

PLANNING COMMISSION

Minutes

October 5, 2006

The City of Kalamazoo Planning Commission meeting was called to order by Commissioner Kuseske at 7:00 p.m. in the City Commission Chambers of Kalamazoo City Hall, 241 W. South St., Kalamazoo, MI 49007. Approximately 20 additional people were in attendance.

MEMBERS PRESENT

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

MEMBERS EXCUSED

Frank Cody, Vice Chair; 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); LouAnn VanDenBos, Recording Secretary (CP&D).

ROLL CALL

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

APPROVAL OF ABSENCES

Commissioner Kneen, supported by Commissioner Fawley, moved approval of the absences of Commissioners Cody, Dean and Stewart from the October 5, 2006 Planning Commission meeting. With a voice vote, the motion carried unanimously.

AGENDA (October 5, 2006)

There were no changes to the agenda.

MINUTES (September 7, 2006)

There were no changes to the minutes.

Commissioner Kneen, supported by Commissioner Mishall, moved approval of the September 7, 2006 Planning Commission Minutes. With a voice vote, the motion carried unanimously.

COMMUNICATIONS AND ANNOUNCEMENTS

Planner Hernandez advised that the committee is through scoring the Capital Improvement Plan (CIP) projects. The results of the scoring will likely be discussed at the November meeting, and then placed on the December agenda for a vote by the Planning Commission.

PUBLIC HEARINGS

1. **P.C. #2006.13: Consideration of a request from Jerry Johnson to vacate the undeveloped public alley located west of Wood Street and south of 3103 Parkview Avenue in the Oakwood Neighborhood.**

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. The alley for this vacation request is owned by the City of Kalamazoo. It is not paved or otherwise developed at this time. The applicant owns the undeveloped parcel at 3220 Wood Street, which is located to the south of the alley. The applicant also owns the parcel at the corner of Parkview Avenue and Wood Street by the north side of the alley. Mr. Johnson would like to have the undeveloped alley vacated to him so he can combine it with his property to create a larger parcel. There is another parcel to the northwest that also abuts this alley. This undeveloped parcel is owned by the Parkview Hills Association.

Public streets and alleys that are vacated are normally split down the middle and half of the property is provided to each of the abutting property owners. For this request the Parkview Hills Association would be entitled to the portion of the alley that abuts their property. City staff contacted the Parkview Hills Association regarding this issue but they expressed no interest in acquiring that portion of the alley. Accordingly, if the alley is vacated, the applicant would be entitled to receive the entire property.

The city has no plans to develop this alley in the future. The departments of Public Safety, Public Services, and the City Engineering Division expressed no reservations about the vacation of this alley. If the alley is vacated, the applicant would be required to pay to the city the fair market value for the land, which has been estimated at \$2,511. City staff is recommending that the Planning Commission recommend to the City Commission that the vacation request be approved.

Attorney James Marquardt was present to speak on behalf of the applicant. Attorney Marquardt mentioned that an additional benefit to the city would be adding this property to the tax rolls if it is vacated. Mr. Johnson was present to answer questions.

Commissioner Mishall inquired as to Mr. Johnson's plans for the property. Attorney Marquardt advised that Mr. Johnson plans to add the property to his current parcels, and it will be mowed.

Public Hearing

No one spoke at the public hearing.

Commissioner Mishall, supported by Commissioner Fawley, moved to close the public hearing on P.C. #2006.13. With a voice vote, the motion carried unanimously.

The public hearing was closed.

Commissioner Wienir, supported by Commissioner Kneen, moved to recommend to the City Commission approval of P.C. #2006.13, consideration of a request from Jerry Johnson to vacate the undeveloped public alley located west of Wood Street and south of 3103 Parkview Avenue in the Oakwood Neighborhood. With a roll call vote, the motion carried unanimously.

2. **P.C. #2006.14: Consideration of a request from Diekema Hamann Architecture on behalf of the Roman Catholic Diocese of Kalamazoo for a special use permit to allow the ARK transitional residence program and a drop-in center to be operated in the existing building at 751 Pleasant Avenue, and to allow two building additions and a new duplex on the site.**

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. Planner Bauckham stated that 751 Pleasant Ave. is located between Duke Street and Westnedge Avenue in the S. Westnedge Neighborhood. The subject parcel contains about 5 acres of land. The original building was constructed in 1967 for use as a school, and that use continued for approximately 20 years. The building has had several different uses since that time. In 1991, the Planning Commission approved a special use permit for the use of the building as a rehabilitation center for disabled adults. In 1995, the Planning Commission approved another special use permit to allow an addition to be built and for it to be used for a different rehabilitation center plus offices. In 2002, a special use permit was granted to allow an overnight respite care facility to operate out of the lower level of the building. In 2005, a special use permit was granted to allow a child day care center to operate out of the first level.

Currently, the Roman Catholic Diocese of Kalamazoo uses the upper level of the building for offices, and the respite care facility continues on the lower level. The Diocese is now seeking a special use permit to allow the ARK program to be operated out of the building and for the construction of two additions onto the building, plus a separate residential duplex building. The drop-in center mentioned in the publications for this hearing will not occur in this building; the building will only be used for the ARK program. The average stay for a child in the ARK program is about two weeks. Typically, the children still attend school while they're in the ARK program. A variety of community organizations provide assistance to children in the ARK program, including counseling, skill development and socialization. The program is licensed to care for up to 13 children

at any one time, and there are always at least two adult supervisors or caregivers in the building throughout the day and evening. The older children in the program would be living in the duplex to be constructed. The ARK program currently operates out of a building at the Hackett Catholic Central High School complex located about two blocks to the southwest of the subject property. The school wants to utilize the current ARK location for other programs, so the ARK is in need of a new location.

The city Site Plan Review Committee met to review the site plan and they feel that it meets the requirements of the city's zoning ordinance. The proposal includes a 3,700 square foot addition on the southeast corner of the building, which would be utilized for programming purposes. A 500 square foot addition is proposed for the southwest corner of the building, and that space will be used for storage. The duplex would be just over 1,000 square feet. The design of the duplex and the additions would complement the architecture of the existing building. There are also plans to reduce the size of the existing eastern parking lot, and to plant 17 pine trees along the eastern property border. The trees will help provide a screen for the houses to the east. Adequate off-street parking will remain on the site for this project.

Planner Bauckham advised that city staff believes this request meets the criteria for a special use permit including compatibility with adjacent uses, minimization of adverse effects and environmental impacts, adequate road capacity for the proposed uses, adequate access to public facilities and services, and compliance with the standards and regulations of the zoning ordinance. Accordingly, city staff is recommending approval of this special use permit.

Gloria Spoerl, member of the Board of Directors of Catholic Family Services, was present to speak on behalf of the applicant. She advised that the ARK was established in 1997 and is a shelter for children from 10 to 17 years old. The annual expense budget for 2006 is proposed to be \$1.223 million dollars. The shelter serves about 225 youths per year. The children have either had significant conflict or hardships at home, and they have run away from home or have been homeless. The youths need a safe place to go to receive support and counseling.

The goal of the ARK is to reunite youth with their parents; it is a joint effort on the part of the children and the parents. The average stay is approximately 10 days with a maximum of 13 days. About 47% of the ARK residents are youth from the City of Kalamazoo. About 80% of the ARK residents are youth from Kalamazoo County. This is the only youth crisis intervention center in the six-county area. Services include a 24-hour crisis phone line, short-term counseling for youth and families, after-care counseling for residents who have left the program, and referrals to other appropriate community agencies. The voluntary shelter is for youth and a parent or guardian; both must agree to stay at the shelter. Only youth who are appropriate for the setting are admitted. Youth with suicide intentions, violent behavior, drug or alcohol addiction, or problems with the police are usually not admitted to the ARK. These youth are referred to a more appropriate setting.

Youth in the shelter are supervised by at least two staff members who are awake and on duty at all times. The staff accompanies youth for activities outside the shelter. The only exceptions are that some youth go out on visits with families, and some go to school via public transportation, and are strictly monitored. Phone calls and internet time are strictly monitored and based on parental permission. Friends are not allowed to visit youth during their stay at the ARK; the only visitors allowed are parents and/or guardians.

The current ARK facility is inadequate for meeting the changing and complex needs of the youth that are served by the ARK. The building is old, too cramped, and actually inhibits safe operation. The new facility will provide a safer environment for youth and staff, special areas for exercise and study, beds for teen parents with their babies, more personal space, a more healing environment and integration of the ARK staff under one roof. The duplex will house two older youth for transition living while they prepare for adult responsibilities.

Steve Hassevoort, Diekema Hamann Architecture, advised that his firm is working with the ARK on this project. Several different sites have been investigated over the years as possible areas to relocate the ARK, but the Pleasant Street site seems to be ideal for this facility. All of the existing building can be used with just a small addition, which will be one story, so there will be no height added to the building. Some of the parking will be removed since the new facility will not require as many parking spaces as the existing uses. This is also an opportunity to update the older portion of the building while the changes are being made. The additions will be brick to match the existing structure and the building will have a residential look. There will be additional landscaping and the wooded area will remain the same. The duplex will be in keeping with the residential feel and it will be tucked into a cluster of trees in the back.

Larry Harris, Landscape Architect and site planner for the project, advised that the site is approximately 5 ½ acres. Four percent of the property (.22 of an acre) will be building. About ½ an acre or 8.6% will be hard surface. The project will require 27 parking stalls, but the proposal is for 35 spaces, 4 of which will be barrier-free. Setbacks for this building are 20 feet for the front, rear and west side and 60 feet on the east side. There will be no change to the front set back. The larger building addition on the rear will be inset in the grade (1/2 in the ground). There will be an effort toward green design, which will reduce temperature refractions on the building for both cooling and heat. Some of the paving will be removed and replaced with green space and grass pavers. The lighting will not be increased. Because the paving will be decreased, there will be an increase in the amount of storm water held on site. There will be a low area on site for the water to accumulate and percolate into the ground. The diseased Austrian Pine trees on the east side and the southwest side will be replaced with new Blue Spruce trees, which have the ability to hold their shape close to the ground. This will help maintain the buffer between properties. Only portions of the site will be mowed. Areas outside of the lawn and between the two major parking areas will be planted with wildflowers and native plants. Reducing the amount of lawn will help reduce the cost for mowing and watering the landscaping.

Public Hearing

Tim Eastman, Principal of Hackett Catholic Central High School in Kalamazoo, with a home address of 3504 Glengarry, shared his comments. Mr. Eastman advised that there has been a long and amicable relationship between the high school and the ARK facility. The ARK has been available to students at the high school. The current ARK facility is showing its age; it was built in 1964 and was originally utilized for other purposes. The ARK has been a good steward of the building and a good neighbor to the high school. Mr. Eastman mentioned that there is a stereotype of the ARK as being a halfway house with kids hanging out on the porch and causing problems. He stated that the ARK is definitely not that type of facility. Because of the discreet nature of the ARK, he is often unaware that students have attended the facility unless someone brings information to his attention. Mr. Eastman spoke highly of the caregivers at the facility and stated that security and confidentiality are priorities at the ARK. Security and confidentiality will be enhanced at the new location.

Dianne Dobratz, 4017 Standish, advised that she is a homeowner near the ARK and she has lived in that location for 32 years. She echoed Mr. Eastman's sentiment with regard to the confidentiality of the program. She indicated that she would probably not have been aware of the ARK in its current location were it not for her personal knowledge of the facility. Ms. Dobratz stated that during the meeting with the neighbors, Catholic Family Services did an excellent job in letting the neighbors feel that they should not have any fears whatsoever. There were some concerns that the youth at the ARK would be out running around the neighborhood. Ms. Dobratz confirmed that she has had no such concerns with the ARK, and that her son was once a supervisor at the facility. Ms. Dobratz had only positive things to say about the ARK program, and that she had no qualms about the ARK being located in the neighborhood.

Anelyse Cotter, 5133 Burning Tree, advised that she has worked at the 9th Circuit Court, Family Division, for 26 years and at the intake division for 23 years. She stated that the ARK is a valuable resource to the intake department. In 1987, the federal government enacted legislation that the court cannot accept a petition on the status of runaways. The federal government felt that those cases should be dealt with by the local social services agencies. The intake department deals with criminal cases and crisis calls. There have been over 100 calls this year from parents requesting help with troubled youth. The ARK is the court's only resource for dealing with these families. The court doesn't make referrals to the ARK when the youth are involved with criminal cases or with Community Mental Health. The court also deals with calls from minors who are afraid to go home and they don't know where to go. Some of those cases are also referred to the ARK. There are many families in the community who are in need and the Ark is a place where they can feel safe and assess what the family needs.

Jakie King Molnar, 990 E. Kilgore, stated that she has worked as a counselor at the ARK for 18 years. She stated that there are many families in the community who are struggling with various issues. Because we live in a mobile society, there may not be as

many grandparents, aunts, uncles, or other extended family members living close by to provide support. ARK staff members supervise kids during their morning routines and make sure they get on the school bus. The kids must return directly to the ARK after school where they are provided with a snack and supervised during group time/homework time. Later, they eat supper with other youth at the ARK and staff members. The kids help with various chores, including preparing dinner and setting the table. Ms. Molnar advised that she normally sees each child at least once a day on an individual basis. She also does family counseling. If the child is in the program for the maximum stay, she tries to see the family at least twice during that time. Ultimately, the goal is to try and reunite the child with the family.

One of the boys in the ARK program found a cell phone and it was returned to the owner. The family wanted to pay him. The boy advised that he didn't want any money because it was all of the kids who worked together to find the phone. Those are the kinds of kids the ARK works with. They need to be given a chance; they need to know they're safe and cared for. The families need to know they can work with their child to improve the situation. Ms. Molnar stated that she loves working at the ARK and she wouldn't want to work anywhere else.

Steve Tuinstra, 3275 Cooley Ct., Portage, stated that his son went through the ARK program. He wasn't aware that this program existed until the people at the ARK stepped in to help with his situation. Mr. Tuinstra stressed the importance of this program from the viewpoint of a parent. He stated that the ARK program is great, and that they are cramped in their current location. Mr. Tuinstra advised that he is very thankful for the people who have provided assistance for his family.

Michael Tuinstra, 3275 Cooley Ct., Portage, stated that he went through the ARK program when he was having problems with his parents' divorce. He stated that he was a runaway and felt that he had no one to turn to. The staff at the ARK stepped in; they were very supportive and helped reunite him with his family.

Pat Weighman, Deputy Director of Kalamazoo Community Mental Health, 1154 Merrybrook, stated that Catholic Family Services and the ARK provide important services to youth and family in the community. She encouraged the Planning Commission to fully support and assist Catholic Family Services with their request. Ms. Weighman stated that she has worked with the ARK staff since 1986 in various capacities, including the last 11 years in her job at Community Mental Health. She commented that the staff at the ARK is well trained and responsive, and the youth are well supervised. Community Mental Health does not place violent or aggressive youth in the ARK facility. Because the youth are well supervised, Community Mental Health hasn't had any incidents of youth causing problems with the community while they've been at the ARK. There are many stories of youth who have been successfully returned to their families.

There were no further public comments on this agenda item.

Commissioner Kneen, supported by Commissioner Mishall, moved to close the public hearing on P.C. #2006.14. With a voice vote, the motion carried unanimously.

The public hearing was closed.

Commissioner Kneen, supported by Commissioner Mishall, moved to approve the request from Diekema Hamann architecture on behalf of the Roman Catholic Diocese of Kalamazoo for a special use permit to allow the ARK transitional residence program to be operated in the existing building at 751 Pleasant Avenue, and to allow two building additions and a new duplex on the site. With a roll call vote the motion carried 5 to 0. (Commissioner Wienir was absent during the vote).

Commissioner Kuseske expressed the Planning Commission's appreciation for the services provided by the ARK.

3. **P.C. #2006.15: Consideration of a request from B.R.I.C.K. Housing, LLC to rezone the former railroad property on the south side of Bryant Street between Race Street and Fulford Street from Zone RS-5 (Residential – Single-Dwelling District) and Zone M-2 (Manufacturing – General District) to Zone RS-7 (Residential – Single-Dwelling District).**

Planner Bauckham mentioned that city staff received several phone calls and letters from interested citizens regarding this request. Copies of the letters were provided to the Planning Commission. City staff also received a petition from the neighborhood stating that they are against this issue. The petition is for the Planning Commission's information only. If this is determined to be a valid petition, the issue will require a super majority vote at the City Commission level in order to be approved. City staff just received the petition today and there has not been time to determine if it is valid.

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. The land for this rezoning request consists of former railroad property located on the south side of Bryant Street between Race and Fulford Streets in the Edison Neighborhood. The railroad facilities have been removed and the land is vacant. The land spans four city blocks and is surrounded by residential development. B.R.I.C.K. Housing, LLC has purchased this property from the railroad and they would like to build new, single-family detached housing on the property in the form of site condominiums. Utilizing the site condominium format allows the applicant to avoid going through the platting process for these homes. The city operates a public safety station at the corner of Bryant and Main Street. Across the street on the south side of Bryant is a parking lot, which is used for the station and the lot is within the rezoning area. The Public Safety department is leasing that land from the owner. The city is in negotiations with the owner to purchase the parking lot.

The existing zoning for the subject property is RS-5 (Residential, Single-Dwelling) for the west three blocks and M-2 (Manufacturing – General District) for the fourth block to the east. Most of the property to the north and south of the subject property is in the RS-5 zoning district. The primary allowed use in this zone is single-family detached homes with a density of no more than five units or homes per acre. The lots must have at least 7,500 square feet of area in this zone and be at least 60 feet wide. Most of the existing homes in this area do not meet these criteria; they are generally smaller in size and narrower.

Planner Bauckham stated that RS-7 is a new single-family zoning district, which was created as a result of the new zoning ordinance that was approved last fall. The RS-7 designation is intended to reflect existing residential areas in the city that have slightly smaller lot sizes than what are found in RS-5. The proposed zone for all four blocks is RS-7; this allows no more than 7 units or houses per acre. The lots in this zone have to be at least 6,250 square feet in area and they must be at least 50 feet wide. The majority of the existing lots range from 3,960 square feet to 6,545 square feet. With the rezoning, the average lot for the new homes will be 62 to 80 feet wide and they'll have a minimum area of 6,250 square feet, so they will be bigger than the lots that surround them.

The reason for the rezoning request is to create lots or new homes in this area that will be slightly larger than the existing lots that surround them. This will also allow the developer to build as many houses on the lots as possible. With the rezoning, B.R.I.C.K. Housing could build 27 houses on these lots as opposed to 22 houses in the current zone. Planner Bauckham stated that city staff is recommending that the Planning Commission recommend to the City Commission the approval of this request for rezoning.

Commissioner Kuseske inquired if this issue had been before the Zoning Board of Appeals (ZBA) and, if so, did the ZBA approve the rezoning. Planner Bauckham advised that the ZBA denied this request.

Commissioner Kneen inquired as to why the ZBA denied this request. Planner Bauckham stated that the application didn't meet all of the criteria for a variance.

Commissioner Wienir inquired as to what the dotted lines indicated on the map, and Planner Bauckham stated that he thought they were setbacks for the houses.

Commissioner Fawley inquired as to what issues were brought before the ZBA. Planner Bauckham stated that the ZBA was asked to review the variance request regarding the lot size in the current zone. The Planning Commission is reviewing a rezoning request. Commissioner Fawley inquired as to the most appropriate way to handle this request. Planner Bauckham advised that some cases require approval from both the ZBA and the Planning Commission. In such cases, ZBA approval would be required before the application is placed on the Planning Commission agenda. In this instance, the applicant felt that it would be easier to get a variance than a rezoning. The variance would only

involve approval by the ZBA; the rezoning requires approval by the Planning Commission and the City Commission.

Commissioner Kneen inquired as to the square footage of the proposed new homes. Planner Bauckham stated that he didn't have that information, but advised that the applicant would probably be able to answer that question. He commented that this is a project driven rezoning, and that the rezoning needs to be reviewed on its own merits. It is important to consider what might happen if this property were never developed. It is also important to look at all the permitted uses that are allowed in a specific zoning district to determine if those uses would be reasonable for the property. The rezoning should not be tied in to a specific project.

Commissioner Mishall inquired if the current zoning would allow for 22 houses, but the developer wants to build 27 houses. Planner Bauckham responded in the affirmative.

Commissioner Kuseske inquired if there was a project in the Edison neighborhood that had been approved by the Planning Commission but the houses were never built. Planner Bauckham stated that the Market Place at Washington Square would fall under that category.

Chris Carter, 659 Park Street, advised that he is the owner of B.R.I.C.K. Housing, LLC. Mr. Carter referred to the petition that was submitted to city staff regarding this application. He stated that several residents in the area called him to advise that the petition was being circulated because there was misleading information about the planned project. Mr. Carter stated that the plan he and his partners are proposing meets the criteria in terms of the site they are trying to build on. They are not trying to build duplexes, condominiums or anything of that nature, which would not fit the zoning in terms of residential housing. Mr. Carter advised that there have been accusations in terms of what was intended by the original application. Many people thought the proposal was to build duplexes or condominiums similar to Appleridge. Mr. Carter stated that his proposal is for single-family, two-story, residential houses. The square footage of the proposed houses ranges from approximately 1,189 square feet to 1,230 square feet, which is similar to the existing houses in the neighborhood. Mr. Carter mentioned that there were several people in the audience who were opposed to the project. He stated that he has lived in the neighborhood for about 11 years and that he is trying to do something good for the neighborhood.

Mr. Carter stated that his first plan was to construct 36 houses, which is actually less dense than the existing surrounding neighborhood. The existing lot sizes would allow for about 39 houses, but a compromise was made to decrease the number to 28. Mr. Carter stated that he was trying to work with the neighborhood and the city to improve the neighborhood, bring the value of the existing houses up, and give more people the opportunity to have nicer houses within the city.

Mr. Carter stated that the property has remained vacant because the railroad had not put it up for sale until recently. The railroad indicated that they wanted to sell all of the property rather than just a portion of it. The residents felt that the property was acquired using underhanded methods. The property had been for sale for about two years and there was a sign on the property for about six months. Mr. Carter stated that he sold a section of the south side of the property to people who used the property before he purchased it.

Commissioner Kneen inquired as to the approximate sale price of the proposed houses. Mr. Carter commented that things keep changing, but that he was trying to keep the price within the range for affordable housing. Accordingly, the estimated sale price would be between \$114,000 to \$140,000.

Commissioner Mishall inquired as to what "B.R.I.C.K." stood for, and Mr. Carter advised that he didn't have that information. Commissioner Mishall inquired if Mr. Carter had met with residents in the area. Mr. Carter stated that he has friends who live in the area. He also mentioned that someone who gave him a bid on electrical work called him to advise that a petition was being circulated. The friend who lives in the area advised that the petition contained misleading information regarding the proposed project.

Commissioner Kuseske inquired if Mr. Carter had met with the neighborhood association. Mr. Carter responded in the affirmative and stated that the Edison Neighborhood wanted to endorse the project, but they didn't want to endorse the rezoning. They indicated that the residents felt that the increased density would diminish their property values. Commissioner Kuseske inquired if the residents would support a particular number of houses to be built for this project. Mr. Carter advised that they would support the original number of houses allowed by the RS-5 zoning.

Commissioner Kuseske inquired as to the configuration of the houses. Mr. Carter stated that the houses would probably have three to four bedrooms, two and $\frac{3}{4}$ bathrooms, a full dining room and kitchen. Commissioner Kuseske commented that he once lived in an 1,100 square foot home; the bedrooms were small and there was only a single bathroom. Mr. Carter advised that one of the bedrooms would be in the basement, and there would be an egress window in that location.

Commissioners Mishall and Wienir inquired as to Mr. Carter's understanding of why the neighborhood doesn't support the project. Mr. Carter stated that people in the neighborhood were using the vacant property for various reasons, including parking. If houses are built in that location they will no longer be able to use the land. Mr. Carter advised that it was his understanding that the railroad hadn't leased any of that property to anyone other than the City of Kalamazoo and the church on Lay Boulevard. Mr. Carter stated that before he closed on the property he had a meeting with the Edison Neighborhood Association. Their main concern seemed to be that the railroad gave them

the runaround when they tried to purchase the property, and then they sold the land to Mr. Carter.

Commissioner Kneen inquired if Mr. Carter would proceed with building the 22 houses (versus the 27) if the rezoning request is not approved, and Mr. Carter responded in the affirmative. Mr. Carter advised that Wightman Ward was present to speak on behalf of the project in terms of the layout as it relates to the existing property.

Jamie Dyer of Wightman Ward, 9835 Portage Rd., Portage, was present to speak on behalf of the applicant. He confirmed that Planner Bauckham was correct with regard to the setbacks being indicated with dotted lines on the map. The map shows what a typical size house and garage would look like on the lots. When this request went before the ZBA, they were considering a request for 36 houses, which would be comparable to what is already in the area. The current zoning district would require that the lots be significantly larger than what currently exists. Mr. Dyer advised that the RS-7 zoning district is designed for the purpose that is being discussed, which is to bring the property into conformity with the surrounding land use. The current use is basically inconsistent with the current zoning, and being held to that standard would probably not benefit the community. The rezoning would allow a few more homes to be built and a few more people could take advantage of the "Kalamazoo Promise."

Commissioner Kneen inquired if most of the existing lots fell below 7,500 square feet, and Planner Bauckham responded in the affirmative. Planner Bauckham stated that the existing homes predate not only the present zoning but also the zoning ordinance that preceded that in terms of lot size regulations. Commissioner Kneen inquired as to why there would be a requirement for 7,500 square foot lots in a neighborhood that doesn't come close to that with most of the existing homes. Planner Bauckham explained that in the 1970's and 1980's there were amendments to the prior zoning ordinance to make the lot sizes larger, so that any newer houses would not be built so close together. Zoning district RS-7 was added to the new zoning ordinance in order to deal with situations such as this.

Public Hearing

Brad Cosgrove, 1227 Bryant Street, encouraged everyone to review the minutes from the ZBA meeting. There were questions as to why the neighbors were opposed to the proposed changes, and Mr. Carter's answer was that he was essentially taking away the neighbors' playground, parking lot, etc. and that they had no right to use it. Mr. Cosgrove advised that there is a lot more to the situation. He expressed concern with increased traffic and congestion in the area resulting from the project. Mr. Cosgrove mentioned that if you drive down Reed Street you can see how difficult it is to maneuver a car in that area. He suggested that there should be an ordinance to deal with the parking situation. Sometimes people are parked parallel to each other on the street, which means cars must sometimes stop to let oncoming traffic through, then traffic has to weave around parked cars in order to get down the street. The concern is that the same situation

will occur on Bryant Street if more houses are built in that area. It appears that the plans do not allow for much off-street parking so there will likely be a lot more parking on the street. Mr. Cosgrove also mentioned the difficulty that public safety has navigating through this area to reach their destination.

Elizabeth Baker, 1223 Bryant, commented that people who spoke regarding the two prior applications referred to increasing the size of their yard, and concern was expressed with regard to how the ARK might affect the neighborhood. Issues such as plantings and landscaping were discussed. Ms. Baker stated that it was her understanding that Mr. Carter would be taking out trees that have been there for many years. She cautioned against looking at this project just in the short term with the main focus being a potential for increasing the tax base. Ms. Baker stated that she thought this project would not be good for the city or the Edison Neighborhood in the long run. She suggested looking at ways to attract people to the city on a long-term basis rather than having a short-term, transient population who will be gone soon and leave many houses vacant. Ms. Baker mentioned that having the houses close together as they are now is not a favorable situation. It increases crime and causes friction between the neighbors. She stated that one of the reasons she purchased her property on Bryant Street was because of the green space across the street. Ms. Baker suggested that the city should have purchased the subject property and turned it into a park or additional municipal parking. She echoed Mr. Cosgrove's sentiment regarding the difficulties that emergency vehicles have navigating through this area. Ms. Baker stated that she felt Mr. Carter was only interested in making money, and that he is not interested in the well-being of the Edison Neighborhood.

Orville Alexander, Jr., 1317 S. Burdick, mentioned that earning a paycheck is of importance to many people. He stated that he thought Mr. Carter's plans were not fueled strictly by a paycheck. Mr. Alexander advised that he has lived in the Edison Neighborhood for 10 years. Mr. Alexander stated that he felt the proposed project would not create the traffic/parking concerns that have been expressed. He commented that if there are such concerns, they already exist. Mr. Alexander suggested that the proposed project would be an opportunity for working class people to acquire new homes. These won't be rental properties, they will be houses that people can purchase for their families. He mentioned that trees were removed in the past to make way for existing houses. Mr. Alexander advised that he wasn't saying this because he knows Mr. Carter personally, but because he has walked in the neighborhood during the day and at night and has observed what's going on in the neighborhood. Mr. Alexander commented that if Mr. Carter hadn't bought the property there would still be grass growing there and people would still be parking their cars in that location. He questioned why the neighbors were against the plan and suggested that maybe the possibility of slightly higher taxes might be a deterrent or maybe they just don't want Mr. Carter there. Mr. Alexander stated that he saw nothing but good things as a result of this project.

Jake Evink, 1219 E. Alcott, stated that when Mr. Carter purchased this property in June of 2005 he met with Tammy Barnard of the Edison Neighborhood Association and

several of the neighborhood residents. He stated that Mr. Carter made some unfounded promises that he never upheld. Mr. Evink stated that Mr. Carter was at Mr. Evink's house one night for two hours and he made some promises at that point, which he never fulfilled. Mr. Carter advised that the proposed houses would be in the range of \$114,000 to \$140,000. Mr. Evink stated that real estate in the Edison Neighborhood sells for around \$80,000 to \$90,000. He commented that he had driven in a 32-block area in the Edison Neighborhood just prior to attending the Planning Commission meeting. He counted 80 houses for sale, and 14 condemned houses. He questioned why the Edison Neighborhood would want Chris Carter to build more houses for sale in the Edison Neighborhood. Mr. Evink stated that he has lived in the Edison Neighborhood for 21 years and that the neighborhood has been gradually improving over the years. Mr. Evink commented that he has lived in some cramped areas where there was only room to park one car, and the yard was so small it was easy to overhear what the neighbors were saying. He stated that he currently lives on a three-lot property, which is approximately the lot size that is currently allowed by zoning. Mr. Evink stated that it would be his preference to have the zoning remain as is in order to allow for larger lots.

Ken Capman, 1445 Cameron, commented that this issue came up in August and now it is being considered again. Mr. Carter says he lives in Edison, but he lives 10 blocks from the proposed development. Mr. Capman commented that he didn't have the address of the one person who spoke in favor of this development. Mr. Capman stated that Mr. Carter indicated the proposed project would increase the surrounding property values. He mentioned that if you do a search on Google for green space and property values you will find 850,000 references to how green space increases property values. New development does not necessarily guarantee an increase in property values, especially when the property is this congested. Developing this property further would just perpetuate a bad idea. Edison is cramped because of poor or no planning, and Mr. Carter wants to continue that. Mr. Capman suggested that Mr. Carter doesn't have the neighborhood's best interests in mind, he just wants to make as many sales as possible on that property.

Mr. Capman advised that there is also an issue with Mr. Carter stating that the railroad has been trying to get rid of this property. He stated that he never saw anything saying the property was for sale. In fact, if you go to the GIS mapping system it shows that three of the lots used to run parallel to Bryant Street, and one of them runs all the way to Race Street. The northern two lots were sold together. The southernmost lot was sold when the buyer approached the seller. The railroad was not trying to unload these properties, Mr. Carter was trying to grab them up. The GIS shows that each of those properties was about \$15,000. Mr. Carter advised at last week's Edison Neighborhood Association that the houses would be priced from \$130,000 to \$140,000. Mr. Carter also said that there were several meetings with the neighborhood about this, but Mr. Capman stated that he was never notified of the meetings. Mr. Carter advised that there were misleading statements on the petition. Mr. Capman stated that he read the petition but did not feel it was misleading and he signed it. Mr. Carter advised the ZBA that the

neighborhood was behind his request, but he wound up withdrawing the request. Mr. Carter advised that the railroad had been trying to sell the property for so many years. However, the engineer from Wightman and Ward stated that he had to go through a cadre of Philadelphia lawyers in order to complete the purchase. You can't have it both ways. The property was either sought out for development or it was offered for sale. This time, the engineer didn't mention the things he mentioned last time. When he was here in August, he stated that this project would increase traffic and density and it will be a drain on public services and resources, but we didn't hear that tonight.

Tammy Barnard, Executive Director of the Edison Neighborhood Association, 816 Washington Ave., stated that at the September 28th Edison Neighborhood Association board meeting, the Board of Trustees unanimously voted to oppose B.R.I.C.K. Housing's request to change the four blocks of the former railroad property on Bryant Street to RS-7. The neighborhood association would like to make it very clear that they are supportive of responsible single-family redevelopment in the Edison neighborhood, but the neighborhood association believes that the existing RS-5 designation provides a quality of life standard and more value, not only for the potential new home owners but also the surrounding area. The Edison Neighborhood Association is asking that the Planning Commission vote no on this request and maintain this property as RS-5 and M-2.

There were no further public comments.

Commissioner Fawley, supported by Commission Kneen, moved to close the public hearing on P.C. #2006.15. With a voice vote, the motion carried unanimously.

Commissioner Wienir stated that she toured the area requested for rezoning, and she was able to talk with the director of the Edison Neighborhood Association. Commissioner Wienir felt that there should be support given to the neighborhood because they're raising a lot of questions. She stated that based on what she's heard tonight, she would raise some of the same questions, and that she would be voting no on the rezoning.

Commissioner DeRango stated that the proposed development is providing housing that's less dense than the surrounding area, which seems to be a step in the right direction. There's a lot of hearsay about who said what and when and it's hard to make an evaluation of that from the perspective of a Planning Commissioner. However, the Planning Commission can evaluate the plans and whether or not the plans seem to fit the character of the neighborhood. Mr. Carter is proposing to build 28 homes on a stretch of land where the adjacent lots have 36 homes on them. In light of those facts, it doesn't seem unreasonable for this development to move forward.

Commissioner Kneen inquired as to why there is a gap in a particular location of the proposed development on the east end. Mr. Carter advised that there are a couple different things that he and Mike Seelye and their other partner plan on having in that location. They considered donating a part of the land as parking for the properties across

the street or building a park. Initially, they wanted to have more houses in that location, but because of the residents at that corner not having parking, they are considering turning that land into a parking lot; a final decision has not been made.

Commissioner Mishall stated that she can understand the applicant wanting to develop the property, but that she can also understand the neighborhood's perspective. Concerns regarding high density, quality of life and green space are big issues. Commissioner Mishall stated that based on the opposition from the neighborhood, she would be opposed to the rezoning.

Commissioner Fawley stated that it is important to remember the facts in the matter. As Planner Bauckham pointed out, the matter before the Planning Commission is the issue of rezoning. A lot of the details will be left to other bodies. Commissioner Fawley commented that the Planning Commission must make a decision based on whether this proposal fits with the city's plan. He commended the residents of the Edison neighborhood for being involved in this process. Commissioner Fawley stated that he didn't see an impediment to moving forward with the proposed rezoning. He added that he thought this project would provide a good opportunity for people in the Edison neighborhood to move into a new house rather than a 100-year old house. He pointed out that the newer houses would have lower operating costs over the next few years than an old house. The new houses will have amenities such as driveways and garages and larger yards, which many of the older houses don't have.

Commissioner Kneen expressed concern that Mr. Carter didn't know the meaning of the acronym he uses for his company name. He mentioned that 1,200 square feet for a \$120,000 house would be \$100 per square foot, which would be an efficient building. He stated that he was torn on this issue. If the rezoning is not approved the applicant can build 22 houses; if the rezoning is approved the applicant can build 27 houses. Commissioner Kneen mentioned that the rezoning would allow for approximately one more house per block, which would not be much of a visible difference. He stated that he liked the idea of new housing and that he respected the opinion of the neighborhood association. Commissioner Kneen commented that most of the comments seemed to be directed against Mr. Carter rather than the project itself. He stated that he was not sure at this point how he would be voting.

The public hearing was closed.

Commissioner Fawley, supported by Commissioner DeRango, moved to approve the request from B.R.I.C.K. Housing, LLC to rezone the former railroad property on the south side of Bryant Street between Race Street and Fulford Street from Zone RS-5 (Residential – Single-Dwelling District) and Zone M-2 (Manufacturing – General District) to Zone RS-7 (Residential – Single-Dwelling District). With a roll call vote, the motion failed with a four to two vote.

Ayes: Fawley, DeRango

Nays: Wienir, Kneen, Kuseske, Mishall

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

None

OLD BUSINESS

None

NEW BUSINESS

None

CITIZENS' COMMENTS

None

CITY PLANNER'S REPORT

Planner Hernandez advised that city staff finished scoring the capital improvement program (CIP) projects for this year. The CIP will be on the Planning Commission agenda shortly, probably for the December meeting.

Commissioner Kuseske mentioned that he hadn't received an invitation to the last CIP meeting, which was held on Monday, October 2nd.

MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Kuseske stated that he appreciated everyone's comments on the agenda items. He commented that community input is an important part of the planning process.

Commissioner Fawley mentioned that there is a cost number for developing the B.R.I.C.K. Housing property. If there is a decrease in the number of units that the cost can be divided into, that will increase the price of each of the houses. If the price is increased too much, people will be less likely to buy the houses. Commissioner Kuseske stated that he felt the bigger picture is the collaboration of the community, how the community feels about this project and the efforts on the builder's part to build that connection between the community.

Planner Bauckham advised that there is another rezoning request slated for the November meeting. The rezoning involves a lot at the east end of the Westwood Plaza Mall near Drake and Main. That land is currently in an office zone and owners of the mall would

like to develop it for commercial use. There are also two other possible issues slated for the November agenda.

The zoning ordinance text amendment is in progress and staff is working with the City Attorney's office to finalize the amendment. Hopefully, this will be ready for review at the November meeting.

As of January 1, the following three Planning Commissioners' terms will be expiring: Commissioner DeRango, Commissioner Wienir and Commissioner Fawley. He requested that those commissioners advise city staff if they are interesting in serving another term.

ADJOURNMENT

Commissioner Kneen, supported by Commissioner Mishall, moved to adjourn the October 5, 2006 Planning Commission meeting. With a voice vote, the motion carried unanimously.

The meeting adjourned at 9:10 p.m.

Respectfully submitted,

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