

PLANNING COMMISSION

December 20, 2012

The City of Portage Planning Commission meeting of December 20, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

MEMBERS PRESENT:

Wayne Stoffer, Miko Dargitz, Allan Reiff, Dave Felicijan, James Cheesebro, Rick Bosch and Dave Artley (arrived at 7:08pm).

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Bill Patterson and Paul Welch.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Assistant City Planner; and Randy 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 December 6, 2012 meeting minutes contained in the agenda packet and stated he would be abstaining from voting since he was not present at this meeting. A motion was offered by Commissioner Reiff, seconded by Commissioner Dargitz, to approve the minutes as submitted. The motion was approved 5-0-1 with Chairman Cheesebro abstaining.

PUBLIC HEARINGS:

1. Special Land Use Permit and Site Plan for Xtreme Clean Car Wash, 5121 South Westnedge Avenue. Mr. West summarized the staff report dated December 14, 2012 regarding the special land use permit and site plan applications submitted by Xtreme Clean Car Wash of Michigan requesting approval to construct a two-bay car wash and associated site improvements at 5121 South Westnedge Avenue. Mr. West indicated the automatic car wash was proposed on a portion of the larger Meijer zoning lot located east of the gasoline/convenience store, along the north side of Andy Avenue. Mr. West reviewed the special land use permit conditions of approval from the Zoning Code and also discussed the noise assessment performed Dr. William Clark for the proposed development project. Mr. West also stated the applicant would be installing a concrete sidewalk along the north side of Andy Avenue to fill in an existing gap and would also be installing a six-foot tall row of arborvitae trees between the automatic car wash site and Andy Avenue to help buffer the use from the single family residences to the south. Mr. West referred the Commission to a letter received from Ms. Pamela Salak, 5314 Plateau Street, that was included in the final agenda packet. Based on the information submitted by the applicant, Mr. West indicated staff was recommending approval of both the special land use permit and site plan.

Mr. Corbin Buttleman (applicant) and Mr. David Hendershott (applicant's engineer) were present to support the application. Mr. Buttleman discussed the considerations that have been incorporated into the site and building design to address noise and other potential concerns and the desire to be a good neighbor to area residents and Meijer. Mr. Buttleman also discussed the noise assessment that was prepared by Dr. William Clark, the

technology of the automatic car wash and operational aspects of the facility that can be modified if problems or concerns are discovered in the future. The Commission, applicant and staff next discussed various aspects of the proposed automatic car wash facility including the building orientation, door design, location and type of dryer units, exterior vacuums, proposed landscaping along Andy Avenue, ambient noise levels in the surrounding area and the noise assessment prepared by Dr. Clark. The public hearing was then opened by Chairman Cheesebro. No citizens spoke regarding the proposed development project. A motion was then made by Commissioner Reiff, seconded by Commissioner Bosch, to close the public hearing. The motion was unanimously approved.

The Commission and staff continued discussion of noise related issues and operational changes that could be made to the automatic car wash including limiting hours of operation if noise was determined to be a problem in the future. Attorney Brown discussed two situations in which the Commission could limit the hours of operation for the automotive car wash use: 1) If the applicant agrees to limit the hours of operation, or, 2) If a finding was made by the Commission that determines limiting the hours of operation is necessary to protect adjacent residential areas. Attorney Brown also discussed two scenarios the Commission could consider regarding approval of the special land use permit if an element of uncertainty exists regarding noise effects on the surrounding neighborhood: 1) Approve the special land use permit with no conditions and allow staff to address any future noise related violations through issuance of a civil infraction ticket and enforcement action, or, 2) Approve the special land use permit with a broad condition that protects the surrounding residential neighborhood. Attorney Brown indicated that imposing such a condition would allow the Commission to later test this condition against the standards of review contained in the ordinance and require mitigation and/or operational changes, if a noise related issue was identified. Attorney Brown provided sample language that could be added to a motion for approval if an appropriate finding was made by the Commission regarding undetermined noise impacts associated with the proposed automatic car wash. Based on this discussion, Commissioner Dargitz asked if the staff recommendation would change. Mr. West indicated that in formulating the recommendation, staff relied upon the expert testimony provided by Dr. Clark and the conclusions contained in the noise assessment report that the automatic car wash operation would comply with applicable noise ordinance standards. If an ordinance violation was discovered after construction of the automatic car wash, Mr. West indicated staff could initiate enforcement action and work with the applicant to take corrective action. Commissioner Bosch concurred with the staff recommendation and the conclusions reached by Dr. Clark and does not believe any conditions are necessary with a motion to approve. Commissioner Bosch indicated that staff has the ability to respond quicker and more efficiently than the Commission to address any future noise violations.

After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Artley, to approve the Special Land Use Permit for Xtreme Clean Car Wash, 5121 South Westnedge Avenue. The motion was unanimously approved 7-0. The Commission next discussed the site plan for the proposed automatic car wash. Mr. Hendershott clarified the discrepancy on Sheet C101 regarding the number of trees to be planted along Andy Avenue and indicated that a total of 22 arborvitae and three pear trees would be installed. A motion was then made by Commissioner Bosch, seconded by Commissioner Stoffer, to approve the Site Plan for Xtreme Clean Car Wash, 5121 South Westnedge Avenue. The motion was unanimously approved 7-0.

OLD BUSINESS:

None.

7:50pm - The Commission convened the meeting to City Hall Conference Room No. 1

NEW BUSINESS:

1. Donation Box Ordinance Amendment. Mr. Forth and Attorney Brown summarized the December 14, 2012 staff report and the draft ordinance language that has been prepared for Commission consideration. Attorney Brown indicated the draft ordinance would not be part of the Zoning Code, but rather part of the Code of Ordinances (Chapter 24, Community Quality), and existing donation boxes would be subject to the regulations. The Commission, staff and Attorney Brown next discussed various aspects of the proposed ordinance including different regulatory approaches and standards that could be adopted to address the proliferation of donation boxes across the city. The Commission asked staff for additional information regarding Kalamazoo Township's approach of prohibiting donation boxes since they are not specifically identified in the zoning ordinance. Mr. Forth stated additional information will be provided with the preliminary staff report, prior to the January 3rd public hearing. The Commission next discussed possible ordinance standard changes including establishing a maximum number of donation boxes across the city, increasing the distance separation requirement between donation boxes, regulating the number of donation boxes by organization and reducing the size and/or number of donation boxes permitted on a single parcel.

After additional discussion, the Commission asked staff for further consideration of the following possible changes: 1) Increasing permit fees; 2) Increasing the distance separation requirement between donation boxes to 1,000 or 1,500 feet; 3) Reducing the number of donation boxes allowed on a property from two to one; 4) Reducing the size of the donation box; and 5) Reducing the amount of time a property owner/operator is given to correct a violation. Mr. Forth indicated that staff would consider these changes and provide additional information with the preliminary report, prior to the January 3rd public hearing.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

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