

City of Kalamazoo  
PLANNING COMMISSION  
Minutes  
September 1, 2016  
*DRAFT*

Second Floor, City Hall  
Community Room  
241W. South Street, Kalamazoo, MI 49007

Members Present: Rachel Hughes-Nilsson, Chair, Geoffrey Cripe, Emily Greenman Wright, Tracy Hall, Gregory Milliken, Derek Wissner

Members Excused: Charley Coss, Vice-Chair; Joshua Cook

City Staff: Rob Bauckham, Senior Development Planner; Carmela Hostiguin, Recording Secretary

Guests: None

**A. CALL TO ORDER**

Commissioner Hughes-Nilsson called the meeting to order at 7:04 p.m.

**B. ROLL CALL**

Planner Bauckham proceeded with roll call and determined that the aforementioned members were present.

**C. ADOPTION OF FORMAL AGENDA**

Postpone H. 1. Imagine Kalamazoo Update to October agenda.

**Commissioner Hall, supported by Commissioner Greenman Wright, moved approval of the September 1, 2016 Planning Commission agenda as amended. With a voice vote, the motion carried unanimously.**

**D. APPROVAL OF MINUTES**

In the "Call to Order" section of the August 4, 2016 meeting minutes, change Commissioner Cripe to Commissioner Coss.

**Commissioner Milliken, supported by Commissioner Hall, moved approval of the June 2, 2016 Planning Commission minutes as amended. With a voice vote, the motion carried unanimously.**

**E. COMMUNICATIONS AND ANNOUNCEMENTS**

Planner Bauckham introduced Recording Secretary Carmela Hostiguin who is filling in for Wendee Mayes.

## **F. PUBLIC HEARINGS**

### **P.C. #2016.10: Request to vacate the east 135.75 feet of a public alley located between Southworth Terrace and Beacon Street. [Recommendation: motion to recommend to the City Commission to approve the vacation request with one condition.]**

Planner Bauckham presented the staff report. The request is for a vacation of a basically undeveloped, narrow alley. Applicant owns the property to the south of the alley. The purpose of the request is to have a second access to his garage and to increase the size of his lot. Applicant is asking for the east 135.75 feet of the public alley to be vacated to him. There are two properties on the Northside of the alley. The house to the northeast is vacant and condemned. The house to the northwest is occupied. The owners of both properties have been contacted by both the applicant and the City Planning department to ask if there were any objections and if they had interest in receiving the north half of the alley segment if it is vacated. No response has been received from the neighbors. The adjacent property owners will have until the meeting of the City Commission to express interest in the alley. The one condition to the vacation would be that the Public Services Department be provided with an easement to access any underground utilities in the alley segment for maintenance purposes. The fair market value of this portion of the alley has been estimated at \$1,100. That would be paid to the City if it is vacated.

Commissioner Cripe asked if the houses to the west would no longer be able to use the alley to connect to South Burdick Street. Planner Bauckham clarified that they would not have access from the east end of the alley; however, they would still have access from the west end. Planner Bauckham went on to say that if the vacation is approved it would be up to the applicant if he wanted to continue to allow the other houses access from the east end of the alley. This action would vacate the City's interest and ownership of the property. Commissioner Milliken asked for clarification on the neighbor's rights as far as acquiring part of the vacation. Planner Bauckham responded that there have been two attempts to contact the adjacent property owners and there will be a third attempt. The abutting property owners are entitled to receive the north half of the alley segment if they want it. If there is no response by the time that the City Commission meets on the request, the neighbors will have waived their right to acquisition.

The applicant, Mr. Joshua Davis, reiterated that the reason for the request is to have rear access to his garage. The alley has been unused for decades. A car would not be able to drive from one end to the other as it would be blocked by trees and vegetation. One of the other houses has built a fence around the property making access from the alley impossible. Mr. Davis also mentioned that if he was not granted the entire 16-foot-wide segment of the alley he would accept an 8-foot-wide segment.

Commissioner Greenman Wright inquired as to if it was common for these alleys to be present in the neighborhoods and if there are many vacation requests. Planner Bauckham responded that there are many narrow alleys throughout the city and that there have been many vacations of them over the years. How often the vacations were granted usually depended on the response from neighbors and if the City needed to retain a portion or all of the land.

Commissioner Cripe questioned if the vacation is granted and a neighbor wanted to build a garage in the back over the former alley, could it be denied based on no access for emergency vehicles. Planner

Bauckham answered that a garage could not be built over any utilities, and emergency vehicle access would be reviewed as part of the approval process.

**Commissioner Milliken, supported by Commissioner Wissner, moved to approve P.C. #2016.10: request to vacate the east 135.75 feet of a public alley located between Southworth Terrace and Beacon Street, with the condition that an easement be provided to the city for access to any underground utilities in the alley segment. With a roll call vote, the motion carried unanimously.**

**P.C. #2016.11: Request to vacate Ampersee Street north of E. Michigan Avenue and a public alley north of 701 E. Michigan Avenue. [Recommendation: motion to recommend to the City Commission to approve the vacation request with one condition.]**

Planner Bauckham presented the staff report. This request is to vacate a portion of Ampersee Street north of East Michigan Avenue and a public alley north of 701 East Michigan Avenue. The Community Planning & Development Department is submitting this request with one condition, being that the City Public Services Department shall be provided with an easement for any underground utilities in the subject property for maintenance and to make adjustments as needed. An electrical sub-station for Consumers Energy is located to the west of the segment of Ampersee Street, and currently patrons of Arcadia Ales are parking their vehicles in this segment occasionally blocking access to the sub-station. If the street segment is vacated, Consumers Energy would be able to obtain at least the west half of it. They would then fence the property so that non-Consumers Energy vehicles would not be able to park on it and a gate would be included to allow Consumers Energy vehicles access. If vacated the property would be split down the middle with half being offered to Consumers Energy and half being offered to MDOT, which owns the property to the east of the road segment. The fair market value of the street segment is \$22,000. If the street segment is vacated, this amount would be paid to the City by the two entities.

Also, a 20-foot-wide public alley exists on the north side of the Arcadia Ales property. The alley was deeded to the property owners in 2013 by the City Brownfield Redevelopment Authority, but it was not formally vacated by the city. The request is to vacate the alley so that it is no longer part of the city street system. Because this alley was already deeded to the owners of Arcadia Ales, no compensation would be owed to the City if it is vacated.

Both Public Services and Public Safety were contacted and neither presented any objections to the request. Public Services did request an easement for any underground utilities in the street segment and public alley for maintenance purposes and to make adjustments to the utilities as needed.

Commissioner Wissner asked who would be buying the Ampersee street segment and what is the purpose of the vacation. Planner Bauckham said Consumers Energy would take the west half of the street segment in order to fence it and prevent parking of the customers for Arcadia Ales. MDOT would take the east half and combine it with their parcel. Commissioner Cripe inquired about access to the storm sewer by the tracks. Planner Bauckham was not aware of where the specific access points are located; however, the condition of allowing the access easement to the Public Services Department would cover that issue. Commissioner Wissner wondered if there was interest in purchasing the Ampersee street segment. Planner Bauckham clarified that there is interest by Consumers Energy because it will give them the ability to secure the sub-station. Commissioner Milliken verified that this vacation would allow

Consumers Energy to block off the area to prevent the Arcadia Ales customers from using it for parking. Planner Bauckham answered that it will not help Arcadia Ales; however, it is currently a public street and should not be used to block access to an abutting property. This action would allow unhindered access for Consumers Energy to their sub-station.

**Commissioner Wissner, supported by Commissioner Greenman Wright, moved to approve P.C. #2016. 11: request to vacate Ampersee Street north of E. Michigan Avenue and a public alley north of 701 E. Michigan Avenue, with the condition that an easement be provided to the city for access to the underground utilities. With a roll call vote, the motion carried unanimously.**

#### **G. CITIZENS' COMMENTS (Regarding non-agenda items)**

None

#### **H. UNFINISHED BUSINESS**

The Imagine Kalamazoo presentation was postponed until the October meeting.

#### **I. NEW BUSINESS**

None

#### **J. CITIZENS' COMMENTS**

None

#### **K. CITY PLANNER'S REPORT**

Planner Bauckham reported on several site plan projects. Five more projects have come in since the report was printed for the Commissioners. The highlights are as follows:

- Project to extend the KRVT trail from Westnedge to Walbridge
- Change in use of 803 Riverview to Cash N-A-Flash
- Change in use of 806 Riverview to a liquor store by Happy Singh
- Construction of 5 new townhouse unites on Lafayette
- Cell tower upgrades at 4200 W Main Street
- Building addition for Aunt Millie's Bakeries on Portage Street
- Kalamazoo Probation Enhancement Program building a new coffee shop at Walnut and Park
- A new section of the KRVT railway between Walnut and Lake
- Kalamazoo College has new football stadium lights - measurements were done and they meet the ordinance
- Chemical Bank is constructing a new building on Parkview Avenue
- Park Place of Kalamazoo is adding a new Rx Optical office building in its Park Street site
- Lakeside Academy is working on their new multi-purpose building
- Uccello's Restaurant is adding an outdoor seating area and two coolers at its Stadium Drive site
- The Family Health Center is building a new facility on Alcott Street

There are currently 40 site plans on file. This is on track to meet the goal for 2016.

For the October meeting there will be a multi-parcel rezoning request in the E. Michigan area. Currently, this area is mostly industrially zoned and the proposal is to rezone it to the Commercial Mixed Use zone. After meeting with some of the existing industrial property owners, there was concern that the rezoning would restrict their operations. The proposal allows such existing uses to be conforming and to expand with a special use permit from the Planning Commission. Consideration may be given to reducing the rezoning area by removing the Arvco Container property. Some of the property owners feel that the City is trying to push industrial out of the community. City staff assured them that is not the case as there are many vacant industrial parcels and facilities in other parts of the city that can be reutilized. However, the downtown area is expanding to the east and the rezoning is needed to accommodate the new residential and commercial uses that are anticipated.

There is a meeting to be held on September 27<sup>th</sup> at 5:30pm at the NACD office for Imagine Kalamazoo to look at goals for the process and summarize the data.

On October 27<sup>th</sup> at 5:30, a meeting will be held at the St. Joseph Church to start the Design It phase of Imagine Kalamazoo.

#### **L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS**

Commissioner Milliken would hope that the Arvco site is part of the rezoning. They are marketing that site and he is interested in hearing their comments on the rezoning.

#### **M. ADJOURNMENT**

The meeting adjourned at 7:55 p.m.