

PLANNING COMMISSION

February 2, 2012

The City of Portage Planning Commission meeting of February 2, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. One citizen was in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Dave Felicijan and Rick Bosch.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; 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 January 19, 2012 meeting minutes. Commissioner Dargitz and Commissioner Stoffer stated they would not be voting on the minutes since they were not present during the meeting. A motion was offered by Commissioner Welch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was approved 5-0-2.

SITE/FINAL PLANS:

1. Final Plan: Oakland Hills Condominiums (Phase III), 8716 Oakland Drive. Mr. Forth summarized the staff report dated January 27, 2012 involving the final plan submitted by American Village Development to construct Phase III of the Oakland Hills Condominium planned development. Mr. Forth stated the final plan for Phase III proposes construction of 22 attached single-family residential units, extension of the interior private street network and associated site improvements. Mr. Forth indicated the final plan for Phase III has been designed in substantial conformance with the 2006 approved tentative plan amendment. Mr. Forth discussed the applicant's modification to the phasing schedule for development and also discussed floodplain and wetland related issues along the southern portion of the property.

Mr. Jack Gesmundo of American Village Development was present to support the application and explain the development project. Mr. Gesmundo provided a historical summary of development activities and discussed the economy and market conditions and the impact it has had on the original construction schedule. No citizens spoke regarding the development project. A motion was then made by Commissioner Welch, seconded by Commissioner Reiff, to recommend to City Council that the Final Plan for Oakland Hills Condominiums (Phase III), 8716 Oakland Drive, be approved subject to the applicant reconfirming the wetland boundary, with concurrence from the MDEQ, before issuance of building permits for those units located adjacent to the wetland area. The motion was unanimously approved.

PUBLIC HEARINGS:

None.

OLD BUSINESS:

None

STATEMENT OF CITIZENS:

None

7:12 p.m. – The Commission took a short recess. 7:17 p.m. – The Commission reconvened the meeting.

NEW BUSINESS:

1. Home Occupation Ordinance. Mr. Forth summarized the staff report dated January 27, 2012 involving the recently adopted active home occupation ordinance. Following the January 5, 2012 Planning Commission action regarding the Arrow Car Service application, Mr. Forth indicated the Commission expressed interest in reviewing the ordinance language and recommend possible changes for City Council to consider. Mr. Forth provided a summary involving development of the ordinance, differences between the Planning Commission version that was recommended to City Council in January 2010 and the final version that was modified and subsequently adopted by City Council in March 2011. Mr. Forth stated that since adoption of the ordinance, only one active home occupation permit application (Arrow Car Service) has been received. Mr. Forth discussed the current ordinance provisions and the flexibility the Planning Commission has when considering certain operational aspects of a proposed active home occupation. Mr. Forth stated that staff believes it is premature to consider ordinance changes at this time since only one active home occupation application has been considered by the Commission and there were unusual circumstances associated with that application.

Commissioner Dargitz stated she still has mixed feelings regarding the ordinance and does not understand why City Council chose to remove certain provisions of the ordinance such as the major thoroughfare requirement, maximum number of vehicles and hours of operation that would limit where active home occupations could be located in the city and help protect neighborhoods. Commissioner Welch indicated the adopted ordinance provides the Planning Commission with the discretion and flexibility to address these issues and others if adverse impacts would result. Attorney Brown stated the action of City Council to adopt a different version of the ordinance, than was originally recommended by the Planning Commission, was a policy decision. Attorney Brown stated the role and responsibility of the Planning Commission is to administer the ordinance as adopted by City Council.

The Commission and staff discussed various provisions of the ordinance, how the ordinance is implemented and enforcement. Commissioner Patterson and Chairman Cheesebro indicated they also believe it is premature to suggest ordinance changes at this time. Mr. Forth summarized conversations that have occurred with other citizens who were considering active home occupation permits including a photography business, small engine repair shop and landscape contractor. Mr. West stated the ordinance provision that prohibits any part of the active home occupation from being conducted in an attached or detached accessory building further limits the type of uses allowed, such as automobile repair or small engine repair. Similar to the approval of the Arrow Car Service application, Commissioner Dargitz suggested follow-up reviews by the Commission (e.g. 4-6 months after an approval) for any future active home occupation permit approval. At the conclusion of the discussion, it was the consensus of the Commission not to move forward with ordinance changes for City Council consideration at this time.

2. Romence Road Parkway Corridor Study. Mr. Forth summarized the staff report dated January 27, 2012. Following the October 20, 2011 Planning Commission meeting involving Rezoning Application #11-02

(1901 Romence Road Parkway), the Commission determined that further study of the Romence Road Parkway corridor from Lovers Lane to Portage Road was appropriate. Mr. Forth summarized the Romence Road Parkway extension, Research & Development/Technology future land use map designation, OTR, office technology and research zoning district, differences between the OTR and I-2 zoning districts and existing land use/zoning patterns. Mr. Forth also summarized the options identified by staff for Planning Commission consideration.

The Commission discussed the information, maps and the options contained in the staff report. Commissioner Welch stated that he was in favor of moving forward with either Option 2 or Option 4. Commissioner Patterson stated his preference was to wait until rezoning requests were received from individual property owners. However, any Planning Commission initiated rezoning consideration should include a courtesy notice to the affected property owner(s) to determine their interest. Mr. Forth and Mr. West discussed other zoning changes that have been initiated by the Planning Commission and the purpose of the public hearing process, which is to receive property owner and citizen comments. Mr. Forth stated the property owner has the option to request a different designation than proposed or be excluded from rezoning consideration. Commissioner Reiff stated Planning Commission initiation of a rezoning application consistent with the Comprehensive Plan is a proactive measure and concurred that a parcel(s) of land can always be removed from final action. Chairman Cheesebro stated Option 4 was a more comprehensive rezoning approach involving this section of the Romence Road Parkway.

After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Reiff, to initiate the public hearing process involving a zoning change to OTR consistent with Option 4 of the staff report that includes the six properties with frontage along Romence Road Parkway, 6941 Lovers Lane, five vacant Pfizer lots located at the southwest corner of Portage Road and Lansing Avenue and 6646 Portage Road. The motion was unanimously approved. Mr. Forth stated notices would be prepared for a public hearing tentatively scheduled for the March 15, 2012 meeting.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services