

PLANNING COMMISSION

January 3, 2013

The City of Portage Planning Commission meeting of January 3, 2013 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three citizens were in attendance.

MEMBERS PRESENT:

Miko Dargitz, Allan Reiff, Dave Felicijan, James Cheesebro, Paul Welch, Dave Artley and Wayne Stoffer (arrived at 7:03pm).

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Bill Patterson and Rick Bosch.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Assistant City Planner; Randy Brown, City Attorney; and Bill Deming, Director of Parks, Recreation & Public Services.

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the December 20, 2012 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Artley, seconded by Commissioner Dargitz, to approve the minutes as submitted. The motion was approved 6-0.

PUBLIC HEARINGS:

1. Preliminary Report: Donation Box Ordinance Amendment. Mr. Forth summarized the preliminary staff report dated December 28, 2012 regarding the proposed donation box ordinance. Mr. Forth discussed the survey of commercially zoned properties and inventory of existing donation boxes conducted by the Department of Community Development and reviewed the substantive sections of the proposed ordinance. Mr. Forth also summarized the initial Commission review of the draft ordinance during the December 20, 2012 meeting and the primary issues discussed including permit fees, distance separation, number of donation boxes per site, donation box size and ordinance enforcement. Lastly, Mr. Forth indicated that staff provided a courtesy notice of the proposed ordinance and public hearing date to all property owners where donation boxes are currently located and the organizations that maintain the boxes. Mr. Forth referred the Commission to three communications received that were included in the final agenda packet.

The public hearing was then opened by Chairman Cheesebro. Three citizens spoke in regards to the proposed ordinance amendment: 1) Dan Dalton (attorney representing Planet Aid), 2) Carlo Cavallaro (attorney representing USAgain) and 3) Dustin Holland (Vice-President, Better World Books). Mr. Dalton stated he was supportive of the proposed ordinance but requested the following changes: a) all boxes be of steel construction; b) require liability insurance coverage; and c) a local representative or regional manager have the ability to sign a permit application on behalf of the organization. Mr. Dalton discussed the Planet

Aid organization and indicated the primary concern regarding donation boxes involves items left on the ground adjacent to the boxes. Mr. Dalton stated he does not foresee any problem with a 1,000 foot distance separation requirement between boxes. Mr. Cavallaro also stated he was supportive of the ordinance and suggested the Planning Commission consider: a) modifying the language of the ordinance to refer to the boxes as collection boxes rather than donation boxes; and b) permit an authorized representative to sign on behalf of the property owner. Mr. Cavallaro provided an overview of the growing collection box industry as well as the USAgain organization. Mr. Cavallaro concurred with Mr. Dalton that the primary concern regarding donation boxes involves items left on the ground adjacent to the boxes. Mr. Cavallaro also thought that the proliferation of boxes in a community can be a problem. Mr. Cavallaro stated that metal boxes are the standard in the industry and are safer and more stable than wood or resin boxes. Mr. Cavallaro indicated he prefers the 500 foot distance separation requirement and stated the allowance for a second box will reduce the occurrences of overflow and help the organization better manager service routes. Mr. Holland also expressed support of the proposed ordinance but requested the minimum 2-inch size print on the boxes for organization information not be required. Mr. Holland stated Better World Books currently has a ½-inch size print on the boxes and does not include a mailing address. As currently written, the ordinance would require revision of the Better World Books decal package. Finally, Mr. Holland stated he prefers the 500 foot donation box separation distance as currently proposed in the ordinance. No additional citizens spoke regarding the proposed ordinance.

The Commission, Mr. Forth and Attorney Brown discussed various aspects of the proposed ordinance, along with comments and suggestions received from the organization representatives. Attorney Brown suggested adding language that would expand the authority to sign applications, which would offer greater flexibility to the organization and property owner. Commissioner Artley suggested adding language to the ordinance that would require liability insurance to protect citizens and increase the separation requirement between boxes to 1,000 feet. Commissioner Stoffer suggested modifying the ordinance to require steel boxes, increasing setback standard from a public street, establishing a maximum box size of 4.5 feet by 4.5 feet by 7 feet high, and increasing the separation requirement to 1,000 feet if two boxes are present on a site. After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Reiff, to adjourn the public hearing for the Donation Box Ordinance Amendment to the January 17, 2013 meeting. The motion was unanimously approved.

The Commission and staff continued discussion of the proposed donation box ordinance. Based on the comments received and the Commission discussion, Attorney Brown indicated he would likely be making minor changes to the ordinance for the January 17th meeting. The Commission also discussed whether any changes to the ordinance should be made now or during the January 17th meeting. Attorney Brown stated any changes to the ordinance should be made in the form or a motion with a majority vote of the Commission. After additional discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Artley, to incorporate the following changes into the draft ordinance for further consideration during the January 17th meeting: 1) Increase the separation distance to 1,000 feet between boxes; 2) allow two boxes on a site only if from the same company and the two boxes must abut each other; 3) require liability insurance; and 4) require metal boxes. Following additional discussion, the motion was unanimously approved.

2. 2013 Recreation and Open Space Plan Update. Mr. Forth summarized the staff report dated December 28, 2012 regarding the Plan update. Mr. Forth discussed substantive changes from the 2008 Plan and the incorporation of Commission comments received during the October 18, 2012 meeting. Commissioner Dargitz asked if Map 6 should be further modified to include forested areas similar to the Sensitive Land Areas map that is included in the Comprehensive Plan. Mr. Forth indicated that due to the size and scale of the map included in 2013 Recreation and Open Space Plan, the sensitive land areas are more generalized. Mr. Forth noted that the more detailed Sensitive Land Areas map is included in the 2008 Comprehensive Plan. An update of the Sensitive Land Areas map will be accomplished as part of the Comprehensive Plan update.

Mr. Bill Deming, Director of Parks, Recreation & Public Services, was present to support the Plan Update. In addition to updating the resources and recreational assets of the city, Mr. Deming stated one of the primary

purposes of the Plan update was to qualify for State of Michigan grant funds. No citizens were present to speak during the public hearing.

After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Artley, to adopt the 2013 Recreation and Open Space Plan Update and forward the document to City Council. The motion was unanimously approved.

NEW BUSINESS:

None.

OLD BUSINESS:

1. City of Portage 50th Anniversary Celebration – Recognition of Portage Businesses. Chairman Cheesebro summarized the communication from City Council to form a subcommittee to develop operational details associated with the “pass book” idea. Commissioner Dargitz asked for clarification on staff availability to assist the subcommittee. Mr. Forth indicated staff would be available on a limited basis to answer questions from subcommittee and assist with the use of potential city resources such as use of the city web site. Commissioners Dargitz, Felicijan, Stoffer and Artley volunteered to serve on the subcommittee. Commissioner Felicijan stated he would coordinate scheduling the first subcommittee meeting, likely before the January 17th meeting, and would send an email confirmation.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

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

Respectfully submitted,

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