

PLANNING COMMISSION

May 20, 2010

The City of Portage Planning Commission meeting of May 20, 2010 was called to order by Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Six citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Wayne Stoffer

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services 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 May 6, 2010 meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Bailes to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Final 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 final staff report dated May 14, 2010 regarding the original Hyland Associates rezoning request involving the east 5.91 acres of 9810 Oakland Drive and the expanded Planning Commission rezoning application encompassing approximately 30 acres. Mr. Forth stated staff was recommending the expanded rezoning application be approved. Mr. Forth clarified the nonconforming status of the adult foster care facility located at 9842 Oakland Drive. Under the current R-1T zoning, the adult foster care facility is nonconforming but legal as a result of the grant of a variance

by the Zoning Board of Appeals (ZBA) in 1988. If the zoning classification is changes to R-1B, the adult foster care facility would be legally nonconforming. Commissioner Pearson noted the R-1B district only permits up to six beds (12 beds in the R-1T district) and if 9842 Oakland Drive is rezoned to R-1B and the applicant requests to add beds at some point in the future, the ZBA would be asked to consider a substantial variance (from six beds to a number greater than 20), which creates a greater hardship on the property owner. Additionally, Commissioner Pearson commented that the Planning Commission is only advisory in this matter and City Council will make the final decision. Commissioner Pearson noted Councilmember Terry Urban was a member of the ZBA in 1988 and can give a perspective when this rezoning application is before the Council. Commissioner Dargitz asked for further clarification about the zoning map classifications. Mr. Forth explained and also explained the potential land use pattern if the property develops under the current fragmented zoning pattern.

Chairman Fox reconvened the public hearing. Mr. Dan Martz (Hyland Associates, LLC) was present to again support the rezoning application. Commissioner Pearson asked Mr. Martz if he has heard from the owner 9804 Oakland Drive. Mr. Martz indicated he has not heard from that property owner. Commissioner Pearson also asked Mr. Martz if a side or rear yard of the future homes will be adjacent to 9708 Oakland Drive. Mr. Martz stated the future homes will be positioned so the rear yard area will be adjacent to 9708 Oakland Drive. Ondrea Loudon, 9842 Oakland Drive, requested that her property not be rezoned. Commissioner Pearson asked if she has any expansion plans. Ms. Loudon indicated there are future plans to build a second, separate facility. Attorney Brown asked Ms. Loudon if she is the property owner and if not, does she represent to the owner. Ms. Loudon stated she represents her father who owns the property. Kevin Vliestra, 10626 Cora Drive, stated he was the previous owner of 9804 Oakland Drive and supports the proposed zoning change. Mr. Vliestra also stated he would not like to see duplex units constructed in the area. The public hearing was closed. After a brief discussion, a motion was made by Commissioner Welch to recommend to City Council that Rezoning Application #09-02 be approved and that 9804, 9810 (eastern portion), 9818 and 9832 Oakland Drive and 2180-2408 Oakland Farms Trail (all lots) be rezoned from R-1C, one family residential and R-1T, attached residential to R-1B, one family residential. The motion also recommended that 9842 Oakland Drive be excluded from rezoning consideration. Commissioner Pearson supported the motion. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. 2010 City of Kalamazoo Master Plan Update. Mr. Forth summarized the staff report dated May 14, 2010 regarding the draft City of Kalamazoo Master Plan. In accordance with the Michigan Planning Enabling Act, the City of Kalamazoo is requesting that adjacent communities and other required agencies review and comment on the draft plan. Mr. Forth briefly summarized the City of Kalamazoo and City of Portage Future Land Use designations along the Kilgore Road corporate boundary and indicated the land uses are consistent. Following a brief discussion, a motion was offered by Commissioner Welch, seconded by Commissioner Bailes, to acknowledge receipt and review of the Plan. The motion was unanimously approved. Mr. Forth stated a letter will be forwarded to the City of Kalamazoo on behalf of the Planning Commission.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Vice Chairman Cheesebro read a resolution honoring Chairman Tom Fox for his nine years of service on the Planning Commission. Chairman Fox indicated it has been a pleasure serving on the Commission and thanked staff and Attorney Brown for the support received and former Mayor Brown for appointing him to the Planning Commission. Finally, Chairman Fox encouraged other citizens to get involved in community activities.

There being no further business, the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

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