

PLANNING COMMISSION

June 20, 2013

The City of Portage Planning Commission meeting of June 20, 2013 was called to order by Vice-Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

MEMBERS PRESENT:

Bill Patterson, Rick Bosch, Miko Dargitz, Allan Reiff, Wayne Stoffer, Dave Felicijan, Paul Welch, Betty Schimmel and Henry Kerr.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

None.

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:

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

APPROVAL OF MINUTES:

Vice-Chairman Welch referred the Commission to the May 30, 2013 special meeting minutes contained in the agenda packet. Commissioner Dargitz asked that the minutes be amended at the bottom of page 2 (beginning of second complete paragraph) to include the following: "which included the subcommittee intent that the other Planning Commission members would not be required to visit 10-20 businesses as suggested by staff and the desire to launch the passbook program in July and not September due to the start of the Comprehensive Plan update". After a brief discussion, a motion was then offered by Commissioner Dargitz, seconded by Commissioner Felicijan, to approve the minutes as amended. The motion was unanimously approved.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. Special Land Use Permit: Indoor Dog Day Care, 129 West Centre Avenue. Mr. West summarized the staff report dated June 13, 2013 regarding the request by Portage Centre Plaza LLC to establish an indoor dog day care center is a Portage Centre Plaza shopping center tenant suite. Consistent with Section 42-652 of the Zoning Code, Mr. West indicated the dog day care center was determined to be a use not specifically addressed in the Zoning Code and a use that may be allowed in the B-3 zone as a special land use subject to Planning Commission review and consideration. Mr. West described the proposed indoor dog day care use that was proposed to be located in the southwestern building and the building construction measures the applicant would

complete to address potential noise and odors. Mr. West stated staff was supportive of the indoor dog day care use, as proposed by the applicant, subject to the four conditions identified in the staff report.

The Commission and staff discussed the differences between the proposed indoor dog day care and a commercial kennel, standards regarding minimum square footage per dog and previous dog day care approvals in the city. Mr. Mike Kreps (applicant's representative) and Mr. Tanner Nicholson (Portage Centre Plaza LLC) were present to support the application and explain the indoor dog day care use. Commissioner Felicijan asked if the applicant had an evacuation plan for the dogs in the event of a fire or other emergency. Mr. Kreps indicated the building was protected by a fire sprinkler system, however, additional consideration would need to be given to a building evacuation plan for the dogs. Vice-Chairman Welch opened the public hearing. No citizens spoke regarding the proposed indoor dog day care center. A motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to approve the Special Land Use Permit for Portage Centre Plaza LLC (indoor dog day care), 129 West Centre Avenue, subject to the following conditions: 1) No outdoor exercise areas, kennels/runs or other activities; 2) No overnight boarding, breeding or selling of dogs; 3) Hours of operation be restricted to 7am-7pm, Monday through Saturday (as proposed by the applicant) and 4) Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health. The motion also included the applicant's commitments to install additional building walls, air exchange units and waste collection and disposal devices as indicated in the application materials and June 13, 2013 staff report. The motion was unanimously approved.

NEW BUSINESS:

1. Election of Officers. Vice-Chairman Welch discussed the recent vacancy of the Chairman position and asked if there were any nominations or Commissioners interested in the position of Chairman. Commissioner Reiff nominated Paul Welch for the position of Chairman. There being no additional nominations or interested Commissioners, by unanimous consent Paul Welch was elected as Chairman. Commissioner Dargitz nominated Dave Felicijan for the position of Vice-Chairman. There being no additional nominations or interested Commissioners, by unanimous consent Dave Felicijan was elected as Vice-Chairman. Commissioner Reiff nominated Wayne Stoffer for the position of Secretary. There being no additional nominations or interested Commissioners, by unanimous consent Wayne Stoffer was elected as Secretary.

STATEMENT OF CITIZENS:

None.

7:30pm - The Commission took a short recess.

7:35pm - The Commission reconvened the meeting in City Hall Conference Room No. 1

OLD BUSINESS:

1. City of Portage 50th Anniversary Celebration – Recognition of Portage Businesses. Mr. Forth summarized the June 14, 2013 staff report that included suggestions for consideration of the Passbook program and also referred the Commission to highlight-strike versions of the various Passbook documents, as proposed by Attorney Brown and staff. Commissioners Felicijan and Dargitz expressed concern regarding the suggestion to eliminate business names from the press release and Portager article. Commissioner Dargitz discussed her initial contact with the 13 businesses currently listed and her commitment to provide advertising for these businesses. Commissioner Dargitz also discussed the intent to highlight specific businesses that have

agreed to donate a gift for the Passbook program. Attorney Brown restated his concern over emphasizing one business over another business and the appearance that the city is endorsing certain businesses in a non public forum. Attorney Brown indicated the 13 businesses currently listed were specifically approached/solicited, while other businesses were not. Attorney Brown stated that listing all the participating businesses in the Passbook (without any special emphasis) was acceptable; however, strongly recommended against any specific business listing in the press release, Portager or on the web site. The Commission, Attorney Brown and staff next discussed other activities where the city lists specific businesses (i.e., New and Expanding Businesses article in Portager and leaf pick up bag advertisement and coupons in Portager) and the differences between these activities and the Passbook program. Attorney Brown stated the purpose of the Passbook is to celebrate the City of Portage 50th Anniversary and businesses within the community and not to advertise or promote specific businesses. Commissioners Dargitz and Felicijan discussed possible inclusion of the passbook in the September edition of the Portager. Mr. Forth and Attorney Brown indicated they did not realize it was the intent of the subcommittee to include the actual passbook in the Portager. Given the other documents and details that needed to be addressed immediately, Commissioner Felicijan suggested discussing this matter at a later date. After additional discussion, the Commission agreed to eliminate specific business listing from the press release and Portager and not to place any specific emphasis on businesses that donate a gift for the Passbook program.

The Commission also reviewed the various passbook documents and the proposed changes recommended by Attorney Brown and staff. In regard to the News Release, no additional changes were proposed by the Commission. In regard to the Portager article, the Commission discussed a minor change to the second paragraph to clarify the completed Passbook needs to be received by the last day of the month to be eligible for that month's drawing. In regard to the Business Registration form, the Commission agreed to change the word "expose" to "connect". In regard to the Participating Business Instructions sheet, the Commission only had a minor change to No. 1 and the elimination of the word "with". In regard to the Frequently Asked Questions sheet, the Commission agreed to reword No. 2 (b) to state the businesses will be recognized when gift(s) are awarded. The Commission also clarified No. 9 (a) that the raffle/drawing would be held each month at the first meeting of the Planning Commission.

Commissioners Dargitz and Felicijan indicated the Passbook was not yet ready for full review and they were hoping final changes would be completed by early next week. Commissioner Dargitz discussed changes to the Passbook since the May 30th meeting and Commissioner Felicijan discussed the desire to issue the News Release on June 26th. Mr. Forth suggested the 28th to allow for time to finalize the documents and website. Commissioner Felicijan agreed. Mr. Forth reviewed the suggestions listed in the five bullet items included in the June 14, 2013 staff report. Commissioner Felicijan stated these suggestions would be addressed by the subcommittee. Mr. Forth stated he would contact Commissioners Dargitz and Felicijan with links to the city web site and the primary contact person for getting documents uploaded. Attorney Brown stated he would like to review the Passbook once finalized and before the document was uploaded to the web site. After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, to move forward with the Passbook program as discussed during the meeting and to give the subcommittee authority to make changes to the program and documents, as needed. The motion was unanimously approved.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

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