

PLANNING COMMISSION

Minutes

December 7, 2006

The City of Kalamazoo Planning Commission meeting was called to order by Commissioner Cody at 7:00 p.m. in the City Commission Chambers of Kalamazoo City Hall, 241 W. South St., Kalamazoo, MI 49007. Approximately 10 additional people were in attendance.

MEMBERS PRESENT

Frank Cody, Vice Chair (Acting Chair); Sonja Dean; Casey Fawley; James Kneen; Merilee Mishall; Bertha Stewart

MEMBERS EXCUSED

Terry Kuseske, Chair; Kelly DeRango; Linda Wienir

GUESTS

Barbara Miller, City Commissioner

CITY STAFF

Keith Hernandez, Deputy Director/City Planner; Rob Bauckham, Assistant City Planner; John Kneas, Assistant City Attorney; Frank Szopo, City Engineer; Amy Thomas, Recording Secretary

CALL TO ORDER

Commissioner Cody called the meeting to order at 7:10 p.m.

ROLL CALL

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

ADOPTION OF FORMAL AGENDA (November 2, 2006)

Commissioner Cody requested that the discussion regarding the CIP (Capital Improvement Plan) be moved to the first item on the agenda.

Commission Kneen, supported by Commissioner Fawley, moved to amend the December 7, 2006 Planning Commission agenda as requested. With a voice vote, the motion carried unanimously.

APPROVAL OF MINUTES (November, 2006)

There were no changes to the minutes.

Commissioner Kneen, supported by Commissioner Mishall, moved approval of the November 2, 2006 Planning Commission minutes as presented. With a voice vote, the motion carried unanimously.

COMMUNICATIONS AND ANNOUNCEMENTS

None

NEW BUSINESS

Presentation of the proposed 2007 Capital Improvement Plan

Planner Hernandez stated that the CIP covers maintenance and improvement of infrastructure within the city. The five-year outlook for the CIP is a new process this year. There was a 1.5 million dollar budget for the CIP from the general fund this year. The CIP budget for 2007 is \$1,470,000. Projects are given points according to criteria that is provided. Planner Hernandez gave a brief explanation of the point system.

(7:15 – Commissioner Stewart arrived.)

Commissioner Cody inquired if all of the projects were funded this year, regardless of the their score, and Planner Hernandez responded in the affirmative. He stated that the fully funded projects were not included in the CIP.

Commissioner Cody inquired if projects that cost less but had a lower ranking could be moved up in order of importance. Planner Hernandez confirmed that scenario was possible. He introduced Frank Szopo from the Engineering Department to provide further details.

Mr. Szopo stated that he would describe how the CIP budget is put together for water, wastewater and streets. The major and local streets budget for 2007 is 7.8 million dollars. That includes over 3 million dollars in federal and state grants for these projects. The list of major street projects is compiled using a couple of processes. First of all, the city has been generating a 10-year list of CIP streets for the past 20 years. The list is based on engineering projections of the life expectancy and conditions of the streets. Also, the surface condition of the streets is measured every three years. Those streets get a PSR (Present Serviceability Rating) and this provides a scale to rate the condition of the streets. There is a three-year improvement plan that is assembled through KATS (Kalamazoo Area Transportation Study). A list of streets available for federal funding is generated every three years. There is about a million dollars of federal aid per year for

those streets. City staff also looks at the capacity of those streets. The Westside Plan was one of the special studies done to look at the capacity of the roads.

City staff looks at the funding available through city, state and federal sources, then a list of streets is generated. For tier 1 projects, there is 7.8 million dollars available for 2007. There are streets in tier 2 that are in need of repair but there is not adequate funding to pave them in 2007. Those streets are spread out in future year projects. It is estimated that it will cost 3.9 million dollars to pave local streets, but the total amount of funds are not available at this point.

Commissioner Kneen inquired as to how federal funding is determined for certain roads. Mr. Szopo advised that there is a list of the major roads that are eligible for federal funding. Approximately ninety percent of the major streets owned by the city are eligible for federal funds. Westnedge, Kalamazoo Avenue and Michigan Avenue are state trunk lines and they are dealt with at the state level. West Michigan Avenue, Parkview and Kilgore are examples of roads eligible for federal funds. Roads are classified as major arterial, minor arterial or collector streets. Generally, the streets carrying the most traffic are eligible for federal aid.

Commissioner Mishall mentioned that I-94 is on the list, and she inquired if the city owns part of that highway. Mr. Szopo stated that I-94 is owned by the State of Michigan, and there is a portion of I-94 running through the city boundary. The city has to pay a local share of the construction on I-94. Mr. Szopo advised that I-94 runs through 3 jurisdictions in our community, but the County Road Commission is exempt from paying a local share on construction of state highways through their jurisdiction. I-94 runs through the City of Portage and the City of Kalamazoo. With regard to the current improvements that are being made, only a small portion of I-94 runs through the City of Kalamazoo. There is a \$68,000,000 construction project underway on I-94, and the city's local share of that project is \$34,000. However, as the project moves to the east and progresses to the area between Portage St. and Sprinkle Road, where I-94 runs through the City of Kalamazoo, the city share will probably be over a million dollars. That is not reflected in the CIP because the state has not funded those portions of the project. In about 5 to 7 years that portion of the widening of I-94 will become funded and the City of Kalamazoo will have to provide their share of funds for the construction. At that time, the City of Kalamazoo might elect to use their federal share for STP (Service Transportation Projects) to fund that portion of the I-94 widening.

Mr. Szopo stated that the water budget is \$4,000,000 for 2007; \$600,000 of that is projected to be private contributions from people paying for water service. If a water main goes through the township and the city crews put the water main in, the township pays for a portion of the water main that is installed. That process is called contribution and aid. About 3.4 million dollars of the budget would come from water revenue and

reserves, and about \$600,000 would come from contribution and aid from private sources. The city is looking at 17 major water projects. Most of the projects deal with replacement or upgrades to existing systems, which include pumping stations, wells, piping, surveillance systems at the pumping stations, etc.

There are 2.7 million dollars devoted to wastewater in the CIP for 2007, which includes 23 major projects. Again, most of these projects involve repair and replacement of existing facilities. There is also a 10-year CIP plan for water and wastewater. The plans are based on the city's strategic plans for water and wastewater, which were done in 2003 with updates in 2005. The process involves managers in the water and wastewater departments who provide information to the CIP committee on what is needed. Special studies and reports are also done. The CIP meetings start in summer and last 3 or 4 months. The committee looks at the various projects to determine which ones should be funded and when.

Commissioner Cody mentioned that the report seems to indicate that expenses will drop in 2013 for water and in 2012 for wastewater. Mr. Szopo advised that the numbers appear that way only because it is impossible to predict what will happen that far into the future.

Commissioner Kneen inquired as to how accurate the estimates are. Mr. Szopo stated that the estimates are usually within 10% to 15%, either high or low, of the actual budget. There are always things that you don't think about or improvements that can be made. Commissioner Kneen inquired if the estimates are from vendors or from city staff. Mr. Szopo advised that the estimates come from the following three sources: 1. consultants, 2. city staff, 3. experience (historical values).

Commissioner Kneen, supported by Commissioner Mishall, moved to endorse the Capital Improvement Plan (CIP) as presented. With a roll call vote, the motion carried unanimously.

Commissioner Cody thanked everyone who worked on the CIP. He expressed his appreciation to city staff for providing the CIP information to the Planning Commission early enough to allow time for review. Commissioner Cody advised that the next step will be review and approval by the City Commission.

Public Hearings

1. **P.C. #2006.20: Consideration of a request from T & C Rentals to rezone the west 316 feet of 3308 S. Westnedge Avenue from zone CO (Commercial, Office District) to Zone CC (Commercial, Community District).**

Planner Bauckham provided the staff report, which is incorporated in these minutes by reference hereto. The subject property is located on the west side of South Westnedge Avenue between Whites Road and Hutchinson St. The eastern portion of the property is in the CC (Commercial, Community District); there is a 6,700 square foot office building on that portion of the property. The west 316 feet of the property, which is zoned CO (Commercial, Office District) is vacant and wooded. The applicant is in the process of purchasing this property and the current owner is supportive of the rezoning. The applicant is requesting that the western portion of the property be rezoned to the CC zoning designation to allow construction of a new office/commercial building. The property is bordered by offices, a restaurant, and residential properties. The Future Land Use Plan is supportive of this rezoning. If the rezoning is approved, the applicant would be required to go through the city's site plan review process for any building to be placed on the property. City staff is recommending approval of this application.

Commissioner Cody inquired as to what would be permitted under the CC zoning designation that isn't permitted under the CO zoning designation. Planner Bauckham advised that CO is an office district, but the CC zoning designation allows office, commercial, retail and restaurant uses. The applicant is undecided as to how he wants to use the land, but the CC designation would provide him with more options.

Commissioner Cody inquired if the nearby rental properties were notified of the rezoning request; Planner Bauckham responded in the affirmative.

Kirt Penny, Eckert-Wordell Architects, was present on behalf of the applicant, T & C Rentals. Mr. Penny advised that the applicant would like the opportunity to have retail space on the subject property. West Michigan Office Interiors will be moving into the existing building once the sale of the property is completed. That site will be upgraded within the next year. Once the business is established in the existing building, attention will be focused on constructing a new building.

Commissioner Kneen inquired if the applicant had a plan. Mr. Penny advised that there are a couple of plans under consideration. One possibility is a 6 to 7 thousand square foot building, which would blend into the area. West Michigan Office Interiors will not generate heavy traffic. It would have minimal requirements for parking and landscaping. In an effort to be a good neighbor, the applicant is considering the installation of a berm next to the multi-family residential area, with high density landscaping and trees to provide some privacy. It is a heavily wooded lot, and the intention is to save as many trees as possible. Access will be off Westnedge through the existing parking lot. When the new building is finished, the parking lot of the existing structure will be upgraded, and the water retention requirements will be met.

Commissioner Kneen inquired if there are concerns about this project creating complications with the proposal for the Damon's restaurant property nearby. Planner Bauckham advised that he did not anticipate any problems in that regard.

Public Hearing

Nancy Russell, 710 Chene Dr., advised that the project site has no access to go through to Duke Street. She inquired as to why anyone would want this property, which is land-bound. She stated that she would like to know the current zoning of the subject property because it doesn't show on her map. Ms. Russell inquired as to what will happen with the run-off from this property. She expressed concern that there are already many businesses on the block and apartments in her back yard. She suggested that the applicants consider moving their project down the road by the Walgreen's pharmacy where there is no hill to dig into.

Commissioner Mishall inquired as to what impact Ms. Russell thought this project would have on her property. Ms. Russell stated that she thought the project would devalue her home. She stated that she lives on a private drive. The city doesn't take care of that road; the residents on that street have no city water or gas. Ms. Russell commented that the residents on that street feel like that is their road for access to their properties. Commissioner Mishall inquired as to how many houses are on that road, and if Ms. Russell had spoken with her neighbors about the applicant's proposal. Ms. Russell stated that there are four houses on her street. She was uncertain as to the status of the house next door; it may have been repossessed by the bank. She advised that the man who lives on the corner is disabled and he was not in favor of the changes. Ms. Russell had not spoken to the other neighbor.

Commissioner Cody mentioned that the current zoning is CO, which would allow office uses. The proposed zoning change to CC would also allow commercial uses. He requested that Mr. Penny return to the podium to address questions regarding the hill that Ms. Russell mentioned.

Mr. Penny advised that his firm is still in the process of figuring out what could fit on that site. Studies will be done on how the building could impact the hill. The hill extends upward approximately 20 feet from the parking lot toward the property where Ms. Russell lives. During site plan review, the architects will work with the city regarding the issue of run-off; the use of water retention ponds is typical in this situation. Information on the final grade is not yet available. The architects want to take the surrounding area into consideration as they are formulating a plan, and they feel this is a viable project.

There were no further comments and the public hearing was closed.

Commissioner Kneen, supported by Commissioner Stewart, moved approval of the request from T & C Rentals to rezone the west 316 feet of 3308 S. Westnedge Avenue from zone CO (Commercial, Office District) to Zone CC (Commercial, Community District). With a roll call vote, the motion carried unanimously.

Commissioner Cody commented that the current zone is Commercial, Office District. Therefore, approving the Commercial, Community District does not represent a major change to the zoning.

Commissioner Fawley stated that any perceived damage to the residential neighborhood by the commercial zoning had already been done years ago. The Planning Commission has no control over that issue at this point.

Commissioner Kneen stated that he hoped city staff would be sensitive to the comments made by Ms. Russell, and Commissioner Cody advised that there will be more opportunities for public comment at the City Commission meeting.

Commissioner Mishall commented that the wooded area is nice; there are so few such areas on Westnedge. She stated that she hoped the developer would work with the neighborhood to make sure the new development is aesthetically pleasing.

2. **P.C. #2006.21: Consideration of a request from Kimberly Bracewell-Thorpe for a special use permit to allow a transitional residence use for teenage girls in the existing house at 615 W. Lovell.**

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. The subject property is located on Lovell St. between Oak and Pearl Streets. The 10-bedroom house has been used as a rental in the past, and there are two people living there now. If the special use permit is approved, the tenants will be relocated. The property is bordered on all sides by multi-family residential properties. The applicant is the director of Let's Talk About It and she wants to use this property as a transitional residence for girls from 13 to 17 years of age. There would be up to 15 girls living at the facility at one time, with 6 to 9 months being the average length of stay. They would receive academic assistance and counseling services to help deal with their family issues; the goal is to reunite the girls with their families. There would be at least 2 adults on staff during the day and at least 1 adult on staff at night. The applicant is in the process of acquiring state approval for this facility. There are five parking spaces on the site and that is sufficient to meet the needs of this use. The current owner of the property supports the applicant's request for the special use permit. There is a letter from the property owner to the north in opposition to the special use permit; a copy of the letter was provided to the Planning Commission. The requested use is allowed in this district with approval from the Planning Commission. City staff believes the application meets the requirements of the special use permit.

Commissioner Kneen inquired as to the type of license that is being sought, and Planner Bauckham advised that it is a day care license.

Kimberly Bracewell-Thorpe was present to discuss the application. She stated that she is in private practice in the Kalamazoo area. She has a masters degree in social work and is

a licensed social worker. The special use permit is being requested so that Ms. Bracewell-Thorpe can provide counseling services to girls ages 13 to 17 at the subject property. The new facility will provide individual and group counseling and academic support to the girls. Spiritual support will also be provided as an option. Transportation to visit church and family members will be provided. The number 1 goal is family reunification. Anyone with a violent criminal history or a history of harming themselves or others would not be eligible to stay at this facility. The individuals staying at the facility will be displaced girls who are victims of abuse or neglect.

The girls will be in a structured program with supervision 24 hours a day, and there will be an automated alarm system. The licensing requires at least 2 staff members at the facility during the day and at least one staff member at night. Family members will be the only visitors allowed. Ms. Bracewell-Thorpe stated that she does contract work through the 9th District Court with teens in the court system. She conducts anger management sessions with the teens. The applicant stated that she is only dealing with individuals at this point. She wants to work with the entire family, and opening this new facility will allow her to do that. Statistics obtained through the juvenile court system show that in 2003/2004 there were over 3,000 juvenile cases opened in the local court system. Many of these kids could have been helped by a facility such as the one that is being proposed. There is no other place like this in Kalamazoo; the goal is to help the girls at a facility in Kalamazoo because that increases the chances of unification with the family.

Commissioner Mishall inquired as to how the girls would wind up at the facility. Ms. Bracewell-Thorpe stated that the girls are referred by their parents or through Community Mental Health and other agencies. Some of the girls might have mental issues, but not severe. Ms. Bracewell-Thorpe advised that she provides therapy for depression and other mental health issues. This will be an open facility (no lock-down) for low-risk patients.

Commissioner Dean inquired as to the applicant's vision for the integration of these girls with the community. Ms. Bracewell-Thorpe stated that she hadn't yet spoken with the neighbors.

Commissioner Kneen inquired as to the qualifications of the staff at the facility. Ms. Bracewell-Thorpe stated that the staff will have a bachelors or masters degree in counseling and there will be some paraprofessional level staff. The staff will be licensed to provide counseling services. Commissioner Kneen advised that he works in that field, and he questioned how the applicant would pay for the facility. Ms. Bracewell-Thorpe advised that the facility would receive funding from the sources that refer into the program.

Commissioner Fawley inquired if there was concern about the girls being a flight risk. Ms. Bracewell-Thorpe advised that such individuals would be referred to a closed facility. The residents of the proposed facility will want to take part in the services that are offered.

Commissioner Stewart commented that the applicant's proposal is not a new concept. There is some research in that area and there is a similar concept in St. Louis; some of the funding comes from federal grants. Commissioner Stewart stated that she thought it would be helpful to look at the research on those concepts.

Commissioner Fawley inquired as to how this location was chosen. The applicant stated that the house at 615 W. Lovell is perfect for the vision she has for the girls.

Peter Livingstone McNelis, 314 Monroe (Henderson Castle), stated that he is the owner of 615 Lovell and that he has done \$200,000 of renovations to the house. He presented photos of the house prior to the renovations, and stated that he is pleased with the applicant's plans to use the house for kids. Mr. McNelis stated that he is a licensed psychologist and he was the community services supervisor at the Lakeside facility from 1989 to 1998. He was in charge of a foster care program and an independent living program at that facility. He worked with kids in the 13-17 age range, and saw the need for kids to be away from their families; the separation can be positive. The subject property is a good location for a group home; it's near the Kalamazoo Museum, library, and two churches. The bus system is nearby and there are many opportunities for jobs.

Mr. McNelis advised that he owned Park Place, which was a similar concept to what the applicant has planned for 615 W. Lovell. Park Place was in Kalamazoo for about 40 years, but the facility went out of business when cutbacks in state funding were implemented. There is need for a group home in Kalamazoo. People in need of this care are currently being relocated to other towns for treatment.

Commissioner Cody inquired if Mr. McNelis knew anything about the history of the special use permit for the prior facility at this address. Mr. McNelis stated that he was not associated with the prior group home. The property was vacant when he bought it. Planner Bauckham advised that issuance of a SUP would have depended on the size and number of occupants at the facility. Mr. McNelis stated that the facility at 615 W. Lovell had been known as The Manor and it was an adult group home. Commissioner Cody commented that he was concerned regarding Commissioner Kneen's comments. Mr. McNelis commented that there are different gradations of security; some kids earn their way to this point. Kids need to be given an opportunity to participate in such a program.

Public Hearing

Bobbe Orr, 629 W. South Street, stated that she lives around the corner from the subject property, and she is a close friend to the person who ran the AFC in this location. Ms. Orr inquired if the SUP stayed with the property and if the property could be used for high-risk individuals. Planner Hernandez advised that the SUP would stay with the property, but there is a process for removal of the SUP if that becomes necessary. Planner Bauckham stated that if there is a change in use, an additional permit would have

to be granted. The Planning Commission always has the option of canceling the special use permit if there are problems.

Ms. Orr inquired as to exactly what use the permit would allow. She added that the bus stop is by her house and she has concerns about the SUP. Planner Bauckham stated that the Planning Commission can put conditions on the special use permit regarding the specific nature of the use, including levels of risk of the occupants.

Pam Pellerito, 432 W. Crosstown Parkway, Community Mental Health, stated that her organization works with Ms. Thorpe and is supportive of the work she is doing. Kalamazoo has gaps regarding service provision to youth and families. Community Mental Health supports efforts to foster appropriate and healthy family life.

Addis Moore, 120 Roberson St., Pastor of Mt. Zion Church, stated that Ms. Bracewell-Thorpe is a member of his church, and the church would refer people to her facility. The church has 300/400 people who might need intervention, and the proposed facility would be a tremendous help to the church. Pastor Moore advised that Ms. Bracewell-Thorpe is very good with kids. It would be an advantage to keep these kids in Kalamazoo and make them productive citizens.

Eliakim Thorpe, P. O. Box 227, Nazareth, MI 49074, the husband of the applicant. Mr. Thorpe advised of the importance of the vision for this facility. He stated that the "Kalamazoo Promise" is alive and well and it is important for the girls who are eligible to take advantage of that opportunity. The proposed facility is an opportunity to help those families. Family failures affect the community, schools and the residents of Kalamazoo County. Accordingly, educational and spiritual guidance will be offered along with the social and psychological component. Mr. Thorpe stated that he understood the concerns, but that he believed the proposed facility would affect the community in a positive way.

There were no further public comments and the public hearing was closed.

Commissioner Kneen, supported by Commissioner Stewart, moved to approve the request from Kimberly Bracewell-Thorpe for a special use permit to allow a transitional residence use for teenage girls in the existing house at 615 W. Lovell Street. With a roll call vote, the motion carried unanimously.

Commissioner Dean inquired if there was any need to add criteria to the motion. For instance, should it continue to serve low-risk girls? Commissioner Dean inquired as to when the facility would be open. Ms. Bracewell-Thorpe stated that it would take approximately 6 months for the program to be up and running; obtaining the necessary licensing is a long process. Commissioner Kneen inquired as to who would be issuing the license, and the applicant stated that it would be issued through the Child Care Institution.

A brief discussion followed with regard to the conditions that might be imposed. Commissioner Kneen commented that it would probably not be possible to fund a high-risk facility in that setting. Commissioner Stewart stated that she felt the state restrictions would be adequate.

Planner Bauckham commented that the general consensus is that this facility is needed in Kalamazoo. It is impossible to predict every scenario that might occur, but it will be monitored. Hopefully, the facility will do well and there will be no problems, but there are no guarantees. There will be city staff in the area monitoring rental properties, and the neighbors will alert city staff to problems if they occur. If there are problems in the future, the Planning Commission could revoke the SUP and the facility would no longer be able to operate. The state would be notified under those circumstances.

Commissioner Stewart inquired as to what makes this facility different. Kalamazoo does have homes that deal with at-risk kids. Planner Bauckham stated that this facility would be classified as a transitional residence category. A parolee residential category could also be covered under transitional use. Commissioner Cody inquired as to what would happen if the subject property were used as a transitional residence for prisoners in the future. Planner Bauckham stated that the SUP specifies that the facility will be used for "teenage girls." The use is very specific in order to avoid conflict. The Planning Commission can add language to the SUP to make it more specific.

CITIZENS' COMMENTS

None

OLD BUSINESS

None

NEW BUSINESS

Amendment to the Rules of Procedure regarding Planning Commissioner terms.

January 18th is the current starting date for Planning Commission terms. The proposal is to change the Planning Commission terms to be commensurate with other city boards and commissions. Starting in 2007, the terms would start on April 1st and end on March 31st. Commissioner Mishall inquired as to how this would affect her term and Planner Bauckham advised that it would extend the term a few months.

Commissioner Mishall, supported by Commissioner Kneen, moved to amend the Rules of Procedure regarding Planning Commissioner terms to allow the terms to begin on April 1st and end on March 31st starting in 2007. With a voice vote, the motion carried unanimously.

CITIZEN COMMENTS

None

CITY PLANNER'S REPORT

Planner Hernandez thanked the Planning Commission for endorsing the CIP. He also thanked Commissioner Kuseske for the time he spent working on the Capital Improvement Plan.

Planner Bauckham advised of potential agenda items for the January 2007 Planning Commission meeting. There is a possible rezoning request in the Westwood neighborhood near Sage Street. The applicants want an office use, but they will need to apply shortly in order to be on the January agenda. The Rockford Lab application for the BTR park was pulled from a prior Planning Commission agenda but it may be on the agenda again in January.

MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Kneen stated that he hasn't been to the site review meetings. He inquired if questions of funding and licensing were discussed or if the meetings were more about zoning issues. He inquired if it was within the purview of the Planning Commission to inquire about an applicant's funding sources. Planner Bauckham confirmed that such questions are within the purview of the Planning Commission.

ADJOURNMENT

Commissioner Kneen, supported by Commissioner Dean, moved to adjourn the December 7, 2006 Planning Commission meeting. With a voice vote, the motion carried unanimously.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

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