

PLANNING COMMISSION

Minutes

June 7, 2007

DRAFT

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

MEMBERS PRESENT

Terry Kuseske, Chair; Frank Cody, Vice Chair; Sonja Dean; Casey Fawley; James Kneen; Merilee Mishall; Bertha Stewart; Linda Wienir; Reed Youngs

GUESTS

Barb Miller, City Commissioner

CITY STAFF

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

ROLL CALL

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

AGENDA (June 7, 2007)

There were no changes to the agenda.

Commissioner Cody, supported by Commissioner Fawley, moved approval of the June 7, 2007 Planning Commission agenda as presented. With a voice vote, the motion carried unanimously.

MINUTES (May 3, 2007)

Commissioner Wienir requested the following changes to the minutes: Pages 1 and 2, the April Planning Commission meeting was held on April 11th not April 3rd.

Commissioner Kneen, supported by Commissioner Wienir, moved approval of the May 3, 2007 Planning Commission minutes as amended. With a voice vote, the motion carried unanimously.

COMMUNICATIONS AND ANNOUNCEMENTS

Planner Hernandez advised that the next Planning Commission meeting is scheduled for Tuesday, July 10th. City staff is trying to arrange for the meeting to be held off site, but a location has not yet been determined.

PUBLIC HEARINGS

1. **P.C. #2007.09: Consideration of a request from the Progressive Deliverance Ministries Church of God in Christ for a special use permit (SUP) to allow an expansion of the existing church building at 1521, 1523 and 1527 N. Edwards Street, and to allow a separate parking lot for the church at 1524 and 1526 N. Edwards Street.**

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. The subject properties are located at the corner of North Edwards and West Prouty Street in the Northside Neighborhood. This request involves two separate sites. The church building is situated on the main site. The applicant is proposing a parking lot for the separate site located across the street to the east. The former church on the property was known as the Victory Temple Church. The applicant is proposing an addition to the north side of the church. The church plans to have a cafeteria, classrooms, offices and restrooms in the addition.

The church has no off-street parking at this time, but it owns two undeveloped parcels of land to the east. The church would like to have a 21-space parking lot on those two parcels. The parking spaces would be angled and the lot would have an “entrance only” driveway off Prouty St. and an “exit only” driveway off Edwards St. A privacy fence would be installed on the south side of the parking lot as a buffer for the adjacent houses. The parking lot would be paved and landscaped and it would have shielded, outside lighting.

The church building addition and the parking lot are both allowed in the existing zoning district (RS-5) by special use permit with review and approval by the Planning Commission. A variance will also be required for the separate parking lot and to allow fewer than the number of parking spaces required by ordinance. Based on the number of seats in the sanctuary, the church is required to have 33 off-street parking spaces, but the applicant doesn't have adequate space to accommodate that requirement. Attendees of the church are currently parking on an adjoining street; the proposed parking lot will partially address the church's parking issues. The applicants have applied for a variance in front of the Zoning Board of Appeals and that request is scheduled to be heard next week.

City staff believes this request meets the criteria for a special use permit. The applicant will need to submit a formal site plan to the Site Plan Review Committee for review and approval.

City staff is recommending approval of the special use permit with two conditions:

1. The applicants must obtain a variance from the Zoning Board of Appeals with regard to the separate site parking lot and to allow less than the required number of off-street parking spaces.
2. The formal site plan is to be submitted and approved by the Site Plan Review Committee.

Reverend Joseph Anderson was present on behalf of the applicant to answer questions. He stated that Pastor Jennings could not be present due to a conflict in his schedule. Reverend Anderson stated that Pastor Jennings has worked very hard to help decrease crime in the neighborhood. The church currently has inadequate parking and there have been problems with ticketing. Reverend Anderson advised that the church has approximately 100 members.

Commissioner Fawley commented that not all of the members would drive to service. He inquired as to the number of services held by the church. Reverend Anderson advised that the church has Sunday and Wednesday services and bible studies on Friday evenings. Commissioner Fawley expressed concern that the parking lot might overflow; Reverend Anderson advised that he thought that was unlikely.

Commissioner Kneen inquired if people were being ticketed on Sundays. Reverend Anderson advised that the problems with ticketing occurred during the week.

Public Hearing

Karika Phillips, 1615 N. Edwards, advised that the church property is located east of her property. She stated that she supports the church and the parking lot. She mentioned that the church also owns the lot next to her property and she doesn't want a parking lot in that location. Reverend Anderson stated that the church is only looking at putting a parking lot on the separate lots to the east of the church. He added that the lot next to Ms. Phillips property may have been offered to the church, but the church doesn't own it and they have no intention of acquiring it at this time.

Commissioner Cody, supported by Commissioner Kneen, moved to close the public hearing on P.C. #2007.09.

Commissioner Cody, supported by Commissioner Dean, moved approval of P.C. #2007.09: Consideration of a request from the Progressive Deliverance Ministries

Church of God in Christ for a special use permit (SUP) to allow an expansion of the existing church building at 1521, 1523 and 1527 N. Edwards Street, and to allow a separate parking lot for the church at 1524 and 1526 N. Edwards Street, with the conditions specified by city staff. With a roll call vote, the motion carried unanimously.

2. P.C. #2007.10: Consideration of a request from GEM Knollwood, LLC to vacate the south 780 feet of Lafayette Avenue in the Knollwood neighborhood for the proposed redevelopment of the Knollwood Apartment complex.

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. Lafayette is a paved, public street in the Knollwood Neighborhood, which starts at W. Michigan Ave. and ends at the cul-de-sac on the south end of the street. The applicant wants the south 780 feet of the street vacated, beginning south of the existing apartment complex at 1504 Lafayette and continuing to the end of the cul-de-sac on the south side. The Knollwood Apartment Complex abuts the east side of this section of the street, and the Knollwood Park (owned by the city) abuts the west side. The applicant owns the Knollwood Apartment Complex and wants to remodel the existing buildings. They are considering the possibility of constructing additional apartment buildings and a clubhouse. If the vacation request is granted, the applicant will use the land as parking for the tenants of the apartment complex. The west side of the vacated property would be used as a driving lane for access to the park and the apartments. The street would be owned and maintained by the apartment complex. The final site plan for the apartments has not yet been finalized. The applicant would be required to have a certain number of off-street parking spaces. The city would have easements for the existing utilities that are under the road, for a possible storm water drainage facility, and to maintain access to the park.

Normally, the owners of each of the abutting properties would receive ½ of the vacated land. However, the city owns the park to the west and they are willing to provide all of the property to the applicant if the street vacation is approved. The city's Recreation Department has requested that the trees on the east side of the park be retained. The Fire Marshall has requested that access be maintained through the west side of the street for emergency vehicles. If the application is approved, the applicant would be required to pay to the city the fair market value for the property. The applicant would be responsible for maintenance of the vacated area.

City staff is recommending approval of the street vacation request with the following conditions:

1. An easement is to be provided to the City of Kalamazoo for the underground utilities for the road segment to be vacated.

2. An easement is to be provided to the City of Kalamazoo for possible future storm water facilities.
3. An easement is to be provided to the City of Kalamazoo for access to the east side of the Knollwood park.
4. The existing trees on the east side of the park are to remain.

Commissioner Mishall requested clarification on what the applicant is proposing. Planner Bauckham referred to the maps on the overhead projector and provided further details. Commissioner Mishall inquired as to how it would be different than it is now. Planner Bauckham stated that the street vacation would allow for the applicants to acquire the property and use the eastern portion for perpendicular parking. The west side of the property would remain open for access to the park, access to the southern portion of the apartment complex and for emergency vehicle access. The applicant is not planning to physically change the road, but the vacated portion of the road would be owned by the apartment complex and they would be able to use part of it for parking.

Commissioner Fawley expressed concern that there would not be enough room for cars to park perpendicular to the curb and still have two-way traffic. Planner Bauckham advised that the pavement is about 40 feet wide. The ordinance requires 18 feet for parking and 22 feet for driving.

Commissioner Mishall inquired if the Planning Commission could mandate that the trees be saved. Planner Bauckham stated that there would be language in the easement stating that the trees are to remain. If someone violated the easement there would be repercussions.

Commissioner Youngs expressed concern about the possibility of city trucks/snow plows having to turn around on private property if the street vacation is granted. He suggested moving the cul-de-sac to where the road ends in order to avoid that situation. He mentioned a situation where there was a similar concern involving a public road that ended at a PUD. Agreements were reached with the PUD to allow the vehicles to access their property rather than backing up.

Commissioner Kuseske inquired as to the criteria for maintenance of the vacated land. Planner Bauckham advised that there would be specific language in the easement to cover those issues.

Commissioner Kneen inquired as to why the city hadn't made that space perpendicular parking. Planner Bauckham stated that the traffic engineer was opposed to that because of liability issues.

Greg Dobson, AVB Construction and American Village Development Company, was present on behalf of GEM Knollwood, LLC. He distributed more detailed information to the Planning Commissioners with regard to the application. Mr. Dobson advised that the overall concept is to make the street and access part of the Knollwood Apartment Complex. The name of the development will be changing. His client will be making a substantial investment to redevelop this apartment complex, including updates to the infrastructure. This will be a benefit to the City of Kalamazoo, Western Michigan University and the community. It is possible to widen the road to provide two-way traffic and perpendicular parking. The legal description will be worded so that the right-of-way will be 50 feet wide rather than the current 60 feet wide. The western most 10 feet of the right-of-way where the trees are located will be outside of the legal description of the area being vacated, so the trees will remain. There will be a substantial amount of on-site parking and the developer will be exceeding the city's parking requirements.

Commissioner Wienir inquired if the applicants had discussed these plans with representatives from the surrounding neighborhoods. Mr. Dobson stated that the applicant hadn't met with neighborhood representatives. However, hundreds of notices were sent to residents in the surrounding neighborhood to announce this hearing, and Mr. Dobson stated that he was unaware of any feedback.

Commissioner Kneen inquired if there is parking for people who need to use the park. Mr. Dobson stated that there is street parking for people who want to use the park. There has been dialogue with city staff regarding this matter and there may be accommodations to allow either a drive in for parking or parking on the street. Planner Hernandez advised that the city's Parks and Recreation Department has discussed adding parking for the park but they have no definite plans at this time. Mr. Dobson stated that an easement would be provided to allow access anywhere along the western edge of the right-of-way so that a drive could be put in at the desired location.

Commissioner Kneen inquired if park patrons would be allowed to use the perpendicular parking spaces that are to be added. Mr. Dobson stated that this could be an option. Solutions are being offered to provide a win/win situation, but Mr. Dobson hasn't received any directives on that subject at this point.

Commissioner Mishall inquired as to the current capacity of the apartments and whether there will be an increase or decrease. Mr. Dobson advised that there are currently 309 units. They will all be redeveloped, but the bedroom count of the existing units will remain the same. Four new buildings will be added, which will bring the total unit count up to approximately 500. This is significantly less than what is allowed in the current zoning classification. The number of parking spaces will exceed the requirements.

Public Hearing

There were no speakers at the public hearing.

Commissioner Mishall, supported by Commissioner Wienir, moved to close the public hearing on P.C. #2007.10.

Commissioner Fawley inquired about Commissioner Youngs' suggestion regarding the cul-de-sac. Will city staff address that concern or should the Planning Commission add it to the four conditions presented by staff? Commissioner Youngs commented that language could be added to the easement to cover the issue regarding the cul-de-sac. Planner Bauckham advised that this application was reviewed by the city's Public Works Department and they didn't provide any such recommendations regarding the cul-de-sac. There is an entrance to the apartments on the north side of the complex near the area to be vacated. City staff from the Public Works Department may have determined that city vehicles will have to back into that driveway to turn around but they didn't think it would be a problem. Relocating the cul-de-sac would require widening of the street substantially and that would encroach on land that belongs to the park and the apartment complex.

Commissioner Kneen, supported by Commissioner Mishall, moved approval of P.C. #2007.10: Consideration of a request from GEM Knollwood, LLC to vacate the south 780 feet of Lafayette Avenue in the Knollwood neighborhood for the proposed redevelopment of the Knollwood Apartments complex, with the conditions recommended by city staff. With a roll call vote, the motion carried unanimously.

(8:00 p.m. – Commissioner Youngs left the meeting.)

CITIZENS' COMMENTS REGARDING NON-AGENDA ITEMS

None

OLD BUSINESS

None

NEW BUSINESS

None

CITIZENS' COMMENTS

None

CITY PLANNER'S REPORT

Planner Hernandez advised that he and Attorney Kneas met with residents of the Stuart Neighborhood on May 15th to discuss the proposed zoning overlay for the Stuart Neighborhood. The general consensus was that the majority of the residents in that neighborhood don't want the overlay. Planner Hernandez wrote a letter to SARA (Stuart Area Restoration Association) containing the details of the meeting. Many of the residents are still in favor of limiting certain uses in the neighborhood. City staff initiated discussions about the overlay because they thought that was the preference of a majority of the people in the neighborhood. The residents would prefer having homes leased to individuals rather than supporting communal living. The fraternity house on Kalamazoo Avenue will be phased out by the end of the month as a direct result of efforts by city staff through the Zoning Board of Appeals.

Attorney Kneas advised that city staff is looking at enforcing the ordinance and certain code violations to discontinue the use of that house as a fraternity house. The general consensus is that the overlay was initiated before the new zoning code was approved. During that time, things have changed in the neighborhood. It is also in a historic district and they thought that provided enough regulations.

Commissioner Kuseske inquired if the communal living issue could be studied citywide. Attorney Kneas advised that specific zoning districts in the city allow this type of use.

Planner Hernandez advised that many groups are enthused about speaking at the Planning Commission retreat.

Commissioner Mishall inquired if the last half hour of the retreat would be time for discussion among Planning Commissioners. Planner Hernandez responded in the affirmative.

Planner Hernandez stated that the Planning Commissioners can have as many or as few people at the retreat as they choose. Questions can be asked during the presentation. Commissioner Mishall expressed support for set aside time for commissioners to talk among themselves.

Commissioner Kuseske inquired if there would be a conflict with the Open Meetings Act under these circumstances. Attorney Kneas stated that retreats are considered to be an educational program so they are not subject to the Open Meetings Act.

Planner Bauckham stated that a church in the city is requesting a special use permit, and that will likely be one of the items on the July Planning Commission agenda. The applicant is considering turning the church into a school.

MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Wienir encouraged the members of the Planning Commission to read the June 7th Kalamazoo Gazette opinion page. Kalamazoo has been recognized in the Urban Land magazine as one of the top cities in the entire country that has turned around its downtown area.

ADJOURNMENT

Commissioner Kneen, supported by Commissioner Fawley, moved to adjourn the June 7, 2007 Planning Commission meeting.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

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