

PLANNING COMMISSION

December 3, 2015

The City of Portage Planning Commission meeting of December 3, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Fifteen citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services and Randy Brown, City Attorney.

ROLL CALL:

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

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the November 19, 2015 meeting minutes contained in the agenda packet. Commissioner Dargitz indicated she would be abstaining from the vote since she was not present at the November 19, 2015 meeting. A motion was made by Commissioner Somers, seconded by Commissioner Richmond, to approve the minutes as submitted. The motion was unanimously approved 7-0-1.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. Final Report; Rezoning Application #15/16-2, 480 Admiral Avenue. Mr. Forth summarized the staff report dated November 25, 2015 regarding a request from Chad Scott to rezone 480 Admiral Avenue from RM-1, multiple family residential and I-1, light industry to R-1T, attached residential. According to the applicant, the rezoning would facilitate construction of 1-3 duplex units along the northern portion of the property, at the eastern terminus of Cameo Avenue. Mr. Forth summarized the Future Land Use Map designation, existing zoning pattern, surrounding land uses and several inconsistencies. Mr. Forth also mentioned environmental features that may limit development such as the presence of wetlands and organic soils. Mr. Forth noted the applicant has changed the original proposal of constructing one, 4-unit building to 1-3 duplex units. Mr. Forth also noted that the Zoning Code requires at least one property line abut a major thoroughfare to permit a 4-unit building and this parcel does not meet that requirement. Mr. Forth indicated the R-1A zoning district is most consistent with the Plan designation but the R-1T district requested by the applicant can also be considered generally consistent with the Plan and surrounding area.

Ms. Kelly Cavanaugh, Nederveld Associates (applicant's consultant), was present to support the zoning change and to discuss the proposal to construct 1-3 duplex units. Commissioner Dargitz asked Ms. Cavanaugh to further explain the wetland report that had been prepared. Ms. Cavanaugh indicated a formal wetland delineation study had been prepared approximately five years ago by another company and they were requested to show the wetland boundary on a site plan. Nederveld Associates does not have a copy of

the formal report. Ms. Cavanaugh noted the wetland boundary changes where the elevation changes. Commissioner Dargitz indicated the National Wetlands Inventory map shows the entire area encumbered by wetlands. Ms. Cavanaugh indicated those maps show an assumed wetland area and showed the Commission a map of the wetland boundary prepared approximately five years ago. Ms. Cavanaugh reiterated the north end of the property is developable.

The public hearing was opened. Mr. Rick Dueweke, 606 Dorset, was present to speak against the proposed zoning change. Mr. Dueweke mentioned he has been a resident of the area for 24 years, lives close to the access point for the proposed duplex units, and is familiar with the subject property. Mr. Dueweke also mentioned the berm that was constructed to the north and the wetland area created when Romence Road Parkway was extended. The subject property borders a single-family neighborhood and multi-family uses would not be appropriate. Mr. Dueweke noted his property and several others on Dorset Street are currently zoned R-1T, but this zoning is not correct. Bryan Cedarberg, 612 Dorset, was also present to oppose the rezoning application. Mr. Cedarberg explained that when he purchased the property, he preferred the location away from the existing apartments located on Admiral Street. Mr. Cedarberg does not believe these existing apartments are very well maintained and negatively affect the value of the neighborhood. Mr. Cedarberg doesn't believe it is appropriate to construct multi-family units in an area of the neighborhood occupied by only single-family residential units. Mr. Cedarberg was concerned about an increase in noise, traffic, trash, crime and a negative impact on property values. Mr. Cedarberg also agreed with Mr. Dueweke that his property and the others that are currently zoned R-1T is not correct and should be changed to single-family residential. Ms. Theresa Rowlerhens was present to speak on behalf of her sister, Christine Rohr who lives at 619 Cameo. Ms. Rowlerhens stated Ms. Rohr is opposed to the rezoning. She mentioned her sister experiences periodic flooding in her basement which suggests the area is a wetland. Ms. Rowlerhens expressed concerns about decrease in property values and safety. Ms. Rowlerhens also mentioned a desire to purchase a portion of the adjacent property.

There being no further public comment, the public hearing was closed. Commissioner Felicijan asked if there was wetland restoration completed when Romence Road was extended. Mr. Forth stated that a wetland mitigation area was created and noted this area on the map. Commissioner Bosch asked if the triangular portion of the existing RM-1 zoned property located at the south end would remain. Mr. Forth indicated it would remain since it is located on property owned by the city that is not part of the rezoning application. Mr. Forth mentioned there are inconsistencies between the existing land uses, zoning classifications and future land use designations that should be reviewed. Commissioner Stoffer asked if the single-family home lots on Dorset were rezoned from R-1T to R-1A, would they be conforming. Mr. Forth stated the lots would be conforming if rezoned to R-1A. Commissioner Dargitz asked if any part of 480 Admiral were part of the Romence Road or Sam's Club wetland mitigation area. Mr. Forth indicated it was not impacted by Sam's Club and to his knowledge, it was not part of the Romence Road wetland mitigation area. Commissioner Dargitz also asked if the city should be considering this rezoning application without knowing if the area is in fact a designated wetland area. Mr. Forth stated the matter before the Commission involves the use of the land and whether or not the zoning the applicant is requesting is an appropriate use at this location. Mr. Forth indicated that before any development occurs on this site, either under the current I-1/RM-1 zoning districts or some other zoning district, an official wetland delineation report will need to be submitted. The developer has indicated the wetland report is approximately five years old but will have it updated. Commissioner Dargitz asked if the National Wetland Inventory (NWI) maps on the city's website might be more accurate than a five year old wetland study. Mr. Forth stated the NWI maps generally show where potential wetlands may exist and further investigative research needs to be completed. Commissioner Schimmel asked if the lots on Dorset currently zoned R-1T could be redeveloped with duplex units. Mr. Forth stated an existing dwelling could be modified into a duplex or one or more dwellings razed and a new duplex units constructed. Commissioner Stoffer asked if the three duplex units located at the south end of Dorset are conforming. Mr. Forth responded they are nonconforming since they are zoned R-1A. Chairman Welch asked Attorney Brown if the wetland designation should be an issue as part of the rezoning

consideration. Attorney Brown stated he concurs with Mr. Forth's previous comment that this is a land use issue and the developer will need to address the wetland matter with the State of Michigan. Commissioner Dargitz suggested that perhaps the city should acquire the subject property in exchange for property on Romence Road Parkway. In response to the comment about exchanging land with the developer, Mr. Forth indicated the Open Space and Recreation Plan designates the city property as parkland and the City Charter prohibits the sale of designated property without voter approval.

There being no further discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to recommend to City Council that Rezoning Application #15/16-2 be approved and 480 Admiral Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1T, attached residential. The proposed zoning change is generally consistent with the Comprehensive Plan. Commissioner Stoffer stated it was difficult to conclude the proposed zoning change is consistent with the neighborhood by changing the density and won't be supporting the motion. Commissioner Stoffer said he would support a motion changing the zoning from I-1 and RM-1 to R-1A. Commissioners Dargitz and Schimmel said they would support that motion as well. Commissioner Bosch stated he agrees with Commissioner Stoffer to a certain extent. Commissioner Bosch noted that although there are single-family dwellings located in the R-1T district, the proposed R-1T district is consistent with the adjacent R-1T district. Commissioner Dargitz asked for clarification on the history of the current zoning pattern. Mr. Forth noted there is an original 1965 zoning map and believed the neighborhood was zoned R-1A in 1965 but without further research, couldn't comment on more recent changes.

Mr. Forth suggested that given the amount of discussion at the meeting which was absent at the November 19th meeting and not considered as part of the staff recommendation, the Commission could table the application and complete a more comprehensive review of this area, including the inconsistencies that exist between existing land uses, zoning classifications and Future Land Use Plan designations. Commissioner Felicijan didn't believe that tabling this matter is necessary since the Commission would likely be voting on one of two zoning districts, either R-1A or R-1T. Commissioner Dargitz commented that she believes it is important to understand the zoning history of the area and would like to look at this entire area. A zoning change should not be based on what might be an archaic zoning district. Commissioner Somers supported tabling the rezoning application based on the public comments received and the discussion among Commissioner members. Commissioner Felicijan withdrew his previous motion. Commissioner Bosch supported the withdrawal. Commissioner Felicijan then offered a motion to table Rezoning Application #15/16-2 until the January 21, 2016 meeting and that

the Commission meet on December 17, 2015 to further discuss this matter. The motion was unanimously approved 8-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Land Division Involving Public Improvements for Martin Luther King Jr. Drive, 6601 Constitution Boulevard. Mr. Forth summarized the report involving an application submitted by the Meyer C. Weiner Company to divide the property at 6601 Constitution Boulevard into three new parcels: one parcel defining the boundaries of Martin Luther King Jr. Drive (MLK), which is currently a private street; one new parcel to the north; and one new parcel to the south of MLK. The purpose of this project to facilitate the reconstruction of MLK Drive according to public street standards and upon completion, it is proposed that MLK Drive be accepted by the City of Portage as a public street. Mr. Forth summarized the existing conditions of the MLK Drive, proposed improvements, and method to finance the project. Mr. Forth also noted the building front yard setback will change from 30 feet to 75 feet and the property owners are aware of this change and the impact it will have on future development projects. Finally, Mr. Forth noted four

variances from Public street standards would need to be approved by City Council with the proposal: 1) reduced right-of-way and pavement width; 2) continuous sidewalk on the south side of the street in front of Celebration Cinema; 3) cul-de-sac turnaround at Ring Road; and 4) public water, sanitary sewer and storm sewer disposal facilities. With regard to utility availability, Commissioner Felicijan asked if the property were split, would public utilities be available to the new parcels. Mr. Forth responded that based on the current utility locations and vacant land areas, new parcels could be served by existing public utilities.

The applicant, Mr. Josh Weiner, Meyer C. Weiner Company, spoke in support of the proposed land division with public improvements. Mr. Weiner noted that if MLK Drive becomes a public street, it will be good for future development activity. Mr. Weiner also briefly discussed the special assessment process that will be used to finance the road reconstruction project over the next 10 years. Finally, Mr. Weiner commented that the city is better equipped to maintain this roadway.

Commissioner Dargitz asked if there was a public need to have this roadway transferred to the city as a public street. Mr. Forth noted that MLK Drive, unlike Ring Road, is collector road that provides important access to Crossroads Mall. Commissioner Dargitz expressed concern that acceptance of MLK Drive may set a precedence for other private roadways by deferring maintenance costs to the city. Mr. Forth indicated before a private can be accepted as a public street, it must meet city standards. City Manager Shaffer indicated there is no cost to the city to reconstruct MLK Drive: 50% of the project would be financed by the Meyer C. Weiner Company and 50% through the special assessment process. Total cost of the project is approximately \$475,000. Mr. Shaffer noted the city is better able to maintain city streets and Act 51 funding helps offset maintenance costs. Mr. Shaffer indicated the current condition of the roadway has a negative impact on potential economic development projects. Commissioner Dargitz asked if the city can require the private roadway owner to better maintain the road. Mr. Shaffer stated the city does not have a standard for maintaining MLK Drive and may have to declare it a public nuisance and attempt to force a solution. The proposal before the Commission is a collaborative solution through enforcement.

There being no further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to recommend to City Council approval of the Martin Luther King Jr. Drive, land division with public improvements, 6601 Constitution Boulevard, including the variances noted in the Department of Community Development staff report dated November 25, 2015. The motion was unanimously approved 8-0.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

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