

## **PLANNING COMMISSION**

**December 18, 2014**

The City of Portage Planning Commission meeting of December 18, 2014 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Eight citizens were in attendance.

### **PLEDGE OF ALLEGIANCE:**

Chairman Welch led the Commission in the Pledge of Allegiance.

### **IN ATTENDANCE:**

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

### **ROLL CALL:**

Mr. Forth called the roll and the following Commissioners were present: Patterson (no), Stoffer (yes), Welch (yes), Felicijan (yes), Dargitz (yes), Schimmel (yes) and Richmond (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the roll excusing Commissioners Bosch and Somers (Commissioner Patterson unexcused). The motion was unanimously approved 6-0.

### **APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the December 4, 2014 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 6-0.

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

None.

### **PUBLIC HEARINGS:**

1. Preliminary Condominium: Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road. Mr. Forth summarized the staff report dated December 12, 2014 regarding a request from Westview Capital, L.L.C. to construct Phase I of the Copperleaf Subdivision. Mr. Forth indicated Phase I of the Copperleaf preliminary condominium subdivision (previously named Harbors West) included 39 single family residential lots/units and construction of a new public street (Copperleaf Boulevard) from West Milham Avenue and two interior cul-de-sac streets (Callaway Circle and Edgebrook Circle). Mr. Forth stated the PD, planned development rezoning and tentative plan/narrative for the Harbors West Planned Development was approved by City Council in November 2013 and Phase I of the Copperleaf Subdivision has been designed in substantial compliance with the approved tentative plan/narrative. Mr. Forth discussed the previously approved modification allowing 39 lots/units on a cul-de-sac street within Phase I and the proposed sidewalk/pedestrian circulation system. Within Phase I, Mr. Forth stated the developer is proposing to install 6-foot wide concrete sidewalk along the east side of Copperleaf Boulevard, and 4-foot wide concrete sidewalk along the west side of Copperleaf Boulevard (from Lot 13 – north), around the entire bulb of Callaway Circle and along the south side of Edgewood Circle. Mr. Forth indicated an 8-foot wide asphalt path, that will connect to Copperleaf Boulevard and Edgebrook Circle (between Lots 31/32), is proposed within the designated open space/common area located along the northeast portion of Phase I. Mr. Forth stated this proposal differs slightly from the pedestrian circulation network included on the approved tentative plan which identifies an 8-foot wide asphalt path along the west side of Copperleaf Boulevard, extending from West Milham to the north, and a 4-foot wide concrete sidewalk along the east side of Copperleaf Boulevard. Mr. Forth indicated the applicant was proposing these

changes due to grading issues and in an effort to preserve existing mature trees and provide screening/buffering to the existing single family residence located at 3910 West Milham Avenue, along the west side of Copperleaf Boulevard. The Commission and Mr. Forth next briefly discussed the slight changes to the proposed sidewalk/pedestrian circulation system.

Mr. Brian Wood of Allen-Edwin Homes (applicant representative) and Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant engineer) were present to support the preliminary condominium subdivision. Mr. Wood explained the proposed changes to the sidewalk/pedestrian circulation system and discussed open space areas planned throughout the development. The public hearing was opened by Chairman Welch. No citizens spoke regarding Phase I of the Copperleaf Subdivision. A motion was made by Commissioner Felicijan, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 6-0. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Dargitz, to recommend to City Council that the Preliminary Condominium for Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road, be approved subject to the two conditions contained in the Department of Community Development report dated December 12, 2014. The motion was unanimously approved 6-0.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. Accessory Building (Schram), 710 East Osterhout Avenue. Mr. West summarized the staff report dated December 12, 2014 regarding a request from David Schram to construct an 18.5 foot tall, 2,952 square foot detached accessory building along the northwest portion of 710 East Osterhout Avenue. Mr. West indicated the Zoning Board of Appeals granted a variance on November 10, 2014 to allow construction of the detached accessory building to a height of 18.5-feet where a maximum 14-foot height is permitted. Mr. West stated the approximate 6.2 acre parcel contains a 1½ story residence with a ground floor area of 1,788 square feet and an attached garage/storage room totaling 1,144 square feet. Mr. West indicated the total ground floor area of all accessory buildings (including the proposed detached building) will exceed the ground floor area of the main residence by 2,308 square feet. Mr. West then described the nature of the heavily wooded parcel and the proposed location of the detached accessory building, which will be setback approximately 185-feet from the East Osterhout Avenue public right-of-way and 140-feet from the nearest property line (west). Mr. West stated the size and configuration of the parcel combined with the heavily wooded nature of the site and setback distances from adjacent residences and property lines will mitigate any impacts on adjacent properties.

Mr. David Schram (applicant/owner) was present to support the proposed detached accessory building. Commissioner Felicijan asked Mr. Schram whether the detached accessory building would be utilized for any business related activities. Mr. Schram reiterated the detached accessory building would be utilized for personal use only, no business related activities. No citizens spoke in regard to the proposed detached accessory building. After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Felicijan, to approve the proposed 2,952 square foot Accessory Building for Mr. David Schram at 710 East Osterhout Avenue. The motion was unanimously approved 6-0.

**STATEMENT OF CITIZENS:**

None.

7:15 p.m. - The Commission took a short recess. 7:20 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1
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**NEW BUSINESS:**

1. Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations. Mr. Forth summarized the staff report dated December 12, 2014 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Mr. Forth indicated this first round of proposed ordinance amendments was consistent with the Planning Commission's FY 2014-2015 Work Program and Implementation Strategies contained in the 2014 Comprehensive Plan. Mr. Forth provided historical background regarding Zoning Code regulations pertaining to auto-related services and indicated that regulations have remained basically unchanged since comprehensive zoning of the City in 1965.

Mr. Forth reviewed current definitions that classify auto repair stations into two categories: Auto Repair Station (Minor) that is allowed in the B-3 district as a permitted use and in the B-2 and I-1 districts as special land uses; and, Auto Repair Station (Major) that is allowed in the I-1 district. The definition of Auto Repair Station (Major) includes auto collision/body shop activities and engine rebuilding activities. Mr. Forth indicated a survey of auto repair stations currently located in the B-3 zone indicates that most of these facilities offer comprehensive automotive repair and servicing that includes some form of "major" repair work such as engine, transmission or other vehicle component repair/rebuilding. Mr. Forth stated a further inspection of many of these facilities also discovered that external impacts associated with auto repair stations that conduct some form of "major" repair (e.g., engine and/or transmission rebuilding and repair) are similar to many "minor" auto repair activities (e.g., exhaust and tire repair and replacements). As a result and after researching several other community ordinances, Mr. Forth indicated staff was recommending the current definitions of Auto Repair Station (Minor) and Auto Repair Station (Major) be rewritten and replaced with Auto Repair Station and Auto Collision/Body Shop to clearly separate auto repair activities from auto collision/body shop activities. Mr. Forth stated Auto Repair Stations would be allowed as permitted uses in the B-3 and I-1 districts and as a special land use in the B-2 district, while Auto Collision/Body Shops would be allowed as special land uses in the I-1 and I-2 district. Mr. Forth indicated new operational standards were also proposed by staff that address auto repair activities being conducted completely within the building, restrictions on the length of time a vehicle awaiting repair may be stored outdoors and screening provisions for outdoor storage of parts, tires and other materials. Mr. Forth also stated a new locational requirement was also proposed for auto collision/body shops where the zoning lot does not abut a single family residential zoning district or land designated for residential use in the PD, planned development district. The Commission and staff briefly discussed the length of time provision for outdoor storage of vehicles awaiting repair, however, did not request any changes to the ordinance language at this time.

In regard to auto service stations (gasoline/fueling stations), Mr. Forth indicated staff was also recommending a modification to the definition to more clearly describe these uses. Mr. Forth indicated staff has prepared a new definition, Vehicle Fueling Station, that would replace Auto Service Station. Mr. Forth briefly discussed the recent controversial gasoline station redevelopment project at the former Centre Street Market property (710 and 732 East Centre Avenue) and stated that since 1965 there have been no specific conditions for locating a Vehicle Fueling Station in the B-3 or I-1 districts as a special land use. To address this issue, Mr. Forth indicated that staff was also recommending new locational and operational standards for Vehicle Fueling Stations including the requirement that a new Vehicle Fueling Station can not be adjacent to or abutting a residential zoning district, day care center, public/private school or religious institution.

Mr. Forth also presented maps that depicted the locations of existing Vehicle Fueling Stations across the city and areas that would be available for citing new Vehicle Fueling Stations based on proposed locational requirements. The Commission and staff next discussed various aspects of the proposed ordinance amendment including whether or not a minimum distance requirement (e.g. 300-feet) should be used for citing new Vehicle Fueling Stations from residential zoning districts, day care centers, public/private schools and religious institutions. After additional discussion, Mr. Forth indicated that staff would provide alternative maps and ordinance language that presented a minimum distance requirement for Vehicle Fueling Stations for further Commission review and discussion at the January 8, 2015 meeting.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

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