

## PLANNING COMMISSION

April 7, 2011

The City of Portage Planning Commission meeting of April 7, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 30 citizens were in attendance.

### **MEMBERS PRESENT:**

Miko Dargitz, Bill Patterson, Allan Reiff, Rick Bosch, Paul Welch and Chairman James Cheesebro.

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Jim Pearson, Wayne Stoffer and Mark Siegfried.

### **IN ATTENDANCE:**

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 March 17, 2011 regular meeting minutes. A motion was made by Commissioner Reiff, seconded by Commissioner Patterson, to approve the minutes as submitted. The minutes were unanimously approved.

Chairman Cheesebro then referred the Commission to the March 28, 2011 special meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Bosch, to approve the minutes as submitted. The minutes were unanimously approved.

### **SITE/FINAL PLANS:**

None.

### **PUBLIC HEARINGS:**

1. Special Land Use Permit: Group Child Care Home (Corner), 5419 West Circlewood Drive. Mr. West summarized the staff report dated March 31, 2011 regarding the request by Ms. Geraldine Corner to establish a group child care home for up to 12 children at her residence located at 5419 West Circlewood Drive. Mr. West also referred the Commission to letters received from several area residents that were included in the original agenda packet and final agenda packet. Mr. West, Attorney Brown and the Commission then discussed various aspects of the application including State statute requirements, Zoning Code provisions including General Standards of Review (Section 42-462) and past special land use permits involving group child care homes.

Ms. Geraldine Corner (applicant) was present to support and explain the application. Ms. Corner stated she understands the concerns of the neighbors and does not want to do anything that will negatively affect the neighborhood. Ms. Corner indicated she agrees with the fencing provision of the Zoning Code for both safety and privacy and has obtained a cost estimate, however, requests additional time to install the fence. If the Commission approves the special land use permit, Ms. Corner stated the State licensing process would still take an additional one-two months.

Chairman Cheesebro opened the public hearing. Six citizens spoke during the public hearing: 1) Duwayne Corner (5419 West Circlewood Drive); 2) Melissa Muha (5418 West Circlewood Drive); 3) Olivia King (3522

Bellflower Drive); 4) Russell Fomusa (5428 West Circlewood Drive); 5) Inger Thoen (513 North Circlewood Drive) and 6) Damion Smith (3612 Pristine Avenue). Mr. Corner spoke in support of his wife's application and assured the neighbors that the group child care home not adversely impact the neighborhood. Ms. King and Mr. Smith also spoke in support of the group child care home. Ms. Muha, Mr. Fomusa and Ms. Thoen spoke in opposition to the group child care home and expressed concerns regarding traffic and safety impacts, lack of sidewalks and increased noise. No additional citizens spoke in regard to the proposed group child care home. A motion was then made by Commissioner Bosch, seconded by Commissioner Welch, to close the public hearing. The motion was unanimously approved.

After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the Special Land Use Permit for Ms. Geraldine Corner (group child care home), 5419 West Circlewood Drive subject to installation of a 6-foot tall privacy fence within the backyard play area within 60 days (June 7, 2011) and before opening the group child care home. The motion was unanimously approved.

2. Preliminary Report: Rezoning Application #10-01, Portage Road and Fairlane Avenue. Prior to discussion of the agenda item, Commissioner Reiff indicated he has a professional and personal relationship with Keystone Bank, the current owner of the subject property, and asked Attorney Brown whether he should abstain from discussion and voting on the proposed rezoning due to a potential conflict of interest. Attorney Brown stated he had spoken with Commissioner Reiff, prior to the meeting, and given the circumstances believes it would be appropriate that Commissioner Reiff abstain from discussion and voting on the rezoning application. Commissioner Reiff then indicated that he would be abstaining due to a potential conflict of interest and excused himself from the Council Chambers.

Mr. West then summarized the preliminary staff report dated March 31, 2010 regarding the request received from Residential Opportunities, Inc. (ROI) to rezone 9616 and 9602 Portage Road, 1704 South Shore Drive and 1712, 1720, 1726 and 1806 Fairlane Avenue from I-1, light industrial and R-1C, one family residential to OS-1, office service. According to the applicant, Mr. West stated the rezoning was being requested to facilitate reuse of the former Moose Lodge building/site for the Great Lakes Center for Autism Treatment and Research, a residential treatment center for up to 12 children combined with an outpatient clinic. Mr. West reviewed the surrounding zoning/land use pattern, differences between the I-1/R-1C and OS-1 districts and the impacts of the proposed zoning change.

Mr. Scott Schrum (Residential Opportunities, Inc. - ROI) was present to support the rezoning application and explain the planned reuse of the former Moose Lodge building and site. Mr. Schrum discussed the mission of ROI and the other existing residential facilities owned and operated by ROI in the City of Portage. Mr. Schrum stated the planned Great Lakes Center for Autism Treatment and Research represents a two-year planning partnership with Western Michigan University. If rezoned, Mr. Schrum stated the interior of the existing building would be renovated and divided into two sections with the north wing being utilized as a 24-hour inpatient treatment/research facility for severely autistic children, while the south wing would be utilized as an outpatient clinic. Mr. Schrum indicated only minor exterior building changes were planned (no building expansion at this time) and the vacant land to the north would be utilized as an outdoor recreation area for the children.

The public hearing was opened by Chairman Cheesebro. Three citizens spoke in regards to the proposed rezoning: 1) Sue Andres (1816 South Shore Drive); 2) Ed Jamerson, 9553 Sebring Drive and 3) Nancy Lowry, 9604 Bonita Court. Ms. Andres and Mr. Jamerson had several questions regarding the age of the children, nature of the inpatient treatment facility and any plans for future development at the site. Ms. Lowry expressed concerns regarding traffic in the area and whether a traffic signal would be installed at the Portage Road/South Shore Drive intersection. No additional citizens spoke in regards to the proposed rezoning. Mr. Schrum provided additional information regarding the proposed inpatient treatment facility and the nature of the development disabilities experienced by the children receiving treatment. Mr. West stated there were no short-term or long-term plans to install a traffic signal at the Portage Road/South Shore Drive intersection. After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to adjourn the public hearing for Rezoning Application #10-01 to the April 21, 2011 meeting. The motion was unanimously approved.

**PLATS/RESIDENTIAL CONDOS:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. Farmland and Open Space Preservation Application, 7905 West RS Avenue, Texas Township. Mr. West summarized the March 31, 2011 staff report involving the notification provided by Texas Township regarding a Farmland and Open Space Preservation application for an approximate 20 acre tract of land located at 7905 West RS Avenue. Mr. West indicated the statute stipulates that communities located within three miles of subject property are afforded an opportunity to comment on the application. Mr. West stated that Farmland and Open Space agreements grant property owners certain income or property tax benefits in return for ensuring that the land remains in agriculture or open space for a specified period or time. After a short discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Reiff, to accept and support the Farmland and Open Space Preservation application for 7905 West RS Avenue, Texas Township. The motion was unanimously approved.

2. Proposed 2011 Oshtemo Township Master Plan. Mr. West summarized the staff report dated March 29, 2011 regarding the draft Oshtemo Township Master Plan. In accordance with the Michigan Planning Enabling Act, Oshtemo Township is requesting that adjacent communities and other required agencies review and comment on the draft plan. Mr. West briefly summarized major components of the Oshtemo Township Master Plan and Future Land Use Map designation consistencies along South 12<sup>th</sup> Street near the southeast corner of Oshtemo Township and the northwest corner of the City of Portage. Following a brief discussion, a motion was offered by Commissioner Reiff, seconded by Commissioner Bosch, to accept the Proposed 2011 Oshtemo Township Master Plan with no comments. The motion was unanimously approved. Mr. West stated a letter will be forwarded to Oshtemo Township on behalf of the Planning Commission.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Michael West, AICP  
Assistant City Planner