

PLANNING COMMISSION

April 16, 2020

The City of Portage Planning Commission meeting of April 16, 2020 was called to order by Chairman Corradini at 7:00 p.m. Pursuant to the “Remote Attendance Rules for Meetings” and Michigan Governor Whitmer’s Executive Order 2020-21, this meeting was held remotely with Commissioners, staff, applicants and the general public participating via telephone call-in.

IN ATTENDANCE

Michael West, Senior City Planner and Charlie Bear, Assistant City Attorney.

ROLL CALL

Mr. West called the roll: Meyer (yes); Pezzoli (yes); Baldwin (yes); Joshi (yes); Schimmel (yes); Corradini (yes); Fries (yes); Patterson (yes); and Harrell-Page (not present). A motion was offered by Commissioner Schimmel, seconded by Commissioner Fries, to approve the Roll. Upon a roll call vote: Patterson (yes); Fries (yes); Corradini (yes); Schimmel (yes); Joshi (yes); Baldwin (yes); Pezzoli (yes) and Meyer (yes), the motion was approved 8-0.

- Commissioner Harrell-Page called-in to the meeting at 7:05pm

APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the March 19, 2020 meeting minutes contained in the agenda. Commissioner Joshi asked for a wording change on Page 2 (replace a group daycare home does “interfere” with the quality of life, with a group daycare home does “affect” the quality of life). A motion was made by Commissioner Fries, seconded by Commissioner Baldwin, to approve the minutes as amended. Upon a roll call vote: Joshi (yes); Meyer (yes); Harrell-Page (yes); Pezzoli (yes); Baldwin (yes); Corradini (yes); Patterson (yes); Fries (yes); and Schimmel (yes), the motion was unanimously approved 9-0.

SITE/FINAL PLANS

1. Final/Site Plan: Streamsong Condominiums (Phase 2), 715 West Osterhout Avenue. Mr. West summarized the April 9, 2020 staff report regarding a request by SDV Development LLC to construct Phase 2 of the Streamsong Condominiums Planned Development (PD). Mr. West indicated that Phase 2 of Streamsong Condominiums would include a total of 22 one-family detached condominium units and associated site improvements on 6.42 acres. Mr. West provided a brief history of the PD rezoning and development and discussed access, storm water management, sidewalks and indicated the second phase of the Streamsong Condominiums PD has been designed in substantial conformance with the approved tentative plan. Mr. West stated the final/site plan was recommended for approval subject to MDEGLE review and approval of the emergency storm water overflow discharges along the southern portion of the site.

Pat Flanagan of Ingersoll, Watson & McMachen (applicant’s engineer) called-in to support the application and discuss the development project. After a brief discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Harrell-Page, to recommend to City Council that the Final/Site Plan for Streamsong Condominiums (Phase 2), 715 West Osterhout Avenue, be approved subject to MDEGLE review and approval of the emergency storm water overflow discharges along the southern portion of the site. Upon a roll call vote: Harrell-Page (yes); Patterson (yes); Fries (yes); Joshi (yes); Corradini (yes); Schimmel (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

PUBLIC HEARING

1. Special Land Use Permit: Group Child Care Home (Franklin), 9837 Pine View Drive. Mr. West summarized the staff report dated April 9, 2020 regarding a special land use permit application submitted by Elizabeth Franklin to establish a group child care home for up to 12 children at her residence located at 9837 Pine View Drive. Mr. West indicated the applicant has been operating a family child care home from this residence since January and wished to expand to a group child care home. Mr. West discussed the various requirements for a group child care home including distance separations from other similar uses, parking and discretionary screening of the outdoor play area. Mr. West indicated an outdoor play area is proposed within the rear yard of the property and while a 4-foot tall chain-link fence is located along the south side of the rear yard, the remainder of the rear yard is not fenced and the applicant wishes to keep this area unfenced. Mr. West indicated the Zoning Code allows the Planning Commission to consider a condition that would require installation of up to a 6-foot tall screening fence around the outdoor play area "...in order to mitigate and/or avoid possible adverse impacts on surrounding property and to improve safety". Mr. West stated the applicant has secured a letter from the adjacent property owner to the north indicating installation of a fence was not desire along the north side of the rear yard. Mr. West also indicated there were several communications contained in the original agenda packet and final agenda packet from residents of the Sterling Oaks Condominium development to the east/northeast stating concerns over the proposed group child care home and/or requesting installation of a 6-foot tall privacy fence around the rear yard. Mr. West indicated the application fulfills the requirements for issuance of a special land use permit and was recommended for approval subject to Planning Commission consideration of a 6-foot tall screening fence around the outdoor play area.

Elizabeth Franklin (applicant) called-in to support the application and discuss the proposed group child care home. Ms. Franklin indicated she has been a licensed family day care operator for approximately seven years and has been operating a family day care home (six children) from her present residence at 9837 Pine View Drive since January. Ms. Franklin stated she has spoken with her neighbors to the north and south and they were both in favor of her request for a group child care home and did not want a 6-foot tall privacy fence installed. Ms. Franklin discussed her highly structured day care program and how children are supervised when taken outdoors. Ms. Franklin stated her goal was to operate a group child care home from her current residence for a couple years, then open a commercial child care center somewhere in the City of Portage. Ms. Franklin requested approval of the special land use permit application without a condition for installation of a 6-foot tall privacy fence around her backyard.

The Commission and Ms. Franklin next discussed various aspects of the proposed group child care home. The public hearing was then opened by Chairman Corradini. No citizens called-in to speak regarding the special land use permit application. A motion was then made by Commissioner Schimmel, seconded by Commissioner Fries, to close the public hearing. Upon a roll call vote: Joshi (yes); Meyer (yes); Harrell-Page (yes); Pezzoli (yes); Baldwin (yes); Corradini (yes); Patterson (yes); Fries (yes); and Schimmel (yes), the motion was unanimously approved 9-0.

Commissioner Fries discussed the various communications received from the residents of the Sterling Oaks Condominiums development to the east and stated the Planning Commission review should focus on the proposed group child care home and Special Land Use Permit criteria, and not the property line issue referenced in many of the emails. Commissioner Fries stated he inspected the property on two different occasions, viewing the site from Pine View Drive and Fort Myers Parkway. Commissioner Fries indicated the proposed site for the group child care home has many characteristics that were different than the site considered by the Planning Commission at the March 19th meeting including adjacent residences to the north and south have requested that a 6-foot tall screening fence not be install, the property to the east is condominium common area with existing natural screening (evergreen and deciduous trees) and significant separation between dwellings, and the applicant has been operating a family child care since January from her new residence on Pine View Drive with no complaints. For these reasons and given the size and configuration of the rear yard, Commissioner Fries stated he was opposed to any fencing requirement. Commissioner Joshi

agreed that the property is different than the site considered by the Planning Commission back on March 19th, however, indicated some form of rear yard fencing should be considered for safety purposes and keeping the children contained within the backyard. Commissioner Baldwin stated that she agrees with the comments made by Commissioner Fries and also noted that many of the correspondence received from the residents of the Sterling Oaks Condominiums are not in close proximity to the proposed group child care home and do not even have visibility to the rear yard of the site. Commissioner Patterson stated the rear yard of the site is clearly visible from a couple of the condominium units and rather than a 6-foot tall privacy fence, the Planning Commissioner should consider additional evergreen tree plantings along the east side of the site to protect the privacy of these condominium owners. Commissioner Pezzoli stated that he too concurs with the comments made by Commissioner Fries and believes that fencing along the east side of the rear yard of the site was not necessary. Commissioners Myer and Harrell-Page also concurred and stated that fencing for the purposes of safety should be determined by the State as part of the licensing approval. Chairman Corradini indicated he also believes that fencing is not necessary for screening purposes and a determination of fencing for safety should be made by the State licensing agency.

After additional discussion, a motion was made by Commissioner Fries, seconded by Commissioner Pezzoli, to approve the Special Land Use Permit for Ms. Elizabeth Franklin (group day care home), 9837 Pine View Drive, with no requirement for installation of fencing or supplemental landscaping. Upon a roll call vote: Harrell-Page (yes); Patterson (no); Fries (yes); Joshi (yes); Corradini (yes); Schimmel (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was approved 8-1.

2. Special Land Use Permit: Rustic Axe Throwing Outpost, 618 Romence Road. Mr. West summarized the staff report dated April 9, 2020 regarding a special land use permit application submitted by Benjamin Baker and Cody Cottle to establish an indoor commercial recreation facility (Rustic Axe Throwing Outpost) within an approximate 4,700 square foot vacant tenant space within the Hillside Shopping Center located at 618 Romence Road. Specifically, Mr. West stated the use was proposed within Suite 102 of the building located closest to Romence Road, addressed as 626 Romence Road. Mr. West stated this tenant space is located in excess of 100 feet from the nearest residential district or use lot line and that all activities associated with the use would occur indoors. Mr. West indicated the application fulfills the requirements for issuance of a special land use permit and was recommended for approval.

Cody Cottle (applicant) called-in to support the application and discuss the proposed indoor recreation use. Mr. Cottle described the operations of the proposed Rustic Axe Throwing Outpost and indicated it would occupy the vacant tenant space along Romence Road, previously occupied by Blockbuster Video. The Commission and Mr. Cottle next discussed various aspects of the proposed use. The public hearing was then opened by Chairman Corradini. No citizens called-in to speak regarding the special land use permit application. A motion was then made by Commissioner Baldwin, seconded by Commissioner Harrell-Page, to close the public hearing. Upon a roll call vote: Joshi (yes); Meyer (yes); Harrell-Page (yes); Pezzoli (yes); Baldwin (yes); Corradini (yes); Patterson (yes); Fries (yes); and Schimmel (yes), the motion was unanimously approved 9-0.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Myer, to approve the Special Land Use Permit for Rustic Axe Throwing Outpost, 618 Romence Road. Upon a roll call vote: Harrell-Page (yes); Patterson (yes); Fries (yes); Joshi (yes); Corradini (yes); Schimmel (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

3. Ordinance Amendment #19/20-A, Adult Use Marihuana. Mr. West summarized the staff report dated April 9, 2020 regarding amendments to the Zoning Code prepared by the city administration to allow adult use marihuana facilities within the city. Mr. West referred the Commission to the first page of the staff report that contained a summary of medical marihuana and adult use marihuana legislation in the State of Michigan, and the existing medical marihuana ordinance that the city adopted in March 2018. Mr. West indicated the proposed amendments involve Zoning Code sections pertaining to the B-3, general business, I-1, light industrial and I-2, heavy industrial districts. Mr. West stated that all current spacing requirements applicable to medical marihuana facilities would also be applicable to proposed adult use marihuana facilities. Since the ordinance

amendments were first introduced to the Commission on March 19th and given the provisions for the proposed adult use marihuana regulations are similar to those of the existing medical marihuana regulations, Mr. West indicated the Planning Commission was advised to review the amendments, receive public comment during the public hearing, then waive the second public hearing and make a formal recommendation to City Council to approve Ordinance Amendment #19/20-A, Adult Use Marihuana. Mr. West then asked Assistant City Attorney Bear to provide a more detailed overview of the proposed amendments.

Assistant City Attorney Bear provided a summary of State legislation and local ordinance development associated with medical marihuana, followed by a summary of adult use marihuana State legislation. Assistant City Attorney Bear reviewed in detail the proposed amendments to Section 42-262 (B-3, general business district), Section 42-280 (I-1, light industrial district) and Section 42-281 (I-2, heavy industrial district). Assistant City Attorney Bear, Mr. West and the Commission next discussed various aspects of the proposed ordinance amendment including the requirement for separate HVAC systems and odor mitigation, compliance with ADA requirements, delivery services, no drive-thru service and separation requirements from schools, child care centers, etc. and the phrase “adjacent to or abutting a residential zoning district”.

The public hearing was then opened by Chairman Corradini. One citizen (Omar Catani, 5747 South Westnedge Avenue) spoke regarding the proposed adult use marihuana ordinance amendments. Mr. Catani asked about the partitioning requirement when a provisioning center and retailer are located at the same location, and the rationale for the determining the boundary lines for the zoning lot “as those line existed on December 31, 2017. Assistant City Attorney Bear and Mr. West responded. No additional citizens called-in to speak regarding the proposed adult use marihuana ordinance amendments. A motion was then made by Commissioner Harrell-Page, seconded by Commissioner Schimmel, to close the public hearing. Upon a roll call vote: Harrell-Page (yes); Patterson (yes); Fries (yes); Joshi (yes); Corradini (yes); Schimmel (yes); Baldwin (yes); Pezzoli (yes); and Myer (yes), the motion was unanimously approved 9-0.

After a brief discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Myer, to waive the second public hearing and recommend to City Council that Ordinance Amendment #19/20-A, Adult Use Marihuana be approved. Upon a roll call vote: Joshi (yes); Meyer (yes); Harrell-Page (yes); Pezzoli (yes); Baldwin (yes); Corradini (yes); Patterson (yes); Fries (yes); and Schimmel (yes), the motion was unanimously approved 9-0.

4. Preliminary Report: Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way. Mr. West summarized the staff report dated April 9, 2020 regarding a request by Trade Centre Holdings, LLC to amend two previously approved conceptual plans to allow construction of a new 4-story hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. Mr. West stated the 30-acre tract of land is zoned CPD, commercial planned development and includes parcels addressed as 300, 400, 500, 550, 650, 750, 850, 950 and 1150 Trade Centre Way. Mr. West stated the first conceptual plan was approved in 2002 (amended in 2012) and involved an approximate 20-acre tract of land that includes parcels 200 400, 500, 550, 650 and 750 Trade Centre Way. Mr. West stated the second conceptual plan was approved in 2004 and involved a 12-acre tract of land that includes parcels 850, 950 and 1150 Trade Centre Way. Mr. West stated the applicant was proposing to amend these two previously approved conceptual plans to allow construction of a new 4-story, 59-foot tall hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. Mr. West stated the proposal involves another partnership between the developer and the City of Portage, along with an exchange of land and modification of property lines, whereby the existing city storm water basin located on the 850 Trade Centre Way parcel will be relocated to the northwest to allow construction of the new hotel building. In conjunction with the conceptual plan amendment and consistent with previous approvals, Mr. West stated the applicant was also requesting a height modification and a waiver from the conflicting land use screening requirements.

Greg Dobson of American Village Builders (applicant representative) called-in to support the application and discuss the proposed new hotel project. Mr. Dobson thanked staff for all their assistance during the application review process and also thanked the Planning Commission for conducting the virtual meeting during these challenging times. Mr. Dobson next summarized the history of the Trade Centre CPD and the

partnership between Joe Gesmundo and Roger Hinman. Mr. Dobson reviewed development projects which have been completed to date within the CPD including three multi-story office buildings, two multi-story hotels and one restaurant building. Mr. Dobson summarized the proposed new hotel project and discussed efforts to reach out to the residential neighbors to the west and north. Mr. Dobson discussed the “site line” studies performed between the proposed hotel building and the residences located to the north, northeast and northwest, and the sound mitigation study previously prepared for the adjacent multi-story office buildings. Mr. Dobson discussed the careful planning which has occurred with each development project to preserve the adjacent wetlands, floodplain and natural area along the Portage Creek. The Commission and applicant next discussed various aspects of the proposed project.

The public hearing was then opened by Chairman Corradini. One citizen (Tony Ettwein, 5265 Bronson Boulevard) spoke regarding the conceptual plan amendment and the proposed new hotel development. Mr. Ettwein expressed concern about the screening provision and the visibility of the proposed hotel from his residence. Mr. Ettwein stated that discussions with Mr. Dobson have been very positive and Mr. Dobson has agreed to consult with him and his wife, both pre-construction and post-construction, to ensure their concerns were addressed. No additional citizens called-in to speak regarding the proposed conceptual plan amendment and new hotel project. A motion was then made by Commissioner Schimmel, seconded by Commissioner Harrell-Page, to adjourn the public hearing for the Conceptual Plan Amendment for Trade Centre Commercial Planned Development, 300-1150 Trade Centre Way, to the May 7, 2020 meeting. Upon a roll call vote: Joshi (yes); Meyer (yes); Harrell-Page (yes); Pezzoli (yes); Baldwin (yes); Corradini (yes); Patterson (yes); Fries (yes); and Schimmel (yes), the motion was unanimously approved 9-0.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS

Commissioner Patterson encouraged citizens to continue to follow Planning Commission and City Council meetings even after the Governor’s Executive Order is lifted stating it was an excellent way of staying informed of city activities and projects.

Commissioners Pezzoli and Fries thanked Chairman Corradini and Mr. West for coordinating this virtual meeting and for the pre-meeting preparation.

Commissioner Joshi reminded everyone of the upcoming May 5th election and strongly encouraged everyone to register on-line before April 20th since there will be no precincts open for this election.

Commissioner Baldwin thanked all the front-line workers including health care personnel, law enforcement, fire department, EMTs and others for all their hard work during this national health crisis.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Michael West, AICP
Senior City Planner

