

## **PLANNING COMMISSION**

**April 3, 2014**

The City of Portage Planning Commission meeting of April 3, 2014 was called to order by Vice-Chairman Felicijan at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Eight citizens were in attendance.

### **PLEDGE OF ALLEGIANCE:**

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

### **IN ATTENDANCE:**

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Assistant City Planner; and Randy Brown, City Attorney.

### **ROLL CALL:**

Mr. Forth called the role and the following Commissioners were present: Somers, Schimmel, Dargitz, Bosch, Felicijan and Patterson.

A motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to approve the role and excuse Commissioners Welch, Reiff and Stoffer. The motion was unanimously approved 6-0.

### **APPROVAL OF MINUTES:**

Chairman Vice-Chairman Felicijan referred the Commission to the March 20, 2014 meeting minutes contained in the agenda packet. Commissioner Bosch stated he was not present at the meeting, therefore, would be abstaining. A motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 5-0-1.

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

1. Site Plan Re-approval for Osterhout Condos, 2300 West Osterhout Avenue. Mr. West summarized the staff report dated March 28, 2014 regarding the site plan submitted by Morningstar Development to construct six duplex dwellings (12 units total), a private street and associated site improvements. Mr. West stated the Planning Commission previously approved this site plan on June 7, 2007, however, the applicant only constructed one duplex dwelling along the southeast portion of the site. Since approximately six years have passed with no construction activities, Mr. West stated the applicant is resubmitting the site plan requesting re-approval. Mr. West indicated the site plan for Osterhout Condos has been resubmitted with no substantial changes since the original 2007 approval.

Mr. Rick Eshlaman (applicant's engineer) was present to support the development project. The Commission, staff and the applicant briefly discussed site related issues including the 2007 sidewalk waiver and site improvements constructed to date. A motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to reapprove the Site Plan for Osterhout Condos, 2300 West Osterhout Avenue. The motion was unanimously approved 6-0.

2. Specific (Site) Plan for Earth Fare, 605 and 531 West Kilgore Road. Mr. West summarized the staff report dated March 28, 2014 regarding the final plan to construct a 23,775 square foot Earth Fare organic food store and attached 3,200 square foot retail building and associated site improvements. Mr. West stated the Earth Fare building represents the first phase of the development project under the conceptual plan submitted by Jereco LLC and 5024 South Westnedge LLC for the 5.3 acre tract of land located near the southwest corner of South Westnedge Avenue and West Kilgore Road. Mr. West indicated the Planning Commission concluded its review and recommendation of the proposed CPD, commercial planned development rezoning application

and associated conceptual plan/narrative on February 20, 2014 and City Council would be conducting a public hearing to consider these applications on April 15, 2014. In an effort to expedite the Earth Fare project, Mr. West stated the applicant has requested Planning Commission review and conditional approval of the specific (site) plan. Mr. West indicated the development project has been designed in substantial conformance with the proposed conceptual plan.

Mr. Andy Wenzel of The Hinman Company (applicant representative) was present to support the development project. Mr. Wenzel presented a revised building elevation and discussed site related issues including access, loading/unloading area, internal landscape islands and sidewalk installation along West Kilgore Road and South Westnedge Avenue and within the site. After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the Specific (Site) Plan for Earth Fare, 605 and 531 West Kilgore Road, subject to City Council approval of the Conceptual Plan submitted by Jereco LLC and 5024 South Westnedge LLC for the 5.3 acre tract of land located near the southwest corner of South Westnedge Avenue and West Kilgore Road. Attorney Brown suggested the motion include a statement that any condition placed on the conceptual plan approval by City Council would also apply to the site plan approval by the Planning Commission. Commissioners Bosch and Patterson concurred. The motion was unanimously approved 6-0.

**PUBLIC HEARINGS:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. East Centre Avenue Rezoning Consideration. Mr. Forth summarized the staff report dated March 28, 2014 regarding the staff recommendation to initiate a rezoning consideration of several properties located along the south side of East Centre Avenue, east of Lakewood Drive. Mr. Forth reviewed the properties involved in the recommended rezoning area, existing land use and ownership information. Mr. Forth also provided background information regarding the surrounding zoning/land use pattern and the Future Land Use Map designation of this area. Mr. Forth discussed the nonconforming use regulations of the Zoning Code and the impacts an OS-1 rezoning would have on existing land uses. Mr. Forth then discussed the staff recommendation to initiate the process to consider rezoning 732, 810, 830, 906, 912, 916 and 918 East Centre Avenue from B-3, general business to OS-1, office service, 710 East Centre Avenue from P-1, vehicular parking to OS-1, office service (excepting the west 5-feet) and the northern approximate 50-feet of 907, 913 and 923 Pasma Avenue from B-3, general business to R-1A, one family residential.

Vice-Chairman Felicijan stated he believes a rezoning is appropriate, however, some B-1, local business zoning should be considered. Vice-Chairman Felicijan also indicated he believes there is an over capacity of office zoned property in the city and asked whether Great Lakes Convenience alternative proposal for a retail strip center and restaurant would be allowed in the OS-1 district. Mr. Forth stated the retail/restaurant use would not be allowed in the OS-1 district. Commissioner Patterson stated Great Lakes Convenience purchased 710 and 732 East Centre Avenue for commercial purposes and believes the alternative proposal should be considered by the Planning Commission before initiating any rezoning consideration of the property. Commissioner Dargitz indicated she prefers smaller commercial nodes and the B-1 zone to help facilitate more walkable and neighborhood friendly commercial uses. Commissioner Patterson concurred but stated he still believes it is premature to consider a rezoning until Great Lakes Convenience comes forward with alternative development plan for retail strip center and restaurant. Mr. Forth indicated there have been no discussions or contact with Great Lakes Convenience since the March 20, 2014 Planning Commission meeting. Mr. Forth stated the appropriate approach to soliciting public comment regarding any rezoning is through the formal public hearing process.

Vice-Chairman Felicijan asked if any person in the audience would like to comment on the consideration to initiate a rezoning consideration of these several properties. Mr. Craig Binder (743 East Centre Avenue) stated he was in favor with the rezoning, however, was not familiar with the B-1 zoning district. Ms. Brittany Hall (8108 Kingston) stated she would be supportive of a lower intensity commercial zoning that limited uses and hours of operation to minimize impacts on the adjacent residential neighborhood. Attorney Brown stated the hours of operation for a principal permitted use could not be restricted.

After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Bosch, to initiate the process to consider rezoning 732, 810, 830, 906, 912, 916 and 918 East Centre Avenue from B-3, general business to OS-1, office service, 710 East Centre Avenue from P-1, vehicular parking to OS-1, office service (excepting the west 5-feet) and the northern approximate 50-feet of 907, 913 and 923 Pasma Avenue from B-3, general business to R-1A, one family residential. The motion was unanimously approved 6-0.

2. Comstock Township Master Plan Amendments. Vice-Chairman Felicijan referred the Commission to the communication received from Comstock Township regarding proposed amendments to the Master Plan. Proposed amendments involve several properties located along River Street, north of the I-94 Business Loop, approximately two miles from the City of Portage corporate boundary. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to receive the Comstock Township Master Plan Amendments with no specific comments offered. The motion was unanimously approved 6-0.

8:00 p.m. - The Commission took a short recess.

8:10 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

3. 2014 Comprehensive Plan Update, Transportation and Land Use + Character. Mr. Forth referred the Commission to the draft Transportation chapter of the 2014 Comprehensive Plan Update. Mr. Forth summarized the Introduction, Complete Streets, Context Sensitive Streets, Corridor Management and Street Capacity and Operations sections and asked if the Commission had any comments. Commissioner Dargitz asked if non-paved pathways can be an alternative where sidewalks along streets are not provided or planned. Mr. Forth stated they are an option in certain locations. Commissioner Dargitz also asked where the roadway capacity tables were and how roadway projects were presented to KATS for funding. Mr. Forth stated roadway capacity tables were being finalized and were being added to the Community Snapshot report. Mr. Forth also explained how roadway projects were presented to KATS by the local agencies and prioritized for funding purposes.

Mr. Forth then referred the Commission to the draft Land Use + Character chapter of the 2014 Comprehensive Plan Update. Mr. Forth summarized the various sections of the chapter and asked if the Commission had any comments. Vice-Chairman Felicijan stated on page 43 there is a reference to “see table at right”, however, there is no table. Mr. Forth stated that reference was a carry-over from a previous section and would be removed. Commissioner Dargitz asked how “transitions” between land uses were being proposed with changes to the Future Land Use Map. Mr. Forth stated the Future Land Use Map was intended to identify general land use patterns across the city and more specific area reviews could be performed after adoption of the plan. Commissioner Somers asked whether language could be added to Page 48 (Lakefront Residential) that would reference a goal of establishing a more consistent lakefront setback to preserve the viewshed for all lakefront residents (i.e., 45 degree viewshed). Mr. Forth indicated this suggestion is probably best included in the Implementation Strategies section of the plan.

Mr. Forth reviewed the March 28, 2014 staff report and Future Land Use Map that identifies 19 proposed changes and asked if the Commission had any comments. Commissioner Dargitz suggested reordering the business designations on the map from least intensive to most intensive (local business, regional business, general business). Commissioner Dargitz also suggested modifying the office land use designation boundary at 732 East Centre Avenue to follow the property line and not split the parcel in half. Commissioner Dargitz stated the potential overlay zoning district for the Lake Centre Business Area was not referenced on the Future Land Use Map. Mr. Forth indicated the overlay zoning district was referenced in the Lake Centre Sub-Area

Plan. Commissioner Dargitz also stated there was no reference to preserving the natural environment in the Land Use Chapter. Mr. Forth indicated that reference was included in other sections of the Plan including the Implementation Strategies.

The Commission did not have any further comments regarding the draft chapters and Future Land Use Map changes. Mr. Forth stated the full draft document of the Comprehensive Plan Update would be presented to the Commission by LSL Planning at the April 17<sup>th</sup> meeting.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

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