

City of Kalamazoo  
PLANNING COMMISSION  
Minutes  
January 3, 2019  
*FINAL*

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

Members Present: Rachel Hughes-Nilsson, Chair; Gregory Milliken, Vice Chair; Jack Baartman; Emily Greenman Wright; James Pitts; Charley Coss; Sakhi Vyas; Alfonso Espinosa

Members Excused: Derek Wissner

City Staff: Christina Anderson, City Planner; Robert Bauckham, Senior Development Planner; Beth Cheeseman, Code Administration Clerk/Cashier; Clyde Robinson, City Attorney; Jennifer Gutierrez, Community Investment Secretary; Katie Reilly, Neighborhood Activator

**A. CALL TO ORDER**

Commissioner Hughes-Nilsson called the meeting to order at 7:02 p.m.

**B. ROLL CALL**

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

**C. ADOPTION OF FORMAL AGENDA**

Planner Anderson informed Commissioners that P.C. # 2018.30, the Parks and Recreation Master Plan, will be postponed to the February Meeting.

**Commissioner Greenman Wright, supported by Commissioner Vyas, moved approval of the January 3, 2019 Planning Commission agenda as amended. With a voice vote, the motion carried unanimously.**

**D. APPROVAL OF MINUTES**

**Commissioner Greenman Wright, supported by Commissioner Baartman, moved approval of the December 6, 2018 Planning Commission minutes. With a voice vote, the motion carried unanimously.**

## **E. COMMUNICATIONS AND ANNOUNCEMENTS**

None

## **F. PUBLIC HEARINGS**

P.C. #2018.24: Request from the Kalamazoo Community Mental Health and Substance Abuse Services to vacate Cooley Street between W. Kalamazoo Avenue and the Amtrak Railroad property. (Postponed from the December 6, 2018 meeting.)

Planner Bauckham reported that this section of Cooley Street dead-ends at the Amtrak Railroad property. The applicant (KCMH) owns the property on both sides of this portion of Cooley Street. If this vacation is approved, they would pay fair market value and could receive all of the property. KCMH would then like the street to be combined with their properties on either side to serve as the main driveway entrance. Kalamazoo Downtown Partnership (formerly DKI), and staff from the Public Safety and Public Services Departments have reviewed the request and have no objections to it. Public Services staff have requested an easement to access the utilities under this street section for maintenance purposes. Planner Bauckham stated that notices were mailed to the neighbors, and no comments were received regarding the request. He went on to review maps and zoning for the area. Planner Bauckham shared the rationale for the City's approval: the street is not needed by the City; access to utilities would still be available for maintenance; this would help the applicant with parking needs. He said the request meets the requirements of the City's street vacation policy. Approval of the request was recommended with the condition of the easement provided for access to the utilities.

Mr. David Anderson, Director of facilities for KMCH and Substance Abuse Services, came forward to speak to the request. He shared that parking is a high priority in that area right now as the county had to give up a paved lot adjacent to the county administration building. This street vacation would help with the parking issue.

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

No one came forward.

**Commissioner Coss, supported by Commissioner Pitts, moved to close the public comment portion of the hearing. A voice vote was taken and passed unanimously.**

Commissioner Greenman Wright asked for information about the assessed fair market value of the property. Planner Bauckham stated that the City Assessor is working on it, but he did not have a value at that time.

**Commissioner Milliken, supported by Commissioner Greenman Wright, moved to recommend approval of the vacation of this segment of Cooley Street between W. Kalamazoo Avenue and the railroad property with the condition that an easement be provided to the City for access to and maintenance of the underground utilities in this street segment.**

**A roll call vote was taken and the motion passed unanimously.**

P.C. #2018.27: Request from the Lift Foundation to rezone 216, 220, 302, 302 (rear), 308, and 308 Lake Street (rear), and 205 and 209 E. Stockbridge Avenue from Zones M-1, CC, and CN-1 to Zone RM-36. **[Recommendation: recommend to the City Commission to approve the rezoning request.]**

Commissioner Milliken reported that he would abstain from this item due to his employer owning some of the property in and around the area for the rezoning.

Planner Bauckham stepped forward to do the staff report. He reported that all the parcels in the request area are vacant and undeveloped. The applicant would like to rezone the parcels from M-1, CC, and CN-1 to the RM-36 zone to allow an affordable housing complex to be built on them. Planner Bauckham said the applicant has options in place to purchase each of the parcels. The proposed housing complex would have approximately 90 units with 1-3 bedrooms in each of them. He said 80% of the units would be considered affordable for those with 30%, 50%, or 80% of AMI and 20% would be market rate. The applicant has also applied for a variance through the Zoning Board of Appeals to have a commercial daycare on the property. Planner Bauckham stated that the number, size, locations, and design of the buildings and facilities has not yet been finalized. The north portion of this site is in the flood plain for Portage Creek. The MDEQ and Public Services Department would need to approve any construction in the flood plain. The applicant would need to raise elevations on the site for the buildings that will be in the flood plain, and will then need to compensate for that loss of flood storage by reducing elevations in other areas of the site. They would need to demonstrate that this project would not increase flooding issues in the area or for neighboring homes. He shared that the applicant plans to apply to MSHDA for funding and to the City Commission for a PILOT (Payment in Lieu of Taxes).

Planner Bauckham shared that the applicant distributed fliers, went door to door, and attended a neighborhood meeting on the request. Residents of the neighborhood raised the following concerns: flooding increase; removal of trees; bright lighting and noise in the area; having an apartment complex adjacent to single family homes; the complex renting to criminals and sex offenders; a liquor store nearby; and what other sites were looked at for the project. Planner Bauckham reminded the Commission that there are ordinances regarding tree removal and re-landscaping, and light and noise levels for such projects. He also assured the Commission that the location of the buildings has not been determined, and set-backs would be needed between the new buildings and the property lines. The applicant said they will screen their tenants. Planner Bauckham stated that the project needs to be near the downtown area, on a bus route, and close to other services. He said for efficiency and economics, this is best choice. There are other properties available that are much more expensive.

Planner Bauckham reviewed maps and zoning for the area. He gave the rationale for City support of the request: the rezoning is supported by the Future Land Use plan; it supports the goals of Shared Prosperity, Complete Neighborhoods, Strength Through Diversity, and Economic Vitality in the Master Plan and Strategic Vision; the rezoning would prevent more intensive uses that are currently allowed in this area such as factories, bars, and dog kennels.

Commissioner Espinosa asked what percentage of this property is in the flood plain and how that would affect the project. Planner Bauckham responded that approximately 60% of the north portion is in flood plain. Depending on where they put the buildings, they would need to raise those areas up – resulting in lost flood storage. They have to create new flood storage space elsewhere on the site. If the zoning is approved, they would need to submit a site plan and would also need approval from the MDEQ. They would need to design the facility to assure no additional flooding occurs.

Commissioner Espinosa asked what would happen if the MDEQ not approve the project. Planner Bauckham said they would need to modify their plan. He said 40% of the site is not in flood plain, so the applicant could build in that area without the need for MDEQ approval.

Mr. David Anderson, Chair of the Lift Foundation, stepped up to speak about the about rezoning. He believes it makes sense for the property to be rezoned. Mr. Anderson gave some information about the Lift Foundation, saying their mission is to create, own, and maintain affordable housing. Mr. Anderson pointed out that this is consistent with the City's noted need for safe and affordable housing.

Mr. Anderson shared that they will be applying to MSHDA for low-income tax credits. Mr. Anderson indicated that to receive as many points as possible for the application, such projects need to be close to places to walk – like downtown, and also be adjacent to a large employer. He said that when you receive the tax credits, it is expected you will serve individuals who make up to 80% of AMI. Mr. Anderson stated that they are looking very carefully to see how many units they can have at this site. They are looking for an amenity rich piece of property that will allow walking paths, picnic areas, playgrounds, and a daycare on site. He said this project is intended to be a workforce housing project with a range of affordable units.

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

Mr. Richard Stewart, resident, spoke in opposition to the request. He stated that these parcels are the last natural watershed they have in a known flood area. He added that it is their only green space in the area with deer and owls. He reminded the Commissioners that if the zoning is changed to high-density residential, then it is permanent. Mr. Stuart said he is the organizer for the Southtown Neighborhood, and they are asking as a group for more time to get to the bottom of some of this. Mr. Stuart said the City has a moratorium on developing green space until July. He shared that the Southtown neighborhood plan is in process and they do not want high-density residential for this spot. They want to maintain the green space. He ended by saying they have a flooding problem in this area and planned improvements to the existing infrastructure has not been addressed.

Mr. David Greely, Ms. Vickie Vanas, Ms. Tina McClinton, Mr. Sean Salamun, Mr. Jacob Lamphere, Ms. Pamela Green, residents, all came forward in opposition to the rezoning and project. While they were in favor of additional low-income housing in Kalamazoo, they did not believe this is the right spot for the project. They cited their experiences in the area with flooding problems and sanitary sewer back-ups. They believe an apartment complex at this spot will add more stress to the problem and that the sewer issue would affect the new tenants as well. Mr. Greely noted that a 90-unit building will require a parking lot with 180 parking spots.

Mr. Mike Fleckenstein mentioned that the infrastructure is not capable of handling the flooding and sewage as it is. He doesn't believe it will be solved with this project.

Mr. Ben Wales, Mr. Matt Smith, and Mr. Brendan Molony came forward in support of the rezoning and housing project. Mr. Wales indicated there are checks and balances in place that will make the applicant work out the flooding issues. He believes this area could really use some development. Mr. Smith asked that the income band the applicant talked about for affordable housing be lowered to 20-60% AMI. Mr. Smith also reminded the Commissioners and the applicant that from an equity standpoint, they should be willing to rent to criminals. Mr. Molony indicated there are great benefits to having a more dense urban population. He stressed the need for transparency behind DEQ looking into the project.

Ms. Tobi Hanna-Davies came forward as a former co-chair of the Ann Arbor Affordable Housing Commission and the current co-chair of the Isaac Housing Taskforce. She emphasized that mixed-income housing has a record of being very good for property values and for the neighbors. Ms. Davies pointed out that Lift is a local non-profit that exists because it cares about this community. She encouraged the Commissioners to go to the Lift Foundation website, look at photos, and then go look at the properties to see how well they are maintained. She believes that Lift is very responsible to the community.

Mr. Andrew Chopana, housing specialist, came forward in support of Lift. He said they see the need for affordable housing every day and this project could help solve that issue. Mr. Chopana stated that he does have some concerns over the nature of the parcels, but believes the concept of allowing affordable housing should be considered. He said he supports the project with reservations.

Ms. Kathy Cooney, resident, came forward saying she is a very strong advocate for affordable housing in Kalamazoo County, but she is not sure this is the right property. She already had concerns about Kalamazoo tearing down more trees. Hearing the concerns about flooding and sewage has made her believe they need to do more research and consider other sites.

Mr. John Davis recounted the flooded basements he used to walk through on Lake Street as a meter reader. He asked why people with low-incomes can't live in the Exchange Building or 300 S. Rose? Why are they forced to live in a swamp? He cited other places in the City with vacant land that do not flood and encouraged the Commissioners to build up the City in those places with bus routes and businesses. Mr. Davis said he is in support of low-income housing, but he doesn't think this is the place for it.

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

Planner Anderson clarified some things that were mentioned during the public comment portion of the hearing. She noted that the Natural Features Protection moratorium is through June 3. She said this property is not in the moratorium. Planner Anderson let the Commissioners know that funds have been allocated and released for the dredging of the Crosstown Ponds, which will help with future flooding. She clarified that on the City maps, this property technically falls in the Edison neighborhood. Planner Anderson said that the Edison Neighborhood Plan expresses a desire for a wider mix of housing with the understanding that it may increase density to allow for that mix. She also stated that the income band for affordable housing in this project will be discussed specifically with the PILOT resolution.

Commissioner Coss asked if the City could address concerns of capacity for the existing infrastructure. Planner Bauckham responded that engineering is concerned about the area flooding and that is why they are dredging Crosstown ponds. They are looking at capacities of storm water systems throughout the City and what can be done to improve them. Planner Bauckham stated that as far as a flood plain site, you can't infiltrate on the site. This project will go to the MDEQ and if they are not convinced the project will not increase flooding, then it will not be approved. Planner Bauckham reminded them that the rezoning and the housing project are two different issues. He stated that the rezoning meets the Master Plan and community wishes for the future. It is possible for them to approve the zoning request, and have the specific project denied or modified during the process. If the rezoning and the variance for the daycare

are approved, the applicant would still have to go through the site plan process and obtain approval through Public Services and MDEQ.

Commissioner Greenman Wright recalled that there has been a discussion of creating a greenway along the flood plain. She wondered how this project interacted with that plan. Planner Anderson explained that the City was looking at how to use FEMA funds to purchase properties and restore them to a natural state to provide a cushion for flooding. The City is working with FEMA and property owners on this. It is a voluntary program, and only certain properties are approved for it. Planner Anderson said she didn't know if these parcels qualify for the program, but none of these properties had been contacted regarding the program.

Commissioner Espinosa asked about the reason for rezoning to RM-36. Planner Anderson responded that the current zoning for these parcels would not allow residential on the ground floor. Multi-family would be permitted, but no new residential on the ground floor. In the manufacturing zone, no residential is permitted at all. Commissioner Espinosa asked for confirmation on where the flooding occurs. Planner Bauckham clarified that it is the north part of the site that floods – closest to Lake Street. Planner Anderson added that as the zoning exists now, a residential project such as this could not happen on the parcels. She also clarified that the City of Kalamazoo changed parking standards to 1-space per unit, so the proposed project would require closer to 90 spaces - not the 180 as stated.

Commissioner Greenman Wright asked about the difference in impervious surface allowed for commercial versus RM-36? Planner Anderson responded that 50% is the maximum impervious coverage allowed for apartment uses in RM-36, and 80% is the maximum allowed for uses in the CC and M-1 zones. The CN-1 zone allows up to 65% impervious surface.

Commissioner Greenman Wright asked if it is possible for the Lift Foundation to have property reviewed first by the MDEQ, and then go to the Planning Commission if a rezoning is needed. Planner Anderson stated that an MDEQ review is typically requested during the site plan process, and it would probably be difficult for them to give an answer before the site plan process is completed. Planner Bauckham added that MDEQ would not give a priority to a project that was only speculative. Planner Anderson shared that from a staff perspective, the rezoning is appropriate. The details of project would then be scrutinized via site plan review, and they would still have to go through MDEQ and be reviewed based on their rules.

**Commissioner Coss, supported by Commissioner Vyas, moved to recommend to the City Commission to approve the rezoning request for P.C. #2018.27 from the Lift Foundation to rezone 216, 220, 302, 302 (rear), 308, and 308 Lake Street (rear), and 205 and 209 E. Stockbridge Avenue from Zones M-1, CC, and CN-1 to Zone RM-36.**

Commissioner Coss stated that as much as he would like to weigh in on the issues of affordable housing as well as the concerns of the neighborhood, they are deciding on a zoning issue. He believed the flooding issues will be dealt with in the planning process and with the MDEQ. He indicated that more communication from the City throughout the process would be good. Commissioner Coss stated that he would be voting yes.

Commissioner Vyas stated that she will be voting yes because it is a rezoning request. She supports having the zoning changed from the Manufacturing district. She shared that the comment that stuck with

her was why low-income housing ends up at the bottom of the valley. Commissioner Vyas stated they need to think about why they put housing where it is and how to build more equity. She did encourage the Commissioners and the public to think about personal responsibility with environmental questions. She suggested doing what they could to help protect their own land and homes - like planting a rain garden.

Commissioner Espinosa stated that as a rezoning, the request makes sense. He said that for the project proposed and the unknowns in the process, it doesn't make a lot of sense. He indicated that none of them would like to deal with such flooding and sewage at their own homes, and this may add more problems to the area. Commissioner Espinosa stated that the flooding issues are well known, but he did not hear of a plan in place to address the flooding issues. He is in support of affordable housing, but he doesn't believe this is the right location for this project.

Commissioner Greenman Wright also expressed that she still has a lot of concerns. She was wondering if rezoning the area would make sure it gets the attention it needs. Commissioner Greenman Wright hoped the MDEQ would have wisdom to say whether this is a good land use. She was also struck by the notion that low-income families live in the flood areas, and that is something they really need to highlight. She believes they shouldn't put vulnerable families in the most vulnerable areas. Commissioner Greenman Wright stated she was inclined to vote yes just because she wants the MDEQ to pay attention to this area. She encouraged other Commissioners to share their thoughts.

Commissioner Hughes-Nilsson stated that this is a rezoning issue, but they have to look at the property itself and what it can bear. She stated that her concern is the density of zoning in this area. Commissioner Hughes-Nilsson said she doesn't think they can fit the desired number of units on this site because of the MDEQ requirements. She said the MDEQ has a voice in this, and can be part of the relief valve, but she believes they tend to look at the property itself without looking at the wider area. She wondered about groundwater storage with the issues of higher density, impervious cover, and the groundwater table right at the surface. Commissioner Hughes-Nilsson said she thinks it is less likely that anything will happen there if it remains in the current zoning. She believes there are other properties that would fit the need that would not have these issues. She stated she would vote no on the request.

Commissioner Pitts stated agreement with the need for low-income housing. However, he said he was looking at what the neighbors will have to endure and his own experiences of trying to get from one side of town to the other during a flood event. Commissioner Pitts did not feel the request makes a lot of common sense, so he would be voting no.

**A roll call vote was taken with Commissioners Baartman, Greenman Wright, Hughes-Nilsson, Espinosa and Pitts voting no. Commissioners Coss and Vyas voted yes. The motion was denied.**

P.C. #2018.28: Request from the Community Planning & Economic Development Department and the Edison Neighborhood Association to approve the Edison Neighborhood Plan 2019. **[Recommendation: motion to approve the Plan and recommend to the City Commission to confirm the approval of the Plan as an amendment to the 2025 Master Plan.]**

Ms. Katie Reilly, Neighborhood Activator, gave the staff report. She said the Edison Neighborhood Association included in this plan recurring topics/items from previous Neighborhood Plans. They created a survey and distributed it in their newsletter. On the annual flower day for the neighborhood, they required people to complete the survey to get flowers. Survey responses were also taken and confirmed at

the National Night Out event with the residents. The Neighborhood Association also had conversations with City departments and additional stakeholders on elements for the plan. A draft was created and given to residents at the Holiday in the Square Event, and fliers with links to the plan were posted throughout the commercial district. Ms. Reilly reviewed the top three goals of the Neighborhood Plan - promoting home ownership and rehabilitation; improving the Portage corridor with streetscaping and improving facades; and supporting youth in neighborhood.

Ms. Tammy Taylor, Executive Director of the Edison Neighborhood, came forward to answer questions.

Commissioner Vyas made the comment that she enjoyed reading the history of the Edison neighborhood and was glad it was in the plan. Commissioner Coss expressed appreciation for all involved in the process. He knows the effort takes a great deal of energy and time.

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

No one came forward.

**Commissioner Baartman, supported by Commissioner Greenman Wright, moved to close the public comment portion of the hearing. A voice vote was taken and passed unanimously.**

Commissioner Milliken stated there were a lot of great ideas, services, and visions identified in the Plan. He suggested some prioritization of items so that nothing gets lost. He also suggested that to create the market they desire, there may be a need for greater density. Commissioner Milliken encouraged them to take advantage of their two tremendous assets in the neighborhood - Portage Road, and a great existing fabric in the neighborhood.

**Commissioner Coss, supported by Commissioner Pitts, moved to approve P.C. #2018.28 the Edison Neighborhood Plan 2019, and to recommend to the City Commission to confirm the approval of the Plan as an amendment to the 2025 Master Plan.**

Commissioner Coss said it was great work and Commissioner Greenman Wright said she was really impressed with how unique and individualized the plan is to the neighborhood.

Commissioner Espinosa expressed a concern about having a cost associated with the projects. He wondered how they determine the cost, and if changes to the Plan come to the Commission. Planner Anderson stated any changes to the Plan would not need to come back to the Commission. A range of costs for the projects is estimated for information purposes. She said it is more of a tool to understand the intensity level.

**A roll call vote was taken and the motion passed unanimously.**

**G. UNFINISHED BUSINESS**

None

#### **H. NEW BUSINESS**

1. P.C. #2018.30: Parks and Recreation Master Plan/10-year Strategic Vision. [**Recommendation: offer support for the Strategic Vision.**]

This item was postponed to the next meeting.

2. **2019 Planning Commission meeting schedule**

Planner Anderson reviewed changes in the 2019 meeting schedule. No concerns were voiced.

**A voice vote was taken and the meeting schedule was approved unanimously.**

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

None

#### **J. CITY COMMISSION LIAISON COMMENTS**

None

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

Planner Bauckham said in 2018 there were 60 projects that went through the site plan process compared to 54 for 2017. In the past year, they had a new process, new software, and a new pre-application stage for each project. Planner Bauckham stated they had 17 projects from 2018 which are still awaiting site plans. He also reported that the Planning Commission had 30 requests come before them in 2018 as compared to 20 in 2017.

Planner Anderson encouraged Commissioners to attend the City Commission meeting on January 7, 2019. She said the Complete Streets policy and Crosswalk ordinance would go before them that day. She also said there would be a budget discussion in which they may be interested.

Planner Anderson asked the Commissioners to complete and share the Downtown parking survey she sent to them. She also said she sent them an article about affordable housing and placement.

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

Commissioner Greenman Wright stated she thought this was one of the better discussions they had and she enjoyed hearing from everyone.

**M. ADJOURNMENT**

**Commissioner Greenman Wright, supported by Commissioner Espinosa, moved to adjourn the meeting. A voice vote was taken and passed unanimously. The meeting was adjourned at 9:05 pm.**

Respectfully submitted,

A handwritten signature in black ink that reads "Christina Anderson". The signature is written in a cursive style and is positioned above a solid blue horizontal line.

Christina Anderson,  
City Planner  
Community Planning & Development