

## **PLANNING COMMISSION**

**January 22, 2009**

The City of Portage Planning Commission meeting of January 22, 2009 was called to order by Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Five citizens were in attendance.

### **MEMBERS PRESENT:**

James Cheesebro, James Pearson, Miko Dargitz, Paul Welch, Kerry Hettinger, Cory Bailes and Chairman Thomas Fox.

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Richard Yonke and Nancy Vander Roest.

### **IN ATTENDANCE:**

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner and Randy Brown, City Attorney.

### **PLEDGE OF ALLEGIANCE:**

The Planning Commission, staff and audience recited the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

Chairman Fox referred the Commission to the December 18, 2008 meeting minutes. Chairman Fox indicated that he and Commissioner Pearson would be abstaining since they were both not present at the meeting. A motion was then offered by Commissioner Cheesebro, seconded by Commissioner Bailes, to approve the minutes as submitted. The motion was approved 5-0-2 with Commissioner Pearson and Chairman Fox abstaining.

### **SITE/FINAL PLANS:**

1. Amended Site Plan: Kendall Electric, 5101 South Sprinkle Road. Mr. Forth summarized the staff report dated January 22, 2009 regarding a request by Kendall Electric to amend the previously approved site plan. Mr. Forth indicated that the October 16, 2008 Planning Commission approval included construction of an approximate 98,000 square foot industrial building and associated site improvements on a 20 acre tract of land located within the City of Portage and Pavilion Township: Approximately six acres of the 20 acre zoning lot and 22,300 square feet of the proposed building were located within the City of Portage. Since the October 2008 site plan approval, Mr. Forth stated that Kendall Electric has considered other site design options and decided to move the entire building and off-street parking areas into Pavilion Township. Mr. Forth indicated the amended site plan now identifies only the following site improvements within the City of Portage: two access drives from South Sprinkle Road, a storm water infiltration basin for the building roof, a sanitary sewer lead and a portion of the City of Kalamazoo public water main.

Mr. Forth stated that access to the site will be provided from two full service driveways from South Sprinkle Road, which is under the jurisdiction of the Kalamazoo County Road Commission. Mr. Forth indicated that a cross access connection to the adjacent parcel to the south (5225 South Sprinkle Road) is also identified on the amended site plan. Mr. Forth also indicated that approximately 380 feet of City of Kalamazoo water main which is proposed to be located along the west side of the building will be situated 10-feet inside the City of Portage corporate boundary. Since no franchise agreement currently exists in this area of Portage that allows the City of Kalamazoo to provide water service, Mr. Forth stated that this water main is for the exclusive use of Kendall Electric. Mr. Forth indicated that the standard affidavit involving cross access and exclusive use of the water main will be prepared and recorded with the Kalamazoo County Register of Deeds.

Mr. Jim Treadwell of Kendall Electric was present to support the plan. Mr. Treadwell stated the primary reason for shifting the building and parking completely into Pavilion Township was based on costs associated with available water supply and Fire Code requirements. No citizens were present to speak regarding the amended site plan. A motion was made by Commissioner Cheesebro, seconded by Commissioner Welch, to approve the Amended Site Plan for Kendall Electric, 5101 South Sprinkle Road. The motion was unanimously approved.

2. Portage Pharmacy, 7966 Lovers Lane – sidewalk waiver. Mr. West summarized the staff report dated January 22, 2009. Mr. West indicated the site plan for the Portage Pharmacy development at 7966 Lovers Lane, which included an approximate 1,100 square foot addition along the north side of the former Kalsee Credit Union building and associated site improvements, was administratively approved on October 10, 2008. Mr. West stated the approved site plan includes construction of a five-foot wide concrete sidewalk along the Lovers Lane frontage. Since the administrative approval of the site plan and during construction of the project, Mr. West indicated the applicant has reconsidered installing the sidewalk and is requesting Planning Commission consideration of a sidewalk waiver. Mr. West referred the Commission to a January 12, 2009 correspondence from Mr. Larry Curtis, owner of Portage Pharmacy, which cites several reasons in support of the requested sidewalk waiver including lack of immediate connectivity, potential liability and costs/financing issues. Mr. West stated it was staff's opinion that sidewalk installation along Lovers Lane was appropriate at this location.

The Commission and staff discussed various issues including other recent development projects along Centre Avenue which installed sidewalk and/or received waivers, surrounding land use/zoning pattern and potential future development, existing sidewalk along East Centre Avenue and the existing multi-purpose trail along the east side of Lovers Lane. Mr. Larry Curtis of Portage Pharmacy was present to support the sidewalk waiver. Mr. Curtis discussed his concerns regarding sidewalk installation along Lovers Lane including obstacles in the path of the sidewalk, grades, subsurface soils, liability and associated costs. Mr. Curtis stated that he did not believe sidewalk installation along Lovers Lane made sense until sidewalk was installed further north.

The Commission, staff and Attorney Brown discussed alternatives which would allow for sidewalk installation at some future date. Attorney Brown indicated the Commission could structure an alternative approval as long as the requirement for when sidewalk installation was required was clearly defined. Mr. Forth stated that deferred sidewalk installation was not a preferred method. After additional discussion, a motion was made by Commissioner Pearson, seconded by Commission Welch, to uphold the Director's decision to require sidewalk installation along the Lovers Lane frontage of the Portage Pharmacy development at 7966 Lovers Lane with a temporary waiver to install sidewalk until such time that any portion of the property situated north to Garden Lane develops with sidewalk. Once property to the north develops with sidewalk, the property owner is given one construction season to install the sidewalk. It is understood that this approval runs with the property and an affidavit which describes this commitment will be prepared and recorded with the Kalamazoo County Register of Deeds. Upon a roll call vote: Bailes (yes), Dargitz (yes), Hettinger (yes), Cheesebro (yes), Fox (yes), Welch (yes) and Pearson (yes), the motion was unanimously approved.

**PUBLIC HEARINGS:**

None.

**PLATS/RESIDENTIAL CONDOS:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. Land Development Regulation amendments. Mr. Forth summarized the staff report dated January 12, 2009 regarding the recently enacted Michigan Planning Enabling Act and Michigan Zoning Enabling Act and related amendments to the City of Portage Land Development Regulations which are necessary. Mr. Forth briefly reviewed the various sections of the Land Development Regulations which were proposed for amendment and stated that a public hearing for formal consideration of these amendments was scheduled for February 19, 2009.

The Commission discussed the various amendments and whether the item needed to be scheduled for further discussion at the February 5<sup>th</sup> meeting. After a brief discussion, the Commission determined that additional discussion was not needed prior to the scheduled public hearing on February 19, 2009.

**STATEMENT OF CITIZENS:**

Ms. Barbara Karn (15125 Jimmy Drive, Vicksburg, Michigan) spoke in regard to the Planning Commission process. Ms. Karn stated she was a student at Kalamazoo Valley Community College and was attending the Planning Commission meeting to observe the planning process for a government class. Ms. Karn indicated that she was impressed with the Commission and how the meeting was conducted. Chairman Fox thanked Ms. Karn for attending the meeting. Mr. Forth offered to meet with Ms. Karn during the week to further discuss planning activities within the City of Portage.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Christopher T. Forth, AICP  
Deputy Director of Planning and Development Services