

## PLANNING COMMISSION

August 15, 2013

The City of Portage Planning Commission meeting of August 15, 2013 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately nine citizens were in attendance.

### **MEMBERS PRESENT:**

Bill Patterson, Miko Dargitz, Wayne Stoffer, Dave Felicijan, Betty Schimmel and Paul Welch.

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Allan Reiff, Rick Bosch and Henry Kerr.

### **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 Welch led the Commission in the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the August 1, 2013 meeting minutes and the revised June 20, 2013 meeting minutes contained in the agenda packet. Commissioner Stoffer identified a minor typographical error at the top of page 3 of the August 1, 2013 meeting minutes (“car” should read “card”).

Commissioner Dargitz requested that several sentences be added to page 2 and 3 of the revised June 20, 2013 under the agenda item City of Portage 50<sup>th</sup> Anniversary Celebration and read the proposed changes. The proposed additions included references of Commissioner Dargitz commitment to the initial 13 businesses that the business names would appear in the Portager, the importance of including the names of these businesses to encourage additional business participation, the desire to highlight specific businesses that agreed to donate a gift to the Passbook program and a statement from Mr. Forth that staff would check into the logistics and steps necessary to possibly include the Passbook document in the September Portager.

In response, Mr. Forth stated the meeting minutes are intended to be a summary and not a verbatim discussion. If the Commission was to amend the minutes with the level of detail proposed, it was important that the Commissioners specifically recall the details of those discussions. Mr. Forth indicated a DVD recording of the June 20, 2013 Planning Commission Passbook discussion was not available since it had been overwritten and noted staff revised the minutes based on hand written notes. Since the meeting occurred almost two months ago, Mr. Forth indicated staff did not recall specific details of the discussion. Commissioner Dargitz stated the revised June 20, 2013 meeting minutes did not adequately reflect the discussion that occurred and indicated it was important given that City Council authorized up to \$2,900 to include the Passbook document in the September Portager.

Chairman Welch stated he recalls the general discussion that occurred during the June 20, 2013 meeting but does not recall the specifics of the conversations as stated by Commissioner Dargitz. Chairman Welch asked Commissioner Dargitz if she would be agreeable to more general statements regarding these issues for inclusion in the meeting minutes. Commissioner Dargitz stated there were two important points that she

believed occurred at the June 20, 2013 meeting and should be included in the minutes: 1) The importance of including the 13 participating business names in the Portager article or the Passbook in the September Portager, and, 2) Staff would check into the logistics and steps necessary to include the Passbook in the September Portager. Mr. Forth stated the hand written notes from the meeting indicated that Commissioner Felicijan suggested that additional discussion regarding possible inclusion of the Passbook in the September Portager occur at a later meeting since other Passbook related documents needed to be reviewed during the June 20, 2013 meeting. Mr. Forth noted the next meeting of the Planning Commission did not occur until August 1, 2013.

Attorney Brown asked Commissioner Dargitz if anything in the June 20, 2013 minutes was inaccurate or incorrect. Commissioner Dargitz stated that the omission of details make the minutes incorrect since they do not reflect the conversation that occurred. Attorney Brown asked if inclusion of the general statements regarding the two points discussed previously would result in the minutes not being incorrect. He also stated the Commission, as a group, needs to decide whether the minutes accurately reflect the conversation that occurred at the June 20, 2013 meeting.

Chairman Welch stated he believes the revised minutes as presented by staff capture the general conversation that occurred at the June 20, 2013 meeting, but lack the detail suggested by Commissioner Dargitz. Chairman Welch indicated he would be supportive of revising the minutes to include the two general statements previously discussed. Commissioner Patterson concurred and stated that he does recall the conversation generally, but does not recall the specific details. Commissioner Patterson asked Commissioner Dargitz why it is so important to now revise these meeting minutes with such detail given that City Council authorized inclusion of the Passbook in the September Portager and the fact that this discussion is being recorded. Commissioner Dargitz stated she now feels that she has to defend or justify the expense City Council authorized for inclusion of the Passbook in the Portager. Commissioner Dargitz stated that if the business names could have been listed in the Portager article, as originally proposed by the subcommittee, the objective could have been met without this additional cost.

After additional discussion, a motion was made by Commissioner Patterson to approve the revised June 20, 2013 minutes, as submitted. The motion failed due to support. A motion was then made by Commissioner Dargitz, supported by Commissioner Felicijan, to approve the revised June 20, 2013 minutes with the addition of language to indicate the discussion regarding: 1) The importance of including the 13 participating business names in the Portager article or the Passbook in the September Portager, and, 2) Staff would check into the logistics and steps necessary to include the Passbook in the September Portager. The motion was approved 5-0-1 with Commissioner Schimmel abstaining. A motion was then made by Commissioner Felicijan, supported by Commissioner Patterson, to approve the August 1, 2013 minutes with correction of the typographical error at the top of page 3 ("car" should read "card"). The motion was unanimously approved.

#### **SITE/FINAL PLANS:**

None

#### **PUBLIC HEARINGS:**

1. Preliminary Report: Rezoning Application #13-01, 120 and 126 East Van Hoesen Boulevard. Mr. Forth summarized the preliminary staff report dated August 8, 2013 regarding the request by Sonoma Development to rezone 120 and 126 East Van Hoesen Boulevard from R-1A, one family residential to B-3, general business and P-1, vehicular parking. Mr. Forth indicated the rezoning would facilitate a commercial redevelopment of the southeast corner of South Westnedge Avenue and East Van Hoesen Boulevard. Mr. Forth reviewed existing conditions of the subject properties and surrounding area and the preliminary analysis contained in the staff report including the Comprehensive Plan/Future Land Use Map designations and the suitability of the existing R-1A zone and potential impacts from the proposed B-3 and P-1 zones. Commissioner Dargitz asked what other zoning districts are considered transitional and whether a P-1 parking lot would be considered less impactful to the adjacent residential neighborhood than a B-3 zone with

associated commercial structure. Mr. Forth stated the OS-1, office service district is also considered a transitional zoning district between commercial areas/major streets and interior residential neighborhoods. Mr. Forth also indicated that a P-1 zone would generally have less potential impacts on an adjacent residential area, than a B-3 zone, and that only vehicular parking was allowed in the P-1 zone (refuse dumpsters and loading/unloading areas were not permitted).

Kevin Eidson of W.L. Perry Associates (applicant's representative) was present to support the application and explain the redevelopment project. Mr. Eidson stated the proposed P-1 zone for 126 East Van Hoesen was consistent with other commercial businesses in the area and the new commercial building would be situated closer to South Westnedge Avenue further away from the interior residential neighborhood. Mr. Eidson stated the proposed redevelopment project does consider the adjacent residential neighborhood and appropriate screening and buffering will be provided. The public hearing was then opened by Chairman Welch. No citizens spoke regarding the proposed rezoning. After a brief conversation, a motion was made by Commissioner Stoffer, seconded by Commissioner Felicijan, to adjourn the public hearing for Rezoning Application #13-01, 120 and 126 East Van Hoesen Boulevard, to the September 5, 2013 meeting. The motion was unanimously approved.

2. Special Land Use Permit: Group Child Care Home (Jones), 1002 Shumway Avenue. Mr. West summarized the staff report dated August 8, 2013 regarding the request by Ms. Heather Jones to establish a group child care home for up to 12 children at 1002 Shumway Avenue. Mr. West stated that Ms. Jones currently resides at 929 Shumway Avenue but is in the process of moving to 1002 Shumway Avenue, which is located directly across the street. In June 2008, Mr. West indicated that Ms. Jones received a special land use permit to establish a group child care home at 929 Shumway Avenue and she would like to continue to operate the group child care home from 1002 Shumway Avenue. Mr. West discussed the existing fencing around the rear yard of the property and the applicant's plan to completely enclose the rear yard of the property with a new 6-foot tall wooden screening fence no later than summer 2014. Mr. West indicated that application fulfills the requirements for issuance of a special land use permit and staff was recommending approval subject to installation of a 6-foot tall wooden screening fence around the entire rear yard of the site no later than November 1, 2013. Mr. West also referred the Commission to an email communication received on August 15, 2013 from Vicky and Bruce Duvall (8308 Tranquil) that was included in the final agenda.

Ms. Heather Jones was present to support the application and discuss the proposed group child care home. Ms. Jones indicated she would be transferring her group child care home license from 929 Shumway Avenue to 1002 Shumway Avenue and once this was accomplished, no day care activities would be conducted from the 929 Shumway Avenue residence. The Commission, staff and Attorney Brown discussed the existing special land use permit approval at 929 Shumway Avenue and Attorney Brown asked if the applicant would agree to revocation of this existing special land use permit, if the new application at 1002 Shumway Avenue was approved. Ms. Jones stated she had no objection to revocation of the permit at 929 Shumway Avenue with approval of the new permit at 1002 Shumway Avenue. The Commission, staff and applicant discussed fencing of the rear yard, the location of the outdoor play area and any discussions with adjacent neighbors. Ms. Jones stated she has no objection to the staff recommendation that the rear yard be completely enclosed with the 6-foot tall wooden screening fence by November 1, 2013.

Chairman Welch opened the public hearing. No citizens spoke regarding the proposed group child care home. A motion was made by Commissioner Schimmel, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Felicijan, to approve the Special Land Use Permit for Ms. Heather Jones (group child care home), 1002 Shumway Avenue, subject to installation of the 6-foot tall wooden screening fence around the entire rear yard of the site no later than November 1, 2013 and revocation of the previously approved special land use permit at 929 Shumway Avenue upon moving to 1002 Shumway Avenue. The motion was unanimously approved.

**NEW BUSINESS:**

None.

**OLD BUSINESS:**

None.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

Mr. Forth provided an update on the upcoming Comprehensive Plan Update and stated City Council recently approved the contract with LSL Planning. Mr. Forth stated there would be a kick-off meeting and Open House with Community Development Department staff, LSL staff, Planning Commissioners and interested citizens on October 2, 2013 from 4:00-7:00pm in Council Chambers of City Hall.

Commissioner Patterson commented that the Verizon Wireless monopine telecommunications tower located near Oakland Drive and West Centre Avenue looks nice, blends into the surrounding environment and is a good way to camouflage the technology.

There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

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