

**City of Kalamazoo  
PLANNING COMMISSION  
Minutes  
April 1, 2010  
DRAFT**

2<sup>nd</sup> Floor, City Hall  
City Commission Chambers  
241 W. South Street, Kalamazoo, MI 49007

Members Present: Sonja Dean, Chair; Carla Chase; Casey Fawley; Mark Fricke;  
Merilee Mishall; Edward Planeta; Reed Youngs

Members Excused: Bertha Stewart

City Staff: Keith Hernandez, Deputy Director/City Planner; Robert  
Bauckham, Assistant City Planner, Deanna Benthin, Recording  
Secretary

**A. CALL TO ORDER**

Commissioner Dean called the meeting to order at 7:00 p.m.

**B. ROLL CALL**

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

**C. ADOPTION OF FORMAL AGENDA**

There were no changes to the agenda.

**Commissioner Youngs, supported by Commissioner Mishall, moved approval of the April 1, 2010 Planning Commission agenda as submitted. With a voice vote, the motion carried unanimously.**

**D. APPROVAL OF MINUTES (March 4, 2010)**

There were no changes to the minutes.

**Commissioner Mishall, supported by Commissioner Planeta, moved approval of the March 4, 2010 Planning Commission minutes as amended. With a voice vote, the motion carried unanimously.**

**E. COMMUNICATIONS AND ANNOUNCEMENTS**

Planner Hernandez reminded everyone to turn in their census forms.

**F. PUBLIC HEARINGS**

**P.C. #2010.04: Consideration of a request from Seth and Sarah Gerber for a special use permit to allow a religious assembly use on the first floor of the building at 632 Locust Street.**

Planner Bauckham gave the staff report, which is incorporated in these minutes by reference hereto. The subject property is located in the Vine Neighborhood between Walnut and Vine Streets. The site contains a two-story building, which was constructed in 1913. It has been used for a variety of purposes, including apartments, a store and a church. The first floor of the building is currently vacant; there is an apartment on the second floor.

The church that formerly occupied this building has been gone for over a year. That church never received special use permit approval from the Planning Commission to operate as a church. Therefore, the proposed religious assembly use would need a special use permit. There is only one off-street parking space on this site. The zoning ordinance states that no off-street parking spaces are required in this zone (CN-1 zone). Parking is permitted on the adjacent streets. The applicants also own a separate parcel on Duffield Court, which is south of the subject property and could accommodate up to 10 parking spaces.

The proposed church would have between three and five activities during the week. Each of these activities would last up to three hours. No activity would be conducted outside of the building. It is anticipated that approximately 40 individuals could attend any one of the activities in the building. The second floor apartment would remain as part of the new use. The property is surrounded by homes and a small building to the north, which used to be a church. That building is now vacant. There is a restaurant to the south, located near Vine and Locust Streets.

The applicants plan to renovate the building for a church use. They would like to serve the residents and the students living in this area of the neighborhood. City staff believes this request meets the criteria for a special use permit. The applicant has submitted a site plan, which is currently under review by the city's Site Plan Review Committee. City staff is recommending approval of the special use permit with the condition that the site plan is approved by the Site Plan Review Committee.

Commissioner Fricke inquired if the residents of the second floor apartment are aware of the request for the special use permit. Planner Bauckham responded in the affirmative. Commissioner Fricke inquired if there would be any impact on the parking situation for the renters. Planner Bauckham advised that the renters will retain the right to use the single parking space that is on the site. Commissioner Fricke inquired if the proposed special use permit would have any impact on the taxable value of the property. Planner Bauckham advised that it would not.

Commissioner Mishall inquired if city staff was aware of any objections from the neighbors. Planner Bauckham advised that one neighbor contacted city staff to inquire if the applicants plan to do any general renovations of the building, and the answer is yes. The neighbor was generally agreeable to the proposed use for the building; they wanted to see the empty space occupied.

Commissioner Dean inquired as to where the 10 overflow parking spaces are located on the map. Planner Bauckham pointed out an area to the west, on the south side of the court, where the parking is located.

Seth and Sarah Gerber were present to answer questions about the request. Mr. Gerber stated that he and his wife own 815 Duffield Court, which is the property with the potential additional parking. They also own 706 Locust. The applicants have lived in the neighborhood for 2 ½ years and they are enthused about the community and the neighborhood. They have a connection with the students, and they want to be a part of the community for years to come. There are positive changes occurring in the neighborhood and the applicants would like to be part of them.

Mr. Gerber advised that the prior church use existed for 10 years in that location. Many years ago, Duffield's Dry Goods occupied the building. The stained glass windows contain the words "dry goods" and "Duffield Court." The subject property is in the historic district and the applicants have been working with Sharon Ferraro (Historic Preservation Coordinator for the City of Kalamazoo), who has provided some historical data about the building.

The applicants would like to continue to create a sense of community in the neighborhood. They have invested a substantial amount of time and money in their properties. Mr. Gerber advised that the one-unit apartment on the second floor of the subject building has eight bedrooms. The prior owner refinished the plumbing and electric in the apartment, which is currently rented. The tenants are aware of the proposed changes for the space downstairs. The applicants have cleaned out the space downstairs, and they feel that this building will provide good opportunities for the community. The applicants lead a college group at their church on Nichols Rd. They would like to create another gathering place for students at the subject property, where the students can feel comfortable, share their artistic talents, and be a part of the community.

### **Public Hearing**

Pastor Cameron Wright, 6718 Brigham St., Portage, MI, advised that his church is located at 3600 Nichols Rd. in Kalamazoo Township. He has been a pastor for 20 years. Pastor Wright expressed his enthusiasm for the subject property and his church's involvement with the property. The applicants are members of his church. Pastor Wright advised that the subject property will be used more as a gathering place for members of

the community rather than as a typical church. It will be set up to encourage wholesome activities in the neighborhood. Back in the early 1980's, Pastor Wright's church held their first services in the small church building next to the applicants' property. He expressed enthusiasm for returning to the neighborhood, and requested that the Planning Commission grant the special use permit to allow the church an opportunity to benefit the community and the residents of the Vine Neighborhood.

Samantha Madrid, 706 Locust Street, advised that she and her fiancé live near the subject property. Ms. Madrid recently graduated from Western Michigan University with a degree in elementary education, and a focus on urban achievement and assisting people in urban areas. Her involvement with the Iglesia (church) has provided her with an opportunity to help support Kalamazoo, and it was a deciding factor in her decision to maintain residency in Kalamazoo. The church has been supportive of the college and career group by providing an encouraging atmosphere. She supports the request.

**Commissioner Fricke, supported by Commissioner Planeta, moved to close the public hearing on P.C. #2010.04. With a voice vote, the motion carried unanimously.**

Commissioner Mishall mentioned that the information provided indicates that activities at the church will last from one to three hours. She inquired as to when the events would occur. Mr. Gerber stated that a majority of the events would occur in the evenings. There is a possibility that some of the events will be scheduled in the afternoon or on the weekends. Events will occur three or four times per week maximum. Pastor Wright inquired if there would be an impact on the applicants' request if the church were to expand to a full-time operation. Planner Bauckham advised that the Planning Commission has the ability to place any reasonable number of conditions on a special use permit. There have been conditions placed on other special use permits to limit the time of certain uses. The conditions were placed on more commercial-type uses or situations involving lighting that may have impacted adjacent residential areas. The special use permit is not tied into how often the building is used for a church, it is based on the proposed use for the building.

**Commissioner Mishall, supported by Commissioner Fricke, moved approval of P.C. #2010.04, consideration of a request from Seth and Sarah Gerber for a special use permit to allow a religious assembly use on the first floor of the building at 632 Locust Street, with the condition that the site plan is approved by the Site Plan Review Committee. With a roll call vote, the motion carried unanimously.**

#### **G. CITIZENS' COMMENTS REGARDING NON-AGENDA ITEMS**

None

## **H. OLD BUSINESS**

### **P.C. #2008.18: Consideration of a request from the Community Planning & Development Department to release the draft 2010 Master Land Use Plan for the required 63-day public review and comment period.**

Planner Hernandez referred to a memo in the Planning Commission packets, which provides an update regarding the Master Plan Project. The Steering Committee and the four working groups were asked to provide a list of their concerns regarding issues that are covered in the city's Master Plan. Public meetings were held to gather information from the public, which has also been incorporated into the draft Master Plan. The draft plan is now ready to be released for the state-mandated, 63-day review and comment period. During the review period, neighboring municipalities are also invited to comment on the plan. City staff will be scheduling another meeting in May to gather more public comments. After that time, the Master Plan will be placed on the Planning Commission agenda for a public hearing. City staff is now requesting that the Planning Commission recommend to the City Commission that the draft Master Plan be released for the 63-day public review and comment period.

Commissioner Chase inquired as to how people will be informed that the draft Master Plan is now available for review. Planner Hernandez stated that a notice would be mailed to advise that the plan is available. The announcement will also be made on Face Book, Twitter and the City's website.

**Commissioner Youngs, supported by Commissioner Fawley, moved to recommend to the City Commission that the draft Master Plan be released for the 63-day public review and comment period. With a voice vote, the motion carried unanimously.**

## **I. NEW BUSINESS**

### **1. Annual meeting:**

#### **a. Election of Officers**

**Commissioner Fricke, supported by Commissioner Youngs, nominated Commissioner Dean to serve as Chair of the Planning Commission. With a voice vote, the motion carried unanimously.**

**Commissioner Fawley, supported by Commissioner Youngs, nominated Commissioner Fricke to serve as the Vice Chair of the Planning Commission. With a voice vote, the motion carried unanimously.**

**b. Discussion of the site plan review program direction**

Planner Bauckham advised that the Planning Commission has the opportunity every year during the annual meeting to determine how the site plan review process will be handled. Details of this process are set forth in the zoning ordinance. The Planning Commission has the option to review and approve all site plans that are submitted to the city, or they can delegate that process to the city's Site Plan Review Committee. The site plan review program officially began in the year 2000. Since that time, the Planning Commission has opted to delegate responsibility for site plan review to the Site Plan Review Committee.

The Site Plan Review Committee is comprised of city staff members, including the City Fire Marshall and staff from the buildings division, engineering division, and the zoning and planning division.

When a site plan is submitted, it is reviewed by staff to determine if it has the information required by ordinance. The staff members have two weeks to review the plans and provide their comments. Thereafter, the Site Plan Review Committee meets with the applicant to discuss any changes that need to be made. The applicants have expressed appreciation for the efficient review process. The site plan review process would remain in place if the Planning Commission decides not to review the site plans during the regularly scheduled Planning Commission meetings. If the Planning Commission decides to assume responsibility for reviewing site plans, they would need to meet two times per month rather than once a month, in order maintain the current site plan review schedule. All of the site plans for private development in the Western Michigan University Business Technology and Research Park automatically come to the Planning Commission for approval, which is the only exception to the site plan review process.

Planner Bauckham referred to the site plan spreadsheet included in the Planning Commission packets, and advised that it contains information about the location of proposed projects in the City of Kalamazoo and a timeline for review, etc. The spreadsheet is also posted on the city's website and is available to the public. Neighborhood associations are notified when significant projects are proposed for their area, so that a representative of the association can review the site plans. The public is encouraged to review the site plans and provide comments to city staff for review by the Site Plan Review Committee. On average, city staff reviews between 50 and 70 site plans per year. In some communities, the Planning Commission is responsible for reviewing all site plans. The current process is working well for the City of Kalamazoo, but city staff will support changes in the process if desired by the Planning Commission.

Commissioner Chase inquired as to the process for choosing the meetings to which the Planning Commissioners are invited. She would like to attend the site plan review meetings to learn more about the process. Planner Bauckham stated that the Planning Commissioners are invited to all of the site plan review meetings. Commissioner Chase advised that she has only received a couple of invitations to those meetings, but that may be because she is new to the Commission. Planner Bauckham indicated that there has

been a decrease in the number of site plans submitted so far this year, so there have been fewer site plan review meetings.

Commissioner Fawley advised that he has attended several of the site plan review meetings. He suggested attending the meetings to appreciate how thorough city staff is with the review process. The effort by staff makes the Planning Commission's job easier. Commissioner Fawley expressed support for the current process of staff review for site plans.

Commissioner Fricke inquired if there was sufficient staffing to continue the site plan review process as is. Planner Bauckham confirmed that staffing is sufficient at this time. Commissioner Fricke inquired if the public comments are provided with the site plans that are reviewed by the Planning Commission. Planner Bauckham responded in the affirmative. Commissioner Fricke inquired if the Planning Commissioners are comfortable with the communication they are receiving regarding the site plan review process. Commissioner Chase advised that she has been pleasantly surprised with the amount of detail that is provided. No one expressed any concerns regarding the current site plan review process.

Planner Bauckham advised that if a Commissioner was unable to attend the site plan review meetings due to scheduling conflicts, they could visit the office of Community Planning and Development to review the site plans with city staff.

Commissioner Youngs commented on the streamlined site plan review process that has been established. The focus is on the two-week turnaround time. He expressed support for maintaining the site plan review process as it currently exists.

**Commissioner Youngs, supported by Commissioner Chase, moved to allow the site plan review process to remain with city staff. With a voice vote, the motion carried unanimously.**

**c. Miscellaneous comments**

Commissioner Fricke thanked city staff for the work they are doing on the Master Plan update. Much information has been provided to let the public know that this process is occurring. He encouraged the public to provide input on the plan.

**2. Discussion on the Planning Commission retreat**

City staff provided potential dates for a Planning Commission retreat. Planner Bauckham advised that May 21<sup>st</sup> and 28<sup>th</sup> had been suggested as possible dates for the retreat. Commissioner Planeta mentioned that May 28<sup>th</sup> falls during the Memorial Day weekend. After a brief discussion, it was determined that the afternoon of Friday, May 21<sup>st</sup> would be acceptable. It would be preferable if the retreat was over by 5 p.m. to accommodate

commissioners who have other events that evening. Planner Hernandez inquired if anyone had suggestions for topics to be discussed at the retreat.

Commissioner Fawley suggested a discussion about the process for bringing a project through the planning process and how the Planning Commission fits into that process.

Commissioner Fricke requested that a representative from the City Commission be present at the retreat to clarify their expectations for the Planning Commission. He also requested clarification regarding compliance costs and how that becomes part of the process. He would also like to discuss how property taxes are impacted. Planner Hernandez indicated that issues regarding property taxes are not within the Planning Commission's purview. The Planning Commission is restricted to decisions regarding land use. There may be a representative from the City Commission and/or the Assessor's Office at the retreat to address issues regarding property taxes.

Commissioner Youngs suggested having a discussion at the retreat about the proposed arena project. That issue may be on the ballot for the August 4<sup>th</sup> election. He inquired as to the role of the Planning Commission regarding the arena project, if it is approved? He expressed concern that DKI (Downtown Kalamazoo, Inc.) operates with very little influence or oversight from the Planning Commission.

Commissioner Fricke commented that the zoning ordinance defines the Planning Commission's role in the proposed arena project. He suggested having a conversation about the expectations for the businesses surrounding the proposed arena. If there are new developments around the arena, those projects may come before the Planning Commission.

Planner Hernandez advised that most of the development around the proposed arena will occur in zone CCBD (Commercial Central Business District). Most uses are allowed in that zone. Unless the Planning Commissioners are involved in the site plan review process, they will not likely be involved with the development around the arena. The preliminary design indicates that there may be two street vacations associated with the arena, and the Planning Commission may be involved with that.

Commissioner Fawley suggested that it might be helpful to review the Planning Commission's role and how it fits into the broader scope of government.

Planner Bauckham referred to the site plan review spreadsheet. He advised that the Planning Commissioners could request more information from city staff about the projects that are on the spreadsheet. A site plan could be discussed as an informal agenda item, rather than as a public hearing, during a Planning Commission meeting.

Commissioner Dean advised that additional suggestions for topics to be added to the retreat agenda can be e-mailed to Planner Hernandez.



**J. CITIZENS' COMMENTS**

None

**K. CITY PLANNER'S REPORT**

Planner Hernandez advised that updates to the zoning ordinance are ongoing, including the new Wind Energy Ordinance, the Bike Parking Ordinance and the Medical Marijuana Ordinance. It is anticipated that updates to the ordinance regarding medical marijuana will be on the Planning Commission agenda for review by the August 2010 meeting.

Planner Bauckham advised of the following tentative agenda items for the May Planning Commission meeting:

A special use permit request for expansion of the Wesley Foundation facility on Wilbur Avenue.

Proposed changes to historic districts in the City of Kalamazoo may also be a topic of discussion at the May Planning Commission meeting.

**L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS**

Commissioner Youngs commented that the BW3 Restaurant is in its new location. He inquired if there are any plans for the building at the former restaurant location. Planner Bauckham advised that there are no plans to tear down the old building at this point. The owners are looking for a tenant. Soil was removed from the current BW3 site and moved to a location further to the west. This created difficulties for some of the residents in the Winchell neighborhood. There is an agreement in place between the city and the owners of the property to move the dirt further to the west and away from the neighborhood. The agreement states that the soil should be moved by June 4, 2010. After the soil is removed, trees and other vegetation will be planted to help restore the area and provide screening for the adjacent neighborhood. Once the project is completed, city staff will continue to inspect that area over the next two years to determine if there are any problems with soil erosion or water retention.

Commissioner Chase referred to a street vacation in conjunction with a project involving the People's Food Co-op. She inquired if the Planning Commission would be involved with that. Planner Bauckham advised that the People's Food Co-op would like to relocate to the vacant land near Harrison and Willard Streets, just south of MacKenzie's Bakery. The site is small, and they would like to use part of Willard Street for parking. The city's Engineering Department advised that there are utilities in that location, and they suggested providing an easement rather than a street vacation. Also, part of the walking trail will extend through that area and the city would like to retain that property and maintain it. Concept plans for the co-op project have been submitted to city staff,

and a formal site plan may be submitted shortly. The proposed use is permitted under the current zoning, so the project will not come before the Planning Commission for review. The site plan will be available for review when it is submitted.

**M. ADJOURNMENT**

The meeting adjourned at approximately 8:10 p.m.

Respectfully submitted,

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