

PLANNING COMMISSION

August 4, 2016

The City of Portage Planning Commission meeting of August 4, 2016 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No 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 and Neighborhood Services; Michael West, Senior City Planner; and Bryan Beach, Assistant City Attorney.

ROLL CALL:

Mr. Forth called the roll: Bosch (yes) Schimmel (yes), Welch (yes), Stoffer (yes), Patterson (yes), Dargitz (yes), Shoup (yes) and Joshi (yes). A motion was offered by Commissioner Stoffer, seconded by Commissioner Dargitz, to approve the roll excusing Commissioner Richmond. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the July 21, 2016 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Bosch, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Report: Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations. Mr. Forth reviewed the staff report dated July 29, 2016 and summarized the various ordinance sections proposed for amendment. Commissioner Stoffer asked about the proposed increase from 50 to 100 parking spaces in Section 43-520.N.3 in conjunction with the proposed increase in Section 42-520.N.1 from 10% to 25%. Mr. Forth discussed the rationale for the increase and the original intent of the ordinance sections to address larger developments. Mr. Forth indicated the change was intended to avoid unnecessary delays to the applicant in the site plan review process. Commissioner Dargitz asked for clarification regarding the proposed change to Section 42-520.I that would allow for administrative determination of parking requirements for uses not specifically mentioned in the Zoning Code and also asked whether maintenance standards referenced under Section 42-521.I could be applied to private roads such as MLK Drive. Mr. Forth stated the proposed change to Section 42-520.I was again intended to avoid any unnecessary delay in the site plan review process for a use that could otherwise be administratively approved. In regard to Section 42-521.I, Mr. Forth indicated the maintenance standards would apply to any maneuvering lane or drive that is associated with an off-street parking lot and that independent, private roads would not be specifically addressed under this section.

Commissioner Dargitz stated she likes the addition of Section 42-521.L. Commissioner Schoup agreed, however, asked whether the provisions of this section should be required at larger development projects (e.g. electric car charging stations at Crossroads Mall, Meijer, etc.). Commissioner Stoffer asked for clarification regarding the data contained in the table on page 7 of the staff report and also examples of specific restaurants to compare minimum required parking vs. actual parking provided for the use. Mr. Forth attempted to clarify the data in the

table on page 7 of the staff report and also provided examples of minimum required parking compared to actual parking provided for Latitude 42 on Portage Road and Texas Roadhouse on South Westnedge Avenue.

The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed changes to off-street parking and loading/unloading regulations. A motion was then made by Commissioner Bosch, seconded by Commissioner Dargitz, to adjourn the public hearing for Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations, to the August 18, 2016 meeting. The motion was unanimously approved 8-0. Chairman Welch discussed the previous reviews of this ordinance amendment and asked that the Commission, when possible, provide questions or comments to staff at the earlier workshop meetings or at least prior to the public hearing to allow sufficient time for staff to research and provide responses in an effort to expedite the process.

NEW BUSINESS:

1. Historic District Modification, 8009 Cox's Drive. Mr. West summarized the staff report dated July 29, 2016 regarding a request pending before the Historic District Commission from Michael Kasten (Kasten Investments LLC), owner of the property located at 8009 Cox's Drive, to demolish the former District #6 Schoolhouse building. Mr. West also summarized the findings of the preliminary report prepared by the Historic District Study Committee and the recommendation to deny the demolition request. Mr. West stated the former District #6 Schoolhouse building was the only historic and significant structure on the property and demolition of the building would nullify the property's historic designation. Mr. West indicated the structure is the only surviving 2-room schoolhouse in Portage and while the interior of the building was converted to office use in the 1980s, the exterior of the structure remains essentially the same since its construction in 1927. Mr. West stated that staff was recommending denial of the demolition request based on the findings contained in the Historic District Study Committee preliminary report dated July 14, 2016.

Commissioner Patterson referred the Commission to the three state law criteria contained on page 5 of the Historic District Study Committee preliminary report that need to be satisfied in order to remove a property from the historic register. Commissioner Dargitz asked whether the Planning Commission needed to follow these specific criteria or whether individual opinions could be provided. Mr. West and Mr. Forth responded stating that individual opinions could be offered as part of the review and discussion, however, any recommendation would need to include five affirmative votes of the Commission and should be based on information pertinent to the request. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to recommend that the Historic District Modification involving 8009 Cox's Drive be denied based on the findings contained in the Historic District Study Committee preliminary report dated July 14, 2016. Prior to voting on the motion, additional Planning Commission discussion occurred.

Commissioner Stoffer discussed the industrial zoning and land use designation of the property and asked whether future decisions concerning historic structures should include a review of the immediate zoning/future land patterns. Commissioner Stoffer also stated that he thought the structure would be better suited in another area of the city such as Celery Flats. Mr. West indicated the former District #6 Schoolhouse has been located at the site since 1927 and has been used for office purposes since the 1980s. Mr. West stated that zoning decisions and land use designations could consider the location of historic structures but should not be based on an individual structure, but rather the nature and character of the surrounding area. Mr. West stated this area of the city has long been characterized by industrial and office land uses including vacant land owned by Pfizer. Mr. Forth indicated that office uses are also allowed in the industrial zoning districts. Mr. West stated that an alternative to relocate the former District #6 Schoolhouse was being evaluated by the city, as well as possible private parties. Commissioner Shoup stated the structure does not look like other historic structures located at in the City of Portage (Celery Flats area) or in the City of Kalamazoo (Henderson Castle). Commissioner Shoup also stated that he believes the building has lost some of its historical significance [criteria (2) in the preliminary report] and the owner should be allowed to demolish the structure. Commissioner Dargitz disagreed and stated the building contains unique architecture from the 1920s and preservation is important since so little of Portage's history still remains. Commissioner Stoffer stated he believes the structure should either be relocated to a more appropriate location with other historic structures, or the owner should be allowed to demolish the structure. Commissioners Patterson and Bosch stated that they believe the Commission is veering from their charge to provide a recommendation regarding whether or

not to demolish the building, based on the criteria set forth by state law for removal of a property from the historic register. Commissioner Bosch stated that personal opinions are fine, however, these opinions and the discussion should be based on the criteria set forth by state law to evaluate these types of requests. Commissioner Joshi expressed concerns regarding continued deterioration of the structure if the request to demolish is denied and if an alternative to relocate the structure does not happen. Mr. West stated the interior condition of the building was just recently discovered by the city based on a request to have the Building Inspector and Fire Marshal perform an inspection for purposes of a possible new tenant for the building. Mr. Forth stated that Building Maintenance standards are applicable to this building, same as any other building, and will need to be addressed by the property owner if the request to demolish the structure is denied by City Council.

Following additional discussion and roll call vote: Bosch (yes) Schimmel (yes), Welch (yes), Stoffer (yes), Patterson (yes), Dargitz (yes), Shoup (no) and Joshi (yes), the motion to recommend that the Historic District Modification involving 8009 Cox's Drive be denied based on the findings contained Historic District Committee preliminary report dated July 14, 2016 was approved 7-1.

STATEMENT OF CITIZENS:

None.

8:05 p.m. - The Commission took a short recess.

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

1. Community Impact Projects Grant Fund – additional discussion. Mr. Forth referred the Commission to a supplemental August 4, 2016 staff report that discussed additional information and research prepared by staff and the City Attorney regarding a Community Enhancement/Neighborhood Improvement Grant Program proposed by Commissioner Dargitz. Mr. Forth summarized the additional information presented in the staff report, possible limitations and legal issues associated with a separately funded grant program and an alternative for Planning Commission consideration that would involve a CIP-funded project involving improvements on public property only. Mr. Forth stated this CIP project could act as a “placeholder” similar to the Local Street Calming Program and utilized when a project has been identified for funding. Mr. Forth indicated that projects could be submitted by any neighborhood resident or organization, evaluated and a recommendation for financing be provided to City Council. Mr. Forth stated the information prepared by Commissioner Dargitz could be incorporated into the CIP project profile that explains the program with a summary of the criteria used to evaluate each project for financing. Mr. Forth stated this information could also be used in outreach efforts undertaken in advance of the CIP on-line survey and CIP Open House held annually in September in order to ensure all residents of the city are aware of the program.

Chairman Welch stated the inherent constraints of a separately funded grant program along with legal concerns would seem to make the alternative suggested by staff a more viable option. Commissioner Dargitz stated she was not opposed to the alternative approach; however, was concerned with the limitation that projects could only be located on public property. Attorney Beach indicated that Michigan law prohibits the use of public funds for improvements on private property. Attorney Beach stated that he contacted the attorneys for the Cities of Novi and Holland, where similar grant programs have been created, and despite their legal advice, the programs were created. Attorney Beach indicated that since these grant programs involve a relatively small amount of money, the policy decision was made to accept any inherent risk with creating the program.

Commissioner Dargitz stated that any CIP based project would need to include active citizen participation in the planning, design and maintenance to ensure ownership is taken by the specific project. Commissioner Dargitz also stated that additional community outreach would need to occur early in the CIP project to inform and engage interested citizens, neighborhood and business groups. The Commission and staff next discussed issues associated with use of public dollars for improvements on private property, Michigan law, policy decisions made

by City Council and risk management evaluation. Mr. Forth discussed other CIP projects that have been undertaken to accomplish similar community enhancement goals such as sidewalk/trail extensions, traffic calming, neighborhood lighting and way-finding signage within the City Centre Area and Lake Centre Business Area.

After additional discussion, the Commission agreed to pursue an alternative CIP-funded “placeholder” project for Community Enhancement/Neighborhood Improvement project and discuss at an upcoming meeting. Mr. Forth stated additional information would be provided to the Commission at an upcoming meeting regarding the details of a CIP “placeholder” project, along with additional outreach efforts that could be accomplished (Portager newsletter, city web site, on-line survey, etc.) prior to the September CIP Open House.

ADJOURNMENT:

Chairman Welch and Commissioner Bosch indicated they would not be present at the August 18, 2016 meeting.

There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

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