from 80% of the lot area with Zone CC to 75% impervious with an additional allowance of 15% semi-pervious area when the site was rezoned to Live Work 1 by the City earlier this fall.

2) Garage Bays. Live Work 1 does not allow garage bays on the front façade. The applicant reduced the number of bays planned to one from the two they showed last spring. Due to the narrowness of the lots, lack of other street access, and this project being caught between zoning actions, staff supports the request.

3) Building Height. The initial proposed building was five stories in height as Zone CC has a 65-foot height maximum compared with Live Work -1 which has a height maximum of three stories. Again, this project was caught between LIHTC application deadlines and the rezoning. It is also important to note that affordable housing projects, even with the award of tax credits, need to maximize the space for the number of units in order to reduce the gap between the cost of this type of project and its ultimate income. There is a need for affordable housing in Kalamazoo, therefore staff supports this request.

4) Off-Street Parking. The applicant, with the changes to the garage bays, has also adjusted the quantity of parking proposed, reducing it from the original plan. Senior housing has a parking ratio of $\frac{1}{2}$ space per unit, where student housing as 2 and standard units require 1. There will also be two building staff on-site that are not accounted for in these parking numbers. Staff supports this request to allow five spaces over the code requirement because it is the minimum variance request necessary to make this LIHTC project work.

**RECOMMENDATION:**

Staff supports the granting of these dimensional variances as this project was intended for construction before the rezoning was initiated by the City. There is also a need for more mixed income senior housing in our community.
300' Mailing Boundary
522 & 530 S. Rose St.
NOTICE OF PUBLIC HEARING

November 25, 2020

RE: ZBA #20-12-26
508 Harrison Street and 660 Gull Road
Parcel #06-15-295-101 and #06-15-287-030

Dear Property Owner:

An application for a variance for provisions of the Zoning Ordinance has been filed with the Zoning Board of Appeals by River Caddis Development, LLC. The request concerns the properties at 508 Harrison Street and 660 Gull Road, which are situated in use CMU, Commercial – Mixed Use District (Subarea 4).

The applicant is requesting the following: 1) a use variance from Chapter 4, Section 4.2 Q.3, for residential units on the ground floor in the proposed apartment complex where retail or other commercial floor space is required on the ground floor, 2) a dimensional variance from Chapter 3, Section 3.7 Table RF-O.1, to reduce the lot area per dwelling unit from 1,500 square feet to 1,234 square feet for 222 dwelling units, and 3) a dimensional variance from Chapter 3, Section 3.7 Table RF-0.1, to allow a range between 5 and 30 feet from the 0 to 10 foot front build-to requirement for the primary building façade.

Please note that this request will not change the zoning classification of the property. This is a request for variances only regarding the items described above.

The meeting will be held on Thursday, December 10, 2020 at 7 p.m. Due to COVID-19 this public meeting will be held electronically and streamed live on the City's Facebook page and YouTube Channel. Check www.kalamazoocity.org for details on providing public comments.

To examine documents related to this request or provide written comments, please contact Pete Eldridge at eldridgep@kalamazoocity.org or call (269) 337-8806. The agenda will be posted at https://www.kalamazoocity.org/boards

Sincerely,

ZONING BOARD OF APPEALS

Peter C. Eldridge, AICP
Assistant City Planner
Zoning Board of Appeals (ZBA) Application Form
Community Planning & Development Department
415 Stockbridge
Kalamazoo, MI 49001
Phone: 269-337-8026
www.kalamazoo.org

The City of

Your fully completed application, fee, and all related documents must be submitted to the Community Planning & Development Department at least four (4) weeks prior to the Zoning Board of Appeals meeting.

Applicant:  Name ____________________________ Byce & Associates, Inc.
Address ____________________________ 487 Portage Street
City, State, Zip ____________________________ Kalamazoo, Michigan 49007
Phone ____________________________ 269-381-6170  Call ____________________________ 906-280-3552 (Contact Danielle Rhodes)
Fax ____________________________ 269-381-6176  Email ____________________________ danielle.rhodes@byce.com

Owner:  Name ____________________________ River Caddis Development, LLC
Address ____________________________ 1038 Trowbridge Road
City, State, Zip ____________________________ East Lansing, Michigan 48823
Phone ____________________________ 517-703-2132  Call ____________________________ 
Fax ____________________________ 269-337-7843  Email ____________________________ kmraw@rivercaddis.com

(If the applicant is not the property owner, a letter signed by the owner agreeing to the variance must be included with the application.)

Property Information
Street or Street Address 508 Harrison St (PIN 06-15-295-101) and 660 Gull Rd (PIN 06-15-287-030)
This property is located between ______________________ street and ______________________ street, on the
☐ north  ☐ south  ☑ east  ☐ west side of the street.
CCN# ______________________ Zone ______________________
06-15-295-101  CMU (3/4 Property) & RMU (1/4 Property)

Type of Request
[ ] Interpretation of Chapter(s) ____________________________ Sections(s) ____________________________
Paragraph(s) ____________________________ of the City of Kalamazoo Zoning Ordinance.

[ ] Use Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, unnecessary
hardship to the applicant will result. All Use Variance Requirements must be met. (See Requirements List.)

[ ] Dimensional Variance: Applicant must demonstrate that if the Zoning Ordinance is applied strictly, practical
difficulties to the applicant will result. All Dimensional Variance Requirements must be met. (See Requirements List.)

[ ] Appeal of an Administrative Decision

Description 1) Use Variance to allow ground floor residential dwelling units, 2) Dimensional
variance to allow reduction in to applicable dwelling unit density requirements and
3) Dimensional Variance to 0-10 ft build zone requirement

Attachments
[ ] § Fee
[ ] Brief narrative (less than one type-written page) describing the nature of the request (2 copies)
[ ] Sketch plan of the property in question (2 copies)
[ ] Additional attachments as needed e.g. pictures, architectural drawings, petitions, etc. (2 copies)

Signature of Applicant ____________________________ Date 11-12-20

Signature of Owner (if different than applicant) ____________________________ Date 11-12-20

Rev 2/2016
November 16, 2020

City of Kalamazoo Zoning Board of Appeals  
c/o: Peter C. Eldridge, Zoning Administrator  
Community Planning & Development Department  
415 E Stockbridge Avenue  
Kalamazoo, Michigan 49001  
Phone: (269) 337-8806

RE: River Caddis River’s Edge Development  
508 Harrison Street, Kalamazoo, MI 49007  
Variance Request to the Zoning Board of Appeals  

B/A Project No: 17100255

Dear Zoning Board of Appeals –

Byce & Associates, Inc. submits this letter on behalf of River Caddis Development and the City of Kalamazoo Redevelopment Authority, as reference to the submitted Application Request to the Zoning Board of Appeals, pertaining to the planned MSHDA Housing Development, proposed on the parcels addressed at 508 Harrison Street and 660 Gull Road, within the current City of Kalamazoo’s CMU Commercial Mixed-Use and RMU Residential base Zoning Districts. Development properties also reside within sub area 4, Southwest Commercial sub area, of the Riverfront Overlay District and within the City’s Natural Features Protection Overlay District with relative standards applicable to subject development.

The proposed multi-phase, mixed-use commercial and residential development includes a market balanced combination of residential and commercial building structures, believed to be consistent with the spirit and intent of the City of Kalamazoo Master Plan and applicable Master Plan Zoning District Standards. Proposed Phase 1 Residential Developments are planned to reside within future Live-Work 2 Zoning District and Phase 2 Commercial Developments, spanning Harrison Street corridor, are planned to reside in the City’s future Node District. Refer to attached plan C220, illustrating proposed pre and post development zoning district divisions.

Proposed Phase 1 Construction includes two (2) four-story residential apartment buildings (Building A and Building B) and one (1) commercial building consisting of leasing office and tenant amenity spaces such as fitness center and outdoor terraced patio (Building C). Adjacent Building C resides proposed outdoor amenity areas including a Children’s play area, with linked pedestrian ways connecting development to existing Riverfront multi-use trailway system. Each Residential structure, to be constructed along parcels front property line, proposes 111 housing units, totaling for 222
MSHDA apartments. Phase 2 construction includes commercial focus buildings to be developed along Harrison Street corridor to achieve the urban edge desired by the City’s planning staff and future Node Zoning District.

We kindly request that the City ZBA exercise their reasonable flexibility in granting approval of three (3) necessary variances to support the proposed development, including the following:

1. **Use Variance from Chapter 4, Section 4.2 Q.3**, to allow residential dwelling units on the ground floor level where retail or other commercial floor space is required on the ground floor level in CMU Commercial Mixed-Use District.

The applicant requests a Use Variance from Chapter 4 – Use Regulations of the City of Kalamazoo Ordinance, proposing residential dwelling units to consume all first floor area of the two (2) proposed MSHDA residential apartment structures (Building A and Building B).

Although we understand and appreciate the intent of not having residential units at grade in commercial districts along main thoroughfares, the market reality for urban infill, mixed-use developments, reflects far less demand for commercial lease space at par with the area of a single residential floor plate. The proposed first floor residential apartments will be raised approximately 3 ft in elevation above that of adjacent right of way streets and sidewalks for enhanced resident privacy and residential units will not be limited in accessibility from exterior grade, or public right-of-way.

Furthermore, it is our interpretation, per coordination with City Planning Staff, that Zoning Ordinance Amendments are planned in the future that would eliminate the restriction for ground level residential dwelling units in commercial districts. We feel the River's Edge Development, proposing residential focus structures with first floor residential units residing within the overall mixed-use type development, is consistent with direction of City Master Planning efforts, and future ordinance intent for Live-Work 2 Zoning district.

2. **Dimensional Variance from Chapter 3, Section 3.7 Table RF-O.1;** requiring a minimum 1,500 square foot of lot area per dwelling unit in Subarea 4 of the Riverfront Overlay district.

While the proposed development does satisfy applicable dwelling unit density requirements for the RMU base Zoning District, which according to Chapter 5, Section 5.1, Table 5.1-1 Residential District Standards, requires 1,210 SF lot area per dwelling unit for RMU Zoning District; it is not able to satisfy the more stringent of applicable dimensional requirements for Dwelling Unit Density, summarized as follows:

- Chapter 5, Section 5.2, Table 5.2-1 Commercial and Manufacturing District Standards requiring 1,800 SF lot area per dwelling unit for CMU Zoning District
- Chapter 3, Section 3.7, Table RF-O.1 Riverfront Overlay District Dimensional standards requiring minimum 1,500 SF lot area per dwelling unit and maximum 5,000 SF lot area per dwelling unit in RF-O 4 sub area of Riverfront Overlay District.

The entire development parcel consists of 315,407 SF of property to be further divided into two primary development parcels; one intending to be commercial developments within the City’s future Node zoning district and the other to consist of proposed Phase 1 developments shown on plans as Buildings A, B and C with relative site developments. These properties,
with relative proposed unit densities based on 222 total proposed apartment units, are summarized as follows:

<table>
<thead>
<tr>
<th>Parcel Type</th>
<th>Total Area (sf)</th>
<th>Unit Density (sf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 1 Residential Development Parcel (Live-Work)</td>
<td>273,833</td>
<td>1,233.5</td>
</tr>
<tr>
<td>Phase 2 Commercial Development Parcel (Node)</td>
<td>41,574</td>
<td></td>
</tr>
<tr>
<td>Total Development Parcel (Phase 1 + Phase 2)</td>
<td>315,407</td>
<td>1,420</td>
</tr>
</tbody>
</table>

For further reference in proposed Phase 1 and Phase 2 development parcel division refer to Sheet C240 Parcel Division Map.

We request ZBA approval of **1,420** square foot of lot area per dwelling unit, for 222 total proposed residential units, when calculated as part of entire development parcel OR **1,233.5** square foot of lot area per dwelling unit when calculated using Phase 1 development parcel only. This is only 80 sf per unit away from achieving the minimum required dimensional standard applicable to Subarea 4 of the Riverfront Overlay District of 1,500 square feet when calculated as part of overall development parcel. While our proposed unit density is a larger margin away from achieving minimum requirement in the CMU district of 1,800 SF, it is our understanding that the City intends to improve this standard in the future to make their Commercial districts more developer friendly. We feel the proposed deviation from this dimensional standard maintains the City Master Planning intent, which would apply future Live Work 2 Zoning Standards, with no lot density requirement per dwelling unit, to subject parcel for Phase 1 residential developments.

3. **Dimensional Variance from Chapter 3, Section 3.7 Table RF-0.1** requiring street facing primary building façade to be within a minimum 0 and maximum 10 ft setback from property line.

We request ZBA approval to deviate from the requirement for buildings to be constructed within 0 to 10 ft of front property line, or right of way, also referred to as within the 0-10 ft build to zone. We request relief to this requirement, requesting approval to Construct proposed Residential Building A and Building B as illustrated in Drawing C210 Enlarged Site Plan, summarized as follows:

- Proposed Building A achieves compliance with roughly 14 linear feet of its total 286.2 linear feet front building façade, equating to approximately 5% of front building façade residing within the 0-10 ft build to zone. The remainder of the building proposes to range between 1 ft to 30 ft beyond the 0-10 ft build to zone with worst case scenario occurring at center of building where gull road roundabout and relative curvilinear property line deviate away from linear building façade.
- Proposed Building B achieves compliance with roughly 17% (48.9 ft) of its total 286.2 linear foot front building façade. The remainder of the building proposes to range between 5 and 25 ft beyond the 0-10 ft build to zone requirement in the Riverfront Overlay District. Building B is challenged less by curvilinear property line but primarily impacted by a 14 ft jut away from building in property line at location of existing Heat Treat property (660 Gull Road).

We feel we have met this standard to the maximum extent feasible with consideration to multiple property line, easement and utility constraints preventing full compliance with this standard, and additional design considerations, summarized as follows:
• Constructing building within City desired 0-10 ft build zone at subject location is not viewed favorably due to traffic speeds and volumes at peak hours.
• Proposed building is four stories high, thus we recommend allowing increase from maximum 10 ft separation from property line to eliminate potential for building façade to interfere with vehicle sight distances.
• Existing utility easements project onto subject property preventing construction within 0 to 10 foot desired setback zone at select areas.
• Property lines are curvilinear and inconsistent throughout, thus making it impossible to achieve the 0-10 ft distance requirement for entire length of building façade under proposed design intent. Re-directing design intent would challenge project feasibility.
• Proposed residential building structures span nearly 300 ft linear lengths along curvilinear property line, non-linear curved portions of property line deviate away from building thus increasing beyond the allowable 10 ft separation.
• Constructing directly on property line (0 ft setback) would not adequately provide room for footing construction with consideration to adjacent traffic, streetscape features and utilities.

Pursuant to the City of Kalamazoo Zoning Ordinance Article 8.3 E. 4 a) and b), please also consider the following comments to the Ordinance variance review standards set forth, in your deliberations:

1) **The literal interpretation and enforcement of the terms and provisions of this Ordinance would deprive the applicant for all practical purposes from using the property for a permitted use identified in ξ4.1 Use Table, which is a right commonly enjoyed by other land in the same zone district.**

   **Comment:** Proposed development is commercial mixed-use type, consistent with spirit of City Ordinance per CMU district, and has been developed in conjunction with City Planning Staff and related expectations for redevelopment of property at 508 Harrison Street.

2) **There is unnecessary hardship based on special circumstances or conditions that are peculiar to the land or structure for which the use variance is sought that is not applicable to other land or structures in the same zone district.**

   **Comment:** There are special conditions of proposed development that require approval of proposed residential development, to include first floor residential dwelling units.

   There are special circumstances of property, including location of floodplain, railroad setbacks and other property restrictions that are not applicable to other land in same zone district.

3) **The special circumstances are not the result of the actions of the applicant.**

   **Comment:** Special conditions are not the result of the applicant, or current titleholder of the land, which is the City of Kalamazoo.

4) **The granting of the variance is the minimum action that will make possible the use of the land or structure that is not contrary to the public interest, and that would carry out the spirit of this Ordinance.**
Comment: The City’s support of the requested variances would be consistent with variances granted to similar developments within CMU district and would be consistent with spirit of Master Plan Zoning Ordinance.

5) The granting of the variance will not adversely affect adjacent land in a material way.

Comment: Granting of the requested variances, thus facilitating redevelopment of property at 508 Harrison Street, would be beneficial to adjacent land and surrounding stakeholders; allowing construction of high demand, affordable and work force housing.

6) The granting of the variance will be generally consistent with the purposes and intent of this ordinance.

Comment: Proposed development supports City ordinance objectives Riverfront Development, including but not limited to; 1) to encourage redevelopment of areas adjacent to the riverfront in an urbanist style and to strengthen connections to and from the remainder of the City 2) to create a balanced and integrated transportation system that relies less on automobiles and more on bus transit, biking, and walking, and to create a mix of land uses and intensities that support that balanced transportation system, 3) to encourage patterns of development that support a mix of living, working, and recreational activities close to one another and 4) create a high degree of connectivity with multiple circulation routes, friendlier pedestrian environment and primary buildings close to the street.

We kindly request that the ZBA approve the submitted Variance Request Application, authorizing the proposed Rivers Edge Development to proceed with Phase 1 Developments, as proposed. We are confident the planned developments will contribute beneficially to the local community and surrounding stakeholders while maintaining the intent of the City of Kalamazoo Ordinance requirements for Riverfront Overlay and Commercial Mixed-Use Districts with consideration to future Master Planning objectives for Node and Live-Work zoning districts.

Sincerely,

BYCE & ASSOCIATES, INC.

Danielle M Rhodes
Civil Engineer

Attachments:
- Zoning Board of Appeals (ZBA) Application Form
- Fee ($375)
- Conceptual Site Plans

cc: Kevin T. McGraw, RiverCaddis Development
Christina Anderson, City of Kalamazoo
Zoning Board of Appeals
Staff Report

TO: City of Kalamazoo Zoning Board of Appeals
FROM: Pete Eldridge, AICP, Assistant City Planner
DATE: December 1, 2020
SUBJECT: ZBA #20-12-26: 508 Harrison Street and 660 Gull Road. River Caddis Development, LLC is requesting:
1) a use variance from Chapter 4, Section 4.2 Q.3, for residential units on the ground floor in the proposed apartment complex where retail or other commercial floor space is required on the ground floor in Commercial Mixed Use (CMU),
2) a dimensional variance from Chapter 3, Section 3.7 Table RF-O.1, to reduce the lot area per dwelling unit from 1,500 square feet to 1,234 square feet to allow for 222 dwelling units
3) a dimensional variance from Chapter 3, Section 3.7 Table RF-0.1, to allow a range between 5 and 30 feet from the required 0 to 10-foot front build-to requirement for the primary building façade.

BACKGROUND

The properties are located in Zone CMU, Subarea 4 of the River Front Overlay, and Natural Features Protection (NFP). The Zoning Board of Appeals granted variance relief for residential uses on the ground floor in CMU and for off-street parking for a prior mixed-use project on this property on June 14, 2018. These variances expired. River Caddis Development intends for this project to be a mix of affordable and market rate housing. They applied for Low Income Housing Tax Credits (LIHTC) from the State but were not successful in 2018. It is their plan to reapply for the February round of review for LIHTC. They have significantly revised their plan, which is why there are different variance requests than before.

River Caddis Development is proposing a mixed-use project with multiple buildings. The bulk of the site is the development of two four-story buildings containing a total of 222 affordable residential units and one amenity building consisting of leasing office and tenant amenities such as a fitness center and outdoor patio. The site will have 232 off-street parking spaces, which complies with the City’s parking requirements. The second part of the project is two commercial buildings on Harrison Street with a parking lot.

There is not a current Site Plan Review approved for this project. Based on the outcome of this Zoning Board of Appeals meeting, Site Plan Review is scheduled for later this month.

The Master Plan 2025 Future Land Use Map identifies this property as ‘Commercial Node’ which promotes a walkable mixed-use area where housing, retail, restaurant and office are permitted. The Strategic Vision Goal of ‘Complete Neighborhoods’ is supported as this project will add affordable units at set percentages of area median income which will result in more availability of different housing types.
VARIANCE CONSIDERATIONS

1) The ground floor residential units, this use variance will allow more flexibility to the developer to place commercial space where appropriate and create more barrier free residential units on the ground floor.

2) The lot area per dwelling unit, the applicant is requesting a variance of 266 square feet per dwelling unit to reach the density of 1,234 square feet per unit. Adequate off-street parking is being provided. This slight reduction in dwelling unit density is similar to other recent projects where more affordable small and midsize units are being created as compared with larger apartment layouts. This is similar to the project on the northwest corner of the roundabout which also received a variance to increase density. Lastly, it is anticipated that these parcels will be rezoned to Live Work-2 which does not include a lot area requirement for residential units.

3) Allowing a range between 5 and 30 feet from the zero to 10-foot built to requirement, this site has challenges with a 15-foot-wide utility easement that runs through a portion of the private property along the street frontage of Gull Road. Additionally, the curvilinear front property line complicates building placement, and the planned building has recessed areas along the façade. The developer was able to place a portion of each building within the 0 to 10 build-to zone making this request the minimum necessary to make this LIHTC project work on this site.

RECOMMENDATION:

Staff supports the granting of the use variance as residential units on the ground floor level is appropriate at this location. The two dimensional variances are also appropriate given the planned rezoning and irregular front property line along Gull Road respectively.
300' Mailing Boundary
508 Harrison St./660 Gull Rd.