

## **PLANNING COMMISSION**

### **Minutes**

**September 7, 2006**

The City of Kalamazoo Planning Commission meeting was called to order by Commissioner Kuseske at 7:00 p.m. at the Northside Association for Community Development, 612 North Park Street, Kalamazoo, MI 49007. There were approximately a dozen additional people in attendance.

#### **MEMBERS PRESENT**

Terry Kuseske, Chair; Casey Fawley; James Kneen; Merilee Mishall; Linda Wienir

#### **MEMBERS EXCUSED**

Frank Cody, Vice Chair; Kelly DeRango

#### **MEMBERS ABSENT**

Sonja Dean; Bertha Stewart

#### **CITY STAFF**

Jeff Chamberlain; Director, Community Planning and Development (CP&D); Keith Hernandez, Deputy Director/City Planner, (CP&D); Rob Bauckham, Assistant City Planner, (CP&D); John Kneas, Assistant City Attorney; Amy Thomas, Recording Secretary (CP&D).

#### **ROLL CALL**

Planner Hernandez completed roll call and it was determined that the aforementioned members were present.

Commissioner Kuseske introduced Merilee Mishall, the new Planning Commissioner. Commissioner Mishall gave a brief history of her background, and the rest of the commissioners introduced themselves.

#### **APPROVAL OF ABSENCES**

Commissioners Cody and DeRango both contacted city staff to advise that they would not be able to attend the September Planning Commission meeting.

**Commissioner Fawley, supported by Commissioner Kneen, moved approval of the absences of Commissioners Cody and DeRango from the September 7, 2006 Planning Commission meeting. With a voice vote, the motion carried unanimously.**

**AGENDA (September 7, 2006)**

There were no changes to the agenda.

**Commissioner Kneen, supported by Commissioner Mishall, moved approval of the agenda. With a voice vote, the motion carried unanimously.**

**MINUTES (July 6, 2006)**

There were no changes to the minutes.

**Commissioner Kneen, supported by Commissioner Mishall, moved approval of the July 6, 2006 Planning Commission Minutes. With a voice vote, the motion carried unanimously.**

**COMMUNICATIONS AND ANNOUNCEMENTS**

Planner Hernandez announced that KATS (Kalamazoo Area Transportation Study) is a metropolitan planning organization for Kalamazoo County. KATS is currently in the process of developing a long-range transportation plan for Kalamazoo County. The KATS organization is contacting all county municipal planning divisions to ask if they have any comments on the plan. If enough interest is expressed among the various planning commissions, a joint meeting of representatives will be scheduled. For more information about KATS, please log onto the following website: [www.katzmpo.org](http://www.katzmpo.org).

Commissioner Kuseske introduced Mr. and Mrs. Tim Green, the owners of Draperies on Wheels. This project was brought before the Site Plan Review Committee for approval a few months ago. Commissioner Kuseske stated that he felt this project was exemplary and he wanted to acknowledge the applicants/owners for their efforts. The Greens purchased a vacant home and converted it for a business use. This is a good example of a commercial area blending to a residential area.

Mr. Green advised that his employees visit customers' homes to provide a custom drapery service. Draperies on Wheels also sells furniture and accessories. The Greens hope to eventually be living on the property. One of the main concerns was to maintain a residential feel to the east side of the property on Park St. and the front side of the property, which faces Cork St. J D Byrider and Big Apple Bagels are two of the businesses nearby on Westnedge.

Commissioner Kneen commended the Greens for the improvements they've made to the property. Mr. Green thanked the Planning Commission and city staff for their efforts on this project.

## **PUBLIC HEARING**

P.C. #2006.12: Consideration of a request from Miller, Canfield, Paddock & Stone, PLC on behalf of the WMU Foundation to rezone the west 1,306.47 feet of 635 S. Drake Road from Zone RS-5 (Residential, Single-Dwelling District) to Zone CC (Commercial, Community District.)

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. The subject property is located on Drake Road next to the Drake's Pond Apartment complex, and is owned by the WMU (Western Michigan University) Foundation. The 30 acres requested for rezoning is part of a larger parcel of land consisting of 163 acres of vacant land, which is also owned by the WMU Foundation.

In 1994, plans were submitted to the city from a developer for the WMU Foundation for approval of the Arboretum Planned Unit Development (PUD) to be built on the subject property. The PUD was approved by the city but was never built. The Foundation now wants to move ahead with plans for developing the west 30 acres of this property. The West Side Plan was approved by the City Commission in 2005, and the Plan encompasses the entire subject property. The rezoning request is consistent with the zoning indicated for this property in the West Side Plan and the Future Land Use Plan. Planner Bauckham provided a slide presentation showing pictures and maps of the area proposed for rezoning and the surrounding area.

Planner Bauckham stated that a site plan for this project has not yet been submitted to city staff, and that only the rezoning is under consideration at this point. City staff is recommending that the Planning Commission recommend approval of the rezoning to the City Commission.

Commissioner Wienir inquired if there were concerns regarding the communication from Oshtemo Township regarding potential problems with access to the site. Planner Bauckham advised that Oshtemo Township is asking for a limit on the number of curb cuts onto Drake Rd. from the subject property. City staff will be studying that aspect when a site plan is submitted; there are alternatives. For instance, there is an existing road immediately to the south of the property that is used to access the church and soccer complex, and there is an existing road immediately to the north that serves the Drake's Pond Apartment complex. There is a possibility that one or both of these two roads could be used to access the site.

Commissioner Kneen inquired as to the vision for this site. Planner Bauckham stated that the intention is to develop the property as a commercial site. It has not been determined at this point if it will be one complex or multiple commercial sites.

Commissioner Mishall inquired if the rezoning pertained to the entire piece of property bordering Drake Rd. Planner Bauckham stated that the rezoning applies only to the west

30 acres of the 163-acre WMU Foundation property. Commissioner Mishall stated that she drove by that area earlier in the day and noticed for sale signs. She inquired if the signs are on the subject property. Planner Bauckham responded in the affirmative and noted that the signs are premature in advertising the commercial use of the property.

Attorney Pat Lennon of Miller, Canfield, Paddock & Stone, PLC was present on behalf of the WMU Foundation. Also present were Bob Miller, Associate Vice President of Community Outreach for WMU and Joe Gesmundo, member of the WMU Foundation Board and the Foundation's Real Estate Committee.

Attorney Lennon advised that he has been involved with many rezoning situations, and there is always a struggle with the unknowns. For instance, how will the rezoning affect the rest of the community, and what will the effect be on traffic, etc. In this particular instance, those issues have been studied extensively and the West Side Plan takes them into consideration. There were three public workshops held in separate locations with regard to issues involving the formulation of the West Side Plan. At the end of the two year study process, the West Side Plan was produced, which includes the rezoning of the subject 30 acres. The Future Land Use Plan was also modified to accommodate this rezoning.

Attorney Lennon referred to Chapter 8.35 A-E of the Zoning Ordinance, which provides criteria to be met for approval of the requested zoning. The applicants feel they have met those criteria. Attorney Lennon reviewed some of the details covered in the study. He commented that if the property sells, it would go on the tax roles and help support the community.

Commissioner Kneen inquired as to the asking price of the property, and Attorney Lennon stated that it is listed at \$5,000,000. Commissioner Kneen inquired as to what would happen with the rest of the parcel, and Planner Bauckham advised that has yet to be determined. Attorney Lennon stated that if the property is rezoned and purchased, the developers will go through the city's site plan review process.

Commissioner Kneen requested clarification as to the location of the property on the map that was presented. Planner Hernandez advised that it was only the portion designated as "D" on the map.

Commissioner Kuseske inquired as to how the back acreage would be accessed. Attorney Lennon advised that a means of access to the back acreage had not been determined at this point. Planner Bauckham commented that access could be from the existing road for the apartments to the north or for the church to the south. The road to the north does split and enters the subject property for a short distance before it terminates.

### **Public Hearing**

Doug Williams, Arcadia Neighborhood representative, advised that he was involved with the West Side study; it was a very deliberative and conscientious process. There is support in the Arcadia Neighborhood for this rezoning, but the mood is anxious. The east, south and west edges of the Arcadia neighborhood are primarily multi-family residential uses. Some open space is preserved in the West Side Plan, and there is also a question in the West Side Plan with regard to access. Initially there had been some discussion of a road to connect Drake Road to Kendall, but that road was removed from the West Side Plan. Mr. Williams advised that he was present to ask the Planning Commission to give thought to how the new development would eventually be served by transportation. He encouraged the Planning Commission to involve the neighborhood to help ensure that the development is of benefit to the neighborhood.

Joe Gesmundo advised that he has been involved with the process regarding the land. One of the issues discussed at the City Commission was the routing of the road through the entire property. He said he recalled that city staff had advised that an engineering study would be done to determine the best location for an access road. The university has committed to proceeding with the engineering study. A decision will be made shortly as to who will do the engineering study, and the study should be done in a couple of months.

Jeff Chamberlain, Director of Community Planning and Development, stated that he was involved with the work on the West Side Plan. Mr. Chamberlain stated that the actual motion of the City Commission increased the area for rezoning from 20 to 30 acres and the access road was taken out of the plan. The following additional language was presented as part of the motion made at the January, 2005 City Commission meeting: "The city administration further recommends that additional detailed transportation studies be undertaken to identify the traffic and structure needs to facilitate the proposed land use of the WMU Foundation properties." Mr. Chamberlain commented that it is difficult to proceed with a transportation study without knowing what type of land use will be approved. The Future Land Use Plan sets up some general parameters for land use. The discussion is now focusing on more detailed information about the specific zoning districts, which can eventually translate into a development plan from a developer.

Mr. Chamberlain clarified the following points: 1. The site plan for this parcel will not likely come back to the Planning Commission for approval. Site Plan review is generally handled administratively by city staff. However, Commissioner Kuseske does regularly attend those meetings and the Planning Commissioners are welcome to sit in on those meetings. 2. The West Side Plan does not show a cul-de-sac on the property. The Plan shows a road on the north end of the property, but that was built as part of the original PUD that never materialized.

There were no further public comments.

**Commissioner Kneen, supported by Commissioner Fawley, moved to close the public hearing. With a voice vote, the motion carried unanimously.**

Commissioner Kneen expressed concern that if there are no curb cuts on Drake Road, there might be a risk of having the backs of the buildings facing Drake Road. Planner Bauckham advised that city staff would not encourage that. The County Road Commission has jurisdiction over the curb cut. Planner Hernandez advised that more curb cuts create more points of potential conflict.

Commissioner Mishall commented that she was glad the neighborhood supports the rezoning, and that many groups have been involved in the review of this process. She inquired as to the addition of greenery on the site. Planner Bauckham stated that any plans submitted to city staff will be subject to the landscape ordinance, which contains a formula for the number of trees, shrubs and parking lot islands to be included on the site.

**Commissioner Wienir, supported by Commissioner Fawley, moved to approve the consideration of the request from Miller, Canfield, Paddock & Stone, PLC on behalf of the WMU Foundation to rezone the west 1,306.47 feet of 635 S. Drake Road from Zone RS-5 (Residential, Single-Dwelling District) to Zone CC (Commercial, Community District).**

Mr. Gesmundo stated that with regard to green space, WMU intends to develop covenants for the property similar to Parkview Hills, which will be even more restrictive than what is required by the city. Mr. Miller added that the covenants are in place. One example of the increased restrictions would be the density of green space versus parking. The design review for WMU further limits density and increases green space. This doesn't mean the city standards are inadequate, it just means that WMU took an extra step to protect green space.

Commissioner Kneen inquired as to how much tax revenue would be created by the new development. Planner Bauckham stated that it would depend on the size of the development. The university is not required to pay taxes on the property.

**With a roll call vote, the motion carried unanimously.**

#### **CITIZENS' COMMENTS REGARDING NON-AGENDA ITEMS**

None

#### **OLD BUSINESS**

None

### **NEW BUSINESS**

1. Update on budget process for CIP projects for 2007 – Chairman Kuseske

Commissioner Kuseske advised that the Planning Commission is required to review the CIP (Capital Improvement Program) and recommend approval of the CIP before it can proceed to the City Commission. Last year, Commissioners Kuseske, Wienir and Stewart were on the Planning Commission sub-committee that reviewed the CIP. The Planning Commission expressed concern that they had not been more involved with the CIP process, and they expressed a desire to be involved earlier on in the process.

Commissioner Kuseske stated that he has been involved in the CIP process for the last 4 months. The budget items discussed as part of the CIP are evaluated with the use of a matrix that assigns a score for each item. This allows the budget team to determine the importance of each item, and ultimately decide which items will be funded. The next CIP meeting is scheduled for September 8; Planner Hernandez and Commissioner Kuseske will attend the meeting. The CIP should be on the Planning Commission agenda in either October or November. Commissioner Kuseske stated that he hoped to make the Planning Commission more aware of the CIP process.

### **CITIZENS' COMMENTS**

Mattie Jordan-Woods, 902 W. Patterson, inquired if Commissioner Kuseske could advise as to which projects would be funded. Commissioner Kuseske stated that it is too early in the process for that information to be available. Ms. Jordan-Woods inquired if the CIP information would be shared with the public. Commissioner Kuseske advised that the CIP will be presented to the Planning Commission later in the year.

Mr. Chamberlain stated that the city's CIP is the city's long-range budget for approximately the next 6 to 10 years. The CIP includes larger projects such as roads, fire trucks, water tanks, etc. Every year the various city departments work with the City Manager and the budget team to determine long-range goals for the city and how each project will be funded. The decisions are made internally. After the budget team has made their decision, the CIP will be placed on the Planning Commission agenda for review and approval and then it will proceed to the City Commission level.

Ms. Jordan-Woods inquired as to how citizens could learn about the budget process before it's in the final stages. Mr. Chamberlain advised that there are no public hearings involved with the budget process so there are no noticing requirements to advise the public of the process. However, it is possible to request a copy of the Planning Commission agenda and attend the meeting when the CIP is presented to the Planning Commission.

Ms. Jordan-Woods inquired if the railway project is separate from the CIP. Mr. Chamberlain stated that the railway project is part of the CIP. However, only part of the funding is coming from the city; some of the funding comes from state grants.

Commissioner Kuseske added that there is a list of criteria the budget team uses to evaluate the CIP projects. For instance, the project may be categorized as fully funded, required by legislature, or state or federally funded. The City Manager/City Commission is also part of the decision-making process. Other criteria to be considered are consistency with the strategic plan and/or City Commission strategic objectives, leverage of funds, health and safety, whether the proposal is tied to a specific development or redevelopment project, preservation of city-owned assets, and connectivity with public or private initiatives. These criteria are used to evaluate projects, and then each project is assigned a number from 1 through 3 to determine its priority.

Commissioner Kneen inquired if the Planning Commission would be provided with a list of projects that weren't funded. Planner Hernandez advised that information would only be available on projects that were funded.

### **CITIZENS' COMMENTS**

None

### **CITY PLANNER'S REPORT**

Planner Hernandez thanked Mattie Jordan-Woods, Charles Parker and Mildred Smith for helping to arrange the Planning Commission meeting at the NACD office. This is the first off-site meeting for the Planning Commission, and it is hoped that the Planning Commission will be meeting at other neighborhood locations once every three months.

Planner Hernandez advised that the Riverfront Overlay Zoning District was approved by the City Commission. This will provide guidelines for future development in the riverfront area, and it will be a great opportunity to develop an under utilized asset of the city.

Also, the NEZ (Neighborhood Enterprise Zone) process will be designating certain areas of the city for potential tax breaks. Planner Hernandez requested volunteers from the Planning Commission to serve on the committee that will determine the NEZ areas. Commissioner Kuseske expressed interest in serving on the committee.

Planner Bauckham advised that there are three applications scheduled for the October Planning Commission meeting: One is a rezoning request involving four blocks of former railroad property purchased for new housing. The land is located on Bryant Street east of Alcott. The applicant is requesting a slightly higher density than the current

zoning allows. Commissioner Fawley inquired if the proposal is for market rate, owner occupied housing, and Planner Bauckham confirmed that it is.

The second application pertains to 751 Pleasant Street. This former school building has been on the Planning Commission agenda in the past. The Catholic Diocese purchased the building and they are considering putting the ARK facility for runaways in that location.

The third application is for a street vacation in the Oakwood neighborhood. The property backs up to the south side of Parkview Hills. The applicant would like to combine the property with his site to create a larger parcel.

Planner Bauckham stated that the zoning ordinance will be one year old in October 2006. There are a few changes that need to be made to the ordinance, and the topic will probably be on the Planning Commission agenda for November or December.

#### **MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS**

Commissioner Kuseske thanked City Commissioner Barb Miller for attending the September Planning Commission meeting. He also thanked Ms. Jordan-Woods and the NACD for hosting the meeting.

Commissioner Kuseske stated that the Planning Commission hopes to hold future meetings in the neighborhoods where issues arise. It is important to keep avenues of communication open.

Commissioner Kuseske advised that there is always need for qualified people to serve on the Planning Commission. There are no openings at the present time, but interested candidates are welcome to fill out an application for future consideration.

#### **ADJOURNMENT**

**Commissioner Wienir, supported by Commissioner Fawley, moved to adjourn the September 7, 2006 Planning Commission meeting. With a voice vote, the motion carried unanimously.**

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

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Keith Hernandez, AICP  
Deputy Director, City Planner  
Community Planning and Development