



January 3, 2020

To: Members of the City of Kalamazoo Planning Commission
cc: Director, Community Planning and Development; City Planner

RE: Position of the Oakland Drive/Winchell Neighborhood Association (ODWNA) Board regarding: A) the proposed rezoning of 4301 and 4305 Stadium Drive, and 2231 S. Drake Road, located at the SE corner of Stadium Drive and Drake Road, from their current Residential (RS-5) status to Community Commercial (CC), and B) the requested removal of the Natural Features Protection (NFP) Overlay from 4301 and 4305 Stadium Drive.

The foregoing described properties are located entirely within the Oakland Drive/Winchell Neighborhood (ODWN), so any future development of the properties will have a direct impact on the quality of life of its residents and businesses. In addition, these properties lie on the northern boundary of the Asylum Lake Preserve (ALP). This public nature preserve provides essential outdoor recreation for three nearby neighborhoods (ODWN, Parkview Hills, and the Oakwood Neighborhood), as well as provides outdoor recreational and educational experiences for all city residents. Because a nature preserve's goal is to preserve our natural systems it is important to recognize that these systems extend onto the adjacent properties, and what happens on them is critical to the short-term health and the long-term viability of the ALP as well as the surrounding neighborhoods.

The ODWNA Board recognizes that while the City's Master Plan Future Land Use Map has designated the property that is the subject of this zoning request for "commercial" use, neither the Plan nor the Map specify or recommend which specific commercial zoning district(s) might be appropriate or allowed.

Consequently, the ODWNA Board has taken the following positions, based on neighborhood feedback gathered throughout our Neighborhood Plan process:

1. The ODWNA Board strongly opposes rezoning of these properties to Community Commercial (CC), the most intense commercial development allowed by the City.
2. The ODWNA Board would be less opposed to an application seeking to rezone the properties to either Commercial Office (CO) or Commercial Neighborhood Office (CNO).
3. The ODWNA Board strongly opposes eliminating the NFP Overlay on any of the properties.

Our positions are based upon the following:

- I. CC zoning would be inconsistent with the goals of the City's Master Plan, specifically the City's Strategic Vision of Environmental Responsibility. This vision was formalized in the Imagine Kalamazoo (IK) 2025 Master Plan and action items were developed as part of IK@Work on pages 144-146 of the Master Plan. ***To allow high-density commercial development on this property, located immediately adjacent to residences (Stadium Drive Apartments) and the ALP would be inconsistent with the City's Description and Purposes of a CC zoning district.***
 - Community Commercial (CC) is defined in the City's §2.3 Commercial Districts Descriptions and Purposes as: "The CC, Community Commercial district is intended to accommodate larger community and regional shopping centers that serve a community-wide market area."; the most commercially intense development allowed by the City.



II. Although CC is the current zoning district along most of Stadium Drive, the property in question is the only parcel of land in the City being proposed for such intense commercial development that shares a (1,500 foot) property line with a nature preserve and abuts a large residential development (Stadium Drive Apartments), **establishing this situation as unique, and the properties in question should be zoned accordingly.**

- As defined in the City's §2.3 Commercial Districts Descriptions and Purposes:

Commercial Office (CO) district is defined as *"generally intended to function as a medium- to high-intensity office district primarily along arterial streets. The district is intended to prevent strip commercial development by allowing office uses but no other commercial uses and to serve as a land use buffer between major streets and residential neighborhoods. It may also be an appropriate land use buffer between higher intensity commercial areas and residential neighborhoods."*

Commercial Neighborhood Office (CNO) district is defined as *"primarily intended to accommodate low-intensity administrative and professional offices that are compatible with the character of residential neighborhoods. The district is also intended to be used as a transition district between higher intensity commercial areas and residential neighborhoods. The district allows administrative and professional office uses in structures that formerly housed residential dwelling units. Residential uses are also allowed in the district when located in a mixed-use structure (one containing office and residential uses)."*

Unlike rezoning to CC, rezoning to allow the types of commercial development in CO and CNO could be consistent with our Master Plan as it: 1) allows for a better transition or buffer between existing land uses, and 2) promotes a reasonable balance between commercial development and the issues related to residential quality of life and environmental respect and sustainability.

III. Removal of the NFP Overlay would circumvent the NFP process as set out in § 50-3.2 Overlay Zone Districts

- When the NFP Overlay Ordinance was approved by the City Commission in May 2019, they specifically did not allow for the removal of the Overlay on this property, as it was determined at that time that this property met all of the requirements of the Ordinance to be included in NFP Overlay-protected status. The NFP was developed to *"put in place a guide for the development of land on or near areas identified as Natural Features in order to achieve the long-term protection of these areas."* and to *"insure natural features within the City are protected long term for the enjoyment of the public and health of the environment"*. ***We insist that the Planning Commission follow the lead of the City Commission in requiring all property owners to follow the current Ordinance for requesting any NFP Overlay variances.***

IV. Lack of public engagement (to-date) by the applicant concerning this rezoning request

- The City's Draft Public Participation Policy recognizes that *"the heart of Imagine Kalamazoo is engagement."* The City has also stated in that document that:
 - *"[The City] believes that communication between developers/petitioners, those who are seeking review or approval from a City Board, and stakeholders/adjacent property owners is key to a successful development project."*
 - *"[Public] Engagement is REQUIRED when any proposed project requires review through...rezoning."*
- To date, neither the ODWNA nor any other recognized Neighborhood Association or environmental interest group has been approached by the applicant to discuss or explain this aggressive rezoning request or listen to the concerns of those neighborhoods or interest groups that would be most affected



by approval of the rezoning request.

- The first (and last) meeting the ODWNA had with the property owner's representatives was on October 30, 2018, when representatives from our Board and other local groups met with the applicant's representatives to be briefed on a "conceptual" site development plan. While some of our initial questions were given responses post-meeting in writing, our subsequent multiple requests for additional meetings (and to include the public at-large) to gain additional detailed information about the owner's plans were rejected.

Before the Planning Commission's January 14, 2020 meeting and subsequent recommendation on this rezoning request, we respectfully ask that each member of the Planning Commission undertake his or her own due diligence in understanding what is at stake with the current rezoning request. Take a walk around the area of the property at issue – along Stadium Drive and Drake Road and along the shore of Asylum Lake to help inform your decisions regarding this environmentally sensitive area of our city and what development intensity will best coexist with neighborhood quality of life, environmental responsibility, and sustainable development goals.

Our Board members would be pleased to meet with any member(s) of the Planning Commission at his or her convenience to discuss this issue or walk the area together.

Please email us at: odwnanews@winchellneighborhood.org and we can arrange a time to meet.

Sincerely,

Oakland Drive/Winchell Neighborhood Association Board

A handwritten signature in black ink, appearing to read "Peter Kushner". The signature is fluid and cursive, with a long horizontal flourish at the end.

Peter Kushner, President