

PLANNING COMMISSION

November 19, 2009

The City of Portage Planning Commission meeting of November 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. Eight citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Jim Pearson, Rick Bosch and Wayne Stoffer

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Randall Brown, City Attorney; and Terry Novak, Deputy Director of Building Services

PLEDGE OF ALLEGIANCE:

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

APPROVAL OF MINUTES:

Chairman Fox referred the Commission to the November 5, 2009 meeting minutes. A motion was made by Commissioner Cheesebro, seconded by Commissioner Welch, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Site Plan for Fifth-Third Bank, 2610 East Centre Avenue. Mr. Forth summarized the staff report dated November 19, 2009 involving a site plan to construct an approximate 4,300 square foot bank building. Mr. Forth indicated the site plan expires on November 21, 2009 and, as a result, 5/3 Bank is requesting the site plan be re-approved. Mr. Forth indicated the Fifth-Third Bank project represents the first building within the Centreport Commons commercial development.

Mr. Craig Hondorp, Progressive AE, was present to support the plan. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Cheesebro, to re-approve the Site Plan for Fifth-Third Bank, 2610 East Centre Avenue. The motion was unanimously approved.

PUBLIC HEARINGS:

1. Special Land Use Permit: Erin Bartels, 2535 Radcliffe Avenue, Group child care home. Mr. Forth summarized the staff report dated October 30, 2009 regarding a request by Ms. Erin Bartels to establish a group child care home for up to 12 children at her residence located at 2535 Radcliffe Avenue. Ms. Bartels is currently in the process of finalizing a group child care home license with the State of Michigan, pending Planning Commission review/approval.

The applicant, Ms. Bartels was present to answer questions pertaining to the request. Ms. Bartels informed the Commission that she lost the person who planned to assist her with child care. As a result, the State of Michigan will not issue her a license to operate a group child care home without at least one additional person to assist with the child care. Chairman Fox asked if Ms. Bartels wants to withdraw the application. Ms. Bartels indicated that since she has paid the review fee and she may find another person to assist, she does not want to withdraw the request. Mr. Forth stated the special land use approval is valid for a period of six months.

Mr. Dennis Menz, 9860 Oak Forest Circle, Kalamazoo, spoke on behalf of the resident that resides at 2525 Radcliffe Avenue. Mr. Menz opposed issuance of the special land use permit citing concerns involving noise, traffic and operation of a commercial use in a residential area. Al Van Kampen, 6908 Cypress, asked that no play equipment be allowed in the front yard area. Attorney Brown stated the Planning Commission could impose such a condition. There being no further public comment, a motion was made by Commissioner Welch, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved.

Attorney Brown stated that there are only six Planning Commissioners present and five affirmative votes are needed to approve the special land use permit. Attorney Brown also clarified that the proposed group child care home is not a commercial use in a residential area. It is a use permitted subject to conditions and if it meets all conditions, the use must be approved.

There being no further discussion, a motion was offered by Welch, seconded by Bailes, to approve the special land use permit for Ms. Erin Bartels, 2535 Radcliffe Avenue, to establish a group child care home for up to 12 children subject to installation of a six foot high screening fence around the rear yard area. There was discussion on the motion including State of Michigan approval of the day care license, suitability of the existing fence along the south and west property lines, need for a screening fence between the house and side property lines and orientation of the screening fence vertical and horizontal supports. Based on the discussion, the motion was amended by Welch and supported by Bailes to approve the special land use permit for Ms. Erin Bartels, 2535 Radcliffe Avenue, to establish a group child care home for up to 12 children subject to installation of a six foot high screening fence along the east property line with the vertical and horizontal supports facing towards the rear yard of 2535 Radcliffe Avenue, approval of the State of Michigan group child care home license and staff be contacted when the applicant begins to operate the group child care home. Upon a roll call vote: Cheesebro (yes); Bailes (yes), Patterson (yes), Welch (yes), Fox (yes), Dargitz (yes). The motion was approved 6-0.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Ordinance Amendment 09-a, Floodplain Management Regulations. Mr. Forth stated the Flood Insurance Study Base Flood Elevation update for the City of Portage has been completed and the city must now adopt revised flood plain management regulations as required by the Federal Emergency Management Agency (FEMA). Mr. Forth indicated staff has been in contact with the Floodplain Engineer with the Michigan Department of Environmental Quality (MDEQ) regarding alternatives to ensure compliance with the NFIP regulations. The MDEQ is recommending Michigan communities adopt Appendix G of the 2006 Michigan Building Code for flood plain management purposes. Department staff and the City Attorney concluded Appendix G will effectively regulate proposed development activities within the floodplain and are recommending the Flood Hazard Areas Ordinance

(Sections 42-320 to 42-330, Article 4, Division 4, Subdivision 9 of the Zoning Code) be repealed and Article 8, Section 42-991 be updated to include Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency and adopt Appendix G, Flood Insurance Study and Flood Insurance Rate Maps.

Mr. Terry Novak, Deputy Director of Building Services was also present to explain the proposed ordinance amendment. Mr. Novak indicated the State of Michigan is strongly encouraging Michigan communities to adopt Appendix G in an effort to unify/standardize floodplain regulations throughout the state. Commissioner Dargitz indicated she believes the current Flood Hazard Areas Ordinance contained in the Zoning Code is clearer and more restrictive than Appendix G and would, therefore, be consistent with NFIP minimum requirements. Staff discussed with Commissioner Dargitz the similarities and inconsistencies between Appendix G and the Flood Hazard Areas Ordinance, other communities that have adopted Appendix G, inconsistency issues associated with maintaining two regulations (Zoning Code and Appendix G) to manage floodplain activities and adopting Appendix G with amendments. Commissioner Welch stated Appendix G should be adopted without amendments for clarity and consistency purposes.

Mr. Forth stated that staff would consider the comments made during the meeting and provide additional information to the Planning Commission in advance of the December 3, 2009 public hearing.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

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