

PLANNING COMMISSION

March 4, 2010

The City of Portage Planning Commission meeting of March 4, 2010 was called to order by Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately ten citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Jim Pearson and Rick Bosch.

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 the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Fox referred the Commission to the February 18, 2010 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. Site Plan: Portage Animal Hospital, 8037 Portage Road. Mr. West summarized the staff report dated March 4, 2010 involving a site plan submitted by Portage Road Investments LLC to construct a new, approximate 5,700 square foot veterinary hospital building and associated site improvements at 8037 Portage Road. Mr. West stated representatives of Portage Road Investments and Treystar Holdings have agreed on a shared/cross access arrangement consistent with the City of Portage Access Management Ordinance and previously approved CentrePort Commons site plan. Mr. West indicated access for the Portage Animal Hospital site is planned to connect at two locations to the CentrePort Commons "B" Drive located to the north with direct access to Portage Road through a right-in/right-out driveway. Mr. West stated connection to "B" Drive would also provide customers and employees of the Portage Animal Hospital access to the CentrePort Commons full service driveway further south on Portage Road and a right-in/right-out driveway and a full service driveway on East Centre Avenue.

Dr. Andrew Helmholdt and Mr. Steve DeBold of Chester, Inc. (applicant's architect) were present to support the site plan. Dr. Helmholdt confirmed that a shared/cross access agreement had been reached with Treystar Holdings. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Bailes, to approve the site plan for Portage Animal Hospital, 8037 Portage Road, subject to closure of the northernmost driveway with the final phase of construction and demolition of the existing veterinary hospital building and closure of the southernmost driveway when "B" Drive and other common

drives located within the adjacent CentrePort Commons project have been constructed in accordance with the approved site plan. The motion was unanimously approved.

PUBLIC HEARINGS:

1. Final Report: Rezoning Application 09-01, Greenspire Planned Development (West Centre Avenue and Greenspire Drive). Mr. Forth summarized the final report dated February 26, 2010 regarding the PD, planned development rezoning application submitted by American Village Builders and The Hinman Company to facilitate additional multiple family residential development and retail/office land use along West Centre Avenue. Mr. Forth summarized the tentative plan, overall development density modification request and Zoning Code requirements in the PD district. Mr. Forth also reviewed with the Commission Phase IV building setbacks, Phase V building setbacks/orientation and screening adjacent to the single family residences along Shirley Court/Tozer Court, inclusionary zoning and neighborhood/environmental considerations. Mr. Forth indicated staff was recommending approval of the PD rezoning and tentative plan subject to the seven conditions identified in the February 26th staff report. Additionally, Mr. Forth referred the Commission to the final agenda material and e-mail communications received earlier in the day from Mr. Bill Schmidt, Michigan Department of Natural Resources and Environment (MDNR-E), responses from staff and the applicant and a March 3, 2010 letter from Ms. Carol Long of Bronson Properties regarding signalization of the West Centre Avenue/Cooley Drive intersection.

Mr. Greg Dobson of American Village Builders was present to explain and support the project. Mr. Dobson provided a summary of changes that have been made since the February 18th meeting. Mr. Dobson distributed a revised tentative plan that provided additional screening/landscaping adjacent to the single family residences on Shirley Court/Tozer Court within Phase V. Mr. Dobson summarized recent meetings with adjacent Shirley Court/Tozer Court residents regarding Phase V of the apartment development and also a recent meeting with Ms. Carol Long regarding signalization of the West Centre Avenue/Cooley Drive intersection. Mr. Dobson reviewed ownership, easement and maintenance issues associated with Shirley Court and indicated all new apartment buildings will be sprinkled and will meet applicable Fire Code and Building Code requirements. Finally, Mr. Dobson briefly discussed the e-mail communications from Mr. Bill Schmidt, MDNR-E and stated the 450-foot safety zone was a State law intended to protect adjacent private property owners from hunting activities and discharge of firearms. The safety zone is not intended to establish larger setback requirements that reduce private property values.

The Commission, staff and applicant discussed various issues including the enhanced screening proposal for Phase V apartments, Phase IV apartment building setbacks, the MDNR-E e-mails expressing concerns about trespassing, 450-foot safety zone, and PD ordinance requirements. The public hearing was reconvened by Chairman Fox. Three citizens spoke during the public hearing: 1) Mr. Terry Hall (8621 Shirley Court), 2) Dr. Russell Mohny (3500 Vanderbilt Avenue) and 3) Ms. Gloria Olson (3411 Fawn Cove). Mr. Hall thanked the applicant for meeting with him and providing additional screening between his residence and the Phase V apartments but was still concerned with the height and proximity of the apartment buildings. Mr. Hall indicated that he was the closest house to the proposed apartments and asked that consideration be given to reducing the building height. Dr. Mohny expressed concern regarding the notice provided to the State of Michigan and stated he believes the largest neighbor to the development should be given the opportunity to provide comments and guidelines regarding the project. Dr. Mohny also expressed concern regarding the proposed 15-foot setback for the apartment buildings in Phase IV and impacts on the adjacent State land. Ms. Olson expressed concerns regarding the loss of habitat and wildlife disturbance with the proposed Phase V apartments and hunters on the adjacent State Game Area discharging firearms within the safety zone. Mr. Forth restated that public notice was provided to the State of Michigan, along with supplemental telephone conversations with representatives of the MDNR-E. Mr. Forth reaffirmed that proper notice was provided and the MDNR-E has had sufficient time to comment and respond. Mr. Forth also indicated that signing of safety zones on State property was the responsibility of the MDNR-E. No additional citizens spoke during the public hearing. A motion was then made by Commissioner Bailes, seconded by Commissioner Cheesebro, to close the public hearing. The motion was unanimously approved.

Based on the information presented, the Commission, staff and the applicant further discussed impacts of the Phase V apartments on the adjacent single family residences, MDNR-E notice and e-mail communications received, hunting on the adjacent State Game Area property and the 450-foot safety zone, the PD ordinance standard of 7.0 units/acre overall development density standard and the requested modification to allow 8.45 units/acre. Commissioner Dargitz and Commissioner Stoffer expressed concern with the overall development density of 8.45 units/acre proposed by the developer and the PD ordinance criteria for issuance of modifications from this standard. Commissioner Dargitz also suggested the developer reduce the height of the two apartment buildings located closest to Mr. Hall's property to two-stories, instead of the proposed three-stories. Mr. Forth stated the proposed apartment development density is consistent with the existing three phases of Greenspire. Mr. Forth also discussed the existing RM-1 zoning and corresponding development densities that are allowed under this designation. Mr. West discussed the benefits of the PD district and the flexibility that is afforded both the developer and the city when reviewing the rezoning/tentative plan. Mr. West stated the proposed Greenspire PD results in a more desirable development layout, than the existing RM-1 district, with increased building setbacks and enhanced screening provisions adjacent the single family residences along Shirley Court and Tozer Court. Mr. West also indicated the proposed Greenspire PD is consistent with Comprehensive Plan and Future Land Use Map designations.

After additional discussion of the PD ordinance criteria for the modification of a development standard, a motion was made by Commissioner Bailes, seconded by Commissioner Cheesebro, to recommend to City Council that Rezoning Application #09-01, Greenspire Planned Development (West Centre Avenue and Greenspire Drive) be approved subject to the following conditions

1. Development standards such as density, open space, building setbacks, building orientation, screening/landscaping, etc. be established as indicated in the tentative plan received on March 4, 2010 and written narrative dated February 23, 2010.
2. The modification from the 7.0 units/acre density standard be approved, with the further requirement that development density of the apartment portion of the project be a maximum of 8.45 units/acre (708 units on 83.74 acres).
3. No beach facility, additional boat docks or other accesses to Hampton Lake be permitted.
4. Details regarding screening/landscaping enhancements between Phase V of the apartment portion of the development and adjacent single family residences located along Shirley Court and Tozer Court be finalized with submittal of the final plan for this phase of the project.
5. Design and configuration of proposed access drives and interconnection, including any changes to Shirley Court and Tozer Court and possible signalization of the West Centre Avenue/Cooley Drive intersection, be finalized with submittal of the final plan for the applicable phase of the project.
6. MDNRE approvals/permits involving the wetland or other environmentally sensitive areas be submitted with the final plan for the applicable phase of the project, if required.
7. If no final plan is submitted for acceptance within two years following the change in zoning, the process to rezone (or extend the PD classification) be initiated pursuant to the ordinance.

After a brief discussion of the motion, a subsequent motion was made by Commissioner Dargitz, seconded by Commissioner Stoffer, to postpone further consideration of the motion involving Rezoning Application #09-01 until the March 18, 2010 meeting to allow MDNR-E staff to attend the meeting and explain their concerns expressed in their e-mails. Upon a roll call vote: Patterson (no), Bailes (no), Fox (no), Cheesebro (no), Dargitz (yes), Stoffer (yes) and Welch (no). The motion failed 2-5. The Commission discussed an amendment to the original motion that would provide a rationale for the requested development density modification. An amendment to the original motion was then offered by Commissioner Bailes, seconded by Commissioner Cheesebro, to include a finding that the requested development density modification of 8.45 units/acre is coherent with the existing Greenspire development. Upon a roll call vote: Welch (yes), Stoffer (no), Dargitz (no), Cheesebro (yes), Fox (yes), Bailes (yes) and Patterson (yes), the amendment to the original motion was approved 5-2. Commissioner Stoffer stated he would not be supporting the original motion, as amended, and does not believe the Planning Commission can recommend to City Council an overall development density that exceeds the 8.23 units/acre density present on the existing Greenspire Development. Commissioner Dargitz concurred. After a brief discussion, the original motion (as amended) offered by Commissioner Bailes, seconded by Commissioner Cheesebro, was voted upon by the Commission. Upon a roll call vote: Cheesebro (yes), Dargitz (no), Stoffer (no), Welch (yes), Patterson (yes), Bailes (yes) and Fox (yes), the motion was approved 5-2.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. FY 2010-2020 City of Portage Capital Improvement Program. Mr. Forth referred the Commission to the 2010-2020 Capital Improvement Program (CIP) document that was provided to each Commissioner prior to the meeting. Mr. Forth briefly reviewed the March 4, 2010 letter from City Manager Evans and asked the Commission to review the document for further discussion during the March 18, 2010 meeting. Over the course of the next two weeks, Mr. Forth asked the Commission to contact him with any questions or clarifications regarding individual CIP projects so he could research and provide answers prior to, or at the March 18th meeting.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

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