

## **PLANNING COMMISSION**

**May 1, 2014**

The City of Portage Planning Commission meeting of May 1, 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 18 citizens were in attendance.

### **PLEDGE OF ALLEGIANCE:**

Chairman Welch led the Commission in the Pledge of Allegiance.

### **IN ATTENDANCE:**

Michael West, Assistant City Planner; and Randy Brown, City Attorney.

### **ROLL CALL:**

Mr. West called the roll and the following Commissioners were present: Somers, Schimmel, Dargitz, Reiff, Felicijan, Welch, Bosch and Patterson. Commissioner Stoffer was absent and unexcused.

A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the roll. The motion was unanimously approved 8-0.

### **APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the April 17, 2014 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 8-0.

### **PUBLIC HEARINGS:**

1. Conceptual Plan Amendment: Sam's Club Fueling Station, 7021 South Westnedge Avenue. Mr. West summarized the staff report dated April 25, 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. West summarized the original 2005 conceptual plan and site plan approvals for the Sam's Club retail center and also discussed citizen and Commission concerns expressed during the April 17<sup>th</sup> meeting regarding possible increased vehicular cut-through traffic between the CareLinc/Tuffy Muffler site and the Sam's Club site, oxygen storage at the CareLinc site and the proximity to the proposed fueling station, storm water drainage and a private "no build" agreement between PlazaCorp and Sam's Club. Mr. West then reviewed changes made to the plan to address vehicular cut-through traffic and storm water drainage from the fueling station. Mr. West restated the Fire Department had reviewed the site plan and conducted a recent inspection of the CareLinc facility and do not have any concerns regarding the proximity of the proposed fueling station. Mr. West briefly discussed the applicant's request for a parking modification to provide a total of 539 spaces for the overall development and the documentation provided in support of the request. Mr. West indicated staff was supportive of the conceptual plan amendment and requested parking modification.

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 summarized changes made to the plan to address concerns expressed during the April 17<sup>th</sup> meeting. The Commission, Mr. West and Mr. Ross next discussed aspects of the project including the storm water spill containment system, truck maneuvering for the adjacent CareLinc site and internal signage proposed to direct vehicles leaving the fueling station to either Romence Road Parkway or the southernmost South Westnedge Avenue driveway. The public hearing was reconvened by Chairman Welch. No citizens spoke in regard to the proposed fueling station

development. A motion was then made by Commissioner Bosch, seconded by Commissioner Somers, to close the public hearing. The motion was unanimously approved 8-0.

After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to recommend to City Council that the Conceptual Plan Amendment for Sam's Club Fueling Station, 7021 South Westnedge Avenue, be approved with the requested parking modification. Based on information provided by the applicant and the characteristics of the development, provisions of Section 42-414.G (Authority to waive or modify standards) have been satisfied. Prior to voting on the motion and based on the previous discussion, Attorney Brown asked that each Commissioner indicate whether they are a member of Sam's Club, and if so, whether they can make an impartial decision on this agenda item. Commissioners Patterson, Dargitz, Schimmel and Somers stated they were members of Sam's Club and that it had no influence on their ability to make an impartial decision on the conceptual plan amendment. Commissioner Bosch, Welch, Felicijan and Reiff stated they were not members of Sam's Club. The motion was then unanimously approved 8-0.

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

1. Specific (Site) Plan: Sam's Club Fueling Station, 7021 South Westnedge Avenue. Mr. West summarized the staff report dated April 25, 2014 regarding the specific (site) plan to construct an accessory fueling station and associated site improvements along the northwest portion of the existing Sam's Club facility. In conjunction with the conceptual plan amendment, Mr. West indicated that applicant was requesting concurrent review and a conditional approval of the specific (site) plan. Mr. West discussed the proposed setbacks for the fueling station canopy and kiosk/attendant building from Romence Road Parkway and the use of recessed lighting beneath the fueling canopy to reduce brightness and eliminate glare.

Mr. Matt Ross of Dean L. Carlson Engineers (applicant's representative) was present to support the development project. After additional discussion regarding the storm water management system, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the Specific (Site) Plan for Sam's Club Fueling Station, 7021 South Westnedge Avenue, subject to City Council approval of the Conceptual Plan Amendment. If City Council approves the conceptual plan with modifications affecting the specific (site) plan, these modifications would also apply to the Planning Commission conditional approval of the specific (site) plan. The motion was unanimously approved 8-0.

### **PUBLIC HEARINGS:**

1. Preliminary Report; Rezoning Application #14-2, East Centre Avenue and Pasma Avenue. Mr. West summarized the preliminary staff report dated April 25, 2014 regarding the staff recommended and Planning Commission initiated rezoning consideration of several properties located along the south side of East Centre Avenue, east of Lakewood Drive. Specifically, Mr. West stated the consideration involves the possible rezoning of 732, 810, 830, 906, 912, 916 and 918 East Centre Avenue from B-3, general business to OS-1, office service, 710 East Centre Avenue from P-1, vehicular parking to OS-1, office service (excepting the west 5-feet) and the northern approximate 50-feet of 907, 913 and 923 Pasma Avenue from B-3, general business to R-1A, one family residential. Mr. West provided background information regarding previous rezoning considerations along East Centre Avenue and the surrounding zoning/land use pattern. Mr. West also provided a detailed review of the Comprehensive Plan and Future Land Use Map designations for the subject properties and surrounding properties. Mr. West then reviewed the different uses allowed in the B-3, B-1 and OS-1 zoning districts and potential impacts on the adjacent residential neighborhood. The existing land use of the properties involved in the rezoning consideration were then discussed by Mr. West, along with impacts a zoning change would have on these existing uses. Mr. West then referred the Commission to two email communications received from Chad Hoeksema of D & D Greenhouses (916 and 918 East Centre Avenue) and a letter received from Thomas Posthumus (8102 Lakewood Drive) that were included in the final agenda packet.

The public hearing was opened by Chairman Welch. A total of eight people spoke in regard to the proposed rezoning including four people who supported a zoning change and four people who opposed a zoning change. Brittany Hall (8108 Kingston), Leslie Schero (8119 Kingston), Ruth Hall (8108 Kingston) and Craig Binder

(743 East Centre) spoke in support of a zoning change to either an office or low intensity commercial classification. Ms. Brittany Hall presented the results of a Neighborhood Survey she and her father conducted of residents situated near the proposed rezoning site that showed a majority of those surveyed preferred office uses/zoning for the vicinity. Ms. Schero stated she supports the OS-1 zone with lesser impacts on the adjacent residential neighborhood and limited hours of operation. Ms. Ruth Hall stated she opposes the current B-3 zone and supports either an OS-1 or B-1 district. Mr. Binder expressed concerns associated with the existing B-3 zone and intensive commercial land use along this section of East Centre Avenue. Gary Crankshaw (owner, 810 and 831 East Centre), Don Ziemke (owner, 710 and 732 East Centre), Dane Davis (9902 Wexford and commercial real estate broker) and Thomas Rogers (owner, 775 and 801 East Centre) spoke in opposition to a zoning change. Mr. Crankshaw submitted a petition signed by several East Centre Avenue property owners opposing the zoning change and expressed concerns regarding decreased property values and less flexibility for future development/redevelopment with proposed OS-1 district. Mr. Ziemke presented an Office Market Analysis report and stated he believes there is an oversupply of OS-1 zoning and expressed concerns over decreased property values with a proposed zoning change to OS-1 or B-1. Mr. Davis spoke in opposition to the proposed zoning change stating there was an excess of office development and office zoned land in the city. Mr. Rogers stated he also opposes the zoning change and discussed the 2013 rezoning to OS-1 along the north side of East Centre Avenue and the difficulties he has been having trying to market the property for sale/development.

The Commission and Mr. West next discussed various aspects of the proposed rezoning. Commissioner Felicijan asked Mr. Ziemke if banks were concerned about financing his property with a proposed OS-1 zoning change and if a change to B-1 would be less impactful to his property value. Mr. Ziemke stated financing was an issue with a zoning change to OS-1 since it results in a reduced valuation. Mr. Ziemke also indicated a B-1 district was also still a concern since it allows fewer uses than the existing B-3 district. Commissioner Reiff asked Mr. Rogers if efforts to market his properties with other adjacent OS-1 parcels were made given the long, narrow configuration of these properties. Mr. Rogers stated the adjacent property owners were amenable to a combined marketing effort, however, there has been no serious inquiries since the parcels were rezoned to OS-1 last year. A motion was then made by Commissioner Bosch, seconded by Commissioner Reiff, to adjourn Rezoning Application #14-2, East Centre Avenue and Pasma Avenue, to the May 15, 2014 meeting. The motion was unanimously approved 8-0.

Commissioner Dargitz stated that she believes the existing B-3 zoning along this section of East Centre Avenue is an anomaly and impacts on the adjacent residential neighborhood from B-3 land uses would be difficult to mitigate. Commissioner Dargitz stated a B-1 zone or some type of form-based zoning may be an appropriate compromise. Mr. West discussed the existing B-3 zoning of the East Centre Avenue properties that has existed since 1965, the lack of commercial development proposals during this time and the two catalysts that initiated consideration of a zoning change to OS-1: the 1998 proposed Centre Street Market expansion project and the 2013 Great Lakes Convenience gas station project. Mr. West discussed the higher intensity land uses that are allowed in the B-3 district and how this type of development pattern would significantly impact the character of the East Centre Avenue office corridor and the adjacent established residential neighborhoods. During the 2013 rezoning consideration of properties along the north side of East Centre Avenue, Mr. West stated a commercial zoning designation was not even considered due to potential impacts on the adjacent residential neighborhood. Mr. West indicated the Comprehensive Plan has long directed commercial development to designated commercial corridors such as Westnedge, Portage and Shaver, and to major street intersections and nodes throughout the city to avoid a strip commercial development pattern and related impacts. Mr. West stated the zoning decision should be based on adopted community plans, sound planning principles, reasonable and compatible land uses and the interests/concerns of all potentially impacted parties. Commissioner Felicijan stated property values fluctuate and he opposes a broad brush OS-1 zoning for the East Centre Avenue properties. Commissioner Felicijan indicated he believes the rezoning process should move slowly to ensure all options are considered and the city makes the right decision for both the property owners and adjacent residents. Commissioner Patterson discussed different ways properties are typically valued and expressed concerns with placement of additional hardship on the existing property owners. Commissioner

Patterson stated he agrees that the Commission should proceed cautiously and look at creative options that may be available. Commissioner Reiff discussed financing issues and stated that owner, occupied development, whether it be office or commercial, is most attractive to lending institutions.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Michael K. West, AICP  
Assistant City Planner