

PLANNING COMMISSION

November 20, 2014

The City of Portage Planning Commission meeting of November 20, 2014 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. One citizen was in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the role and the following Commissioners were present: Patterson, Bosch, Stoffer, Welch, Dargitz, Somers, Schimmel and Richmond. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the role excusing Commissioner Felicijan. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the October 2, 2014 meeting minutes contained in the agenda packet. Commissioner Somers indicated he was not present at this meeting and would be abstaining. A motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 7-0-1 with Commissioner Somers abstaining.

Chairman Welch referred the Commission to the November 6, 2014 meeting minutes contained in the agenda packet. Commissioners Bosch, Schimmel, Richmond and Chairman Welch indicated they were not present at this meeting and would be abstaining. Attorney Brown clarified that a commissioner does not need to have been present at the meeting to vote for approval of the minutes. Chairman Welch then indicated that he would vote on the meeting minutes. A motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 5-0-3 with Commissioner Bosch, Schimmel and Richmond abstaining.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Final Report: Rezoning Application #14/15-2, 4713 and 4707 (west 10-feet) West Milham Avenue. Mr. Forth summarized the final staff report dated November 14, 2014 regarding a request from Bickford Cottage to rezone 4713 and 4707 (west 10-feet) West Milham Avenue from B-2, community business to OS-1, office service. Mr. Forth indicated the rezoning would facilitate future expansion of the Bickford Cottage senior living facility currently located at 4707 West Milham Avenue. Mr. Forth discussed the previous rezoning for the Bickford Cottage, the surrounding land use/zoning pattern, Comprehensive Plan and Future Land Use Map designations for the subject property and differences between the existing B-2 and proposed OS-1 zoning districts. Mr. Forth indicated staff was supportive of the zoning change from B-2 to OS-1 with the exception of the west 10-feet of 4713 West Milham Avenue being retained B-2 so as not to burden future development on the adjacent parcel to the west (4721 West Milham Avenue) with a 75-foot building setback.

Rick Crepas of Jaqua Realtors (applicant representative) was present to support the proposed rezoning application. The public hearing was reconvened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 8-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve Rezoning Application #14/15-2 and rezone the west 10-feet of 4707 West Milham Avenue and 4713 West Milham Avenue (excepting the west 10-feet) from B-2, community business to OS-1, office service. The motion included a finding that the proposed zoning change is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern and will allow Bickford Cottage future expansion options while protecting the adjacent single family residential neighborhood to the south. The motion was unanimously approved 8-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. January 2015 Planning Commission meeting schedule. Chairman Welch indicated the 1st Thursday in the month of January falls on News Years Day and suggested the Planning Commission adjust the meeting schedule to the 2nd and 4th Thursdays (January 8th and 22nd, 2015). The Commission concurred. A motion was then made by Commissioner Bosch, seconded by Commissioner Patterson, to move the January 2015 Planning Commission meeting schedule to the 2nd and 4th Thursdays of the month (January 8th and 22nd, 2015). The motion was unanimously approved 8-0.

7:12 p.m. - The Commission took a short recess.

7:16 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

NEW BUSINESS:

1. Planning Commission Training – Roles and Responsibilities. Mr. Forth summarized the Powerpoint presentation format and indicated that both he and Attorney Brown would be discussing roles and responsibilities of the Planning Commission. Mr. Forth began with a discussion of the origin, history and evolution of planning in the United States. Attorney Brown then reviewed legal aspects of zoning which are founded in the “police power” provisions provided to local units of government. Attorney Brown discussed the Michigan Zoning Enabling Act and the requirement that zoning needs to be based on an adopted plan. Mr. Forth summarized the differences and relationship between planning and zoning, and also discussed the roles and responsibilities of a Planning Commission. Attorney Brown then discussed legal aspects of the five primary functions of the Planning Commission: 1) Preparation and adoption of the Comprehensive Plan; 2) Review and recommendation to City Council regarding zoning map and zoning text amendments; 3) Review and approval of site plan; 4) Review and approval of special land use permits; and 5) Review and recommendation to City Council regarding plats and site condominiums. Attorney Brown also briefly reviewed other legal issues associated with conditional rezonings and “spot” zoning, and standards related to “reasonable use” of property, claims of “taking” and “vested rights”. Mr. Forth then reviewed additional Planning Commission responsibilities associated with the annual review and recommendation of the City of Portage capital improvement program (CIP). Mr. Forth concluded with a discussion of characteristics of an effective Planning Commissioner, while Attorney Brown concluded with a discussion of “conflict of interest” issues and when Commissioners should abstain from discussion and voting on a particular application.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

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