Minutes
Natural Features Protection Review Board
September 29, 2020
Regular Meeting

Held virtually, pursuant to Executive Order No. 2020-75 4:00 p.m.

Board Members Present: Bobby Glasser, Allan Sylvester, Erin Fuller, Ashley Cole-wick, Mitch Lettow, and Kyle Martin

Board Members Absent: Paul MacNellis* (arrived later)

Staff Present: Jamie McCarthy, Development Coordinator; Beth Cheeseman, Executive Administrative Assistant; Joe Ulery, Deputy Chief Information Officer; Neal Conway, Communications Coordinator; Bobby Durkee, Planner I (arrived later)

A. Call to Order

Director Lettow called the meeting to order at 4:02pm.

Ms. McCarthy explained to the board what they would be reviewing that day. She mentioned that the meeting would be open for public comment and streamed to FaceBook and YouTube.

B. Roll Call and Excuse Absent Members:

Director Fuller moved to excuse absent members; seconded by Director Cole-wick. A voice vote was taken and passed unanimously.

*Director Paul MacNellis logged in to the meeting after being excused as an absent member.

C. Adoption of Agenda

Director Sylvester moved to accept the agenda as presented; seconded by Director Cole-wick. A voice vote was taken and passed unanimously.

D. Approval of Meeting Minutes from August 25, 2020

Director Lettow asked questions regarding the section on site development standards, visual screens and native plants. He asked if they are suggesting that developers in the NFP would not be limited to native species, but only prohibit invasives.
Ms. McCarthy acknowledged the discussion of text amendments in the minutes. She said that screening does come into play and she had recommendations and options to cover in the current meeting. Ms. McCarthy let the board members know that the recommended motion could be changed or tabled if that is what they would like.

Director Cole-wick made a motion to approve the meeting minutes of August 25, 2020 as presented; seconded by Director Sylvester. A voice vote was taken and passed unanimously.

E. New Business

1. Recommendation that the NFP Review Board approve amendments to the Natural Features Protection Overlay District and related zoning code. (Action: Motion to approve the amendment to the Natural Feature Protection Overlay District and related zoning code and recommend adoption by the Planning Commission and City Commission).

   i. Staff Presentation

Ms. McCarthy reminded board members that the recommended motion could be changed to reflect the boards decision. She shared the process of how listeners could leave public comments. Ms. McCarthy reviewed the history of how the NFP overlay map was developed. The idea was conceived from the Imagine Kalamazoo 2025 Master Plan; the City Commission approved a moratorium; the City worked with an advisory committee to develop the rules that apply within the overlay map; rules were adopted by City Commission in June 2019; developed an NFP review board which would meet once per month.

Ms. McCarthy said they determined they needed to do a Phase II of the NFP Overlay to see where they missed natural features in the City. Three different groups of people worked on that: the NFP board, graduate student from the WMU Geography Dept, and Planning staff. They were able to use a hydrology layer and National Wetlands Inventory maps to identify parcels adjacent or containing water bodies. They also used a digital elevation map to look at slopes and determine what needs to be protected. The board said they needed to consider woodlands, so they used public data from the USDA. They specifically looked for areas where slope and woodlands came together. Ms. McCarthy said that much of this was a desktop exercise with some ground trooping to confirm the natural features. They removed parcels that were already heavily developed and the natural features were gone.

Ms. McCarthy talked about the areas proposed to be added. They considered areas that were undeveloped, under threat of new development, large parcels, and places where multiple natural features came together. Parcels were added as a buffer to preserves – Asylum Lake, Kleinstuck Preserve and Bow in the Clouds.
Ms. McCarthy said they presented an interactive online map to the public in August and September and started getting comments back. The public placed pins on the map of areas that had natural features important to them or on parcels that they felt should be removed from the overlay. The map was also on display at City Hall. People also had an option of returning paper copies of the map, but none were returned. A large chunk of parcels was added to the south of WMU and the BTR park. Ms. McCarthy mentioned that they have limitations with public bodies like Universities, school districts, county owned properties where City zoning doesn’t apply. NFP rules would not be enforced in those areas. However, if any of those parcels are sold off or change hands, the zoning overlay would apply. She said they are expanding the overlay district in the Douglas neighborhood, filling in areas around City public parks and a nature preserve on the east side of the City. They also included a City-owned parcel used for composting and public services activities. Ms. McCarthy also spoke about picking up parcels that created connectivity of waterways in different areas of the City.

Overall, people placed 146 pins on areas they wanted added and 13 pins on parcels for removal. There were clusters of pins in some areas. Ms. McCarthy reviewed the parcels recommended for removal. One site was a commercial parcel along S. Westnedge Avenue that appears to have no natural features. The Portage creek runs under that parcel, and they don’t recommend removing it from the overlay. She said there are several parcels along Stadium Drive that have a lot of development, but there is a protected slope throughout that area. There is not a clear way to remove parcels there because they do contain the bottom of the slope. Ms. McCarthy said there was one parcel they removed from the map. It was a residential property near Kleinstuck. It was not contiguous and was completely developed.

Ms. McCarthy said they went through every parcel that was identified by the pins for addition. They placed them on the map and identified each parcel. She said 19-25 of the parcels were already identified in Phase I or Phase II of the map. Sixteen of the parcels were not in the City boundaries, so they couldn’t map those. Eighteen pins were in locations which did not have significant features, had lot sizes extremely small or had substantial development. She mentioned that a couple on the K-College campus were great green space, but not a useful application of the NFP map. A couple were very small City parks. Ms. McCarthy reported that parks are protected under different laws. The City can’t change or sell a park without the vote of the people. If there were no natural features, or if it was a recreation-based park with parking lots and playgrounds, it was not included in the overlay.

She said it came down to approximately 47 parcels that seemed like good additions. They recommend adding the Stockbridge and Lake Street parcels. This area received the most comments to recommend for NFP.
Ms. McCarthy said the other area that got a lot of pins was for a spot near Whites Lake. She said it fits into character and has contiguous woodland, so it would make sense to add that one.

People were supportive of areas around Kleinstuck Preserve. The new overlay district includes a much of that area. A couple of parks were added because of significant trees. Many people pinned 3801 Arboretum Parkway. It is owned by school, but there is a woodlot there. Ms. McCarthy thought it made sense to add 3801 to create a contiguous connection along this part of the neighborhood and into campus.

A section of parcels in the Winchell neighborhood, including Glen park, is recommended for addition to the overlay. It is a woodland area and sloped area with undeveloped parcels. Ms. McCarthy noted that there were two parcels she didn’t include. They are developed right in the middle of the parcels. She said it was something for the board to consider.

Ms. McCarthy said there was public comment regarding water way drainage that flows from 2155 Oakland Drive onto the preserve. Staff recommend including 2211 and 2155 Oakland Drive in the overlay.

Ms. McCarthy noted that a homeowner contacted them about their home. This homeowner does a lot of bird watching, and they have a list of species they’ve seen there. Ms. McCarthy said the area is connected to the whole stretch along Stadium Drive between Howard and Rambling road. The parcels are developed by the street with a steep ravine back through the homes. She indicated they might want to include that whole chunk of properties and asked for the Board’s feedback regarding that area.

Ms. McCarthy said the big picture is to revise the overlay district map and text amendments and put that before the Planning Commission. She explained the statute requiring the Planning Commission to review the changes, hold a public hearing, and make a recommendation to the City Commission. The NFP review board will provide a recommendation to the Planning Commission.

Ms. McCarthy said she put together some of the more minor adjustments to the text of the NFP standard. Ms. McCarthy asked for questions or thoughts on the map as presented. There were also additions/amendments to section K, section L, and section M. She wondered if they wanted to recommend changes to the text in this minimal way and do something more robust in a year. She said the next Planning Commission meeting would be November 5, and she suggested moving the map amendment forward at that time.

ii. Board Questions
Director Lettow asked when the new areas would be in effect in the zoning code for proposed developments. Ms. McCarthy said the City would put the map back out to public; mail notices to all landowners; have the Planning Commission meeting; then it would go before City Commission. She estimated they would have a brand-new published overlay district by the end of 2020 – ready for 2021.

Director Cole-wick thanked Ms. McCarthy for her presentation and said many of her comments/questions had been addressed.

Director MacNellis spoke about the Kensington parcels next to Glen park. He recommended putting those on the overlay because of the slope that comes down from those parcels and as a protection for Glen Park. The slope shows there is a low point in Glen Park and both those houses are part of the slope. Director MacNellis agreed they shouldn’t take the parcels off on Stadium Drive. He said there is an almost 18-foot slope in the back of those properties down to a street behind there making a gully which goes into a wet area. Director Cole-wick said she agreed 100%.

Director Lettow commented that there were gaps on the updated map. He wondered about the ones removed from the Stadium Drive linear stretch. Director Lettow said if it is 100% impervious, it doesn’t really make sense to burden those folks. If they do have that natural area slop on the south side, it makes sense. Ms. McCarthy said that some of those parcels are all frontage, don’t touch that slope, and have heavy impervious coverage. Those are the ones removed.

Director Lettow said he felt for the gentleman who sent in the email but there are a lot of known water quality issues with Asylum lake. He thinks they should try to preserve the natural buffers and filters they do have.

Ms. McCarthy asked about one undeveloped parcel in the Kensington area. Director MacNellis said it is not directly connected to Glen Park, so he didn’t think it needed to be under protection like the other two parcels.

Director Glasser said he was in favor of including the section at the Crosswind and Sheffield block of Aberdeen. He said there is a considerable slope that is fairly contiguously wooded. It would be worth protecting the woodland there to help prevent slope erosion.

Director Fuller asked about the location of Schipper’s Crossing. Director Cole-wick said it was near Bow in the Clouds and it was mostly captured. Ms. McCarthy said it is owned by the City.
Director Lettow asked if Ms. McCarthy thought the public input was coming from those who would have to take additional steps for development or expansion projects. Ms. McCarthy thought it was a mix. A number of property owners who care about their own property and then within the block. Some were commenting on property they have access to – like Kleinstuck. Some comments were about public universities and schools. She commented that she would like to get a notice out to get full input of those impacted in a rezoning.

Director MacNellis commented on the letter from Dr. Bassett. He said the green corridor between Rambling Road and Howard Street and determining what is included in a wildlife corridor deserves a closer look in the new year.

Director Fuller noted there are some right of ways in the area of Kleinstuck. There are gaps between Kleinstuck and proposed addition. She wondered if they should fill in some of the gaps there. Ms. McCarthy said there is another gap at Portage creek. She said there are gaps in the data layer. For the purpose of NFP, if there is a parent parcel and a right of way, they would apply the same standard over the whole parcel.

Mr. Durkee, Planner I, stated that in the event a road is vacated, half of each side becomes the part of the adjacent land and is zoned as such. He said that sometimes no one owns under the water of a creek and other times the property is described to the centerline. In those cases, generally the center of the creek would be in the overlay more clearly than the right of way.

iii. Public Comment

Mr. Michael Coil, Vice President of Arcadia Neighborhood Association, described a small area omitted from protection and that he wants the entire Arboretum Parkway connected to Lindon Grove. Ms. McCarthy said they are including that missing parcel. She said it was a gap in their haste.

Ms. Donna Keller, resident, spoke about the birds and woods that are used as a habitat in the Winchell Neighborhood. She described the location of the property, saying it is a substantial forested area with fairly substantial rolling hills. Ms. Keller said it abuts the existing NFP overlay properties along Stadium Drive. She would like that area added to the map. Ms. McCarthy said this relates to the two proposed areas of consideration to be added to the map. One being the Crosswinds Sheffield southern loop and then the Aberdeen northwest spur. One or both would be a good option.

Mr. Rex Rugman, resident, called about a property that is part of the Arcadia neighborhood. He described the location and said it an open, undeveloped space covered with trees with a decent amount of standing water. Director Lettow and Director MacNellis determined the area
described was in the township and not in the City. Ms. McCarthy added that they picked up several parcels in that northern area of campus. What they can cover in the overlay is being covered.

Ms. Hilary Hunt, Parkview Hills, expressed appreciation of the work they’re doing. She was happy to see two areas added. One was the Western’s BTR park area. She was glad that further development will be subject to oversight from NFP board. Ms. Hunt also liked seeing the small new connector piece leading from Western’s campus to Parkview Hills. She was glad to see the use of buffer zones and connectivity strips to maximize the impact they are having by creating this overlay in the first place.

iv. Board Discussion

Director Lettow said it might be a good idea to look at the text in NFP in the next month or so and see if there are any revisions. He thought they should table the motion to approve, take the opportunity to look at details, and confer with Dr. Basset regarding specific parcels. Board members indicated agreement with this thought.

v. Motion

Director MacNellis made a motion to table the approval of the amendment to the Natural Feature Protection Overlay District and related zoning code; seconded by Director Martin. A voice vote was taken and passed unanimously.

Director Cole-wick asked about timeline and if they should have a special meeting. Ms. McCarthy said they could do a special meeting on the second Tuesday of the month. She felt that would allow time to get more feedback and send out notices.

Director Lettow clarified that the meeting on the 13th would be to review proposed parcels, review additions, and language. It would be used as an opportunity to discuss it with a simple approval on the 27th.

Ms. McCarthy asked if they were ready to move forward with any text amendments. She wondered if she should focus on minimal text amendments or more specific tables and species lists. Director Lettow and Director Cole-wick agreed they should wait and review the text amendments more. Perhaps devote an entire meeting to the map and text amendments.

Director MacNellis asked about the rationale for changing bond from $100,000 to $1 million. Ms. McCarthy said she suggested they add in the $1 million project investment requires a bond or if the City Planner feels it is appropriate. She was thinking there would be a better way to require a bond based on natural features being affected. She asked the board to think about what useful and meaningful trigger could be used in the way that is written.
F. Old Business

1. Approval of a recommendation to reappointment two directors of the board for new 3-year terms (Director Cole-Wick, Director Sylvester). (Action: Motion to recommend the Mayor and City Commission reappoint both Director Cole-Wick and Director Sylvester to new 3-year terms).

Ms. McCarthy explained that Directors terms were staggered. Director Cole-Wick and Director Sylvester’s terms have expired. They serve until their appointment or reappointment is selected by the Mayor and confirmed by the City Commission. She believed they’ve added to the diversity of the board. They fill expertise areas of development of property management, consulting design, woodlands trees and natural heritage. They have good attendance, give great contributions, and both are interested in serving another term on the board.

Director MacNellis moved to recommend the Mayor and City Commission reappoint both Director Cole-Wick and Director Sylvester to new 3-year terms, seconded by Director Fuller. A voice vote was taken and passed unanimously.

G. Board Comments

Director MacNellis thanked everyone. He indicated that they weren’t at the finish line, but he felt good about what they’d accomplished.

H. Staff Update

Ms. McCarthy informed the Board members they have two or three cases coming forward for the October 27 meeting: 500 Golden Drive, Bow in the Clouds site plan, and an Odor and Filtration System.

I. Citizen Comments

Ms. Lori Holmes, resident, called in to let them know she was not getting any video. Just blank screen and sound. Ms. McCarthy said she would connect with Ms. Holmes and Mr. Ulery said he would assist if needed.

L. Adjourn Meeting at 5:46 pm.

Jamie McCarthy, Recording Secretary