

PLANNING COMMISSION

April 17, 2014

The City of Portage Planning Commission meeting of April 17, 2014 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 12 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 and Neighborhood Services; Michael West, Assistant City Planner; and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Patterson, Bosch, Stoffer, Welch, Felicijan, Reiff, Dargitz, Schimmel and Somers.

A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to approve the roll. The motion was unanimously approved 9-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the April 3, 2014 meeting minutes contained in the agenda packet. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the minutes as submitted. Commissioners Welch, Stoffer and Reiff stated they were not present at the meeting, therefore, would be abstaining. The motion was unanimously approved 6-0-3.

PUBLIC HEARINGS:

1. Special Land Use Permit (reapproval): Cristin's Creative Corner, 9416 Shaver Road. Mr. West summarized the staff report dated April 11, 2014 regarding the request by Ms. Cristin Muniz to reestablish a child day care center at 9416 Shaver Road. Mr. West stated that on November 16, 2006 the Planning Commission approved a special land use permit and site plan that allowed establishment of this child day care facility at the subject site. Mr. West indicated the applicant operated the child day care center at the site from 2006 to 2012. Since the use had not operated at this location for more than six months, Mr. West stated the original special land use permit approval expired. Mr. West indicated the applicant has resubmitted the special land use permit application requesting to reestablish the child day care facility at the site consistent with the November 2006 approval. Mr. West stated staff was supportive of the proposal to reestablish the child day care center.

Ms. Cristin Muniz (applicant) was present to support the application and explain the request to reestablish the child day care center. Chairman Welch opened the public hearing. No citizens spoke regarding the proposed child day care center. A motion was made by Commissioner Felicijan, seconded by Commissioner Reiff, to close the public hearing. The motion was unanimously approved. A motion was then made by Commissioner Patterson, seconded by Commissioner Somers, to reapprove the Special Land Use Permit for Cristin's Creative Corner, 9416 Shaver Road. The motion was unanimously approved 9-0.

2. Special Land Use Permit (reapproval): Indoor Dog Day Care, 129 West Centre Avenue. Mr. West summarized the staff report dated April 11, 2014 regarding the request by Portage Centre Plaza LLC to establish an indoor dog day care center within a portion of a building located within the Portage Centre Plaza shopping center. Mr. West stated that on June 20, 2013 the Planning Commission approved a special land use permit that

allowed establishment of this indoor dog day facility at the subject site; however, the use was not established within the required six month period and the approval expired. Mr. West indicated the applicant has resubmitted the special land use permit application requesting reapproval with no changes from the June 2013 approval. As previously indicated, Mr. West stated the indoor dog day care center was determined to be a use not specifically addressed in the Zoning Code and a use that may be allowed in the B-3 zone as a special land use subject to Planning Commission review and consideration. Mr. West summarized the proposal and the building construction measures the applicant would complete to address potential noise and odors. Mr. West stated staff was supportive of the indoor dog day care use, as proposed by the applicant, subject to the four conditions identified in the staff report.

Mr. Mike Kreps (applicant's representative) was present to support the application and explain the indoor dog day care use. The Commission and the applicant next discussed construction of the demising wall along the north side of the tenant spaces and the anticipated start date for construction. Chairman Welch opened the public hearing. No citizens spoke regarding the proposed indoor dog day care center. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to reapprove the Special Land Use Permit for Portage Centre Plaza LLC (indoor dog day care), 129 West Centre Avenue, subject to the following conditions: 1) No outdoor exercise areas, kennels/runs or other activities; 2) No overnight boarding, breeding or selling of dogs; 3) Hours of operation be restricted to 7am-7pm, Monday through Saturday (as proposed by the applicant) and 4) Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health. The motion also included the applicant's commitments to install additional building walls, air exchange units and waste collection and disposal devices as indicated in the application materials and June 13, 2013 staff report. The motion was unanimously approved 9-0.

3. Conceptual Plan Amendment for Sam's Club Fueling Station, 7021 South Westnedge Avenue. Mr. Forth summarized the staff report dated April 11, 2014 regarding the request by Sam's Real Estate Business Trust to amend the previously approved conceptual plan for Sam's Club to include construction of a fueling station along the northwest portion of the existing site. Mr. Forth briefly discussed the original 2005 conceptual plan and site plan approvals for the Sam's Club retail center and various aspects of the proposed fueling station amendment including anticipated traffic generation, building setbacks and storm water management. In conjunction with the proposed conceptual plan amendment, Mr. Forth stated the applicant was also requesting a parking modification to provide a total of 539 spaces for the overall development and has provided documentation in support of the request. The Commission and Mr. Forth discussed issues involving the existing access arrangement at Sam's Club and shared/cross access connections with adjacent properties. Mr. Matt Ross of Dean L. Carlson Engineers (applicant's representative) was present to support the conceptual plan amendment and explain the fueling station development. Mr. Ross reviewed a PowerPoint presentation and discussed various aspects of the project including anticipated traffic generation, requested parking modification, adequacy of the site to accommodate the use, storm water management system, fueling truck deliveries and emergency spill response procedures.

The public hearing was opened by Chairman Welch. Four citizens spoke in regard to the proposed fueling station development: 1) Tom DeWolf, manager of CareLinc, 7017 South Westnedge Avenue; 2) Richard King, owner of Tuffy Muffler, 7027 South Westnedge Avenue; 3) Ben Boyer, owner of the building located at 7117 South Westnedge Avenue; and 4) John Jurre, representing PlazaCorp, the owner of the retail building located at 7101 South Westnedge Avenue. Mr. DeWolf discussed oxygen storage and deliveries associated with the CareLinc facility and expressed safety concerns regarding the proximity of the proposed fueling station. Mr. DeWolf also expressed concerns regarding possible increased cut-through vehicular traffic and drainage patterns between the CareLinc and Sam's Club sites. Mr. King stated that he welcomes the fueling station; however, also expressed concerns about increased cut-through traffic between the Tuffy Muffler/CareLinc site and the Sam's Club site. Mr. Boyer and Mr. Jurre discussed joint agreements between Sam's Club and PlazaCorp including a "no build" area where the fueling station is proposed. Mr. Boyer indicated that he opposes the fueling station at

this time given the existing “no build” agreement. Mr. Jurres stated Sam’s Club has approached PlazaCorp to discuss possible modification to the “no build” agreement; however, no resolution has yet been received between the two parties.

The Commission, Mr. Ross and staff discussed citizen concerns regarding the oxygen storage at the CareLinc facility, possible increased cut-through traffic, storm water drainage patterns and the “no build” agreement between Sam’s Club and PlazaCorp. Mr. Forth indicated the Fire Department is aware of the CareLinc location and operational aspects of facility and has reviewed and approved the site plan for the Sam’s Club fueling station. Attorney Brown stated that any private development agreement or restriction should not be a factor in the Planning Commission consideration of the conceptual plan and site plan. Attorney Brown indicated the application should be reviewed in context with applicable Zoning Code provisions. Commissioner Reiff suggested adjourning the public hearing given the number of outstanding issues. Mr. Forth advised the Commission that public notices were mailed 15 days ago and was unaware of the adjacent property owner concerns until tonight’s meeting. After additional discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Reiff, to adjourn the Conceptual Plan Amendment and Site Plan for Sam’s Club Fueling Station, 7021 South Westledge Avenue, to the May 1, 2014 meeting to allow the applicant and staff additional time to provide information regarding concerns associated with oxygen storage and deliveries at the CareLinc facility, cut-through traffic, cross access, and storm water drainage issues between the Sam’s Club and CareLinc/Tuffy Muffler sites. The motion was unanimously approved 9-0.

8:50 p.m. - The Commission took a short recess. 8:55 p.m. - The Commission reconvened the meeting.

SITE/FINAL PLANS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. 2014 Comprehensive Plan Update, City Centre Subarea and Implementation chapters and Presentation by LSL Planning, Inc. Mr. Forth provided a short introduction of the documents provided to the Commission including the City Centre Subarea and Implementation chapters, amendments to the 2013 Recreation and Open Space Plan and the full draft 2014 Comprehensive Plan Update. Mr. Forth indicated that subject to Planning Commission approval, the complete draft document will be forwarded to City Council for review and authorization to distribute to adjacent communities and other applicable agencies for the 42 day public comment period. After the 42 day period ends, a public hearing will be scheduled to adopt the plan, which is tentatively scheduled for June 19, 2014. Mr. Forth introduced Brad Strader and Kathleen Duffy of LSL Planning who will provide a brief overview of the 2014 Comprehensive Plan Update.

Mr. Strader presented the 2014 Comprehensive Plan Update and discussed the organization of the document, reduction in number of pages and efforts made to reduce redundancy throughout the Plan. Mr. Strader reviewed and summarized the seven chapters of the Plan including the Introduction, Community + Quality of Life, Transportation, Land Use + Character, City Centre Subarea, Lake Centre Subarea and Implementation. Ms. Duffy provided an overview of the City Centre Subarea and Implementation chapters. Commissioner Dargitz asked if it was effective to have all the municipal buildings aggregated in the City Centre Area and whether there were any opportunities to consider relocation of certain facilities such as the Streets & Equipment salt storage yard in order to create a more dynamic, walkable development area for community gathering areas, restaurants and retail. Mr. Strader stated some communities have plans to relocate municipal facilities when there was an underutilized resource such as lakefront property involved in East Grand

Rapids. Ms. Duffy stated having the municipal buildings in a centralized location can be an asset to the community and serve as a strong anchor to facilitate additional development. Ms. Duffy also discussed the Implementation Tools table and checklists and provided an explanation of the Short-Term, Long-Term and Ongoing columns in the table. Mr. Strader reviewed the Zoning Plan section within the Implementation chapter and its connection with the Future Land Use Map and Development Guidelines. Mr. Strader indicated the Plan is still a working draft document and any further changes following tonight's meeting, could still be incorporated into the Plan prior to final adoption.

Mr. Strader asked if the Planning Commission had any comments on the Plan at this time. Chairman Welch asked if efforts to expand walkability and future pedestrian access across major thoroughfares was included in the Plan document. Ms. Duffy stated there were references in the body of the document and if needed, more specific language could be added to the Implementation chapter. Commissioner Stoffer noted the large green text boxes in the Plan were difficult to read and also stated the City Centre Subarea and Lake Centre Subarea chapters were both referenced as Chapter 6. Commissioner Stoffer also asked about the extension of the Northwest Portage Bikeway west to the US-131 right-of-way and then north to Harbors West Park as shown in previous plans. Mr. Forth indicated that future extension had been removed due to the difficulty of crossing West Milham and the trail system proposed in additional phases of the Harbors West subdivision provides another alternative for pedestrian to get to/from Harbors West Park. Commissioner Reiff stated the Portage Community Center was no longer called the Portage Community Outreach Center (PCOC) and references in the Plan should be corrected. After additional discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Reiff, to forward to 2014 Comprehensive Plan Update to City Council for review and authorization to distribute the draft Plan to adjacent communities and other agencies for public comment pursuant to statutory requirements. The motion was unanimously approved 9-0.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

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