

PLANNING COMMISSION

May 6, 2010

The City of Portage Planning Commission meeting of May 6, 2010 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:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

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 April 15, 2010 meeting minutes. A motion was made by Commissioner Cheesebro, seconded by Commissioner Welch, to approve the minutes as submitted. The minutes were approved 6-0-2 with Commissioners Dargitz and Stoffer abstaining since they were not present at the April 15th meeting.

SITE/FINAL PLANS:

1. Site Plan (re-approval): Fifth-Third Bank, 2610 East Milham Avenue. Mr. West summarized the staff report dated May 6, 2010 involving a site plan to construct an approximate 4,300 square foot bank building and associated site improvements. Mr. West indicated the site plan had been previously reviewed and approved by the Planning Commission on May 21, 2009 and again on November 19, 2009, however, construction had not yet commenced and the approval was scheduled to expire on May 19, 2010. Mr. West stated construction of the Fifth-Third Bank project has been delayed due to the construction schedule of the Centreport Commons infrastructure. Since construction of the Centreport Commons infrastructure has begun, Mr. West indicated that Fifth-Third Bank is now ready to move forward with the project. Mr. West stated the site plan is being resubmitted for approval with no changes from the November 19, 2009 approval.

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

PUBLIC HEARINGS:

1. Preliminary Report: Rezoning Application #09-02, 9810 Oakland Drive (eastern portion), 9804, 9818, 9832 and 9842 Oakland Drive and 2180 – 2408 Oakland Farms Trail. Mr. Forth summarized the preliminary staff report dated April 30, 2010 regarding the request received by Hyland Associates, LLC to rezone the east 5.91 acres of 9810 Oakland Drive from R-1C, one family residential to R-1B, one family residential. Mr. Forth also summarized the Planning Commission review on April 1, 2010 and the decision to expand the rezoning consideration to include a total of 25 parcels/lots along Oakland Drive and Oakland Farms Trail comprising approximately 30 acres. Mr. Forth reviewed the surrounding zoning/land use pattern, differences between the R-1A, R-1B and R-1C districts and the impacts of the proposed zoning change.

Mr. Dan Martz (Hyland Associates, LLC) was present to support the rezoning application. Mr. Martz discussed the fragmented zoning pattern in the area, reviewed his March 8th communication that identified supporting reasons for the rezoning request and read two quotes from building publications regarding the state of the housing industry and the shift toward smaller, more affordable dwellings.

The public hearing was opened by Chairman Fox. One citizen (Ms. Becky Argue, 9708 Oakland Drive) spoke in regards to the proposed rezoning. Ms. Argue stated that she opposed the original rezoning request in 2006-2007 and still opposes the change in zoning to R-1B. Ms. Argue indicated she prefers maintaining the existing R-1C zone and the larger lot and construction standards. No additional citizens spoke in regards to the proposed rezoning. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Bailes, to adjourn the public hearing for Rezoning Application #09-02 to the May 20, 2010 meeting. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

1. Preliminary Plat: The Homestead III, 3820 Hollow Wood Drive. Mr. Forth summarized the staff report dated April 30, 2010 regarding the request American Village Development II, LLC to construct The Homestead III subdivision. Mr. Forth stated the preliminary plat represented the final phase of the single-family residential portion of The Homestead of Portage planned development (PD) and involved 23 lots on approximately 19 acres with the westerly extension of Hollow Wood Drive and creation of two new cul-de-sac streets (Hollow Wood Court and Tullymore Lane). Mr. Forth indicated the plat was previously reviewed by the Planning Commission and approved by City Council in 2006. Mr. Forth stated that since construction did not commence within the required time periods, the approvals have expired. Mr. Forth indicated the preliminary plat was being resubmitted for approval with no changes from the original 2006 approval. In response to an email communication from Commissioner Dargitz, Mr. Forth stated that background information regarding the original 2001 PD rezoning/tentative plan approval for The Homestead of Portage PD, 2006 approved tentative plan amendment and initial 2006 approval of The Homestead III preliminary plat was included in the final agenda materials. Mr. Forth reviewed these previous approvals and indicated staff was recommending approval of the preliminary plat subject to the condition listed in the staff report regarding construction vehicle traffic.

Mr. Jack Gesmundo (American Village Development) was present to support the preliminary plat. Mr. Gesmundo briefly discussed the original property acquisition and zoning change from R-1B to PD in 2001. Mr. Gesmundo also discussed the other elements of the PD (multiple family residential condos and theme restaurant) that have not been constructed due to economic and financing issues. The public hearing was opened by Chairman Fox. No citizens spoke in regards to the preliminary plat. A motion was made by Commissioner Patterson, seconded by Commissioner Welch, to close the public hearing. The motion was unanimously approved.

The Commission, staff and applicant discussed issues associated with the PD and proposed plat including construction of only portions of the previously approved tentative plan, phasing, land ownership and the use of performance bonds. After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Welch, to recommend to City Council approval of the Preliminary Plat for The Homestead No. 3, 3820 Hollow Wood Drive, subject to the one condition listed in the Department of Community Development staff report dated April 30, 2010. The motion was unanimously approved.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Accessory Building: Mikkell Neeb, 1921 Wetherbee Avenue. Mr. West summarized the staff report dated April 30, 2010 regarding the request from Mr. Mikkell Neeb to construct a 13-foot tall, 28-foot wide by 32-foot long (896 square foot) accessory building at his residence located at 1921 Wetherbee Avenue. Mr. West summarized the application materials and indicated the accessory building would be used for storage of personal items and a small work area and would be situated 17-feet from the west (side) property line, 130-feet from the south (front) property line and approximately 90-feet from the nearest single family residence. Mr. West stated the size and configuration of the parcel combined with the wooded nature of the site and setback distances from adjacent residences and property lines will mitigate any impacts on adjacent properties. Mr. West indicated that a letter of support was obtained by the applicant from the adjacent property owner to the west (Michael and Marcella Eidson, 1861 Wetherbee Avenue) and was included with the agenda materials

Mr. Mikkell Neeb was present to explain the accessory building request and support the application. Mr. Neeb reiterated that the accessory building would not be used for any business related purpose. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Bailes, to approve the Accessory Building for Mr. Mikkell Neeb, 1921 Wetherbee Avenue. The motion was unanimously approved.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

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