

PLANNING COMMISSION

August 18, 2011

The City of Portage Planning Commission meeting of August 18, 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 15 citizens were in attendance.

MEMBERS PRESENT:

Bill Patterson, Rick Bosch, Mark Siegfried, Miko Dargitz, Wayne Stoffer, Allan Reiff and Chairman James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Jim Pearson and Paul Welch.

IN ATTENDANCE:

Michael West, Assistant City Planner and Randall Brown, City Attorney.

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the July 21, 2011 meeting minutes. A motion was then offered by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. Preliminary Report: Rezoning Application #10-03, 1302, 1306, 1316 and 1330 East Centre Avenue. Mr. West summarized the preliminary staff report dated August 11, 2011 and the Planning Commission decision to expand the rezoning consideration to include the four parcel located at the southeast corner of East Centre Avenue and Lovers Lane. Mr. West stated a zoning change from R-1B, one family residential and OS-1, office service, to B-1, local business, was now being considered for 1302, 1306, 1316 and 1330 East Centre Avenue. Since the July 21st meeting, Mr. West indicated the Department of Community Development had spoken with the owners of 1306 and 1330 East Centre Avenue regarding the inclusion of their properties in the expanded rezoning consideration. Mr. West discussed the Future Land Use Map designation, surrounding zoning pattern, suitability of the existing R-1B zone and the potential impacts of the proposed B-1 zone. The Commission and Mr. West next discussed the Future Land Use Map boundaries, uses allowed in the OS-1 zone compared to the B-1 zone and screening/buffering requirements.

Mr. Thomas Rogers (original applicant/owner of 1316 East Centre Avenue) was present to support the rezoning request. Mr. Rogers stated his original offer to Mr. William Miller to purchase the adjacent parcel to the east, 1330 East Centre Avenue, was not accepted.

The public hearing was reconvened by Chairman Cheesebro. One citizen (Patricia Heystek, 1404 Maynard Avenue) spoke in regards to the proposed rezoning. Ms. Heystek spoke in opposition to the expanded rezoning consideration expressing concerns about increased traffic, speeding, noise, lighting, crime and

property values. Ms. Heystek indicated there are a lot of vacant office and commercial buildings across the city, therefore, there are no reasons to rezone these additional properties. No additional citizens spoke regarding the proposed rezoning.

After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, to adjourn Rezoning Application#10-02, 1302, 1306, 1316 and 1330 East Centre Avenue, to the September 1, 2011 meeting. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None

OLD BUSINESS:

None

NEW BUSINESS:

1. Accessory Building: James Brayton, 4517 Nash Avenue. Commissioner Siegfried indicated he would be abstaining from discussion and voting on this agenda item due to a conflict of interest (personal relationship with applicant) and excused himself from the Council Chambers. Mr. West summarized the staff report dated August 11, 2011 regarding the request from Mr. James Brayton to construct a 14-foot tall, 40-foot wide by 80-foot long (3,200 square foot) detached accessory building at 4517 Nash Avenue. Mr. West indicated the applicant would not be residing at 4517 Nash Avenue, however, has stated the existing single-family dwelling would be refurbished and may be occupied by a family member. If approved, the applicant has indicated the two existing accessory buildings at the property (336 square foot garage and 1,500 square foot Quonset hut) would be removed. Mr. West stated the proposed accessory building would be used as a garage for the existing single-family residential dwelling and for storage of personal items including boats, wave runners, snowmobiles and trailers. Mr. West indicated the accessory building is proposed within the northwest portion of the 22.58 acre parcel and would be situated approximately 200-feet from the northern property line, 400-feet from the western property line and in excess of 500-feet from the nearest adjacent single family residence. Mr. West reviewed past Planning Commission accessory buildings approvals that have typically ranged from 900 – 1,500 square feet. Mr. West indicated the lack of an occupied dwelling at the property and the proposed size of the accessory building were both concerns for staff. However, Mr. West indicated staff was supportive of the application subject to the accessory building being restricted to a maximum of 2,000 square feet and the four conditions listed in the August 11, 2011 Department of Community Development report.

The Commission and staff next discussed various issues associated with the application including the proposed height of the accessory building and clarification of the staff recommended conditions of approval. Mr. James Brayton (applicant) was present and spoke in support of the proposed 3,200 square foot accessory building. Mr. Brayton stated the accessory building would be used as both a garage for the occupant of the residence, as well as storage for himself, and would not be utilized for any business related purpose. Mr. Brayton discussed the large, wooded nature of the property and indicated the accessory building would not be visible from the residences on East Shore Drive. One citizen, Mr. Vince Campbell (9942 East Shore Drive), spoke in support of the proposed accessory building. Mr. Campbell stated he also owns the vacant property located at 4501 Nash Avenue with a couple of his neighbors and supports Mr. Brayton's application. Mr. Campbell indicated the applicant would preserve the natural beauty of the property and would prevent future development. No additional citizens spoke regarding the proposed accessory building.

The Commission and staff next engaged in a lengthy discussion of the proposed accessory building application including past accessory building approvals by the Planning Commission; Zoning Code provisions regarding accessory building use by owners/occupants of the property; the size and characteristics of the subject property; the size/height of the proposed accessory building; Zoning Code criteria for consideration of accessory buildings that will exceed the ground floor area of the main residence and the existing nonconforming nature of the existing residence and accessory buildings at the site. After additional discussion,

a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the 3,200 square foot Accessory Building for James Brayton, 4517 Nash Avenue, with a finding that 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 and subject to the following conditions;

- 1) The existing single-family residential dwelling be refurbished (as may be necessary/required) to meet City Code, and available for occupancy for a residential principal use of the property prior to issuance of a building permit for the accessory building.
- 2) The two existing detached accessory buildings (garage and Quonset hut) be removed prior to issuance of a building permit for the accessory building.
- 3) The accessory building be restricted for personal use only by the occupants of the existing single-family residential dwelling and property owner. Storage of vehicles, equipment and other items unrelated to the occupants of the dwelling or property owner or use for business-related activities is prohibited.

Upon a roll call vote: Reiff (yes), Dargitz (yes), Stoffer (yes), Cheesebro (yes), Bosch (yes) and Patterson (yes), the motion was approved 6-0.

2. Analysis of 2010 Decennial Census Data – July 2011 Update. Mr. West provided a summary of the 2010 Census of Population and Housing – Analysis and General Trends (July 2011 Update) report as prepared by the Department of Community Development. Mr. West summarized major findings of the report and stated additional census related information would be provided to the Commission as it becomes available. Commissioner Stoffer discussed the increase in vacant housing units from 2000 (734 units, 3.9%) to 2010 (1,360 units, 6.6%) and asked if staff could provide a brief comparison with other similar sized communities at the next meeting.

STATEMENT OF CITIZENS:

None

ADJOURNMENT:

Commissioner Reiff stated he would not be present at the September 1, 2011 meeting. There being no further business to come before the Commission, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Michael West, AICP
Assistant City Planner