

## PLANNING COMMISSION

August 17, 2017

The City of Portage Planning Commission meeting of August 17, 2017 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Eight citizens were in attendance.

### **PLEDGE OF ALLEGIANCE:**

Chairman Stoffer 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 Randy Brown, City Attorney.

### **ROLL CALL:**

Mr. Forth called the roll: Corradini (yes); Harrell-Page (not present), Joshi (yes), Schimmel (yes), Stoffer (yes), Shoup (yes) and Patterson (yes). A motion was made by Commissioner Patterson, seconded by Commissioner Shoup, to approve the roll excusing Commissioner Bosch (Commissioner Harrell-Page unexcused). The motion was unanimously approved 6-0.

### **APPROVAL OF MINUTES:**

Chairman Stoffer referred the Commission to the August 3, 2017 meeting minutes contained in the agenda packet. A motion was made by Commissioner Joshi, seconded by Commissioner Schimmel, to approve the minutes as submitted. The motion was unanimously approved 6-0.

### **PUBLIC HEARING:**

1. Rezoning Application #16/17-6, 3223 and 3205 Cooley Drive. Chairman Stoffer referred the Commission to an August 10, 2017 email communication from Mr. Gary Tibble (applicant) requesting that the rezoning application be withdrawn from further consideration. Commissioner Schimmel read the communication into the record. A motion was then made by Commissioner Patterson, seconded by Commissioner Schimmel, to accept the applicant's request to withdraw Rezoning Application #16/17-6 from further consideration. The motion was unanimously approved 6-0.

2. Height Modification: FEMA Corporation (addition), 1716 Vanderbilt Avenue. Mr. West summarized the August 11, 2017 staff report regarding a height modification request submitted by FEMA Corporation to construct an approximate 47,000 square foot along the north side of existing manufacturing facility to a height of 26-feet. Mr. West discussed the previous height modifications which were approved for FEMA Corporation in 2008 and 2012 for similar building additions. Mr. West indicated the applicant was requesting to maintain the same 26-foot building height for the proposed 47,000 square foot building addition. Mr. West discussed the Zoning Code criteria for height modification considerations and also reviewed surrounding site characteristics including proposed setback distances, nearest single family residential structures, natural topography and grade differences and previously approved conflicting land use screening that will be preserved with the proposed building expansion.

Matt Filbrandt (FEMA manufacturing manager) was present to support the application and discuss the development project. Mr. Filbrandt stated that FEMA was growing rapidly and the proposed addition was necessary to keep up with growth and demand. The public hearing was then opened by Chairman Stoffer. One citizen spoke in regard to the proposed height modification: Ray Vlietstra, 9135 Oakland Drive. Mr. Vlietstra spoke in support of the proposed building expansion stating that FEMA Corporation has been very good neighbor to the adjacent residential neighborhood. No additional citizen spoke regarding the proposed height modification. A motion was

then made by Commission Schimmel, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved 6-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Corradini, to approve the Height Modification for FEMA Corporation, 1716 Vanderbilt Avenue, to construct the proposed building addition to a height of 26-feet. The motion included a finding that the location, setback distances, topographic differences and conflicting land use screening for the interconnected facility will mitigate potential impacts on adjacent single family residentially zoned properties to the west and north consistent with Section 42-350(B)(6). The motion was unanimously approved 6-0.

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

1. Site Plan: FEMA Corporation (addition), 1716 Vanderbilt Avenue. Mr. West summarized the August 11, 2017 staff report regarding a site plan submitted by FEMA Corporation to construct an approximate 47,000 square foot building addition and associated site improvements along the north side of the existing manufacturing facility. Mr. West discussed the existing access arrangement, storm water management system and previously approved conflicting land use screening arrangement that would be maintained with the proposed addition.

Matt Filbrandt (FEMA, manufacturing manager) was present to support the application and discuss the development project. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Schimmel, to approve the Site Plan for FEMA Corporation (addition), 1716 Vanderbilt Avenue. The motion was unanimously approved 6-0.

2. Final Plan: Selinon Park, 1521, 1603 and 1615 East Centre Avenue (reapproval). Mr. Forth summarized the August 11, 2017 staff report regarding a request from Full Circle Communities to reapprove the final plan for the Selinon Park Planned Development. Mr. Forth stated the final plan proposes the construction of 74 affordable apartment/townhome rental units in three buildings and associated site improvements on the approximate 10.7 acre property. Mr. Forth indicated the final plan was recommended for approval by the Planning Commission on September 1, 2016 and subsequently approved by City Council on September 20, 2016. However and since construction did not commence within the required 120 day time period, Mr. Forth stated the final plan approval has since expired. Mr. Forth indicated the final plan has been submitted for reapproval with no changes since the original September 2016 approval.

Carl Kunda of Full Circle Properties (applicant) was present to support the application and discuss the development project. After a brief discussion, a motion was made by Commissioner Schimmel, seconded by Commissioner Patterson, to recommend to City Council that the Final Plan for Selinon Park, 1521, 1603 and 1615 East Centre Avenue, be reapproved. The motion was unanimously approved 6-0.

### **NEW BUSINESS:**

1. Historic District Modification, 2663 Mandigo Avenue. Mr. Forth summarized the staff report dated August 11, 2017 regarding a request pending before the Historic District Commission from the Kalamazoo County Treasurer (current owner of property following a tax foreclosure) to demolish both homes and all outbuildings. Mr. Forth stated the approximate 7.0 acre property is occupied by seven structures: 1865 two-story farmhouse and its associated detached single-car garage, corn crib, small barn, chicken coop, outhouse and root cellar, along with a 1960 ranch house (non-historic). Mr. Forth discussed the preliminary report dated July 12, 2017 from the Historic District Study Committee which recommends a partial denial of the request allowing for demolition of the non-historic ranch house only. Mr. Forth also discussed an Unfit/Unsafe structure notice that was issued to the previous property owner on a May 10, 2017 for the two residential dwellings, small barn, corn crib and chicken coop. Mr. Forth stated that recent inspections by the City of Portage building officials have concluded that the structural condition of the small barn, corn crib and chicken coop are beyond reasonable repair due to the amount of rotted wood. Mr. Forth indicated the condition of the various buildings on-site is a result of many years of neglect by the previous property owner and if the structures are not razed, will continue to remain an attractive nuisance open to casual entry and will continue to deteriorate.

Commissioners Joshi and Schimmel asked if it was reasonable for the Kalamazoo County Treasurer, following a tax foreclosure, to invest the necessary financial resources into the property to salvage the buildings and/or whether a prospective buyer would purchase the property with significant repair and maintenance obligations. Mr. Forth provided a summary of code enforcement activities associated with this property over the past 30 years including various civil infraction notices/tickets, court orders and actions and two city initiated debris abatements. Mr. Forth indicated the city has invested a tremendous amount of staff and financial resources; however, years of neglect by the previous owner has resulted in the deteriorated condition of the buildings. Despite the Historic District Study Committee's recommendation, Mr. Forth restated the Kalamazoo County Treasurer wants to demolish all on-site buildings.

Commissioner Patterson indicated that he spent approximately 30-40 minutes walking the property and inspecting the exterior of the buildings and all structures were in "rough" shape. Commissioner Patterson stated the farmhouse appears to be in decent shape; however, necessary repairs will likely be very costly and will likely only be accomplished if the right person is identified. Commissioner Patterson stated the Kalamazoo County Treasurer is in a difficult position given the tax foreclosure and the desire to demolish the structures and sell the property without significant repair/maintenance obligations for the prospective purchaser. Commissioner Shoup agreed and also expressed concerns regarding the interior condition of the farmhouse. Given the difference of opinions between the Building officials and the Historic District Study Committee, Chairman Stoffer asked if the item could be tabled to the September 7<sup>th</sup> meeting to allow the Commission additional time to inspect the property and formulate a recommendation. Mr. Forth stated the Planning Commission recommendation needs to be provided to the Historic District Commission prior to the September 12<sup>th</sup> public hearing. Commissioner Patterson discussed the state law requirement that only allows a historic property to be removed from the historic register if one of three criteria are met. Commissioner Patterson stated criteria #1 ("The historic district has lost those physical characteristics that enabled establishment of the district") may be the only applicable criteria to justify demolition of all the structures. Commissioner Joshi indicated that criteria #2 ("The historic district is not significant in the way previously defined") may also be applicable in this case. Commissioner Joshi stated she believes the farmhouse may still be salvageable, however, the other structures have lost their historic significance. Commissioner Schimmel asked if there were photos of the interior of the farmhouse. Mr. Forth reviewed photographs of the interior and exterior of the site. Chairman Stoffer asked if the 7.0 acre parcel could be split to retain the farmhouse on one parcel and allow for demolition and sale of the remaining land area. Mr. Forth stated this could be decided by the Historic District Commission and City Council similar to the Train Barn historic site on East Shore Drive.

After additional discussion, a motion was made by Commissioner Schimmel, seconded by Commissioner Patterson, to table consideration of the Historic District Modification involving 2663 Mandigo Avenue to the September 7, 2017. The motion was unanimously approved 6-0.

#### **STATEMENT OF CITIZENS/COMMISSIONERS:**

Ray Vlietstra, 9135 Oakland Drive, expressed concerns about the lack of a sidewalk or bike path along Shaver Road, north of Vanderbilt Avenue. Mr. Vlietstra stated he would appreciate consideration to allow a pedestrian connection from Vanderbilt to Meijer and other properties to the north. Mr. Forth suggested that Mr. Vlietstra attend the upcoming Capital Improvement Program (CIP) Open House on September 25<sup>th</sup> from 4:00-7:00pm at City Hall to express his interest in adding sidewalk and/or bike path in this area of the city. Mr. Forth stated there would also be an on-line citizen survey available through the city's web site beginning in September where citizens can make suggestions for upcoming public improvement projects.

#### **NEW BUSINESS:**

1. FY 2016-2017 Final Work Program Update and Proposed FY 2017-2018 Work Program. Mr. Forth referred the Commission to the staff report dated August 11, 2017 that included a final update of the FY 2016-2017 Work Program and a copy of the proposed FY 2017-2018 Work Program. The Commission did not have any further comments on the FY 2016-2017 Work Program final update. Mr. Forth discussed the Neighborhood and Community Enhancement Program and the need to obtain a replacement subcommittee member for former

Commissioner Richmond to assist with the evaluation of projects submitted for the FY 2017-27 CIP. Mr. Forth stated the subcommittee currently includes Chairman Stoffer and Commissioner Joshi and project review will likely begin in September. Chairman Stoffer informed the Commission that Commissioner Chu recently resigned and a replacement will likely not appointment until October or November. Chairman Stoffer asked that other Commissioners consider volunteering for the Neighborhood and Community Enhancement Program committee and additional discussion can take place at the September 7<sup>th</sup> meeting. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Schimmel, to adopt the 2017-2018 Work Program. The motion was unanimously approved 6-0.

**OLD BUSINESS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

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