

City of Kalamazoo
PLANNING COMMISSION
Minutes
January 4, 2018
FINAL

Second Floor, City Hall
Commission Chambers
241W. South Street, Kalamazoo, MI 49007

Members Present: Rachel Hughes-Nilsson, Chair; Gregory Milliken; Sakhi Vyas; Derek Wissner; Alfonso Espinosa; Emily Greenman Wright

Members Excused: Charley Coss, Vice Chair; James Pitts

City Staff: Christina Anderson, City Planner; Robert Bauckham, Senior Development Planner; Clyde Robinson, City Attorney; John Kneas, Assistant City Attorney and Beth Cheeseman, Code Administration Clerk and Cashier

A. CALL TO ORDER

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

B. ROLL CALL

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

C. ADOPTION OF FORMAL AGENDA

Commissioner Greenman Wright, supported by Commissioner Wissner, moved approval of the January 4, 2018 Planning Commission agenda. With a voice vote, the motion carried unanimously.

D. APPROVAL OF MINUTES

Commissioner Vyas, supported by Commissioner Milliken, moved approval of the December 7, 2017 Planning Commission minutes as presented. With a voice vote, the motion carried unanimously.

E. COMMUNICATIONS AND ANNOUNCEMENTS

None

F. PUBLIC HEARINGS

P.C. #2017.20: Request from the City of Kalamazoo Brownfield Redevelopment Authority to vacate the 367-foot-long southern segment of Caves Court. **[Recommendation: motion to recommend to the City Commission to approve the street vacation request with one condition.]**

Planner Baukham gave the staff report. Caves Court is a public street located in the Northside neighborhood and it is minimally used. It was purchased by the City Brownfield Redevelopment Authority (BRA) in 2004 and the property has been marketed for redevelopment. The south section of the court was vacated and abandoned when buildings on the site were removed. The completion of the roundabout has made Caves Court unnecessary and it would be a danger to the public traveling through the roundabout. The BRA owns property on both sides, so would be entitled to the whole property if it is vacated. Planner Baukham reported that the City Engineering division is asking for an easement be provided to the City for access to utilities as needed. The Fire Marshall would be included in any new internal road system with future development for emergency access. Because it is a different City organization acquiring it, fair market value is not required. He stated that this request satisfies the Economic Vitality section of the Master Plan for reusing under-utilized land. Planner Baukham reviewed maps for zoning and land use. He reported that the City recommends the Commission to approve the vacation of the southern segment of Caves Court with the condition of the easement be provided for access to utilities.

Assistant Attorney for the City, Mr. John Kneas, spoke as the applicant for the Kalamazoo Brownfield Redevelopment Authority. He stated that this request is a product of the roundabout being completed. The BRA will come before them in the future for the vacation of northern portion of Caves Court. He responded to a Commissioner's question about the curb cut saying it is no longer at that location, it is further down toward Precision Heat Treatment. Mr. Kneas stated that they plan to square the boundary line to the north east of Caves Court, and that will enhance redevelopment of the site. He also said that BRA has a party under letter of intent for redevelopment of the property.

Commissioner Hughes-Nilsson opened the public comment portion of the hearing. No citizens came forward.

Commissioner Wissner, supported by Commissioner Vyas, moved to close the public comment portion of the hearing. A voice vote was taken and passed.

Commissioner Espinsosa asked Mr. Kneas why they were not considering vacating the northern portion of Caves Court at this time. Mr. Kneas reported that it had not been noticed that way and the request would probably come before them at the February meeting.

Commissioner Milliken, with support from Commissioner Greenman Wright, moved to recommend to the City Commission approval of the vacation request of the southern segment of Caves Court with the condition of the Public Services Department be provided an easement to access any underground utilities in the street property.

A roll call vote was taken and the request was approved.

P.C. #2017.19: Request from the YWCA of Kalamazoo for a special use permit to allow a transitional residence use for female survivors of human trafficking in the existing house at 828 Oak Street. **[Recommendation: motion to approve the special use permit, with conditions.]**

Planner Bauckham gave the staff report. The YWCA is requesting to use a two-story single-family house on Oak Street in the Vine neighborhood as a residential facility to serve female survivors of human trafficking. There would be approximately 10 people in the program for an average length of stay of 90 days. There would be twenty-four hour care provided with at least one staff member in the home at all times. The residents would receive group and individual counseling along with access to legal services and other resources. There would be meals provided; no visitors in the house other than counselors, staff and other support personnel; the doors would be locked at night with a security system in place. The applicant has operated similar programs in the main facility in downtown Kalamazoo. Planner Bauckham reported on a phone call and an email from neighbors of the Oak Street property which were in support of the request. He stated that no concerns were brought forward to staff. The City believes the request meets the requirements of a special use permit. It meets the goal of the Strategic Vision of strength through diversity in neighborhoods. Planner Bauckham reviewed the zoning and land use maps. The City recommends approval of the request with the conditions of 1) no loitering shall occur on the property; 2) no visitors allowed in the house except counselors, staff and support personnel; 3) the house and property shall remain in accordance with applicable City codes; and 4) the operation of the program will meet the City of Kalamazoo's noise ordinances.

The applicant, Ms. Kathy Brown, works at the YWCA. She stated that the request was actually for men, women or families – not just for women. They are asking for this facility because of the large number of human trafficker survivors in Michigan. They want to have a safe place for them to resume their lives and get back on track after being victimized and trafficked. They want to provide services for survivors of sex and labor trafficking. She stated that this is a current problem in Kalamazoo and it is not something the house is bringing. Ms. Brown said that all the neighbors they talked to were in support of the facility and were comfortable working with the YWCA. She stated that they asked the address remain confidential. They are not planning to advertise the location of the house. They will have security cameras set up and will have 24-hour staff coverage in the house at all times. They will have programs for getting back to work and to take care of necessary legal things. She stated that they have already made improvements to the property, and they intend to be good neighbors. They talked to the Vine Neighborhood Association and they have many staff who live in that area. They picked the location because it has access to transportation, courts and the YWCA. Ms. Brown stated that they have always had good relationship with Kalamazoo Public safety and they respond to them quickly.

Commissioner Greenman Wright asked for clarification if it is a women's shelter or family shelter. Ms. Brown responded that it will be a family shelter.

Ms. Brown reviewed the programs at the shelter in the main facility in response to Commissioner Vyas' inquiry. She said that the current shelter is a 62 bed unit. They currently have some human trafficking survivors there, but the shelter is designed for survivors of domestic violence. They do not provide shelter for men there and with human trafficking they have to include men as well. They have advocates – case managers, work with the Family Health Center, Kalamazoo Community Mental Health, and they

have therapists on staff. They have a therapist and case manager specially trained for human trafficking as well as the same for domestic violence and sexual assault. There is a kitchen, feminine hygiene products, diapers, food, shelter, a place for kids to play, and it has security – cameras and a buzzing system on the door. They also shelter sexual assault survivors and do sexual assault nursing examinations.

Commissioner Milliken summarized the applicant's statements, stating that the current shelter is not designed for human trafficking, but the services provided are not new.

Ms. Brown replied that the program is not new to them. They have worked with an attorney from New York who has done this work for years. The YWCA has provided services for human trafficking for two years. They were providing those services before, but it wasn't called it human trafficking. Some of the PTSD and legal concerns are different for human trafficking (especially in labor work) than in sexual assault and domestic violence. Ms. Brown stated that they are probably the only place in Michigan that does the labor trafficking work. They do the whole spectrum when it comes to human trafficking work.

Commissioner Milliken asked the applicant to clarify the number of people they are anticipating in that location and what kind of public safety presence they anticipate needing at the house.

Ms. Brown stated that they are anticipating 10 living in the house for an extended time, but they may see more. As far as public safety presence, she said they will do their regular rounds and if they know the shelter is there, then they will probably be there more often. She believes they would respond quickly if there were any problems. However, she doesn't anticipate any problems. They have done domestic violence and sexual assault work for 150 years in other communities in similar houses and it has not brought any problems upon those communities. She has experience with a home in Three Rivers, and there was no problem in 35 years because of someone in the house or someone who comes to the house.

Commissioner Espinosa asked if the house would be able to help those who are Spanish speaking. Ms. Brown said they are very culturally conscious and many clients are Spanish speaking. The entire staff, so far, for the house is bilingual. They have people of color. They look at the population they serve and want to make sure the staff reflects that. They work closely with the Hispanic American Counsel and Legal Aid. They understand their clients will have all kinds of needs. A lot of the labor trafficking people speak other languages or do underpaid or unpaid work and they work to help them get visas.

Commissioner Wissner expressed that he expected it to be a women's only shelter – not a family shelter. He requested explanation regarding privacy concerns and safety concerns with co-living. He also asked if State licensing is required and if the State sets the limit of the number of people who can live in the home.

Ms. Brown replied that the State has no limit of how many people can live in the home. The City does have limits, and they will abide by that. If that is 10, then there will be 10 in the house. They have not worked with the male population in shelter – this house was picked because of the structure. There is one area on the first floor for single men next to the office that will be designated for them. Families will have the second floor. Every room has its own lock and there are cameras in the walkways. She stated that the house is not so big they can't hear of what's going on - which is why they want 24-hour staff.

Ms. Brown stated that there is no State license required. They receive grant funding from the Victim of Crimes act and other funding from Michigan Health and Human Services who oversees their shelters. MHHS requires the house to be a safe space, handicap accessible with a smoking area outside. They do not specify how they need to handle the co-ed population.

Commissioner Espinosa asked if they have male staff. Ms. Bryant stated that they have male staff at the womens' shelter and it works, but they currently do not have male staff lined up for the proposed family shelter.

Commissioner Greenman Wright asked about the lease on house and if it would be a multi-year lease and about the relationship with the property owner.

Ms. Bryant responded that it is a one year lease. They don't know what the next year holds because it is a grant funded program. They anticipate they will still have the grant, but they have talked about either one can get out at the end of the lease. She stated that the owner knows what is going on, and they are abiding by his requests.

Commissioner Hughes-Nilsson opened the public comment portion of the hearing.

Citizen, Mr. Ted Murphy, came forward with concerns about the request. He cited concerns about population density on his street – that it is declining. He is concerned that the neighborhood is getting to be more suburban rather than inner-city, and that they are dropping a commercial property in the middle of a residential neighborhood. Mr. Murphy stated that there is no parking for this structure. He fears there will be issues with ten people living together in a five-bedroom house who don't even know each other. Mr. Murphy feels it is a big risk to drop an unknown entity in the middle of a neighborhood. He stated that he believes in the cause and that they are trying to help people, but it is not the right location.

Mr. William Smith came forward and stated that there are a lot of unknowns. He said that there is no land with the house, and he was opposed to the possibility of a smoking area in the front yard. Mr. Smith also stated there is no parking and there may be visitors waiting outside the home. Mr. Smith believes that it would not be good for the neighborhood. He fears that if it doesn't go well, then it is too late. They are already there and will be in the neighborhood for a year or more.

Mr. Peter Livingstone-McNelis, owner, of the house, came forward in support of the request. He said he is a former social worker at Lakeside Boys and Girls Home, a former foster care supervisor, and he has been an owner of other treatment homes for girls on Park Place. He expressed excitement about this possibility for the community and he stated that it serves a need for the community. He said the last renter in the house was a family of nine, so the number of people living there would not be much different. He stated his belief in the YWCA and their reputation, citing that they will be good stewards in the neighborhood. He has other houses close to this house – doesn't believe it would hurt the property. Mr. Livingstone-McNelis agreed with the applicant that this is a good location for them and for children that might live there - close to bus line, school, and downtown.

Ms. Rebecca Zarras , a Vine resident who is employed by the YWCA. She shared that she wanted the house to be in the Vine Neighborhood. She believes the location is good for clients and it is a safe

neighborhood. She said the people who would be living there have been through traumatic events and are trying to get back to their lives. They wouldn't be loud or bringing a lot of other problems. She cited the fact there are other transitional houses in the area, and that it is not much different than the transitional nature of college students. If approved, Ms. Zarras stated that this would be the first shelter in Michigan that would house sex and labor trafficking survivors – both male and female. She expressed that this is greatly needed.

Mr. Wayne Deering spoke in support of the request. He said it is the perfect location for this home, and that some might transition into the neighborhood. He stated that it won't be a wild college party, and there won't be visitors.

Ms. Erika Denny lives in the Vine neighborhood and works at the YWCA as their human trafficking therapist. She reassured the Commissioners that these people are normal people who look like us. She said with the trauma they have experienced, they won't be wild – they are more likely to be shut-down. Ms. Denny stated that the 30-90 day stay is necessary in order to obtain the resources needed.

Mr. Keith Hickok spoke up with concerns about the request. He stated that any change in the normal use of a residential house in this neighborhood could be for negative. He is personally and financially vested in the neighborhood, and he has worked hard to get good families that care about where they live. He cited the concern of what will happen if things don't work out with the home in the neighborhood. Will they need to wait out the lease? He also stated that he wanted to data to show how the home that worked in Three Rivers can work here in Kalamazoo. He cited concern about the reason for all the security – locks and cameras. Mr. Hickok said the negative seems to outweigh the positives in my mind. He agreed there is a need for this, but he would hate to see something set the Vine neighborhood back.

Ms. Autumn Walton resides in Three Rivers and works at the YWCA. She said in the comments she hears a lot of fear and the unknown with shelter in residential settings. She said they are not talking about good things that we do know about providing shelter. Those good things include letting people acclimate to being a part of community again, to be a part of that hope, diversity, and betterment of the community. Ms. Walton stated that she would want to move to an area – not away from an area - that offered these services to human beings who have been victimized. She said many people who have been through trafficking have been institutionalized and traumatized in an institutional setting, making a house in a residential area important. Ms. Walton said that the security is to build the sense of security for those who have been traumatized. They try to make people feel safe – in the home and in the community. She believes this home will advance the community.

Ms. Norma Berry has lived in the Vine neighborhood about 30 years. She spoke in support of this effort. She recounted that the neighborhood has gone through a lot and there are now many positive things in the Vine neighborhood. She said it is a very diverse neighborhood. Ms. Berry expressed her belief that it is a good idea to be supportive of something to help people get their lives together. She stated that they need to give it a chance.

Commissioner Greenman Wright, supported by Commissioner Vyas, moved to close the public comment portion of the hearing. A voice vote was taken and the public comment portion of hearing was closed.

In response to some of the citizen comments, Planner Anderson explained that owners and occupants of properties within a 300' area are send a letter informing them of public hearings. She also explained, if approved, a special use permit would be allowed to continue unless it was stopped and abandoned for 12 months.

Planner Bauckham specified that about 75 notices were sent for this hearing. One was sent to a Mr. Murphy on that street – whether it was his father or himself. Planner Bauckham also reassured that if any conditions of a special use permit were violated, it is subject to revocation from the Planning Commission. He stated that the occupancy of the house will be determined by the City's housing code. If the permit is approved, the applicant would work with the housing department to determine what would need to be done to the house to accommodate this use and how many people can live there.

Commissioner Milliken expressed concern about the special use permit staying with the land instead of the applicant. He stated that he feels comfortable with the ability of this applicant to deliver on their promises, however, that may not be the case with someone else. Commissioners Milliken and Greenman Wright asked if it could be a condition of the special use permit to stay with the applicant.

Attorney Robinson answered that the special use goes with the land. He said that transitional uses are defined in the zoning code, they are permitted in this district, and they cover a variety of types. It would be possible to restrict the type of transitional use, but the special use does not stay with the applicant.

Since the applicant mentioned keeping the address confidential, Commissioner Vyas wondered how that could be accomplished since the Commissioners packets are posted online.

Attorney Robinson responded that they are a public body and subject to the Freedom of Information Act. Confidentiality cannot be guaranteed when the applicant has to come before the Commissioners for a public hearing and notices are required to be sent to neighbors within that 300 foot radius. He stated that an attempt is made so the information is not generally known, but people do become aware of it.

Commissioner Wissner, supported by Commissioner Vyas, moved to approve the request from the YWCA of Kalamazoo for a special use permit to allow a transitional residence for co-ed and family survivors of human trafficking at the existing home at 828 Oak Street with the recommendations that no loitering shall occur and no visitors shall be allowed in the house except for staff, counselors, and support personnel, that operation of the program shall meet City noise ordinances, that the house shall be maintained in accordance with the applicable code of the City of Kalamazoo.

Commissioner Wissner expressed support of the YWCA and a transitional residence at this property. He did voice some concern over this special use permit being tied to land and not to the applicant – especially with the program being grant funded. He also shared some concerns about the shelter being a co-ed shelter – having men and women of sex trafficking and vulnerable populations living together for 90+ days. Commissioner Wissner stated that was probably not a worry about as far requirements for the special use permit, but it is his worry.

Commissioner Espinosa asked for clarification regarding parking. Commissioners Hughes-Nillson and Greenman Wright clarified about the applicant renting parking spots and that Oak has alternate side on-street over night parking.

Commissioner Greenman Wright spoke in support of the request. She stated that the Vine neighborhood is extremely diverse and has several transitional homes. She considers it an integral part of the neighborhood. She believes it is appropriate and consistent with what is already in the neighborhood. She is confident in the YWCA and PLM Incorporated's ability to maintain the property. Commissioner Greenman Wright echoed the concerns of what would happen if this lease should end.

Commissioner Vyas offered support for this project. She stated that she heard the concerns about co-ed facilities, but she believes the YWCA can handle that and that is not the Commissioners decision to make.

Commissioner Milliken expressed support of the request. He would love to have additional wording in the request to handle his concerns, but he knows there are controls in the conditions and controls in the existing ordinances that any user of the special use permit would have to follow. Commissioner Milliken expressed confidence in the applicant. He was encouraged by the support offered from Commissioners who are residents and residents here tonight. They have not had that in other hearings.

A roll call vote was taken and unanimously approved.

G. UNFINISHED BUSINESS

None

H. NEW BUSINESS

None

I. CITIZENS' COMMENTS (Regarding non-agenda items)

None

J. CITY COMMISSION LIAISON COMMENTS

None

K. CITY PLANNER'S REPORT

Planner Bauckham reviewed the site plan list. There were 54 projects that came to the City in 2017. Recently approved was the new retail building behind Gallaghers Restaurant on Stadium Drive. Under

construction is Walden Wood - phase 4 on Arboretum Pkwy, the former Hardings building on Crosstown, the Exchange building, the Parkway Flats apartments, and Davis Street Park improvements.

Planner Bauckham said they will be working on the Annual Report for 2017 for the Planning Commission and the Planning Division. He said they hope to have that to the Commissioners at the next meeting. They also hope to have the new commissioner on board for the February meeting – the recommendation has been submitted to the mayor.

The Burdick corridor rezoning was up for public hearing at the City Commission on Tuesday. There was a protest petition filed. If it is a valid petition, then it would have to be approved by a super majority vote of the City Commission. It is not a petition to deny it, but it affects the voting process. The issue was postponed to next City Commission meeting.

For the February meeting, they may be looking at a special use permit for a new American Legion post in an existing building on Riverview Drive and also a presentation on a Veteran's Memorial barrier-free ramp in the Riverside cemetery.

Planner Anderson stated that they have posted yearly meeting schedule, but she wanted them to review the schedule and see if changes need to be made. Potential changes include July 5 and April 5. They will look at that and report back at next meeting.

L. MISCELLANEOUS COMMENTS BY PLANNING COMMISSIONERS

Commissioner Greenman Wright encouraged the Commissioners, City staff, and the public to support organizations that help people heat their homes.

M. ADJOURNMENT

Commissioner Greenman Wright, supported by Commissioner Espinosa, moved to adjourn the meeting. A voice vote was taken and passed unanimously. Meeting was adjourned at 8:30 pm.

Respectfully submitted,



Christina Anderson,
City Planner
Community Planning & Development