

## PLANNING COMMISSION

May 5, 2011

The City of Portage Planning Commission meeting of May 5, 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 20 citizens were in attendance.

### **MEMBERS PRESENT:**

Bill Patterson, Allan Reiff, Wayne Stoffer, Mark Siegfried and Chairman James Cheesebro.

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Jim Pearson, Miko Dargitz, Rick Bosch and Paul Welch.

### **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 April 21, 2011 regular meeting minutes. A motion was made by Commissioner Patterson, seconded by Commissioner Reiff, 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 (Rogers), 3125 Coachlite Avenue. Mr. West summarized the staff report dated April 29, 2011 regarding the request by Ms. Sarah Rogers to establish a group child care home for up to 12 children at her residence located at 3125 Coachlite Avenue. Mr. West also referred the Commission to several letters included in the original and final agenda packets received from area residents who oppose or expressed concerns regarding the proposed group child care home. Mr. West indicated the application fulfills the requirements for issuance of a special land use permit but did note the ordinance allows the Commission to consider installation of a 6-foot tall screening fence to help mitigate potential impacts.

Ms. Sarah Rogers (applicant) was present to support and explain the application. Ms. Rogers clarified the group child care home would operate from 7:00am to 5:30pm, Monday through Friday, and would not involve any overnight accommodations. Chairman Cheesebro opened the public hearing. No citizens spoke regarding the proposed group child care home. A motion was then made by Commissioner Reiff, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved.

Commissioner Patterson stated the outdoor play area is situated in a low spot on the property with limited visibility from Coachlite Avenue and Rothbury Street. Commissioner Patterson also indicated the backyard was already partially screened with mature trees along the property lines which would seem to minimize the need for a screening fence. Chairman Cheesebro concurred. After additional discussion, a motion was made by

Commissioner Patterson, seconded by Commissioner Reiff, to approve the Special Land Use Permit for Ms. Sarah Rogers (group child care home), 3125 Coachlite Avenue. The motion was unanimously approved.

2. Rezoning Application #10-02, 4815 West Milham Avenue and 6027 South 12<sup>th</sup> Street. Mr. West summarized the staff report dated May 5, 2011 and referred the Commission to an April 28, 2011 e-mail communication from Mr. Terry Patterson, on behalf of Milham Crossings LLC, requesting the public hearing for Rezoning Application #10-02 be adjourned to the June 2, 2011 meeting. Mr. West stated that staff advises the Planning Commission to reconvene the public hearing, accept public comment and then adjourn the public hearing to the June 2, 2011 meeting.

The public hearing was reconvened by Chairman Cheesebro. Seven citizens spoke in regards to the proposed rezoning: 1) Dave Szybala, 4836 Golden Ridge Trail; 2) Allan Mueller, 6055 Andover Woods Road; 3) Leonard Mosher, 4868 Golden Ridge Trail; 4) Dorothy Kocharoff, 4694 Golden Ridge Trail; 5) Karen Hecht, 4790 Golden Ridge Trail; 6) Joon Park, 4811 Golden Ridge Trail; and 7) Marcus Anthosen, 4736 Golden Ridge Trail. Mr. Szybala submitted a petition signed by 33 citizens of the Andover Woods neighborhood opposing the rezoning. Mr. Szybala stated the citizens of Andover Woods purchased their homes knowing the adjacent property was zoned B-2 and believe a change to B-3 would negatively impact property values and the quality of life for the residential neighborhood. Mr. Mueller stated he opposes the proposed zoning change that would permit a gas station and expressed concerns regarding health/safety issues and traffic congestion at the West Milham Avenue/South 12<sup>th</sup> Street intersection. Mr. Mosher also spoke in opposition to the proposed rezoning citing noise, traffic, trash and odor concerns. Ms. Kocharoff, Ms. Hecht and Ms. Park asked several questions regarding the difference between the B-2 and B-3 zones, traffic generation and flow from the site and at the West Milham Avenue/South 12<sup>th</sup> Street intersection and whether the applicant has provided any specific development proposal. Mr. West discussed the differences between the B-2 and B-3 zoning districts and stated the applicant has not submitted a specific development proposal for the property. Mr. Anthosen expressed concerns regarding potential loss of property values if the site was rezoned to B-3. No additional citizens spoke regarding the proposed rezoning.

After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Patterson, to adjourn the public hearing for Rezoning Application #10-02 to the June 2, 2011 meeting. The motion was unanimously approved.

#### **PLATS/RESIDENTIAL CONDOS:**

None.

#### **OLD BUSINESS:**

1. Proposed Medical Marihuana Home Occupation Ordinance (referral from City Council). Mr. Forth summarized the April 29, 2011 staff report that provided additional background information involving several issues the Commission discussed during the April 21, 2011 meeting: 1) permitting; 2) home occupation versus commercial use; 3) marihuana dispensaries and patient-to-patient transfers; and 4) home occupation distance provisions, requirements and definitions.

The Commission, Mr. Forth and Attorney Brown discussed various aspects of the proposed ordinance. Commissioner Reiff asked for clarification regarding the distance provisions of the ordinance and whether they apply to the two Montessori schools (Otis Academy and Shamrock Academy). Attorney Brown stated that since these are pre-schools, they would not be subject to the distance provisions. Commissioner Patterson stated he still had some concern regarding the lack of permitting or registration so the city and potential caregivers know where caregivers are located in order to satisfy distance provisions of the ordinance. Attorney Brown indicated the revised ordinance eliminates the distance requirements between caregivers and should minimize this concern. Commissioner Stoffer asked what the current legal environmental was on the issue of medical marihuana. Attorney Brown provided a detailed response. Commissioner Reiff stated he believes the City Administration committee put a lot of thought and effort into the ordinance and it is the right direction at this time. The

Commission had no further comments at this time. Mr. Forth noted the public hearing is scheduled for the May 19, 2011 Planning Commission meeting.

2. Mixed-Use Zoning Ordinance Proposals. Mr. Forth summarized the April 28, 2011 staff report regarding the three mixed-use ordinance proposals referred by City Council. Mr. Forth stated these proposals were previously reviewed and discussed by the Commission during the March 28, 2011 meeting. Mr. Forth reviewed the three different ordinance proposals (City Centre Area – Mixed Use Floating Zone, Commercial Corridor Mixed Use Floating District and Work/Live Accommodations) and changes that were made from the March 28<sup>th</sup> meeting and discussion.

Commissioners Patterson and Reiff indicated the previous Planning Commission comments regarding the Work/Live Accommodations ordinance had been adequately addressed with the revised ordinance. Chairman Cheesebro asked staff if any additional thought was given to expanding the boundary of the City Centre Area – Mixed Use Floating Zone, particularly further north near Garden Lane. Mr. Forth indicated staff would provide additional information regarding this issue with the preliminary report. After additional discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Patterson, to set a public hearing for the Mixed-Use Zoning Ordinance Proposals for the June 16, 2011 meeting. Attorney Brown referenced the specific Zoning Code sections that would be added or amended with the proposed mixed-use zoning ordinance proposals. The motion was unanimously approved.

**NEW BUSINESS:**

1. Proposed Business Banner Ordinance (referral from City Council). Mr. Forth reviewed the April 27, 2011 staff report and the transmittals to City Council regarding the proposed business banner ordinance as referred by City Council. Mr. Forth stated the proposed language would amend the sign ordinance regulations and expand the ability of a business to use a banner by eliminating the provision regarding the “name of business”, increasing the area for “copy” to 50% of the banner and by adding the language to all of the business zones (B-1, B-2, B-3, CPD and PD districts). The Commission discussed what meeting date was appropriate to schedule the public hearing. Mr. Forth stated that due to statutory notification requirements, the earliest the public hearing could be scheduled is June 2<sup>nd</sup>. In the event the Commission desires to further discuss this matter before the scheduled public hearing, Mr. Forth indicated the staff report and proposed ordinance could be included in the May 19<sup>th</sup> agenda. After a brief discussion, a motion was made by Commissioner Reiff, seconded by Commissioner Stoffer, to set a public hearing for the Proposed Business Banner Ordinance for the June 2, 2011 meeting. The motion was unanimously approved. Attorney Brown stated the specific Zoning Code sections that would be amended with the proposed mixed-use zoning ordinance proposals.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

Commissioner Stoffer stated the Kalamazoo County Marathon was Sunday, May 8, 2011 and asked that the community support this event. There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Christopher Forth, AICP  
Deputy Director of Planning and Development Services