

## ODWNA Neighborhood Meeting Minutes

**Date:** Wednesday, September 16, 2015

**Place:** Winchell Elementary Library

**Board Members:**

**Present:** Peter Kushner, President; Chris Shook, Vice President; Sandy Bolstad, Secretary; Diana Morton-Thompson, Treasurer; Barb Ross

**Absent:** Tom Keyser, Kathy Shook, Paul Scott



- I. **Call to Order:** Peter Kushner, 7:05 pm
  - Website
  - Postcards – sent out almost 1,600
  - Meeting is always 3<sup>rd</sup> Wednesday of each month, and we meet September – May, excluding December
  - Introduction of the Board
- II. **Treasurer's Report**
  - Fiscal year begins October 1<sup>st</sup> each year.
  - Takes about \$1200 per year to run the neighborhood association, some of this is for signs, etc. but the bulk of this is for the printing and mailing of the postcards. The car show is self-sufficient thanks to our corporate sponsor.
  - That being said, dues for the year are due starting October 1.
- III. **Secretary's Report**
  - Sign-in sheet, only need to list your email if you are not receiving the eNews and would like to.
  - Next meeting: representative from MDOT will be here to speak to us about the Stadium Drive Corridor.
- IV. **Neighborhood Business (Old and New):**
  - Mark mentioned that Consumers Power has marked trees, some for removal and some for trimming. A blue "X" is for removal and a blue "dot" is for trimming.
- V. **Public Comments:**
  - Lakeside for Children is having an open house on Sunday, October 4, 2 – 4 pm. They are serving ice cream and have invited the community to come meet the students and leaders, take a tour of the campus, and find out more about the great work that takes place there. 3921 Oakland Drive

### Notes from our Speakers:

**Guest Speakers:** Rebekah Kik, City Planner; Rob Bauckham, Senior Development Planner; Pete Eldridge, Zoning Administrator

**Topic:** Stadium Lighting Ordinance

***\* See attached handouts for complete a summary of the present state of ordinance along with Q&A from previous community meeting***

- Definition of Stadium Lights = Lights that are 25 feet tall or greater.
- History: In 2012 K College built new sports fields, facilities, etc. and was granted special permissions to use lights. It was promised to them at the time that an Ordinance would be in place by 2016. If the Ordinance is not finalized prior to 2016, they can light their football field 20 times per year starting in 2016.
- A committee was formed to work on the Ordinance. It includes personnel from our Neighborhood Association, West Main Hill Neighborhood Association, Stuart Neighborhood, K-College and K-Christian.
  - On August 26, the committee was provided with the proposed Ordinance.
  - The city is taking all comments; they have not yet made any changes to the Ordinance as they are still in the process of collecting comments.
- Rebekah reviewed the methods for the presentation and community feedback - written comments on colored index cards or verbal questions during Q & A at the end of the presentation.
- Rob provided a presentation of the purposes and processes involved in drafting the ordinance. Reviewed draft ordinance and community feedback gathered to this point.

### **Below are the Questions, Answers and Comments from our meeting:**

- Pete Kushner asked for a thumbnail on the difference between variances, rezoning and S.U.P.s for the group's information

- Claus Globig, who lives next to K Christian soccer field, expressed strong opposition to any lighting at K Christian... "When the sun goes down the sports activities should stop." Noise and light would be unacceptable. Neighborhood is nice and quiet and should stay that way.
- Mark Hoffman stated he lives within 300' of K Christian soccer field but more than 300' from football field and stated he was thankful lighting at K Christian was defeated via variance process in 2009. Shared that football field in Hastings suffers from a sea of cars for sports parking at night events; it also suffers from noise and bad behaviors that linger after games. Why can't we say that fields within 700' or 1000' residential properties should not be able to have lights?
- A resident commented, "If the purposes/uses are for the applicant, why would the ordinance permit rentals at all? The neighbors do not want rentals if lighted fields are permitted." Additionally, did not like wording of 'Violations' section. The "may" language in the violations section needs to change to "shall." The current language has no teeth and will not serve anybody well.
- Reid Youngs commented, where would K Christian's fields fall on this chart? Rob responded: under 300' for the closest field (5 times/year per the draft version of the Ordinance to-date).
- Ed Smith asked will this lighting in question be similar to WMU's football field lighting. Rebekah: No, not similar.
- Sandy Bolstad inquired as to who this ordinance would apply to?
  - Rebekah: K Christian; Hackett; K College; private schools, recreational venues; private businesses; etc.
  - If not in a commercial, manufacturing or Institutional Campus Zone, schools or properties would have to re-zone to IC in order for them to be allowed to apply for an SUP to have Stadium Lighting.
    - K Christian and Hackett would have to re-zone.
  - Currently, Public Schools and Public Institutions are exempt from local ordinances (KPS and WMU, for example).
- Billie Netterwald (Fair Oaks St. Resident) stated Winchell will become like Knollwood (undesirable) if the lights are permitted.
- Paul Daniels inquired as to what the city will do when the values of the homes drops because of these changes? He felt the residential property values will drop 15 to 20% and the city will be in financial trouble. Rebekah: this has come up and we had W.E. Upjohn Institute do study on properties in West Main Hill area around K-College fields using SEV. Unfortunately, due to econ down turn and SEV being only good metric to use, results were inconclusive.
- Sandy Bolstad asked why no fines in the violations section? She stated blackout shades do wonders for keeping lights out, but don't help with noise. One cannot get away from the noise from night games. If this noise is near your yard it will be a negative. The city should charge for inspections of such facilities regardless of violations. Pete E. responded: City can charge for costs affiliated with a violation.
  - Cited example: city charges Landlords just to inspect Rentals, even if they have one Rental and even if there are no violations. Why would the city NOT charge the schools for inspecting these facilities? Only seems fair to treat this big venues the same as the Landlords who provide rental housing.
- A resident asked what is the distinction between sports activities and other events such as concerts? What about amplified music affiliated with the sports events? Rebekah reviewed section of draft ordinance on noise.
- Diana Morton-Thompson comments on the size of stadium with lights that K-Christian proposed in 2009 and that this proposal even included cutting into the hillside. Rob: Because this is a city-wide ordinance, we need to think about future owners of properties that may have differing motives from current owners. We cannot focus on our current neighbors and potential applicants; we must focus on a bigger picture than any current neighbor.
- A resident asked does a special use permit stays with the piece of land? Rob: Yes.
- Brian Miller commented the city has in the past not respected home owners...it allowed a residential property to rezone and become a fraternity. This ruined his parent's lives and property values. This homeowner stated that he will NOT buy a property near Angell Field because of the lights..."whatever your property value studies tell you, they do not account for the owners who refuse to purchase in the neighborhood near those lights." The applicants should be making payments to the homeowners for the loss of peaceful use of their homes.
- Billie Netterwald commented the city has shown no concern for the homeowners. The destruction in Knollwood is coming to Winchell at this rate. The planning commission has disrespected the citizens. These rezoning ideas are poison.
- A neighbor commented that Football tends to bring Tailgating. Also mentioned by others was the noise, littering and extra traffic caused by not just these events in general, but also by the associated tailgating.
- Pete Kushner read website questions received: Are there studies from other communities that show impact of stadium lighting on property values? Rebekah: we are open to reviewing any studies other people have located; however, it is difficult to find comparable communities. Jim Hopensperger commented on the property value study he found for Houseman field in G.R. and one for Arlington, Virginia

- The study in Arlington, VA has some suspect methodology, but it showed that homes within one block lost 11% of their value, with a decreasing graduated impact for each block going outward.
- In Grand Rapids, homes in all blocks close to the fields ended up turning into rental homes.
- Next website questions: How did the City come up with the Table? Rebekah: We have looked at over 35 different lighting ordinances and this was our first blush at crafting something that fit Kazoo. Rob: We have received other iterations of the table and are still considering alternatives.
- Next website question: Did the City look at Federal / State regulations when crafting this ordinance? Rebekah: We will be looking in that.
- Claus Globig commented Residential is residential. No variances for lights should be allowed.
- A resident commented that the verbiage needs to be changed from “the city may...” to “the city shall...” The word may makes it optional for the city to do these things and has no teeth.

VI. **Adjournment:** 8:40 pm

Respectfully Submitted,  
Sandy Bolstad, ODWNA Secretary

-Summary of Jim Hopfensperger, WMHNA rep., and Pete Eldridge's Meeting Notes-

Location: Winchell Elementary School Library

Attendance: 24 Citizens / 3 City Staff

Presentation:

- Rebekah reviewed the layout for the presentation and community feedback methods, written comments on colored index cards or verbal questions during Q & A at the end of the presentation.
- Rob provided a presentation of the purposes and processes involved in drafting the ordinance. Reviewed draft ordinance and community feedback gathered to this point.

Q + A:

- Pete Kushner asked for a thumbnail on the difference between variances, rezoning and S.U.P.s for the group's information
- Claus Globig, who lives next to K Christian soccer field, expressed strong opposition to any lighting at K Christian school... "when the sun goes down the sports activities should stop." Noise and light would be unacceptable. Neighborhood is nice and quiet and should stay that way.
- Mark Hoffman stated he lives within 300' of K Christian soccer field but more than 300' from football field and stated he was thankful lighting at K Christian was defeated via variance process in 2009. Shared that football field in Hastings suffers from a sea of cars for sports parking at night events; it also suffers from noise and bad behaviors that linger after games. Why can't we say that fields within 700' or 1000' residential properties should not be able to have lights?
- A resident commented, if the purposes/uses are for the applicant, why would the ordinance permit rentals at all? The neighbors do not want rentals if lighted fields are permitted. Additionally, did not like wording of 'Violations' section. The "may" language in the violations section needs to change to "shall." The current language has no teeth and will not serve anybody well.
- Reid Youngs commented, where would K Christian's fields fall on this chart? Rob responded: under 300' for the closest field (5 times per year).
- Ed Smith asked will this lighting in question be similar to WMU's football field lighting? Rebekah: No, not similar.
- Sandy Boldsted inquired as to who this ordinance would apply to? Rebekah: K Christian; Hackett; K College; recreational venues; private businesses; etc.
- Billie Netterwald (Fair Oaks St. Resident) stated Winchell will become like Knollwood (undesirable) if the lights are permitted.
- Paul Daniels inquired as to what the city will do when the values of the homes drops because of these changes? He felt the residential property values will drop 15 to 20% and the city will be in financial trouble. Rebekah: this has come up and we had W.E. Upjohn Institute do study on properties in West Main Hill area around K-College fields using SEV. Unfortunately, due to econ down turn and SEV being only good metric to use, results were inconclusive.
- Sandy Boldsted asked why no fines in the violations section? She stated blackout shades do wonders for keeping lights out, but don't help with noise. One cannot get away from the noise from night games. If this noise is near your yard it will be a negative. The city should charge for inspections of such facilities regardless of violations. Pete E. responded: City can charge for costs affiliated with a violation.

- A resident asked what is the distinction between sports activities and other events such as concerts? What about amplified music affiliated with the sports events? Rebekah reviewed section of draft ordinance on noise.
- Diana Morton-Thompson comments on the size of stadium with lights that K-Christian proposed in 2009 and that this proposal even included cutting into the hillside. Rob: Because this is a city-wide ordinance, we need to think about future owners of properties that may have differing motives from current owners. We cannot focus on our current neighbors and potential applicants; we must focus on a bigger picture than any current neighbor.
- A resident asked does a special use permit stays with the piece of land? Rob: Yes.
- Brian Miller commented the city has in the past not respected home owners...it allowed a residential property to rezone and become a fraternity. This ruined his parent's lives and property values. This homeowner stated that he will NOT buy a property near Angell Field because of the lights..."whatever your property value studies tell you, they do not account for the owners who refuse to purchase in the neighborhood near those lights." The applicants should be making payments to the homeowners for the loss of peaceful use of their homes.
- Billie Netterwald commented the city has shown no concern for the homeowners. The destruction in Knollwood is coming to Winchell at this rate. The planning commission has disrespected the citizens. These rezoning ideas are poison.
- Pete Kushner read website questions received: Are there studies from other communities that show impact of stadium lighting on property values? Rebekah: we are open to reviewing any studies other people have located; however, it is difficult to find comparable communities. Jim Hopensperger: commented on the study he found for Houseman field in G.R. and one for Arlington, Virginia
- Next website questions: How did the City come up with the Table? Rebekah: We have looked at over 35 different lighting ordinances and this was our first blush at crafting something that fit Kazoo. Rob: We have received other iterations of the table and are still considering alternatives.
- Next website question: Did the City look at Federal / State regulations when crafting this ordinance? Rebekah: We will be looking in that.
- Claus Globig commented Residential is residential. No variances for lights should be allowed.

**DRAFT ORDINANCE**

**OUTDOOR SPORTS/RECREATION/ENTERTAINMENT LIGHTING AND NOISE  
REGULATIONS**

**Chapter 12.3 Definitions and Use Categories**

OUTDOOR SPORTS/RECREATION/ENTAINMENT VENUE – All sports fields, stadiums, recreational, entertainment venue, and related facilities utilizing outdoor lighting for nighttime use of the facilities or using a public address system, where proposed light poles or light support structures exceed twenty-five feet in height.

**Chapter 3.7 Riverfront Overlay**

Add a note in Table 3.7-1 for the “Entertainment and Sports, Spectator – Limited” category indicating that an outdoor sports/recreation/entertainment venue requires a special use permit.

**Chapter 4.1 Use Regulations**

Add a note in the Use Table for the “Entertainment and Sports, Spectator” and “Sports and Recreation, Participant – Outdoor” categories indicating that an outdoor sports/recreation/entertainment venue requires a special use permit.

**Chapter 8.3 D. Special Use Permit**

11. Regulations for Outdoor Sports/Recreation/Entertainment Venues
  - a) Illumination levels. The light levels from all sources on the property and facilities shall not exceed 0.1 foot candles as measured at a height of five feet above the ground surface level at all property lines. Ambient light from sources other than the outdoor sports/recreation/entertainment venue shall be excluded in determining the foot candle levels at property lines. No flashing lights or search lights shall be permitted at any time.
  - b) Shielding and glare. All light sources for all light fixtures shall contain opaque hood shielding (louvers, shields, or similar devices) to direct the illumination downward at no greater than a forty-five degree angle from the pole or other light support structure, and must be aimed so that their beams are directed toward and fall within the playing field. The shielding design shall incorporate the most up to date technology for controlling

light spill and direction at the time of installation and any subsequent renovation of the lighting system.

- c) Pole location. All light poles or light support structures shall be located a distance from adjacent property lines equal to no less than the vertical height of the pole/structure and light fixture.
- d) Timing for use of lights. With the exception of pedestrian pathway and parking lot lighting, no outdoor sports/recreation/entertainment lighting shall be illuminated after 9:00 p.m. Sunday through Thursday, or after 11:00 p.m. on Friday and Saturday. Lighting for practices for sporting events or rehearsals for entertainment events shall not be illuminated after 9:00 p.m. on any day.
- e) Rental of outdoor sports/entertainment venues. The rental or use of an outdoor sports/recreation/entertainment venue by a group or individual other than the owner or operator of the facility may include use of the outdoor lighting. The total number of uses of the lighting for a given year, whether by the owner/operator or other group/individual, may not exceed what is allowed for the site in Table 8.3.2.
- f) Pole height and illumination intensity. Light pole heights and lighting levels for outdoor sports/recreation venues shall not exceed the standards set forth by the Illuminating Engineering Society of North America (IESNA) found in publication “RP-6-15 Sports Lighting: Recommended Practice for Sports and Recreational Area Lighting,” as amended. Light levels for outdoor entertainment venues shall meet the requirements of sub-section a) of this chapter.
- g) Annual use schedule for lights. On or about March 1 of each year, the proposed use schedule for the outdoor sports/recreation/entertainment venue lights for the next 12 months shall be provided by the owner or operator of the premises to the City of Kalamazoo. The City shall provide the schedule to all neighborhood associations located within a one-half-mile radius of the venue, and shall place a copy of the schedule on the web site maintained by the City. The use schedule shall conform to Table 8.3 2. From time to time, the City of Kalamazoo may conduct a review of the premises for compliance with these regulations.
- h) Noise levels for outdoor sports/recreation/entertainment venues. The speakers for public address systems for outdoor sports and recreation facilities shall be directed away from adjacent residential areas and shall

utilize the most advanced technology available for controlling sound volume, direction and acoustics at the time of installation and any subsequent renovation of the system to minimize the noise impact on surrounding residences. Public address systems and amplified music shall not be used during sports/recreation practices. With the exception of spectator noise, public address system announcements and non-amplified music, non-ambient noise emanating from any other source on the property during sports/recreation events shall not exceed the noise limitations generally set forth in the Kalamazoo Code of Ordinances. Noise levels emanating from outdoor entertainment facilities or from outdoor entertainment events held at sports/recreation facilities shall not exceed the noise limitations generally set forth in the Kalamazoo Code of Ordinances.

- i) Violations. If any of the above standards are violated at any time and such violation is verified, the City Planner shall issue a written warning to the owner/operator of the venue. If a second violation occurs within 12 months of the first violation and is verified, the City Planner shall issue a second written warning to the owner/operator of the venue and may reduce the number of approved uses of the outdoor lighting for the venue by one. Such reduction shall depend on the severity of the second violation. If a third violation occurs within 12 months of the second violation and is verified, the matter shall be brought before the Planning Commission for review. Following the review and if credible evidence is provided that a third violation occurred, the Planning Commission may take action to suspend the use of the outdoor lighting or public address system for 6 months. If additional violations occur and are verified, the Planning Commission may take action to suspend the use of the outdoor lighting or public address system for 12 months, or may revoke the special use permit and terminate use of the lights or public address system.
- j) Application requirements. In making application for a special use permit under this section, the applicant shall provide written evidence, including photometric plans, design plans for public address and other sound systems, graphic representations, and other support documentation to demonstrate that all of the above conditions will be met.



**Table 8.3.2 Use of Outdoor Sports/Recreation/Entertainment Lighting**

**Distance from stadium/rec./entertainment lights to nearest residential property line**

**Number of uses allowed per year**

300 feet or less	5
Between 301 and 500 feet	10
Between 501 and 700 feet	20
Between 701 and 1,000 feet	25
Between 1,001 and 1,250 feet	30
1,251 or more feet	40

Notes: All measurements shall be in whole feet, with partial measurements rounded down to the nearest whole foot (i.e. 300'11" = 300'), and taken from the base of the light that is closest to the nearest residential property line. Number of uses includes all games, events, and practices/rehearsals.

August 20, 2015