

PLANNING COMMISSION

Minutes

November 1, 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; James Kneen; Merilee Mishall; Linda Wienir; Reed Youngs

MEMBERS EXCUSED

Casey Fawley

MEMBERS ABSENT

Bertha Stewart

CITY STAFF

Jeff Chamberlain; Director, Community Planning and Development; Keith Hernandez, Deputy Director/City Planner; Robert Bauckham, Assistant City Planner; John Kneas, Assistant City Attorney; Frank Szopo, City Engineer; Amy Thomas, Recording Secretary

ROLL CALL

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

AGENDA (November 1, 2007)

There were no changes to the agenda.

Commissioner Kneen, supported by Commissioner Dean, moved approval of the November 1, 2007 Planning Commission agenda. With a voice vote, the motion carried unanimously.

MINUTES (September 6, 2007)

Commissioner Wienir requested the following changes to the minutes: Page 2 under Minutes, WEB Association should be WEB Neighborhood Association. Page 4, the last sentence should have a period. Page 7 under comments from Mike Solzoski 6th line, roll models should be role models.

Commissioner Mishall, supported by Commissioner Dean, moved approval of the September 6, 2007 Planning Commission minutes as amended. With a voice vote, the motion carried unanimously.

COMMUNICATIONS AND ANNOUNCEMENTS

Planner Hernandez referred to public hearing #3 and advised that city staff will be providing a presentation on that application.

PUBLIC HEARINGS

P.C. #2007.17: Consideration of a request from DDJ Ltd., LLC to rezone 213 S. Drake Road, a portion of 221 S. Drake Road, and 4707 Stonebrook Street from Zone RS-5 (Residential, Single-Dwelling District) to Zone CO (Commercial, Office District) under the contract zoning provision of the State of Michigan.

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. This application involved two parcels of property at the corner of Stonebrook and Drake Rd., and the north portion of the property currently owned by Jaqua Real Estate. In 1996, the Jaqua property was rezoned for office use except for the north 40 feet, which was to be used as a buffer for the homes on Stonebrook. Jaqua, LLC would like to purchase the subject property and rezone it so they can construct a new office building. The Westside Plan places this property in the low-density future land use category.

The Drake Road corridor has continued to develop with commercial businesses and increased traffic. A single-family house is not as viable on this busy corner. The subject property is located across from the Drake Road post office. The applicant offered conditions related to the contract zoning provisions; contract zoning was approved by the State of Michigan two years ago. City staff is recommending a fifth condition. The suggested conditions are as follows: 1. There would be no direct vehicular access from the subject properties to Stonebrook Street. Access would be through 221 S. Drake Rd. (Jaqua parcel) only. 2. A fifteen-foot-wide landscape buffer would be created on the east side of the subject property for screening for the adjacent residential uses to the east. 3. Rooming houses and boarding houses, rehabilitation centers, drop-in centers and lodge uses would not be allowed on the subject properties. 4. The quality and appearance of the new construction on the subject property would be similar to the existing building at 221 S. Drake. 5. Development of the subject property shall adhere to the concept plan dated July 3, 2007, which was provided by the applicant. If the rezoning is approved, the applicant would either relocate the house to another site or have it demolished. A formal site plan would have to be submitted and approved by the city prior to construction. The applicant talked with many of the neighbors and received positive comments about the proposed project. City staff is recommending approval of the project with the five conditions.

Commissioner Youngs inquired as to the present curb cut for Jaqua, and Planner Bauckham pointed it out on the map. Planner Bauckham advised that the house already has a curb cut on Stonebrook, but it would be closed off. Commissioner Youngs inquired as to how many additional vehicle trips the proposed project might generate. Planner Bauckham stated that the site is small and the building will be small (approximately 3,000 square feet). He estimated there might be an increase of 20-30 vehicle trips per day.

Commissioner Mishall referred to the picture of the house to be demolished. She commented that she thought it was in disrepair but it doesn't look bad in the picture. Planner Bauckham stated

that the house needs work in the back and the roof is bad. She inquired as to the dimensions of the buffer. Planner Bauckham advised that a 15-foot buffer is required and it should be landscaped. Commissioner Mishall inquired if the applicants have talked with the people who live in the subject house, and Planner Bauckham responded in the affirmative.

Commissioner Kneen inquired as to the number of parking spaces that would be required. Planner Bauckham stated that the number of parking spaces would be determined by the use designated for this property. A use has not yet been determined. Commissioner Kneen inquired if the building could be moved closer to Drake Rd. Planner Bauckham advised that there needs to be enough room to allow for the needed parking, and it is better to have parking separated from the adjacent homes.

Dan Jaqua, owner of DDJ Ltd., LLC and Jaqua Realtors, was present to discuss the application. Mr. Jaqua provided a brief review of the history of the neighboring property since he purchased it in 1996. He stated that the neighbors on Stonebrook are concerned about increased traffic. Mr. Jaqua advised that he has worked hard to protect the adjacent areas that are zoned residential. A berm would be created to prevent headlights from shining onto the neighboring properties. More than the required number of trees would be planted.

Mr. Jaqua advised that Mr. Stevens approached him about selling the property. He advised Mr. Stevens that it would be difficult to sell the property because of the location. The house needs significant repairs on the inside; the outside is not as bad. Discussion followed with regard to the possibility of contract zoning. There would be no access to Stonebrook from the subject parcel. The neighbors are also concerned about traffic and how the commercial property might impede on their property. He advised that it would be better to have the building, rather than the parking lot, closer to the neighbors' property. The applicant will create as much green space as possible.

Mr. Jaqua advised that he met with many but not all of the neighbors. They didn't voice objections to him. He advised that traffic should not be an issue with the proposed project. He added that the building would actually be closer to 7,000 square feet and some of the existing parking could be used for the new building.

Attorney Cindy Ortega, Miller Johnson, 303 N. Rose St., was present to assist the applicant. She advised that, originally, a one-foot strip of land was to remain in the residential zoning on the north side of the property. That was before the offer of conditional zoning. The entire site is to be rezoned now. The one-foot residential strip was to prevent access from the subject property to Stonebrook.

Public Hearing

No one spoke at the public hearing.

Commissioner Youngs, supported by Commissioner Kneen, moved to close the public hearing on P.C. #2007.17. With a voice vote the motion carried unanimously.

Commissioner Mishall inquired if the remaining property to the north, facing Drake Rd., is still residential and, if so, is city staff anticipating that it will be rezoned? Planner Hernandez stated that staff is watching the trends. Commissioner Mishall expressed concern regarding the impact on the neighborhood if that area were rezoned

commercial. Planner Hernandez advised that it could be rezoned for office use in the future as an alternative.

Commissioner Dean, supported by Commissioner Kneen, moved approval of P.C. #2007.17, the request from DDJ Ltd., LLC to rezone 213 S. Drake Road, a portion of 221 S. Drake Road, and 4707 Stonebrook Street from Zone RS-5 (Residential, Single-Dwelling District) to Zone CO (Commercial, Office District) under the contract zoning provision of the State of Michigan, with the five conditions that were listed. With a roll call vote, the motion carried unanimously.

P.C. #2007.18: Consideration of a request from Fire House Crossings, LLC to rezone 3700 and 3900 W. Michigan Avenue, and 1401 Jack Pine Drive from Zone CN-1 (Commercial, Neighborhood District) to Zone RM-15 (Residential, Multi-Dwelling District).

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. Planner Bauckham advised that these parcels are on the corner of Jack Pine and West Michigan Ave. The applicant owns 1401 Jack Pine and is trying to acquire 3700 W. Michigan, where a vacant nursing home is currently located, and 3900 W. Michigan Avenue, which contains an apartment complex. The applicant wants to expand the student complex to the east, and the nursing home will probably be removed. The current zoning requires a mixed use for this property, but the applicant wants only an apartment use and that is the basis for the rezoning request. The applicant is considering using the northeast portion of the property as a buffer for the adjacent neighborhood. The Planning Division is recommending approval of this application.

Brandt Iden, representing Firehouse Crossings, was present to discuss the application. Mr. Iden suggested adding a fence and trees to the northeast area of the property to provide a buffer for the 5 residential homes adjacent to the property. The type and height of the fence and trees would be determined during site plan review. He stated that the area designated as CN-1 zoning could become all commercial. By rezoning this area as residential, it would reduce the potential for increased traffic in the area. The new buildings would look similar to the new building on the site with the brick front.

Commissioner Youngs mentioned that the proposal is for six buildings. He inquired as to how many apartments would be in each building. Mr. Iden stated that there would be 4 to 6 units per building with 4 to 6 bedrooms per unit. That is consistent with what is already in the area. Commissioner Youngs commented that the proposal would increase the number of people and vehicles by approximately 184. He questioned if the numbers would increase similarly for a commercial development.

Commissioner Mishall inquired if the applicant had any interaction with the neighbors; he advised that he had not done so yet but that he could. Mr. Iden advised that the proposed project would fit in well with the neighborhood. The property to the west is already student rentals. There have been no complaints from the neighbors so far. Each of the buildings will be 2 ½ stories; the basements will be partially underground.

Public Hearing

The following people spoke at the public hearing:

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Brad Keller, 3615 Lancaster
Sue Hardy, 3716 Lancaster
Brian Underwood, 1219 Boswell
Rex Bruggeman, 806 Ellendale
Bob Totten, 3220 W. Michigan

All of the public speakers were opposed to the rezoning request. The reasons cited were as follows:

1. Don't need more high-density student housing.
2. Noise, music, fireworks, sounds like gunshots, alcohol use are already a problem. associated with student housing in the neighborhood.
3. There is concern for the safety of children in the neighborhood.
4. There are already many vacant apartments in the area.
5. There is a corresponding increase in traffic with the influx of students.
6. People in the neighborhood have been subjected to vulgar language from the college students.
7. There are many sirens and police cruisers in the neighborhood.
8. There is concern regarding the effect student housing will have on property values in the neighborhood.
9. Residents have observed drunken students running through their back yards.
10. One resident indicated that he had planned to move because of problems with college students in the neighborhood, but he decided to stay because of the Kalamazoo Promise.
11. The perception of the neighborhood is affected by what's surrounding the neighborhood.
12. The proposed zoning change does not address community need; there is already plenty of student housing.
13. The proposed land use is not compatible with the neighborhood.
14. Retail uses that benefit the neighborhood would be more appropriate.
15. The requested zoning would permit five-story buildings on the subject property.

Commissioner Wienir, supported by Commissioner Kneen, moved to close the public hearing on P.C. #2007.18. With a voice vote, the motion carried unanimously.

Commissioner Kneen inquired as to what could be built in areas zoned CN-1 versus what could be built in areas designated RM-15. Planner Bauckham advised that CN-1 is a neighborhood community district, which would support retail business, restaurants or neighborhood businesses. It allows residential uses, but only as part of a mixed use project. Zoning district RM-15 would allow only residential developments. The applicant is in the process of purchasing the subject property and has permission from the current owner to proceed with the rezoning.

Commissioner Youngs, supported by Commissioner Kneen, moved to deny P.C. #2007.18: Consideration of a request from Fire House Crossings, LLC to rezone 3700 and 3900 W. Michigan Avenue, and 1401 Jack Pine Drive from Zone CN-1 (Commercial, Neighborhood District) to Zone RM-15 (Residential, Multi-Dwelling District). With a voice vote, the motion carried unanimously.

Commissioner Cody advised that it might have been helpful to have had some discussion on the request prior to tonight's meeting. Maybe something could have been worked out with the neighbors. He referred to the behavior of college students and commented that it is consistent with the nature of a university town. There needs to be a consistent effort to work with a sense of what it means to live in the community. We don't want the college student population to decrease. The community needs to open its vision to the perpetual presence of youth in the community.

Commissioner Youngs commented that the objections were to the number of apartments and the lack of contact by the applicant with the neighborhood association. He suggested exploring other options and coming up with a better way to use the property.

Commissioner Dean suggested that there might be better opportunities to integrate commercial and retail services into the community, and to help integrate students into the neighborhood. This application is not in the best interest of the neighborhood.

Commissioner Kneen commented that the application is an ill-defined proposal and he is not comfortable with it. There should be a more defined proposal.

Planner Hernandez advised that the Planning Commission is only looking at the rezoning request at this time.

Commissioner Mishall stated that she would like to see more dialogue between the developer and the neighbors.

Commissioner Wienir commented that she would like to see the new President of Western Michigan University meet with the neighborhood coalition to discuss what might be done about the aforementioned student behavior. This behavior gives a bad impression of Kalamazoo.

Commissioner Kuseske urged city staff and the community to continue working with developers; the city needs the tax dollars.

P.C. #2007.19: Consideration of a request from Downtown Kalamazoo, Inc. (DKI) to amend Figure 6.1 of the Zoning Ordinance to expand the boundaries of the Central Business District Parking Exempt District.

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. Planner Bauckham advised that properties in the parking exempt district are not required to have off-street parking. Surface parking lots are not considered to be the best use of land in the downtown area. The parking exempt district is a means of promoting development in the downtown area. The current proposal would expand the parking exempt district to the boundaries of the DDA (Downtown Development Authority). This would add about 94 acres to the parking exempt district. City staff is recommending approval of this request.

Steve Deisler, Downtown Kalamazoo, Inc. (DKI), was present to discuss the application. Expansion of the parking exempt district will assist businesses with their expansion needs. The change will provide a tool and an opportunity to deal with parking issues. In 2008, the DDA and

DKI will update the 1996 Comprehensive Plan for downtown. Parking issues will be addressed in the update, and there will be a parking inventory at that time. This will help determine where more parking is needed. There are almost 5000 parking spaces in the downtown area. Expansion of the parking exempt district will eliminate the need for businesses to apply for an annual parking exemption.

Commissioner Dean indicated that it would be helpful to look at the areas designated light industrial since the parking needs are increasing in those areas.

Commissioner Kuseske commented that the city will also be updating its Comprehensive Plan shortly.

Public Hearing

Larry Bell, 1556 Long Road, President of Bell's Brewery, advised that he was in favor of the proposal to expand the parking exempt district. He commended DKI for their work on this project. He stated that the proposal would allow him to expand the use of his warehouse buildings in that area. Mr. Bell further commented that expansion of the parking exempt district should result in good development changes. He added that the current structure can handle the change, and he urged the Planning Commission to recommend this proposal to the City Commission.

Commissioner Kneen, supported by Commissioner Dean, moved to close the public hearing on P.C. #2007.19. With the voice vote, the motion carried unanimously.

Commissioner Mishall, supported by Commissioner Cody, moved approval of P.C. #2007.19, the request from Downtown Kalamazoo, Inc. (DKI) to amend Figure 6.1 of the Zoning Ordinance to expand the boundaries of the Central Business District Parking Exempt District. With a roll call vote, the motion carried unanimously.

Commissioner Mishall commented that businesses could apply for a parking exemption on a yearly basis, she inquired as to how this proposal is different? Planner Bauckham advised that the proposal makes properties not currently in the parking exempt district more attractive for future developers. This is an amenity people are looking for. If there wasn't adequate parking on a site, a variance would be sought and sometimes not granted. Some developments have not proceeded because of this situation. Once the variance is approved, it is good indefinitely unless it is revoked.

Commissioner Mishall inquired as to why a variance might be disapproved. Planner Bauckham gave the following example: if a developer needs 100 parking spaces and he can only provide 25, the Zoning Board of Appeals would probably have difficulty with such a disparity and the variance might be denied.

CITIZENS' COMMENTS REGARDING NON-AGENDA ITEMS

None

OLD BUSINESS

None

NEW BUSINESS

P.C. #2007.20: Consideration of a request from Downtown Tomorrow, Inc. (DTI) to endorse the Portage Street Streetscape Plan.

Steve Deisler, representing Downtown Tomorrow, Inc. was present to discuss the application. The purpose of this plan is to improve the Edison neighborhood and help revitalize the Portage Streetscape. In 2004, DTI received funding from MDOT (Michigan Department of Transportation) to hire a planning consultant firm to formulate a streetscape plan. Matching funds were provided for the \$50,000 MDOT grant. The intention is to make the Portage Street corridor more friendly. Mr. Deisler advised that DTI is looking for an endorsement at this point, not funding. The Portage Street corridor is almost 2 miles long. The total cost of the project is estimated in the 12 to 13 million dollar range and it will be phased in gradually.

Rod Helmer, Landscape Architect, Fleis and Vandenbrink (formerly Gove Associates), was present to discuss the application. The boundaries of this project are S. Alcott, Stockbridge, Lake St. and Walnut. The project is divided into three sections: the southern portion, which has a residential character; the N. Washington Square area, which has been predominantly retail; and the Walnut Street area, where there are many automotive-related businesses.

A survey of local business owners identified the following priorities for the area: reduce crime, promote user friendly atmosphere, provide pedestrian access, add landscaping and lighting. One of the goals is to provide a unified corridor to connect the three areas. Mr. Helmer provided further details about the plan.

Frank Szopo, City Engineer, was present to discuss the application. He stated that improvements have been made to the signals along Portage Road. There have been \$650,000 in federal grants and another \$250,000 of city funds available for this project. One of the goals is to synchronize the traffic signals along the Portage Street corridor. There are also plans for changes along the corridor that will be ADA (Americans with Disabilities Act) compliant.

Commissioner Kuseske expressed thanks for the count-down lights that have been installed. He inquired how quickly this project would proceed and if it would expand further south.

Mr. Deisler advised that the focus will be on the Washington Square area first, and then it will proceed to the north and south. The project will probably begin in 2 or 3 years; further funding is still being sought.

Commissioner Youngs mentioned the narrow intersections in the Portage Street corridor. He inquired if there was enough space for large trucks to turn. This is a concern since Portage St. is linked to interstate I-94. Mr. Helmer advised that an adequate turning space would be incorporated into the plan. Also, there is concern about protecting pedestrians. Buildings are the biggest constraint since many of them are close to the right-of-way.

Commissioner Kuseske inquired if the applicants have had some dialogue with Bill Schomisch, the Director of Transportation. Mr. Helmer responded in the affirmative.

Commissioner Dean advised that she would abstain from voting on this application because she is an employee of LISC (Local Initiative Support Corporation) and they are one of the organizations providing funding for this project.

Commissioner Mishall, supported by Commissioner Kneen, moved to recommend to the City Commission the endorsement of P.C. #2007.20, the request from Downtown Tomorrow, Inc. (DTI) to endorse the Portage Street Streetscape Plan. With a roll call vote, the motion carried with six ayes and one abstention.

OLD BUSINESS

None

CITIZENS' COMMENTS

None

CITY PLANNER'S REPORT

Planner Hernandez advised that the applicant for 1003 Short Rd. withdrew their request for a special use permit. There are still issues with the residents in the area. The attorney for the owner suggested evicting the occupants, but that hasn't happened yet. City staff will remain vigilant regarding the property use at that address.

Plans for the Arboretum Road have been reviewed and approved by the Site Plan Review Committee. Construction on the road will begin in the near future.

Review of the Capital Improvement Plan (CIP) for 2008-2013 is scheduled for the December Planning Commission meeting. City staff would like to convene the CIP sub-committee shortly. Commissioners Cody, Kuseske, Stewart and Wienir are on the sub-committee.

City staff is trying to arrange for an off-site Planning Commission meeting in December. The meeting will likely be held in the Arcadia Neighborhood.

ADJOURNMENT

Commissioner Kneen, supported by Commissioner Mishall, moved to adjourn the November 1, 2007 Planning Commission meeting. With a voice vote, the motion carried unanimously.

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The meeting adjourned at 9:40 p.m.

Respectfully submitted,

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