

PLANNING COMMISSION

March 19, 2009

The City of Portage Planning Commission meeting of March 19, 2009 was called to order by Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Nine citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Richard Yonke, Kerry Hettinger and Nancy Vander Roest

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner; and Randall 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 March 5, 2009 meeting minutes. A motion was offered by Commissioner Cheesebro, seconded by Commissioner Welch, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Special Land Use Permit: Cristy Cate (group day care home), 1225 Brent Avenue. Mr. West summarized the staff report dated March 12, 2008 regarding a request by Ms. Cristy Cate to continue to operate a group day care home at her residence located at 1225 Brent Avenue. Mr. West stated that the Planning Commission approved a special land use permit for Ms. Cate (previously Ms. Obermesik) at 7713 Arborcrest Street on May 15, 2008. In November 2008, Mr. West indicated that Ms. Cate moved to 1225 Brent Avenue where she has continued to operate her group day care home. Mr. West reviewed the Zoning Code requirements for a group day care home and stated the application fulfills requirements for issuance of a Special Land Use Permit with one exception related to the proximity to another licensed group day care home. Mr. West stated the Zoning Code requires a lot containing a group day care home not be located within 500 feet (measured from nearest property line) and 1,500 feet (measured as a traveled distance along public streets) from another licensed group day

care home, adult foster care home or other similar use. Mr. West indicated an existing group day care home is located at 6217 Avon Street, approximately 900 feet to the south, measured along a traveled distance. In considering applications where separation requirements are not satisfied, Mr. West stated the Zoning Code allows the Planning Commission to waive this requirement. Mr. West indicated that the two group day care homes have coexisted since November 2008 and no complaints or documented code violations have been received by the Community Development Department.

Ms. Cristy Cate was present to support the request. The public hearing was opened by Chairman Fox. Four citizens spoke in regard to the proposed group day care home: Judy Stopa (6118 Avon Street), Joe Mihelich (6101 Avon Street), Cristy McKenzie (6109 Avon Street) and Deb Mihelich (6101 Avon Street). Ms. Stopa presented documentation from the State of Michigan web site regarding the previous group day care home Ms. Cate operated at 7713 Arborcrest Street and expressed concerns regarding the fencing and appearance of the backyard, safety of the children and licensing process. Mr. Mihelich expressed concerns regarding the number of day care homes in the neighborhood and asked that a 6-foot tall screening fence be required around the backyard, if the application was approved. Ms. McKenzie expressed concerns with the appearance of the backyard from Avon Street and adjacent residences. Ms. Mihelich stated that she prefers no group day care home at this location but if approved by the Commission, requested a 7-8 foot tall screening fence be installed around the backyard area. No additional citizens spoke regarding the proposed group day care home. A motion was made by Commissioner Welch, seconded by Commissioner Cheesebro, to close the public hearing. The motion was unanimously approved.

The Commission discussed issues associated with the application including the separation requirement between group day care homes, screening of the outdoor play area and related neighborhood impacts. Attorney Brown provided guidance to the Commission regarding the ordinance requirements for a group day care home and the criteria the Commission should focus on during deliberation. Attorney Brown indicated that the Commission should consider land use based issues, while the licensing and operational aspects of the group day care home including the care of the children is under the purview of the State of Michigan. Mr. West provided background information regarding the state licensing process and summarized recent telephone conversations with the State of Michigan licensing representative, Ms. Carol Mullen, regarding the status of the State approval. Mr. West indicated that the State of Michigan was ready to issue the group day care home license, subject to Planning Commission approval.

After additional discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Cheesebro, to approve the Special Land Use Permit for Ms. Cristy Cate (group day care home), 1225 Brent Avenue, with a waiver from the separation requirements set forth in Section 42-182(I)(1) and subject to installation of a 6-foot tall opaque screening fence along the north, south and east perimeter of the backyard and west side of the garage to screen the outdoor play area. The motion also included a requirement that the existing 4-foot tall chain-link fence be removed and the new 6-foot tall opaque screening fence be installed within 60 days (May 18, 2009) with the vertical and horizontal supports of the fence facing inward. The motion also included a finding that the group day care home meets the ordinance criteria for issuance of a Special Land Use Permit and the requirement for a 6-foot tall opaque screening fence was determined to be necessary to mitigate and/or avoid potential adverse impacts on surrounding properties. Upon a roll call vote: Welch (yes), Fox (yes), Cheesebro (yes), Pearson (yes), Dargitz (yes) and Bailes (yes), the motion was approved 6-0.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

<p>7:50 p.m. The Commission took a short recess and reconvened the meeting in Conference Room 1 at 7:55 p.m. to discuss the 2009-2019 Capital Improvement Program.</p>
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2009-2019 Capital Improvement Program. Mr. Forth indicated an overview of the 2009-2019 Capital Improvement Program (CIP) was provided during the March 5, 2009 meeting and asked if the Commission had any additional questions or comments regarding the document. The Commission and staff briefly discussed several issues related to proposed CIP projects including the timing of the City Centre Area Improvements, funding sources for street related projects and cost sharing between the City of Portage and Portage Public Schools for sidewalk and roadway improvements related to ongoing school construction projects. After additional discussion, a motion was made by Commissioner Cheesebro, seconded by Commissioner Welch, to recommend to City Council approval of the 2009-2019 Capital Improvement Program. The motion was unanimously approved.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

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