

PLANNING COMMISSION

December 17, 2009

The City of Portage Planning Commission meeting of December 17, 2009 was called to order by Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

MEMBERS PRESENT:

Jim Pearson, Rick Bosch, Wayne Stoffer, Cory Bailes, James Cheesebro, Bill Patterson, Paul Welch and Chairman Thomas Fox.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Miko Dargitz.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Terry Novak, Deputy Director of Neighborhood 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 December 3, 2009 meeting minutes. A motion was made by Commissioner Cheesebro, seconded by Commissioner Bailes, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Final Plan: Oakland Hills Condominiums (Phase II), 8716 Oakland Drive. Mr. West summarized the staff report dated December 11, 2009 involving the final plan submitted by American Village Development to construct Phase II of the Oakland Hills Condominium planned development. Mr. West stated the final plan for Phase II proposes construction of 30 attached single-family residential units (15 two-unit buildings), extension of the interior private street network and associated site improvements. Mr. West indicated the final plan for Phase II has been designed in substantial conformance with the 2006 approved tentative plan amendment and Section 42-375.H (Standards for final plan) of the Zoning Code.

Mr. Jack Gesmundo of American Village Development was present to support the application. Mr. Gesmundo distributed a schematic drawing of the overall project area and provided a brief history of the PD, planned development rezoning and development project to date. Mr. Gesmundo discussed the economy and market conditions and the impact it has had on the original construction schedule. The public hearing was then opened by Chairman Fox. No citizens were present to speak regarding the development project. A motion was then made by Commissioner Cheesebro, seconded by Commissioner Welch, to recommend to City Council that the Final Plan for Oakland Hills Condominiums (Phase II), 8716 Oakland Drive, be approved. The motion was unanimously approved.

PUBLIC HEARINGS:

1. Final Report: Ordinance Amendment 09-A, Flood Hazard Management Regulations. Mr. Forth summarized the final staff report dated December 11, 2009. Mr. Forth discussed the State of Michigan model ordinance and inconsistencies/ambiguities which exist in the current ordinance. Mr. Forth discussed the National Flood Insurance Program (NFIP), Community Rating System (CRS) and indicated the City of Portage rating would not change with the proposed ordinance modifications. After consultation with the City Attorney, staff is advising that the Planning Commission recommend to City Council the following ordinance modifications: 1) Adopt Appendix G, Flood Insurance Study and Flood Insurance Rate Maps, updating Article 8, Section 42-991 consistent with the State Construction Code and inserting Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency; 2) Repeal the Flood Hazard Areas Ordinance (Sections 42-320 to 42-330, Article 4, Division 4, Subdivision 9 of the Zoning Code); and 3) Repeal Section 42-162(D)(1)(2), Flood Boundaries.

The public hearing was reconvened by Chairman Fox. No citizens spoke in regarding to the proposed ordinance modifications. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved. A motion was then made by Commissioner Bailes, seconded by Commissioner Welch, to recommend to City Council the following ordinance modifications: 1) Adopt Appendix G, Flood Insurance Study and Flood Insurance Rate Maps, updating Article 8, Section 42-991 consistent with the State Construction Code and inserting Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency; 2) Repeal the Flood Hazard Areas Ordinance (Sections 42-320 to 42-330, Article 4, Division 4, Subdivision 9 of the Zoning Code); and 3) Repeal Section 42-162(D)(1)(2), Flood Boundaries. Commissioner Pearson stated that he supports items 1 and 3 in the motion, however, opposes item 2 and repealing of Sections 42-320 to 42-330. Commissioner Pearson stated that Sections 42-320 to 42-330 are very specific in the type of buildings which are allowed in the floodplain and does not believe the ordinance language is confusing. After a brief discussion and a roll call vote: Bosch (yes), Cheesebro (yes), Welch (yes), Stoffer (yes), Patterson (yes), Fox (yes), Pearson (no) and Bailes (yes), the motion was approved 7-1.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

7:25 p.m. The Commission took a short recess and reconvened the meeting in Conference Room No. 1 at 7:30 p.m. to discuss proposed amendments to the sign ordinance regulations and home occupation regulations.

1. Ordinance Amendment 09-B, Sign Ordinance Regulations. Mr. Forth summarized the staff report dated December 12, 2009 regarding proposed amendments to Sections 42-545(B), 42-550(A) and 42-551(A) of the sign regulations. Mr. Forth explained that changes to Section 42-545(B) were intended to address inconsistencies which occurred during the 2003 Zoning Code update and to standardize sign regulations for

non-residential uses allowed in the residential zoning districts. Mr. Forth stated that changes to Section 42-550(A) and 42-551(A) were intended to clarify the statement "...with a minimum sign size of 32 square feet..." and clearly indicate that a variance from the Zoning Board of Appeals was not necessary if a smaller sign is desired, and, the maximum sign size for a lot less than 80-feet wide was 32 square feet.

The Commission and staff discussed the proposed increase in sign size for non-residential uses in the residential zoning districts and church sites which have recently requested variances from this standard. After additional discussion, Mr. Forth stated a public hearing would be scheduled for the January 7, 2010 meeting.

2. Proposed Home Occupation Ordinance Amendment. Mr. Forth summarized the staff report dated December 11, 2009 regarding proposed modifications to the home occupation regulations. Mr. Forth discussed comments received by the Planning Commission during the November 5, 2009 meeting and staff responses to these various issues. Mr. Forth referred the Commission to the revised ordinance amendment included in the agenda packet and asked for additional Commission comments.

The Commission and staff discussed the revised ordinance language and the requirement for location of active home occupations on major thoroughfares, possible inclusion of distance requirements between active home occupations (similar to group child care homes) and the establishment of fruit/vegetable stands and the Right to Farm Act. After additional discussion, Mr. Forth stated a public hearing would be scheduled for the January 7, 2010 meeting.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

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