

**City of Kalamazoo
PLANNING COMMISSION
Minutes
June 10, 2010
DRAFT**

2nd Floor, City Hall
City Commission Chambers
241 W. South St., Kalamazoo, MI 49007

Members Present: Mark Fricke, Vice Chair (Acting Chair); Carla Chase; Casey Fawley; Todd Hamilton; Merilee Mishall; Edward Planeta; Reed Youngs

Members Excused: Sonja Dean (Chair)

City Staff: Keith Hernandez, Deputy Director/City Planner; Robert Bauckham, Assistant City Planner; Andrea Augustine, Neighborhood Planner; Sharon Ferraro, Historic Preservation Coordinator; John Kneas, Assistant City Attorney; Amy Thomas, Recording Secretary

Guests: Brad Strader, LSL Planning

A. CALL TO ORDER

Commissioner Fricke 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.

D. APPROVAL OF MINUTES (May 6, 2010)

There were no changes to the minutes.

Commissioner Planeta, supported by Commissioner Youngs, moved approval of the May 6, 2010 Planning Commission meeting minutes. With a voice vote, the motion carried unanimously.

E. COMMUNICATIONS AND ANNOUNCEMENTS

Planner Hernandez advised that Brad Strader, LSL Planning, consultants for the City of Kalamazoo, will be providing a presentation regarding the Master Plan update. Assistant City Attorney John Kneas, will be providing a presentation regarding a parks issue that arose during the public comment period on the Master Plan.

F. PUBLIC HEARINGS:

P.C. #2008.18: Consideration of a request from the Community Planning & Development Department to adopt the 2010 Master Land Use Plan.

Mr. Strader advised that a Master Plan is a written document with words and maps that describe the envisioned future for the city. The City of Kalamazoo has a legacy of planning documents extending back into the 1920's. The last Comprehensive Plan (Master Plan) was updated in 1998. The neighborhood plans and downtown plan are incorporated into the Master Plan. The Master Plan establishes a policy framework for the Planning Commission, the Zoning Board of Appeals, and the City Commission. It is a guide for the physical development and redevelopment of the city, including buildings, uses, and streets for the next 20 years. It also provides a legal basis for the zoning ordinance and other regulations, but it is not the zoning map.

The future land use map is a policy guide for the Planning Commission and the City Commission for redevelopment, which allows the general public to know what the vision is for the city's future. It gives a general idea of what the city will look like in the future. In contrast, the zoning map is very precise. It is an official map and is parcel specific. It shows exactly what you can and cannot do with your property today.

The current Master Plan was based on previous Plans and was formulated with technical expertise and analysis, but also with a tremendous amount of public involvement. The Master Plan had a Face Book page and contacts on Twitter with over 600 fans. Comments from those sources were utilized in the Plan update. There were public workshops throughout the process, initially to come up with ideas and visioning for what people would like to see in the future. Later, the concepts and priorities were determined. A workshop was held last month regarding the draft plan and many supportive comments were received.

City staff and the consultants also worked with the Steering Committee, which included stakeholders and representatives from a host of organizations, industries, neighborhood organizations within the city, and representatives of the Planning Commission. There were working groups that focused on the four major topical areas of the Plan. The working groups were as follows: marketplace, neighborhoods, transportation and quality of life. A broad cross section of representatives from the city were included, and from organizations like MDOT (Michigan Department of Transportation) and KATS (Kalamazoo Area Transportation System).

At the beginning of the Plan are 10 guiding principles. Some of the key words/phrases of this section are environment; socially and economically sustainable; a community that is inclusive and inviting to all people; retaining cultural and entertainment facilities in the region; protect and enhance established neighborhoods; build on the success of the downtown (the current Master Plan incorporates the recent downtown plan). Also included in this section is information regarding the different groups and partnerships within the city.

The UpJohn Institute for Employment Research in Kalamazoo worked on the Marketplace section of the Plan. They looked at ways to create and retain jobs in the city. They looked at environmental quality in terms of reducing emissions from cars but also the natural environment. Fiscally sound and quality municipal facilities and services are also a goal. Distressed or blighted properties are to be transformed into more vibrant uses that fit into the character of their surroundings. Recommendations were made for marketplace and quality of life that emphasize the "Kalamazoo Promise" as a way to attract and retain residents and businesses.

It was suggested that Kalamazoo has more commercial properties than what is warranted by the current population. Further studies need to be done with regard to how those properties can be redeveloped. Promoting green industries is another goal of the Plan. Entrepreneurial projects using the Plan and promotion as a catalyst for the type of development the Plan envisions, particularly in the underutilized areas, is also covered.

Much of the discussion in the Neighborhoods Section of the Plan pertains to providing a variety of housing types and adding residential areas, particularly in the downtown; strengthening the neighborhoods by making them more walkable; looking at converting vacant properties by redeveloping them into single-family homes or multiple-family homes that fit the character of the lot and the surrounding area; or converting the vacant properties into green space, community gardens, or part of the greenway system. There are maps in the neighborhood section that depict the general organization of land uses in the city. Most of the areas being discussed are areas that are in need of transformation from blighted or underused properties to appropriate uses for the future.

The Transportation section of the Plan includes information regarding complete streets, and providing a network for transit, including bicycling, walking and driving. Ways to improve the traffic flow around the city are also discussed. Improving the entrances to the city is a focus of this chapter. The Plan incorporates recommendations from the Downtown Plan in terms of converting some of the one-way streets to two-way streets, and reducing the number of lanes to provide bike lanes, and slow down traffic through neighborhoods and the downtown area. This chapter also discusses infrastructure, water, sewer and utilities, how to fund ongoing storm water management, and having a more natural system to cleanse rainwater.

The Quality of Life section discusses reinforcing Kalamazoo's role as a cultural and entertainment destination in the region. Partnerships with academic institutions and

employment leaders to retain and attract employers, employees, and residents and emphasize the educational community are explored in this chapter. Improving the quality of life and promoting the quality of life are important to attracting more residents to the city. Overall, the goal is to promote a healthy and active lifestyle in the city through walking, biking, etc.

At the end of the Plan is an Action Plan, which discusses how the Plan is used, the role of the Plan with regard to the Planning Commission as it pertains to rezoning, map and text amendments, capital improvements, and partnerships with other organizations and communities. Recommendations are included that address short, medium or long-range goals.

Throughout the 63-day public comment period, comments were made and some changes have been made to the Plan in response to these comments. There were comments regarding an area south of Stadium Drive by Rambling Road. That area was listed in the community commercial zone but has been changed to neighborhood commercial, which focuses on smaller scale retail, personal service and office uses. Also, at the intersection of Cork and Portage on the east side of the road, some of those lots have been changed to neighborhood commercial from community commercial. The changes are more in keeping with the character of the neighborhood.

Another comment pertained to designations for churches and schools. The Plan shows larger institutions in blue, the smaller ones may be shown as residential. Language has been added to the Plan to clarify those details. It is noted in the text that the larger institutions are shown in blue but there may be smaller ones that aren't shown. If a church or school wants to change to a different use or zoning in the future, the character of the surrounding area must be considered.

During the public review process, it was mentioned that on the green infrastructure map, the boundaries don't seem to be exact. The greenways map is intended to be a general guide showing major corridors where the city would like to increase green space, and look at habitats and more natural ways of dealing with storm water. Some clarifying language has been added that the boundaries are not exact, they are just a guide.

Planner Hernandez referred to the e-mails provided to the Planning Commissioners regarding the Parkdale Plat and the status of park land in that area. Attorney Kneas advised that the parks are designated for public use. The city is the title holder in trust for the four parks. The most recent comprehensive land use map had these parks listed in the single-family residential land use category. The proposal to change that to open green space adds protection to what the four parks could be used for. The city has no plans to sell the parks. The change to open space/green space within the proposed land use map does not alter the plat restrictions or the plat dedication.

Commissioner Hamilton advised that several of the e-mails mention some of residents think the park properties are owned by the residents of the Parkdale Plat. Attorney Kneas

indicated that when the plat was created, the four properties were dedicated for park use. Based on Attorney Kneas' research in 2006, the city has fee title to that land but it is in trust for a use consistent with the plat dedication. Commissioner Hamilton inquired if the park lands are off the tax rolls; Attorney Kneas confirmed that to be true. If that land was privately owned, it would be on the tax rolls.

Commissioner Chase inquired as to who is currently maintaining the parks in the Parkdale Plat. Attorney Kneas advised that those parcels are not being maintained at this point. In 2005-2006 when the Parks Department reviewed the inventory of city parks and green spaces, they were looking at the existing budgetary constraints. These properties have not been maintained and there is some concern that they have been used as dumping grounds for brush from neighbors within the plat.

Commissioner Mishall inquired as to the possibility of these properties being developed. Attorney Kneas advised that it is extremely unlikely that those parcels would ever be developed. On the western most park, the topography is very steep and it would not be easy to develop that site. Changing the zoning of those parks to single-family residential so they could be developed would require an amendment of the plat. Commissioner Mishall inquired if legislation could be introduced at the state level. Attorney Kneas advised that it would be highly unlikely that the state would introduce such legislation. Use of the park properties falls under the Land Division Act and the Subdivision Act. Trying to tailor legislation geared toward these four lots would be highly unlikely.

Commissioner Youngs inquired as to the minimum requirement for lot sizes in the city. Planner Hernandez advised that the requirements vary between neighborhood and between zoning designations. Commissioner Youngs commented that most of the park properties have a 60-foot frontage. It might be difficult for builders to put a house on a 60-foot by 120-foot lot and make it affordable to do so. Secondly, the south end of Glen Park off Kensington runs up to Parkview and there is no access off Parkview. It wouldn't seem feasible for anyone to try and develop those properties.

Commissioner Chase commented that the Master Plan is identifying the park properties as green space. She inquired if the Plan changes anything. Attorney Kneas advised that it only changes the designated purpose for these properties under the future land use map. Planner Hernandez advised that the Master Plan is establishing what the city foresees the land use to be. The reason the park properties are identified as city-owned on the map is to establish that there is public right to access them as city-owned property; it is city-owned green space. There are other green space areas identified on the map that are not city-owned, they are privately owned in some cases and permission would be required to access them. Attorney Kneas advised that the designation of these properties as being city-owned would be consistent with the dedication when this plat was created in 1927.

Commissioner Youngs mentioned that the only way for the city to sell excess property, would be to offer it to each of the adjacent land owners to purchase. Attorney Kneas

advised that because it is part of the plat, it wouldn't be possible to split the lots between abutting neighbors.

Commissioner Mishall referred to Kenneth Dahlberg's e-mail and inquired if his concerns regarding the Asylum Lake preservation could be addressed with regard to it being designated as green space. Planner Hernandez advised that Mr. Dahlberg's e-mail refers to a green infrastructure map. The map didn't fully show that the Asylum Lake property was green space. It wasn't a future land use map. That error was corrected the day after the last public meeting when it was pointed out.

Public Hearing

John Hilliard, 2009 Sheridan Dr., Milwood Neighborhood in Kalamazoo. Mr. Hilliard advised that he is a member of the Milwood Neighborhood Association. He expressed his appreciation for the changes made to the Future Land Use Map in response to input from residents of the Milwood Neighborhood. He thanked Planner Augustine and other city staff members who drove to the site the residents were commenting about to investigate their concerns. Mr. Hilliard advised that he supports the goal to lessen commercial land in the community. There is an abundance of unused commercial space within the city that would be suitable for development. Mr. Hilliard advised that he is a member of the Kalamazoo County Older Adults Services Advisory Council. He stated that he cannot speak officially on behalf of the Council, but the Council does support the concept of "complete streets".

Barbara McCrea, 2947 Broadway, Co-President of the Oakland Drive/Winchell Neighborhood Association advised that she came to the Planning Commission meeting with a long list of things that have been conveyed to the neighborhood association by various residents. She advised that most of the questions were answered. She thanked Planner Hernandez and Attorney Kneas for their assistance. Ms. McCrea advised that she has been a resident of the Parkdale Plat for 50 years. She commented that the designation of the park land as green/open space is the ideal designation for this land. Ms. McCrea advised that there has been an effort on the part of the Neighborhood Association and a separate sub-committee to maintain the Parkdale Plat parks. There are limitations as to what can be done because the parks are wild, untouched land. Signs at each of the parks state the name of the park and advise that no dumping is allowed. There hasn't been nearly as much dumping since the signs have been in place. The parks are used as passive recreation; kids play there and people walk their dogs on the land. Ms. McCrea advised that it is her understanding that the city holds the park land in trust; it is not city property per se, but it is in trust to the city and is open to the public. She suggested that the parks continue to be maintained as natural, open green space for people to enjoy.

Larry Ross, Co-President of the Oakland Dr./Winchell Neighborhood Association, thanked staff for the clarification they provided regarding the park properties and the buffer zones on Stadium Drive. Mr. Ross advised that he is a member of the Parks and

Recreation Advisory Board. He suggested that it would be a good opportunity for the city to expand the farmers market land by including the foreclosed properties just to the east of the farmers market properties. The market is already having problems with parking. Also the roof on the market is not in good shape. Mr. Ross suggested that city staff pay more attention to that part of Parks and Recreation. It is important to help the farmers and gardeners in the area get their produce out, and that the citizens of this city have access to that produce.

Mark Hoffman, 2124 Aberdeen Drive, Kalamazoo. Mr. Hoffman advised that he worked on the Comprehensive Plan in 1998. At that time he was on the Planning Commission. Shortly after the adoption of the Plan in 1998, there was an issue in Milwood when a portion of the residential area was being threatened by Rite Aid. Rite Aid wanted to take over a city block and build on the property. This turned into a very controversial issue which was later resolved. For the next couple of years, city staff and the Planning Commission worked very hard to amend the Future Land Use Map to bring the neighborhood north of I-94 into a better transitional state. The changes to the map were finished and adopted in 2001. Mr. Hoffman advised that he expressed some concerns about the Future Land Use Map during the recent round of changes and city staff addressed those issues. He thanked city staff for taking those comments into consideration.

Mr. Hoffman also expressed concerns about the four office buildings on Rambling Road. Those buildings will continue to serve as a good transition from an intensive commercial Stadium Drive corridor into the residential portion of the neighborhood. Mr. Hoffman advised that he is a member of the WMU Asylum Lake Policy and Management Council. The Council is working hard to retain the Asylum Lake property for the passive recreational public use for which it was deeded. There has historically been a lot of pressure to develop that property or give up portions of that property. He thanked city staff for including the Asylum Lake property as green space in the land use map. Mr. Hoffman extended his thanks to city staff and the consultants for making this a public process so that the Comprehensive Plan will reflect the community's desires and concerns.

There being no further public comment, the public hearing was closed.

Commissioner Fawley, supported by Commissioner Youngs, moved to recommend to the City Commission that the 2010 Master Land Use Plan be adopted. With a roll call vote, the motion carried unanimously.

2. P.C. #2009.11: Consideration of a request from the Kalamazoo Historic District Study Committee to establish the Rickman House Local Historic District at 345 N. Burdick Street, to expand the Haymarket Historic District with 105-131 E. Michigan Avenue (the "100 block"), and to eliminate the South Burdick Local Historic District.

Sharon Ferraro, Historic Preservation Coordinator for the City of Kalamazoo, advised that she is the Liaison to the Historic Preservation Commission, which acts as the Local Historic District Study Committee. The City of Kalamazoo has two different commissions that deal with historic preservation issues. The Historic District Commission (HDC) deals with design review in the historic districts. The Historic Preservation Commission (HPC) deals with policy issues, education and advice to the administration and the City Commission. During the last round of historic district designations, the HPC was made the permanent Historic District Study Committee. Allowing the HPC to act as the study committee makes the process much quicker and more efficient.

Ms. Ferraro advised that the process is now at the final stage of adding two new historic districts and dissolving one historic district. Last summer, information was presented regarding the proposed addition to the Haymarket Local Historic District, which is also known as the 100 block of E. Michigan, and the Rickman House Local Historic District. The Rickman House would be an individual or single resource local historic district. The 100 block would be an addition to the Haymarket Local Historic District. The S. Burdick Local Historic District was established in 1996. Since that time, two of the three buildings in that district have been demolished and rebuilt. It is no longer considered a historic site because it has lost too much of the original buildings. Dissolving the historic district will make the remaining building eligible for a tax credit for which it would not otherwise be eligible. Ms. Ferraro stated that any comments from the Planning Commission will be added to the final report to be presented to the City Commission in July or August.

Commissioner Fricke inquired why the changes to the buildings in the South Burdick Historic District were allowed that negated it from remaining historic. Ms. Ferraro advised that when the South Burdick Historic District was established in 1996, the process was considered to be flawed. The buildings were eligible. However, the rules that govern how a historic district is established require that buildings not be "cherry picked." In other words, you can't pick specific buildings in an area where several of the buildings are eligible for historic designation. That's what was done in this case. Buildings on both sides of the street were eligible to be a historic district, and it should have included a much larger area. Because the process wasn't followed, those buildings would never have been eligible for the tax credits that they had hoped to make use of to redevelop the buildings. Two other groups have tried to make the process work using tax credits or any other form of financing they could find, but it didn't work.

When Catalyst took over the buildings they proposed to keep the facades of the original buildings, which the HDC approved, and build a new building behind the façade. Unfortunately due to some unforeseen building errors made in the late 1890's the façade collapsed on one side of the building. Once that happened, it was clear that the facadectomy could not be completed on these buildings. The HDC gave their approval for the buildings to be rebuilt as replicas. The remaining building (the former Dragon Inn Restaurant) was the least historic of the three buildings so it didn't make sense for this

area to continue as a historic district. The remaining building is a pre-1935 building, which means that once the historic designation is removed, it will become eligible for a 10% Rehabilitation Incentive Tax Credit from the federal government that has no historic restrictions. Therefore, the redevelopment of that building may be much easier.

Public Hearing

No one spoke at the public hearing, and the public hearing was closed.

Commissioner Mishall, supported by Commissioner Chase, moved to recommend to the City Commission to approve the creation of the new Rickman House Local Historic District, the expansion of the Haymarket Local Historic District, and the elimination of the South Burdick Local Historic District. With a roll call vote, the motion carried unanimously.

G. CITIZENS' COMMENTS REGARDING NON-AGENDA ITEMS

None

H. OLD BUSINESS

None

I. NEW BUSINESS

None

J. CITIZENS' COMMENTS

None

K. CITY PLANNER'S REPORT

Planner Hernandez advised that review of the Wind Energy Ordinance is tentatively scheduled for next month's Planning Commission meeting. Review is still ongoing with regard to the Bicycle Parking Ordinance and the Medical Marijuana Ordinance. Meetings will be scheduled to further discuss these ordinances.

Planner Bauckham advised that a meeting has been scheduled with the Kalamazoo Bike Club on July 13th at the Y to discuss some of the things that city staff has proposed in the Bicycle Ordinance. Planning Commission review of the Bicycle Ordinance is tentatively scheduled for August. Issues are still being discussed with regard to the Medical Marijuana Ordinance, which may also be ready for review by the Planning Commission in August.

Planner Bauckham commented that city staff and the consultants have worked very hard on the draft Master Plan. He thanked the Planning Commission for their work and support of the Plan.

L. MISCELLANEOUS COMMENTS

Commissioner Fricke thanked city staff for their work on the Master Plan. He commented that Kalamazoo has proven it is a community of communication, cooperation and commitment. During the Master Plan process, the voices of the community were heard and responses were provided to concerns that were expressed. That makes the citizens of the community comfortable knowing that they have been a part of this important process.

M. ADJOURNMENT

The meeting adjourned at 8 p.m.

Respectfully submitted,

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