

## **PLANNING COMMISSION**

**December 2, 2010**

The City of Portage Planning Commission meeting of December 2, 2010 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

### **MEMBERS PRESENT:**

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

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Rick Bosch and Mark Siegfried.

### **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 Cheesebro referred the Commission to the November 18, 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:**

1. Site Plan (re-approval): Centre Meadows of Portage Senior Apartments, 1405, 1419 and 1503 East Centre Avenue. Mr. West summarized the staff report dated November 24, 2010 involving a site plan to construct a three-story, multiple family residential apartment building and associated site improvements on properties addressed as 1405, 1419 and 1503 East Centre Avenue. Mr. West indicated the site plan had been previously reviewed and approved by the Planning Commission on April 15, 2010. However, construction activities did not commence within six months and the previous approval has expired. Mr. West stated the site plan has been resubmitted with no changes from the April 15, 2010 approval with the exception of minor modifications to the engineering design of the public water main extension identified on Sheet C-5.

The applicant was not present to support the plan. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Welch, to re-approve the Site Plan for Centre Meadows of Portage Senior Apartments, 1405, 1419 and 1503 East Centre, with the 114 parking spaces based on documented evidence provided by the applicant. The motion was unanimously approved. Commissioner Stoffer asked that the minutes reflect the absence of the applicant and that the reapproval, without applicant representation, was provided since the site plan was being resubmitted with no substantial changes from the original April 2010 approval.

**PUBLIC HEARINGS:**

None.

**PLATS/RESIDENTIAL CONDOS:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. Revised Home Occupation Ordinance (referral from City Council). Mr. Forth introduced the item and summarized the staff report dated November 23, 2010 regarding the revised home occupation ordinance that was developed by the City Council Neighborhood Revitalization and Engagement Ad Hoc Committee and referred to the Planning Commission to initiate the required Zoning Code amendment procedure. Mr. Forth also referred the Commission to the final agenda packet and background information regarding the original Planning Commission review and recommendation of the home occupation ordinance including the January 15, 2010 final staff report, January 2010 recommended home occupation ordinance and the January 21, 2010 Planning Commission meeting minutes. Mr. Forth discussed the differences between the Planning Commission recommended ordinance language (January 2010) and the City Council revised ordinance language.

Commissioner Pearson discussed a suggested change to the revised ordinance language that would allow up to two nonresident employees to be involved with an active home occupation, subject to Planning Commission review and approval. Commissioner Pearson read proposed ordinance language that could be inserted in Section 42-129, paragraph B, line 1. Commissioner Pearson stated that he had researched other home occupation ordinances across the country and believes allowance of up to two nonresident employees, subject to Planning Commission review and approval, would help facilitate job creation and encourage low impact home occupations such as internet based businesses and office activities to start and grow in Portage. Mr. Forth discussed staff research of home occupation ordinances from other communities across the State and indicated the number of nonresident employees allowed varies from none to up to three with Planning Commission review and approval. Mr. Forth also referenced a publication from the American Planning Association where the author discusses the limitations of model ordinances and suggests local ordinances address a community's characteristics, problems, past practices, and current politics.

The Commission discussed the suggested ordinance language change proposed by Commissioner Pearson and other ordinance provisions related to retail sales and signage. Mr. Forth and Attorney Brown reviewed the ordinance amendment process. After additional discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Dargitz, to modify the revised ordinance language to include the allowance for additional nonresident employees (above one) for an active home occupation, subject to Planning Commission review and approval. The motion was unanimously approved. Attorney Brown indicated that he would modify the revised ordinance to include the suggested change. A motion was made by Commissioner Welch, seconded by Commissioner Stoffer, to set a public hearing for January 20, 2011 to consider the Revised Home Occupation Ordinance. The motion was unanimously approved.

**STATEMENT OF CITIZENS:**

Ms. Marilyn Couture (1289 East Osterhout Avenue) spoke about the proposed ordinance amendment to allow the keeping of hen chickens in the city. Ms. Couture spoke in favor of the proposed amendment and asked what the next step was in the process. Chairman Cheesebro indicated the proposed ordinance amendment was discussed at the November 18, 2010 meeting and the public hearing was adjourned to the December 16, 2010 meeting. Mr. Forth stated that following Planning Commission review and recommendation, the proposed ordinance amendment would be forwarded to City Council for another public hearing and final action.

**ADJOURNMENT:**

Commissioner Stoffer indicated that he would not be present at the December 16, 2010 meeting. Chairman Cheesebro indicated that Commission Bosch has notified him and would also not be present at the December 16, 2010 meeting.

There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Christopher Forth, AICP  
Deputy Director of Planning and Development Services