

PLANNING COMMISSION

August 2, 2012

The City of Portage Planning Commission meeting of August 2, 2012 was called to order by Vice-chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seven citizens were in attendance.

MEMBERS PRESENT:

Miko Dargitz, Rick Bosch, Allan Reiff, Wayne Stoffer, Paul Welch and Bill Patterson.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Dave Felicijan and James Cheesebro.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services and Randall Brown, City Attorney.

PLEDGE OF ALLEGIANCE:

Vice-chairman Welch led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Vice-chairman Welch referred the Commission to the July 5, 2012 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Dargitz, seconded by Commissioner Bosch, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Site Plan for Bowers Manufacturing, 6565 South Sprinkle Road. Mr. Forth summarized the staff report dated July 13, 2012 involving a project submitted by Delta Design Group, on behalf of Bowers Manufacturing, to construct a 37,895 square foot building addition and related site improvements along the east side of the existing building. Mr. Forth noted that planned site improvements will be limited to the east side of the existing facility with no additional changes proposed across the remainder of the site. Mr. Scott Musser, Delta Design Group, was present to support the site plan on behalf of Bowers Manufacturing. Commissioner Reiff inquired about job creation. Mr. Musser indicated it would be in the range of 40 jobs.

There being no further discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to approve the site plan for Bowers Manufacturing, 6565 South Sprinkle Road. The motion was unanimously approved.

PUBLIC HEARINGS:

1. Special Land Use Permit: Verizon Wireless (mono-pine), 8080 Oakland Drive. Mr. Forth summarized the staff report dated July 13, 2012 regarding a request received from Tele-Site, Inc., on behalf of Verizon Wireless, for a special land use permit to construct a 150-foot tall telecommunications tower (mono-

pine) and related improvements at 8080 Oakland Drive. Mr. Forth mentioned that the City Council approved the Tentative Plan Amendment for the Oakland Hills at Centre Planned Development (8080 Oakland Drive and 2275, 2301 and 2401 West Centre Avenue) on June 12, 2012, that included the addition of the 150-foot tall mono-pine tower on the 8080 Oakland Drive parcel, among other revisions. Approval of the tentative plan amendment included the following three conditions related to the mono-pine tower:

- The tower be constructed to accommodate four co-locations and designed to include branches and camouflaging as identified in the Sabre Towers and Poles brochure provided by the applicant. The tower be located at least 55-feet from the north property line and a minimum 90-feet from the east property line;
- The fenced area around the tower be enclosed by a 6-foot tall decorative, solid vinyl fence and supplemental evergreen tree plantings (minimum 8-10 foot tall, spaced 10 feet on-center) be installed along the north side of the enclosure; and
- The large Oak tree located west of the mono-pine tower and the existing mature tree line located along Oakland Drive be preserved to the greatest extent possible in order to minimize the visual appearance of the mono-pine tower from adjacent properties and for motorists traveling Oakland Drive.

Mr. Forth indicated the proposal to construct the 150-foot tall telecommunications tower (mono-pine) and associated improvements at 8080 Oakland Drive fulfills the requirements for issuance of a Special Land Use Permit and is consistent with the recently approved Tentative Plan Amendment for Oakland Hills at Centre Planned Development.

Mr. Jonathan Crane (attorney representing Verizon Wireless) and Ms. Claudine Antoun (Tele Site, Inc.) were present to speak in support of the special land use permit. Commissioner Reiff asked Attorney Crane to confirm that the proposed tower will look like the tower pictured in the Sabre Tower brochure. Attorney Crane stated it would look like the one in the brochure. Commissioner Bosch asked Attorney Crane if the location of the tower is the same as the location shown on the tentative plan that was recently approved by City Council. Attorney Crane stated it is in the same location.

Vice-chairman Welch opened the public hearing. There being no citizens wishing to speak on this matter, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, to close the public hearing. The motion was unanimously approved. Commissioner Dargitz stated she would have preferred an alternate location further to the west but recognizes the site selection criteria. There being no further Planning Commission discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the special land use permit for Verizon Wireless, 8080 Oakland Drive, to allow construction of a 150-foot tall telecommunications tower (mono-pine) subject to City Council approval of the Final/Site Plan. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Verizon Wireless (mono-pine), 8080 Oakland Drive. Mr. Forth summarized the staff report dated July 13, 2012 involving a final plan submitted by Tele-Site, Inc., on behalf of Verizon Wireless, to construct a 150-foot tall telecommunications tower (mono-pine) and related site improvements at 8080 Oakland Drive. Mr. Forth noted the final plan has been designed in substantial conformance with the 2012 approved tentative plan amendment and applicable requirements of the wireless telecommunications facilities and tower ordinance. Consistent with the 2012 tentative plan amendment, the approximate 50-foot by 70-foot fenced area around the tower will be fully enclosed by a 6-foot tall decorative, solid vinyl fence and supplemental evergreen tree plantings (minimum 8-10 foot tall, spaced 10 feet on-center) will be installed along the north side of the enclosure. Additionally, the applicant will preserve the large Oak tree located west of the mono-pine tower

and, to the greatest extent possible, the existing mature tree line located along Oakland Drive as shown on the 2012 approved tentative plan amendment.

Mr. Jonathan Crane (attorney representing Verizon Wireless) and Ms. Claudine Antoun (Tele Site, Inc.) were again present to speak in support of the final plan. There being no further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, to recommend to City Council that the final plan for Verizon Wireless, 8080 Oakland Drive, to construct a 150-foot tall telecommunications tower (mono-pine) be approved subject to the same three conditions included with the 2012 Oakland Hills at Centre Planned Development Tentative Plan Amendment. The motion was unanimously approved.

PUBLIC HEARINGS:

1. Rezoning Application #11-04, East Centre Avenue between Lakewood Drive and Garden Lane – Planning Commission reconsideration. Mr. Forth explained that the Planning Commission previously considered this rezoning application during the April 5th, May 3rd and May 17th, 2012 meetings. After considering public comment, information provided by the applicants and the rezoning alternatives presented by staff, the Planning Commission made two separate motions during the May 17, 2012 meeting recommending City Council approve the rezoning application. However, each motion failed to receive the minimum number of votes (five) necessary for approval. The Planning Commission subsequently decided to forward Rezoning Application #11-04 to City Council without a specific recommendation. Following the public hearing held on July 10, 2012, City Council voted to refer Rezoning Application #11-04 and the Petition in Partial Opposition to Rezoning Application #11-04 back to the Planning Commission for discussion and recommendation.

Mr. Forth briefly summarized each of the six alternatives presented in the staff report dated July 27, 2012. Mr. Forth indicated that staff is recommending alternative No. 3. Commissioner Bosch asked if the parcel adjacent to Bye Street has sufficient street frontage. Mr. Forth responded that it did meet the minimum Zoning Code requirement for street frontage. Commissioner Dargitz asked if the Commission would consider an alternative that combines elements shown on Map 2 and Map 3. This subsequent alternative includes retention of the residential zoning on the north 330 feet of 801 East Centre and rezoning 809 East Centre Avenue to office. Mr. Forth stated this is an alternative the Planning Commission can consider. Commissioner Dargitz expressed a desire to retain some of the residential character in this immediate area and limit the potential impacts on adjacent residential uses.

Vice-chairman Welch opened the public hearing. Mr. Thomas Rogers, initial applicant and owner of 775 and 801 East Centre Avenue, was present to support the rezoning application. Mr. Rogers expressed some concern that only six members of the Planning Commission were present at tonight's meeting. Mr. Rogers mentioned that he did speak with a representative from Consumers Energy about utility costs but was told that a cost estimate could not be provided without a development project. The Consumers Energy representative did state a new primary line would have to be extended on Bye Street. Mr. Rogers also briefly discussed other costs associated with residential development on the north portion of the property and the expected value of a future residential lot. Mr. Rogers discussed the Future Land Use Plan map designations, the fact that the boundaries are not intended to be parcel specific and the low impact nature of office uses. Mr. Rogers explained some of the difficulties he experienced with the expanded rezoning including resident opposition and other residents changing their position. Vice-chairman Welch asked Mr. Rogers what alternative he prefers. Mr. Rogers responded that he prefers Alternative No. 1 and as a second preference, Alternative No. 4 (P-1, parking on the north portions of 801 through 827 East Centre Avenue).

Brian Mahoney, 7911 Lakewood Drive, mentioned one of the recommendations of the Comprehensive Plan is to protect residential neighborhoods from intrusive land uses and motor vehicle traffic. Mr. Mahoney believed that rezoning the property as requested is not consistent with the Comprehensive Plan. Mr. Mahoney stated he circulated the petition and the people that signed it were not entirely opposed to the rezoning application but were opposed to a change in zoning that included property adjacent to the existing residential homes. Mr. Mahoney noted that while many of the applicants want to sell their property and move away, he and his neighbors are here

to stay. Mr. Mahoney prefers Alternative No. 3 as recommended by staff since it is generally consistent with the Future Land Use Plan map and will protect the residents to the north and west. Although Alternative No. 3 proposes to rezone the property next to 728 Bye Street, Mr. Mahoney suggested this area also remain zoned residential. The property owner at 728 Bye purchased the property 14 years ago and the adjacent property (801 East Centre) and the Future Land Use Map does not have it shown for commercial use.

There being no further citizens wishing to speak on this matter, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, to close the public hearing. The motion was unanimously approved.

In response to comments made by Mr. Rogers about involving other applicants (property owners) in the rezoning process, Commissioner Dargitz asked staff to explain why the rezoning application was expanded to include additional properties. Mr. Forth explained the rationale as indicated in the staff report. Commissioner Dargitz also asked about an East Centre resident being able to conduct a home occupation business. Mr. Forth stated that a resident can conduct a home based business if it meets certain criteria. Mr. Forth also mentioned that if the property were rezoned to office, a business owner or an employee could live on site pursuant to the recently adopted Work/Live Ordinance. Finally, Mr. Forth stated he also spoke with the Consumers Energy representative about utility service. According to the Consumers Energy representative, there would be no charge to a property owner/developer for the first 600 feet of primary line installation.

Commissioner Reiff stated that based on the information he has seen to date, he still supports Alternative No. 3. Commissioner Patterson stated he reviewed the Future Land Use plan map again and reiterated that the boundaries are not parcel specific. Commissioner Patterson questioned whether or not residential development is a viable option on the north portion and, as a result, supports Alternative No. 5. Commissioner Patterson stated there are Zoning Code provisions that require screening and buffering when adjacent to residential uses. Commissioner Bosch agreed with Commissioner Patterson. Additionally, Commissioner Bosch does not believe buffering the east side of 728 Bye Street is as important as buffering the south side of the property from the East Centre Avenue traffic. Commissioner Bosch stated there has been no discussion about not rezoning 775 East Centre Avenue. Protection of the east side of 728 Bye Street can be adequately addressed with screening/buffering techniques upon submittal of a site plan. Commissioner Bosch believes that a 50 foot buffer along the north portion of 801 through 827 East Centre consistent with Alternative No. 5 along is adequate. However, as a compromise to move the application forward, Commissioner Bosch could support Alternative No. 3 since residential development within the 198 foot area is still possible. Commissioner Stoffer asked if the property were rezoned consistent with Alternative No. 3, could a property owner return at a later date and request the north portion be rezoned. Mr. Forth stated yes. Commissioner Stoffer mentioned the Comprehensive Plan is a public document and some people may have relied on it when considering a property purchase. Commissioner Stoffer agreed with Commissioner Bosch's statements about the necessity to provide a buffer along the east property line of 728 Bye Street. Commissioner Patterson mentioned the Commission should consider the letter from Mr. Nuss, 809 East Centre Avenue, and his desire to be excluded from the rezoning if the property were rezoned consistent with Alternative No. 3. Vice-chairman Welch indicated he generally concurs with Commissioners Bosch and Patterson and did not believe there is a significant difference between allowing OS-1 zoning adjacent to a 50 foot buffer residential buffer or residential zoning as proposed in Alternative No. 3. Vice-chairman Welch reiterated screening and buffering provisions in the Zoning Code intended to minimize potential negative impacts. However, Vice-chairman Welch also stated he could support Alternative No. 3.

Commissioner Dargitz mentioned there are other available properties located along East Centre Avenue zoned for office use and perhaps the timing is not right to rezone the subject properties. Commissioner Stoffer noted that East Centre Avenue has drastically changed over the years making residential use much less desirable. The Comprehensive Plan designates this area appropriate for office use and Commissioner Stoffer believes the zoning should be changed. Commissioner Bosch asked Attorney Brown about moving forward with Alternative No. 3 in light of Mr. Nuss's letter. Attorney Brown stated that the expanded rezoning application was noticed and the notice indicates that the Commission and Council can consider any zoning

classification allowed by law. Even though the Council may have removed a property from zoning consideration in the past, Attorney Brown stated there is no legal requirement.

There being no further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, that the Planning Commission to recommend to City Council that Rezoning Application #11-04 be approved consistent with Alternative 3 and 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue be rezoned to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential. Commissioner Dargitz asked about a condition for screening adjacent to 728 Bye Street. Attorney Brown stated screening is addressed during the site plan review process and the rezoning cannot include that type of condition. Commissioner Stoffer asked about the restrictions placed on 809 East Centre if the zoning was changed to office. Mr. Forth stated the residential use would become nonconforming but the use could continue and ownership can change. However, the residential use cannot be expanded without Zoning Board of Appeals review/approval. The Commission, staff and City Attorney discussed that the properties involved in the rezoning can be developed either singularly or as a whole. Commissioner Dargitz stated she will support Alternative No. 3 but is still concerned about the future nonresidential impacts on 728 Bye Street and reminded Mr. Rogers about his earlier commitment to minimize those potential impacts. Commissioner Stoffer asked that the letter from Mr. Doug Champagne, 728 Bye Street, regarding his concerns about screening/buffering be made part of the record. Upon voice vote, the motion was approved 5-1 with Commission Patterson voting no.

NEW BUSINESS:

1. Oshtemo Township Master Plan Amendment 2012-1. Mr. Forth summarized the staff report dated July 27, 2012 regarding several proposed amendments to the Oshtemo Township Master Plan. Pursuant to the Michigan Planning Act, all contiguous communities and other required agencies are being invited to review and comment on the Plan amendments. Mr. Forth indicated that the Plan amendments had recently been received and suggested that the Commission preliminarily discuss this item at tonight's meeting and adjourn the discussion until the August 16, 2012 meeting where any comments can then be formulated and conveyed to Oshtemo Township.

There being no further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to adjourn the discussion involving the Oshtemo Township Master Plan amendments until the August 16, 2012 meeting. The motion was unanimously approved.

OLD BUSINESS:

1. Election of Officers. Vice-chairman Welch stated that although Chairman Cheesebro is not present at tonight's meeting, he has indicated a desire to continue to serve as the chairman of the Portage Planning Commission. Vice-chairman Welch asked if another member of the Commission was interested in serving as the chairman. There being no interest from another Commission member, a motion was made by Commissioner Stoffer, seconded by Commissioner Bosch, to re-elect Jim Cheesebro as the Planning Commission chairman for FY2012-13. The motion was unanimously approved. Vice-chairman Welch stated he was interested in continuing to serve as the vice-chairman and asked if another member of the Commission was also interested in serving as the vice-chairman. There being no interest from another Commission member, a motion was made by Commissioner Reiff, seconded by Commissioner Bosch, to re-elect Paul Welch as the Planning Commission vice-chairman for FY2012-13. The motion was unanimously approved. Vice-chairman Welch indicated the final Planning Commission officer position is the secretary. Commissioner Stoffer stated he would also like to continue to serve in that capacity. Vice-chairman Welch asked if another member of the Commission was interested in serving as the secretary. There being no interest from another Commission member, a motion was made by Commissioner Reiff, seconded by Commissioner Patterson, to

re-elect Wayne Stoffer as the Planning Commission secretary for FY2012-13. The motion was unanimously approved.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Commissioner Bosch asked to be excused from the August 16, 2012 meeting. There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Christopher T. Forth, AICP
Deputy Director of Planning, Development & Neighborhood Services