

PLANNING COMMISSION

July 23, 2020

The City of Portage Planning Commission meeting of July 23, 2020 was called to order by Chairman Corradini at 7:00 p.m. Pursuant to Michigan Governor Whitmer's Executive Order, this meeting was held in-person with a maximum capacity of 10 persons in Council Chambers, along with the continued option for Commissioners, staff and the public to participate remotely via a phone-in option. Three Commissioners, four citizens and two staff members were present in Portage City Hall Council Chambers at the start of the meeting.

IN ATTENDANCE

Joe LaMargo, City Manager; Christopher Forth, Interim Director of Community Development; Michael West, Senior City Planner and Randy Brown, City Attorney (phone-in participation).

ROLL CALL

Prior to the Roll Call, Chairman Corradini welcomed the two new Planning Commissioners who were recently appointed by City Council: Reed Youngs and Richard Freiman.

Mr. West called the roll: Joshi (yes, in person); Fries (yes, in person); Corradini (yes, in person); Pezzoli (yes, phone in); Baldwin (yes, phone in); Myer (yes, phone in); Youngs (yes, phone in); and Freiman (yes, phone in). A motion was then made by Commissioner Fries, seconded by Commissioner Joshi, to Approve the Role excusing Commissioner Schimmel. Upon a roll call vote: Myer (yes); Baldwin (yes); Pezzoli (yes); Fries (yes); Joshi (yes); Freiman (yes); Youngs (yes); and Corradini (yes), the motion was unanimously approved 8-0.

APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the July 9, 2020 meeting minutes contained in the agenda. A motion was made by Commissioner Fries, seconded by Commissioner Joshi, to approve the minutes as submitted. Upon a roll call vote: Pezzoli (yes); Youngs (abstain); Freiman (yes); Myer (yes); Baldwin (yes); Fries (yes); Joshi (yes); and Corradini (yes), the motion was approved 7-0-1.

PUBLIC HEARING

1. Final Report: Rezoning Application #19/20-4, Redwood Planned Development, 7801 Garden Lane and 1203 East Centre Avenue. Mr. West summarized the final staff report dated July 16, 2020 regarding a request received from Redwood Living to rezone 7801 Garden Lane and the north 660-feet of 1203 East Centre from R-1B, one family residential to PD, planned development. Mr. West summarized the proposed tentative plan for the residential development project which proposes a total of 109 single story apartment units in several attached, multi-unit buildings (3-unit, 4-unit, 5-unit, 6-unit and 8-unit) and an interior network of private streets. Mr. West indicated that apartment homes will range between 1,300-1,600 square feet of living space with 2-bedrooms, 2-bathrooms, a patio, sunroom and/or screened porch and private attached 2-car garage. Mr. West indicated that open space areas would be provided around the perimeter of the property and within two interior courtyards. Mr. West then discussed other aspects of the project including vehicular access, storm water management, proposals for sidewalks, walking paths, benches, pavilions/shelters, water feature/fountain and extensive site landscaping. Mr. West stated the overall development density for the proposed Redwood Living residential community would be 5.9 units per acre (109 units on 18.4 acres). Mr. West next discussed the Comprehensive Plan/Future Land Use Map designation for the property, the suitability of the existing R-1B zoning designation, and the surrounding land use/zoning pattern. Mr. West concluded stating the proposed PD zoning change and associated tentative plan proposed for the subject property by Redwood Living was recommended for approval by the Department of Community Development.

Patricia Rakoci and Emily Englehart (representing Redwood Living) were present to provide an overview of the proposed Redwood Living PD project. Ms. Rakoci thanked staff for their assistance over the past several months and indicated the tentative plan and associated materials has been updated/revised six different times to address staff concerns and enhance the overall development project. Ms. Rakoci stated that Redwood Living is not a typical apartment development and that each residential community consists of single-story attached apartment homes with between 1,300-1,600 square feet of living space, 2-bedrooms, 2-bathrooms and an attached 2-car garage. Ms. Rakoci stated the proposed Portage Redwood residential neighborhood addresses a specific housing niche in the community that provides an alternative high-quality housing option with many of the amenities and qualities of a single family residential home, without the maintenance obligations of typical home ownership. Ms. Rakoci indicated that rents for the development would range between \$1,700-\$2,100/month. Ms. Rakoci next reviewed various aspects of the project and addressed questions/concerns voiced by citizens during the July 9th meeting including the length of leases (typically 1-3 years, with some 6 month leases under special circumstances) and the location of the proposed storm water basin along the northwest portion of the site. The Commission, Ms. Rakoci and staff next discussed various aspects of the proposed residential development including rents/fees, storm water management, quality detail included in the application materials and use of local contractors during construction.

Chairman Corradini reconvened the public hearing. No citizens were present at the meeting and no citizen phoned-in to speak regarding the proposed PD zoning change and residential development proposal. A motion was then made by Commissioner Joshi, seconded by Commissioner Fries, to close the public hearing. Upon a roll call vote: Baldwin (yes); Youngs (yes); Pezzoli (yes); Myer (yes); Freiman (yes); Joshi (yes); Fries (yes); and Corradini (yes), the motion was unanimously approved 8-0.

After additional discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Fries, to recommend to City Council that Rezoning Application #19/20-4 (Redwood Living PD) be approved and that 7801 Garden Lane and the north 660-feet of 1203 East Centre Avenue be rezoned from R-1B, one family residential to PD, planned Development. The motion included a finding that the PD district and proposed Redwood Living attached residential development is appropriate in this area of the City and will provide assurances to surrounding property owners on the specific type of development that will be built on the property while providing design flexibility for the developer. The PD district and associated tentative plan/narrative submitted by Redwood Living is consistent with the Comprehensive Plan and Future Land Use Map designations and compatible with the surrounding zoning/land use pattern along East Centre Avenue, Garden Lane and Lovers Lane. Upon a roll call vote: Myer (yes); Pezzoli (yes); Baldwin (yes); Fries (yes); Youngs (yes); Freiman (yes); Joshi (yes); and Corradini (yes), the motion was unanimously approved 8-0.

7:40 p.m. - The Commission took a short recess. 7:50 p.m. - The Commission reconvened the meeting.

SITE/FINAL PLANS

None.

OLD BUSINESS:

1. Ordinance Amendment #19/20-C, Tree Preservation and Replacement Ordinance – Revised DRAFT. Mr. Forth summarized the staff report dated July 17, 2020 regarding a revised draft ordinance prepared by city staff and the Office of the City Attorney that would establish standards for the protection, preservation and conservation of existing natural wooded areas. Mr. Forth summarized the initial review of this ordinance by the Planning Commission at the June 4, 2020 meeting. Mr. Forth also discussed the committee of local builders and developers that was assembled following the June 4th Planning Commission meeting and the four WebX meetings that were convened to solicit additional input regarding the proposed Tree Preservation and Replacement Ordinance. Based on comments received from both the Planning Commission and the committee, Mr. Forth

stated the draft ordinance was revised. Mr. Forth then proceeded to summarize the substantive changes made to the draft ordinance including increasing the size of the building “envelope” where a permit would not be required, decreasing the size of an exempted parcel from two acres to one acre, reducing the number of replacement trees required for removal of a heritage tree, requirement for more substantial fencing to protect trees within 20 feet of construction activities, removal of four tree species from the replacement table and other clarifying language. Mr. Forth next presented two examples of how the ordinance, as currently written, would apply to different development plans: 1) A new home proposed on a vacant residential lot within a subdivision, and 2) A new commercial development on a vacant parcel. Mr. Forth indicated that additional review and comment from the Commission was requested at tonight’s meeting, along with a motion to set a public hearing for formal review and consideration at the August 20, 2020 Planning Commission meeting. In a continued effort to inform citizens and other interested individuals, Mr. Forth stated an article summarizing the proposed Tree Preservation and Replacement Ordinance would be included in the August issue of the *Portager* newsletter.

Chairman Corradini asked if there were existing ordinance standards already in place that could be applied to new development project in an effort to preserve trees and other natural areas, without the need for a new tree preservation ordinance? Mr. Forth stated there were existing general standards in the Land Development Regulations, however, these standards will not address the objectives of the tree preservation ordinance. Chairman Corradini asked what the additional costs would be for citizens and developers to comply with the proposed ordinance and whether some developers may choose to build within the City of Portage? Mr. Forth stated that there were additional costs associated with the proposed tree preservation ordinance including preparation of a tree survey and tree replacement and/or Tree Fund contribution costs, however, also stated there were benefits and cost savings for not unnecessarily removing trees from a property. City Manager La Margo stated the primary goal of the ordinance is to preserve the natural landscape of Portage and eliminate clearcutting of large tracts of land, while not overburdening builders, developers and citizens. City Manager La Margo stated he believes the proposed ordinance is fair and accomplishes both of these objectives. City Manager La Margo discussed the five builder/developer members that participating in the committee and thanked them for their input and comments.

Commissioner Fries thanked City Manager La Margo for reaching out to the development community to garner their input on the proposed tree preservation ordinance. Commissioner Fries stated he still has concerns with the ordinance including the application fee and the costs associated with financial contributions to the proposed “Tree Fund”, where replacement is not practical. Commissioner Fries indicated he is especially concerned about additional costs to residential property owners that have more than one acre of land and who would be subject to the proposed ordinance. City Manager La Margo restated the intent of the ordinance was not to be overly restrictive and staff would be reasonable in the application of any adopted ordinance. Attorney Brown stated that he believes the existing language regarding the costs for replacement trees, “...an amount reasonably related to the cost of the trees...” provides flexibility for staff to determine the lower end of the cost range. Commissioner Fries also expressed concerns about the administration of this ordinance and additional work load upon an already understaffed Community Development Department. City Manager La Margo complimented Mr. Forth and the Community Development Department for the work accomplished over the past few years with a depleted staff and indicated additional staffing for Community Development has been approved with the recent budget, despite the unknown impacts of Covid-19.

Chairman Corradini asked what recent development projects have removed large quantities of trees which have triggered the proposed tree preservation ordinance? Mr. Forth indicated that he would rather not cite specific development projects, but examples could be seen driving around the city. Mr. Forth also restated the goal of the ordinance was to prevent the unnecessary removal of trees on properties across the city. Chairman Corradini asked what communities were used to model the proposed ordinance for Portage? Attorney Brown stated that several community ordinances were reviewed, however, Orion Township was the primary community used to model the proposed Portage ordinance since it had been challenged and upheld in court. Attorney Brown indicated the proposed ordinance for Portage was less restrictive than the Orion Township ordinance and provided additional flexibility. Chairman Corradini asked if an existing home on a parcel of land greater than one acre would be subject to the ordinance? Mr. Forth stated yes and that only occupied parcels less than one acre in size were exempted, with the exception of heritage trees. Chairman Corradini stated he also had concerns about the

application of this ordinance to an existing single family residential homeowner on a parcel of land greater than one acre in size, and found it unusual that such a property owner would require permission from the city to remove a protected tree from their property.

Commissioner Fries stated he appreciates all the hard work of staff and the City Attorney in researching and drafting the proposed ordinance, however, restated his biggest concern was the financial impact on single family residential property owners with over one acre of land. Commissioner Fries indicated that time delays and costs associated with an application fee, preparation of tree survey, and either installation of replacement trees or financial contributions to a Tree Fund could be burdensome on a residential property owner. Mr. Forth and City Manager La Margo reviewed the flexibility contained in the draft ordinance and indicated the enforcement of the ordinance would be fair, reasonable and consistent. Commissioner Youngs stated any new ordinance needs to be fluid and flexible and asked whether the ordinance, if adopted, could be reviewed after a period of time? Mr. Forth stated a 12-month review after adoption could certainly be conducted to determine whether the intent of the ordinance was being implemented and whether any changes were needed.

After additional discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Fries, to set a public hearing for August 20, 2020 to formally consider Ordinance Amendment #19/20-C, Tree Preservation and Replacement Ordinance. Upon a roll call vote: Baldwin (yes); Youngs (yes); Pezzoli (yes); Myer (yes); Freiman (yes); Joshi (yes); Fries (yes); and Corradini (yes), the motion was unanimously approved 8-0.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS

Christopher Morris (9830 East Shore Drive) phoned-in and referred the Commission to his email communication and attachments that were included with the Final Agenda materials. Mr. Morris requested that the Planning Commission consider an ordinance that would address boat hoist and docks storage along lakefront lots during the winter months. Mr. Morris stated the ordinance is desperately needed and that he had previously approached city staff and the former and current City Manager regarding this issue with no action being taken. Chairman Corradini acknowledged Mr. Morris's communication and indicated it would be forwarded to the city administration for further consideration and follow-up.

Commissioner Baldwin welcomed the two new Planning Commissioners: Reed Youngs and Richard Freiman.

Commissioner Youngs thanked the City Council for his appointment to the Planning Commission and indicated that he is looking forward to serving the community in this capacity.

Commissioner Joshi commended staff for all their hard work on research, development and changes to the Tree Preservation and Replacement Ordinance and also thanked the builders and developers who provided input to staff through the WebEx committee meetings. Commissioner Joshi stated she appreciates the collaborative effort.

Commissioner Joshi reminded citizens of the August 4th State Primary and indicated polls will be open for in person voting. Commissioner Joshi encouraged citizens to register before the election at their municipal clerk office and to wear a mask to their respective voting location.

Commissioner Joshi also stated that she was on the ballot for County Clerk and requested the support from her colleagues and citizens.

Chairman Corradini again welcomed Reed Youngs and Richard Freiman to the Planning Commission and look forward to the time when all the Planning Commission could again meet in person in Portage City Hall Council Chambers.

Chairman Corradini also acknowledged the tremendous work being done by the Community Development Department considering the high work load and limited staffing, and also thanked the builders and developers who provided input on the Tree Preservation and Replacement Ordinance through participation in the WebEx committee meetings.

ADJOURNMENT:

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Michael West", is written over the typed name.

Michael West, AICP
Senior City Planner