MINUTES
CITY OF KALAMAZOO
ZONING BOARD OF APPEALS
November 12, 2020 - 7:00 p.m.

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 hear 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 Rair 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 peak 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 627square 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.

Submitted By ___________________________ Date ____________
Deanna Benthien
Recording Secretary

Reviewed By ___________________________ Date ____________
Peter C. Eldridge
City Staff

Approved By ___________________________ Date ____________
Chair

Date 12/10/2020

Date 12/10/2020

Date 12/10/20