

PLANNING COMMISSION
Minutes
September 6, 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, 2nd Floor, City Hall, 241 W. South Street, Kalamazoo, MI 49007. There were approximately 50 additional people in attendance.

MEMBERS PRESENT

Terry Kuseske, Chair; Frank Cody, Vice Chair; Sonja Dean; Casey Fawley; Merilee Mishall; Linda Wienir

MEMBERS EXCUSED

Bertha Stewart

MEMBERS ABSENT

Reed Youngs; James Kneen

CITY STAFF

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

ROLL CALL

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

AGENDA (September 6, 2007)

Commissioner Kuseske announced that he received a written request from the applicant for item P.C. #2007.16, consideration of a request from Dan Truckey for a special use permit to allow the existing house at 1003 Short Road to be used as a fraternity, to postpone the public hearing on the issue to the October meeting.

Commissioner Wienir, supported by Commissioner Cody, moved approval of the September 6, 2007 Planning Commission Agenda as amended. With a voice vote, the motion carried unanimously.

(7:01 p.m. – Commissioner Fawley arrived.)

Members of the audience voiced concerns regarding the postponement of the application for 1003 Short Road. Commissioner Kuseske advised that notice would be provided to the public regarding the new public hearing date for P.C. #2007.16.

Commissioner Cody inquired as to whether the fraternity members could continue to reside at that location without the special use permit. Planner Bauckham stated that the members of the

fraternity can still live at 1003 Short Rd., but they can't operate as a fraternity at that address without the special use permit.

Commissioner Wienir suggested that the applicant meet with the residents to discuss possible solutions for this situation.

Planner Bauckham advised that the applicant presented a letter to city staff before the meeting. The applicant is requesting more time to prepare his case.

Members of the audience expressed further objections to the postponement. Commissioner Cody advised that there is a section on the agenda for public comment under item "J."

MINUTES (August 2, 2007)

Commissioner Wienir requested the following changes to the August 2, 2007 Minutes: Page 1, the "WEB Association" should be in all capital letters. Page 2, "effect" should be "affect."

Commissioner Mishall, supported by Commissioner Dean, moved approval of the August 2, 2007 Planning Commission Minutes as amended. With a voice vote, the motion carried unanimously.

COMMUNICATIONS AND ANNOUNCEMENTS

Planner Hernandez stated that all of the comments received by city staff were regarding the item for 1003 Short Road.

PUBLIC HEARINGS

P.C. #2007.13: Consideration of a request from the Zion Lutheran Church for a special use permit (SUP) to allow an expansion of the existing church building at 2122 Bronson Blvd.

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. The church is located at the corner of Bronson and Peeler Streets. They would like to construct a 4,640 square foot, 2-story addition on the southeast corner of the existing building. The applicant would also like to add a chapel addition at the northwest corner, and a new canopy over the north building entrance. The exterior will complement the existing building. A playground will be added behind the addition on the southeast corner. Approximately twenty trees are to be removed, but nine new trees and 29 shrubs will be planted after the construction is completed. A portion of the parking lot to the north and west of the existing building will be repaved. Sidewalks on the site will also be replaced. New pole-mounted, shielded lights, will be installed in the parking lot and landscaping will be added on the north property border and within the parking lot. There will be no additional parking spaces or exits/entrances added. The required setbacks will be maintained for the additions, and nearly 70% of the property will remain as open space. The Site Plan Review Committee reviewed the initial site plan on August 21st. City staff is recommending approval of the special use permit with the condition that the full site plan be submitted and approved prior to the issuance of the building permits.

Commissioner Mishall inquired if there had been any reaction from the neighbors regarding this application. Planner Bauckham stated that everyone within 300 feet of the subject property received notice of the public hearing. City staff has received no feedback regarding this application.

John Haadsma from Design Plus was present on behalf of the applicants. He advised that there were three members of the church present to answer questions. Ron Antouma, the civil engineer for the project was also present. Mr. Haadsma stated that the applicants have complied with the zoning ordinance, and they have tried to be environmentally sensitive to the neighbors throughout the planning process.

Public Hearing

No one spoke at the public hearing.

Commissioner Cody, supported by Commissioner Wienir, moved to close the public hearing on P.C. #2007.13. With a voice vote, the motion carried unanimously.

Commissioner Cody, supported by Commissioner Wienir, moved to approve P.C. #2007.13, consideration of a request from the Zion Lutheran Church for a special use permit (SUP) to allow an expansion of the existing church building at 2122 Bronson Blvd., with the conditions recommended by city staff. With a roll call vote, the motion carried unanimously.

P.C. #2007.14: Consideration of a request from the Zeta Nu Housing Corporation of the Sigma Chi Fraternity for a special use permit to allow an expansion of the existing parking lot at 1618 Fraternity Village Drive.

Planner Bauckham gave the staff report, which is incorporated in the minutes by reference hereto. This property is located on Fraternity Village Dr. in the Knollwood Neighborhood. The applicant wants to add 4,300 square feet of parking on the west side of the site. There are currently 25 parking spaces; the expansion would allow for 12 additional parking spaces. The applicant is required to have a minimum of 16 parking spaces, based on the number of bedrooms in the house. The area designated for the expansion is currently a dirt parking area that is being used for overflow parking. A paved surface is required for this type of use so granting this request would allow the property to come into compliance with the zoning ordinance. No trees greater than 10" in diameter would be removed from the site. The six foot tall slope at the west end of the site would be graded to allow for the parking lot, and a leaching basin would be added to the parking lot for storm water management. No additional driveways will be added and there will be no changes to the existing driveway. The dumpster will be screened from view. No new outside lights will be added. Landscaping will be added to the east side of the property and by the parking lot. Forty-five percent of the site will remain as open space; a minimum of 40% open space is required in this zone. City staff is recommending approval of the special use permit with the condition that it meet the requirements of the zoning ordinance and that it be approved by the Site Plan Review Committee prior to issuance of the paving permit.

Commissioner Dean inquired if the site plan shows the outline of what the new landscaping will look like. Planner Bauckham advised that much of the vegetation on the western border will remain after the grading is done to the slope. New landscaping will be added on the east/street side to meet the landscaping ordinance. There is also a requirement for one tree in or near the new parking lot.

Josh Fry, Zeta Nu Housing Corporation, was present to speak about the application. He advised that they are trying to expand the existing rear parking lot. Ten years ago it was a gravel lot but now it is filled with sand and overgrown vegetation. The applicant wants to rehabilitate that area and pave it to create more parking for the building occupants.

Public Hearing

No one spoke at the public hearing.

Commissioner Fawley, supported by Commissioner Dean, moved to close the public hearing on P.C. #2007.14. With a voice vote, the motion carried unanimously.

Commissioner Mishall, supported by Commissioner Cody, moved approval of P.C. #2007.14: Consideration of a request from the Zeta Nu Housing Corporation of the Sigma Chi Fraternity for a special use permit to allow an expansion of the existing parking lot at 1618 Fraternity Village Drive, with the conditions recommended by city staff. With a roll call vote, the motion carried unanimously.

P.C. #2007.15: Consideration of a request from the Kalamazoo Christian School Association for a special use permit to allow a building addition onto the existing high school building at 2121 Stadium Drive, and the construction of a storage building on the site.

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. This property is located at the corner of Stadium Dr. and Howard St. The applicant is proposing a 7,640 square foot addition to the east side of the existing building. The four new classrooms are needed to accommodate the curriculum changes that will be necessary for graduation. The addition represents an 11% increase in the size of the building. Approximately 12 trees and some other landscaping will be removed; the trees on the perimeter of the property will remain. Materials used for the addition will be similar to the existing building. There will be no significant grade changes. There will be shielded, wall pack lights installed on the addition. There will be no changes to the parking lot. The applicant is also requesting the addition of a one-story, 1,600 square foot building on the west/central portion of the site for storage of athletic equipment and other items. An overhead door and a pedestrian entrance will be added on the east side of the storage building, which will be constructed of materials to complement the existing garage. Shielded lights will be installed under the eaves. Four trees will be removed to make room for the new building. There are currently 440 parking spaces; only 84 parking spaces are required based on enrollment and the number of staff. The required setbacks will be maintained and there will be no additional dumpsters. Over 55% of the site will remain as open space. The portion of the property near Stadium Drive is designated as zone RM-15; the southern portion of the site is in the RS-5 zoning category. City staff is recommending approval

of this special use permit with the condition that the full site plans be approved by the Site Plan Review Committee prior to construction.

Tom Klooserman, TMP Associates, the architectural firm for the applicant, was present to answer questions.

Public Hearing

Mike Schlack, 2039 Aberdeen, stated that he had concerns regarding the loss of trees. He inquired as to the method for having the trees replaced.

Keith Roe, 2031 Aberdeen, inquired as to who approves the noise levels for these developments. He advised that there are large dumpsters in back of the church. The dumpsters are approximately 150 feet from Mr. Roe's house, and they are emptied two times per week, sometimes as early as 5:30 a.m. Mr. Roe stated that someone from the City Attorney's office advised contacting the police to investigate this complaint, but Mr. Roe hopes to find other avenues to remedy this situation. He also mentioned that there are massive, unshielded air conditioners at the church, which are very loud and keep him awake at night. Mr. Roe inquired if air conditioning units would be installed in the new addition and, if so, are they subject to future approval?

Planner Bauckham advised that some of the trees will be removed on the east side of the property, and where the storage building will be located. Much of the trees and vegetation will remain to provide a buffer for the adjacent residential area. The landscaping will be approved through the site plan review process. There are a large number of trees on the northern portion of the site between the building and Stadium. It is likely that the number of trees remaining on the site after construction will be adequate to satisfy the requirements of the zoning ordinance. There is nothing in the plan about adding dumpsters on this site. The addition is to accommodate a curriculum change, not an increase in enrollment. Mr. Bauckham advised that he was not aware of any air conditioning units being added at the school. The zoning ordinance restricts when the dumpsters can be emptied; they should not be emptied earlier than 6 a.m. or later than 11 p.m. Planner Bauckham suggested that Mr. Roe contact city administration to further investigate this matter if the situation continues. Forty-five decibels is the noise limit in residential areas and it shouldn't last for more than a few seconds.

Commissioner Wienir, supported by Commissioner Mishall, moved to close the public hearing on P.C. #2007.15. With a voice vote, the motion carried unanimously.

Commissioner Cody, supported by Commissioner Mishall, moved approval of P.C. #2007.15: Consideration of a request from the Kalamazoo Christian School Association for a special use permit to allow a building addition onto the existing high school building at 2121 Stadium Drive, and the construction of a storage building on the site, with the condition recommended by city staff. With a roll call vote, the motion carried unanimously.

CITIZEN'S COMMENTS ON NON-AGENDA ITEMS

Ladislav Hanka, 1005 Oakland Dr., expressed his displeasure about having a fraternity at the 1003 Short Road location. The owner is asking for a variance and neighborhood residents are present because of his request. He is wasting everyone's time by asking them to come back. Mr. Hanka requested that the Planning Commission read what he submitted. He stated that residents of the neighborhood have already met with the applicants, and every year there are more people to educate about not destroying the neighboring properties. Mr. Hanka suggested that the fraternity relocate to Fraternity Village so they won't create conflict in the residential area. He commented about the deaths associated with fraternity hazing and drunken driving, and about the lawsuits against fraternities. The university and the city are co-defendants. It's a question of liability when under-age drinkers kill people. He requested that the Planning Commission take this issue under advisement and render a decision as soon as possible.

Commissioner Wienir inquired as to the letter provided by Mr. Hanka. Mr. Hanka stated that several residents helped compose the letter. Commissioner Wienir inquired as to the number of residents affected by this situation. Mr. Hanka referred to residents on Wheaton, Davis, Grant and Long Road. He estimated that approximately 50 households were affected.

Attorney Kneas advised that questions should not be asked regarding agenda items that have been postponed. The public hearing will occur when the agenda item is rescheduled.

Eric Marvin, 1018 Wheaton, expressed concern regarding the postponement of the agenda item for 1003 Short Road. He requested rationale for the postponement. In response to a comment from the Planning Commission, Mr. Marvin indicated that he was not enthused about having another conversation with an applicant who has lied to residents in the neighborhood. The applicants are not in compliance with the zoning ordinance, so why is he being given additional time. Mr. Marvin stated that there have been 11 nuisance calls to the police in the last 37 days. The residents of the neighborhood have known for the past couple of weeks that this matter was on the agenda and so has the applicant.

Terry Moore, 920 Short Rd., stated that he has lived at his current address for 18 years. There are a number of vacant homes in the neighborhood where people have moved out because of the fraternities. During the last 18 years, the house at the corner of Short Rd. and Grant St. has had three owners move because of the students. There has been vandalism to area properties, and the neighbors have observed students involved in sexual situations on their front porches and lawns. A neighbor was forced to move because of threats from the students. Mr. Moore estimated that parties thrown by the fraternities are sometimes attended by as many as many as 500 people. There has been drinking, swearing, broken bottles and fistfights associated with these gatherings. Mr. Moore stated that the fraternity has a 4' x 8' plywood sign on the fence and another sign on the gable of the house and he would like to have them both removed.

Karel Sebek, 1002 Short Road, stated that he lives across the street from the subject property and he has felt intimidated at times. He referenced an incident with 30 inebriated young men at the subject property. Mr. Sebek stated that there are some people in the neighborhood who wanted to be at the meeting tonight, but they were too afraid to voice an opinion.

Gary Miron, 1010 Short Rd., indicated that he was disheartened by recent events. He stated that there was a grass roots movement in the neighborhood in 2003, and he thought this issue had been resolved at that time. There were many threats at the time and houses were being shot at with paint guns during drive-by shootings. Mr. Miron advised that the shootings were retribution for the neighbors calling public safety. Neighbors worked with members of the fraternity house and the university regarding restrictions for the fraternity members to follow. Some fraternity members stated they would live by the rules, others packed up and moved. Mr. Miron advised that he was encouraged when the Planning Commission sided with the Stuart Neighborhood in 2005 regarding a request from the same fraternity. He expressed concern that a fraternity would pop up without notice since there are mechanisms in place for preventing that. The property reverted to owner-occupied status during the three years it sat vacant, and the applicant didn't follow the proper procedures for having the fraternity use reinstated. The neighbors meet with the students every year, but that isn't working. The neighbors need a long-term solution. There has been frustration with the lack of response from public officials. Mr. Miron indicated that he would return to the next meeting with more people to oppose the application.

Mike Wisecup, 1018 Wheaton, commented that the harsh activities of the students have destabilized the owner-occupied homes. He commented that Mr. Truckey has been totally disingenuous, and that yesterday was the first time the neighbors received information from him. Since July 28th, there have been 11 nuisance complaints filed with the police department; 10 for noise and 1 for malicious destruction of property. Mr. Wisecup stated that he went to the Vine Neighborhood board meeting and it was well-attended. However, the neighbors did not get the backing of that committee. He said he spoke with the Vine Neighborhood Assoc. President who questioned how the property would be used if not for a fraternity; it could be used for something worse. He advised that the neighbors are willing to take that chance. He questioned why the neighbors should have to supervise the students; there are 14 men who are 18-22 years old staying at the house. He has observed some of the students involved in sexual intimacies by his garage, and drunken students have urinated on his porch.

Anna Miron, 1010 Short Rd., commented that the residents are not against the individual students. Many of the residents and property owners in the neighborhood are students. The problem is the lack of control over parties at the subject property. She posed the following question: "Do you think that people like us who live in the City of Kalamazoo, quite close to downtown, will not help the city's effort to revive and revitalize the city?"

Mike Solzoski, 916 Short Rd., advised that he has lived across from the subject property for three years. He has talked with many of the neighbors regarding this situation. There have been many problems with late-night activities, increased traffic, car doors slamming, etc. This is not conducive to childrens' schedules, particular when they have to get up early to get ready for school. Mr. Solzoski stated that he has two boys and they are his motivation for attending the Planning Commission meeting. He expressed concern as to the type of role models the fraternity members are for children living in the neighborhood. He stated that his kids see the destruction that occurs after parties that are held at the subject property. The kids hear what is going on and they are awakened at night by activities across the street. The letter from the neighborhood provides an accurate summary of the situation.

Discussion followed as to why the postponement occurred. Planner Bauckham advised that city staff received notice of the postponement only a couple of hours before the meeting. The

applicants did not foresee this type of response from the neighborhood regarding the proposed use. The applicants wanted to have a chance to work things out with the neighbors. The house has a long history of fraternity uses, and the applicants want time to further research the ordinance change that requires a special use permit for the fraternity use.

OLD BUSINESS

Comprehensive Plan Update

Planner Hernandez advised that the updates will not begin anytime soon due to the limited resources available to city staff. The focus now is the Portage Creek corridor, which will be incorporated into the Comprehensive Plan. Planning Commission members will be requested to attend some of the sub-committee meetings associated with the Plan update. A consultant will also be hired. Planner Hernandez estimated that it would be at least 7 months before work would begin on the Comprehensive Plan.

NEW BUSINESS

None

CITIZENS' COMMENTS

None

CITY PLANNER'S REPORT

Planner Hernandez advised that city staff is working with issues on the east side of town, particularly aesthetics in the E. Main Street area. The Public Services Department and Public Safety Department are also working on this project.

Planner Hernandez requested that Planning Commissioners please respond in a timely fashion to requests from city staff regarding their planned attendance at meetings.

Planner Bauckham advised that there is a rezoning scheduled for the October Planning Commission meeting, and the special use permit for Short Rd. will likely be back on the agenda for next month.

So far this year city staff have received 56 site plans; 40 site plans would be the average number for this time of year.

MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Mishall inquired as to how many times an applicant can postpone a public hearing. Planner Bauckham stated that such a decision would be at the discretion of the Planning Commission.

Commissioner Cody stated that the initial vote on the postponement was unprecedented during his time on the Planning Commission, with regard to the number of people in the audience who were concerned about this agenda item. He commented that it would have been helpful to know ahead of time how much was at stake but, due to the late postponement, that was not possible. He expressed hope that the house would not be allowed to function as a fraternity during the weeks to come. Commissioner Mishall also expressed concern regarding this issue, and questioned what would happen between now and when the issue is addressed.

Commissioner Wienir commented that if there is a lot of noise or disturbances, public safety should be notified so there is feedback to the city regarding what is happening. She mentioned the neighborhood training workshop (A+ Neighborhoods program) to be held on September 17th and 18th. She encouraged everyone to attend that program and to learn about what is happening in the various neighborhoods within the city.

Commissioner Cody encouraged city staff to monitor the issues at 1003 Short Rd. He questioned what the university could do about this situation. Since this is not an official fraternity, there may be no official relationship between the members of the fraternity and the university. There needs to be more control of activities at the subject property.

Commissioner Dean mentioned that 1003 Short Rd. should be used in accordance with the zoning ordinance. The signs should come down if they have not been approved.

Commissioner Kuseske commented that the Planning Commission does take public comments into consideration. There will be a public hearing and a vote will be taken on this issue.

ADJOURNMENT

Commissioner Mishall, supported by Commissioner Fawley, moved to adjourn the September 6, 2007 Planning Commission meeting. With a voice vote, the motion carried unanimously.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Keith Hernandez, AICP
Deputy Director/City Planner