

## **PLANNING COMMISSION**

**December 21, 2017**

The City of Portage Planning Commission meeting of December 21, 2017 was called to order by Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Five 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 & Neighborhood Services; Michael West, Senior City Planner and Randy Brown, City Attorney.

### **ROLL CALL:**

Mr. Forth called the roll: Patterson (yes), Shoup (yes), Stoffer (yes), Schimmel (yes), Bosch (yes); Harrell-Page (arrived at 7:08pm); Place (yes), Joshi (yes) and Corradini (yes). All Planning Commissioners were present.

### **APPROVAL OF MINUTES:**

Chairman Stoffer referred the Commission to the December 7, 2017 regular meeting minutes contained in the agenda packet. A motion was made by Commissioner Bosch, seconded by Commissioner Schimmel, to approve the minutes as submitted. The motion was unanimously approved 8-0.

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

None.

### **PUBLIC HEARING:**

1. Special Land Use Permit Amendment: Jungle Joes (outdoor miniature golf course), 7255 South Sprinkle Road. Mr. West summarized the Department of Community Development staff report dated December 15, 2017 regarding a request from Mr. Jeffrey Rozek to amend a previously approved Special Land Use Permit to allow establishment of an 18-hole outdoor miniature golf course along the north side of the existing Jungle Joes indoor recreational facility located at 7255 South Sprinkle Road. Mr. West summarized the original 2006 approval that allowed establishment of the Jungle Joes indoor recreational facility at the site, along with other similar approvals of indoor recreational facilities within the I-1, light industrial zoning district. Mr. West summarized the various features and elements of the outdoor miniature golf course, and then discussed the intent of the light industrial zoning district and uses typically allowed. Mr. West stated the addition of an outdoor miniature golf course at the subject site with permanent structures and improvements represents a use that has not typically been allowed in the I-1 zoning district and may set a precedent for similar requests in the future. Mr. West indicated that entertainment centers such as Airway Lanes (Portage Road) and the former Putters (South Westnedge Avenue) and Lazerland (Portage Road) that include outdoor recreational uses such as miniature golf, rope courses, batting cages and go-carts have historically located and are better suited in the B-3, general business zoning district. Finally, Mr. West stated that the inclusion of these types of outdoor recreational uses within the I-1 district may be considered in conflict with and detrimental to existing or future industrial investment in the surrounding area, particularly if the outdoor recreation use was to be abandoned and not removed from the property. For these reasons, Mr. West indicated the request was viewed as problematic and was not recommended for approval.

Mr. Jeffrey Rozek (applicant/owner) was present to support the application and explain the seasonality of his current indoor business. Mr. Rozek stated it was important for him to diversify and offer an outdoor summer-time activity in order to help the business survive. Mr. Rozek discussed the other recreational uses which surround his site and stated that he did not believe the addition of an outdoor miniature golf course would be detrimental to the industrial corridor. The Commission, staff and applicant next discussed various aspects of the proposed outdoor miniature golf course including the location on the site, the nature of the individual structures and features, surrounding land uses, the suitability of the use within the light industrial zoning district and potential impacts on other properties within the Sprinkle Road Industrial Corridor.

The public hearing was then opened by Chairman Stoffer. No citizens spoke regarding the proposed special land use permit. A motion was made by Commissioner Bosch, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 9-0.

The Commission and staff continued discussions of the proposed outdoor miniature golf course. Attorney Brown advised the Commission that any motion to either deny or approve the request should include a detailed discussion of the specific circumstances associated with the site and request along with a finding of the standards in the ordinance. Mr. West read the general standards of review for special land uses (Section 42-462) from the Zoning Code and also Section 42-280.C.10 from the Zoning Code which allowed Planning Commission consideration of the request in the I-1 zoning district. Commissioner Patterson stated that he believes there are three primary issues associated with the request for an outdoor miniature golf course at the Jungle Joes site: 1) The appearance of the use and suitability within the light industrial district; 2) Whether approving the request would set precedence for other similar outdoor recreational uses in the light industrial district and 3) Impacts of the outdoor miniature golf course if the use was to be abandoned at some future date and not removed. After further discussion, the Commission agreed that adjourning the request to a future meeting and allowing the applicant and staff to provide additional information would be helpful in the Planning Commission deliberations. A motion was then made by Commissioner Schimmel, seconded by Commissioner Place, to adjourn the Special Land Use Permit Amendment for Jungle Joes (outdoor miniature golf course), 7255 South Sprinkle Road, to the January 18, 2018 meeting. The motion was unanimously approved 9-0.

### **OLD BUSINESS:**

1. Accessory Building Re-Approval (Hotchkiss), 543 East Osterhout Avenue. Mr. West discussed the September 21, 2017 Planning Commission accessory building approval which allowed the owner of 543 East Osterhout Avenue (Rusty Hotchkiss) to construct a 2,433 square foot ranch dwelling and 936 square foot attached garage, together with an existing 1,800 square foot detached pole barn, that would result in the total square footage of all accessory buildings exceeding the ground floor area of the main residence by 303 square feet. While finalizing building plans, Mr. West indicated the applicant discovered slight inconsistencies in the square footage of existing and proposed structures at the site that were not consistent with the original approval: The existing pole barn is actually 2,136 square feet (not 1,800 square feet) and the proposed ranch-style house is actually 2,348 square feet (not 2,433 square feet). As a result, Mr. West stated a new application has been submitted by Mr. Hotchkiss requesting approval to construct a 2,348 square foot ranch-style house and 936 square foot attached garage that together, with the existing 2,136 square foot pole barn, would result in the total area of all accessory buildings exceeding the ground floor area of the main residence by 724 square feet. Consistent with the original approval, Mr. West indicated the existing pole barn and proposed garage would be utilized for storage of personal items including a pontoon boat, travel trailer, tractor and personal vehicles and will not be used for any business related purposes. Mr. West described the characteristics of the parcel and proposed setback distances from adjacent property lines and single family residences and indicated staff was supportive of the re-approval request. Mr. West also referred the Commission to a December 21, 2017 email communication from Phil DeHann of 655 Cliffwood, contained in the final agenda packet, which was supportive of the re-approval request.

Mr. Rusty Hotchkiss (applicant/owner) was present to support the application and explain how the inconsistencies were discovered during the building permit application process. No citizens spoke in regard to the proposed accessory building. A motion was then made by Commissioner Bosch, seconded by

Commissioner Shoup, to re-approve the Accessory Building application for Mr. Rusty Hotchkiss, 543 East Osterhout Avenue, to allow the total square footage of accessory buildings to exceed the ground floor area of the primary residence by 724 square feet. The motion was unanimously approved 9-0.

2. Neighborhood and Community Enhancement Program – subcommittee recommendation. Mr. Forth summarized the staff report dated December 15, 2017 regarding the subcommittee recommendation involving six Neighborhood and Community Enhancement Program projects submitted for funding consideration. Mr. Forth provided a brief overview of the six project and indicated the subcommittee is recommending the Towhee Street Lights, Oakland Drive Refuge Island and Lexington Green Streetlight Enhancement be approved for funding. The total cost for all projects is estimated at approximately \$17,000. Subject to Planning Commission concurrence of the subcommittee recommendation, the information will be forwarded to the City Manager for final approval. Mr. Forth noted that all applicants were invited to attend tonight’s meeting and present/discuss their proposed projects.

With regard to the Towhee Streetlight project, Commissioner Patterson stated he has installed LED lights (4,000 kelvin) in his Woodland at Austin Lake project and the LED lights provide adequate illumination and are more appealing than the high pressure sodium lights. Commissioner Patterson also stated he believes the Oakland Drive Refuge Island proposal is an excellent project. Commissioner Patterson asked if the Lexington Green project (tree trimming around existing streetlights to increase the area of illumination) is a regular city maintenance activity. Mr. Forth stated funds are not annually budgeted for this type of activity. Commissioner Schimmel suggested that consideration be given to replacing the street lights in the Lexington Green neighborhood given the low cost estimate provided by Consumers Energy for the Towhee Street project. Mr. Forth noted the streetlights in Lexington Green are a cobra head style mounted on power poles, which is different than the Towhee Street neighborhood.

There being no further discussion, a motion was made by Commissioner Harrell-Page, seconded by Commissioner Patterson, to recommend to the City Manager that funding be provided for the Towhee Street Lights, Oakland Drive Refuge Island and Lexington Green Tree Trimming. The motion was unanimously approved 9-0.

**NEW BUSINESS:**

1. 2018 Recreation and Open Space Plan Amendment. Mr. Forth summarized the staff report dated December 21, 2017 regarding an effort by the Department of Parks, Recreation and Senior Citizen Services to update of the 2013 Recreation and Open Space Plan. The Recreation and Open Space Plan is a component of the Comprehensive Plan and is updated every five years and amended, as necessary, to provide a valuable planning tool and fulfill Michigan Department of Natural Resources (MDNR) requirements for park acquisition and development grants. Mr. Forth stated at this step in the update process, the Michigan Planning Enabling Act requires the Planning Commission to review the draft plan and if acceptable, recommend to City Council the Plan be distributed to adjacent communities and county for review/comment. Following this review period, the Planning Commission will conduct a public hearing in February 2018 prior to final adoption on City Council.

Mr. Forth introduced Kathleen Hoyle, Director of the Department of Parks, Recreation and Senior Citizen Services. Ms. Hoyle summarized the proposed 2018 Recreation and Open Space Plan, including the major changes since adoption of the 2013 Plan.

Following a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to recommend that City Council approve the distribution of the plan to adjacent communities and the county. The motion was unanimously approved 9-0.

**STATEMENT OF CITIZENS/COMMISSIONERS:**

Mr. Kyle Barker (1210 Crown Street, Kalamazoo, Michigan) spoke and asked whether the Planning Commission workshop meeting regarding the proposed Medical Marihuana Ordinance was opened to the public. Chairman Stoffer responded in the affirmative.

Chairman Stoffer discussed the importance of having a full Planning Commission in attendance for the next couple meetings where the issue of a proposed medical marihuana ordinance would be discussed and asked if any Commissioners needed to be excused from the January 4<sup>th</sup> or 18<sup>th</sup> meetings. Commissioner Joshi indicated that she would not be present at the January 18, 2018 meeting.

8:40 p.m. - The Commission took a short recess.  
8:45 p.m. - The Commission reconvened in Conference Room #1.

**NEW BUSINESS:**

1. Proposed Medical Marihuana Ordinances – staff presentation. Community Development Director Georgeau and Assistant City Attorney Bear provided the Planning Commission with an overview of the proposed Medical Marihuana Ordinances, which includes a requirements to obtain a business license, changes to the Zoning Ordinance to regulate location of the five different types of medical marihuana facilities and minor changes to the Home Occupation Ordinance. Attorney Bear provided a brief overview of the state laws intended to regulate medical marihuana facilities and summarized each of the five types of facilities. Mr. Bear also summarized the licensing provisions and the process to enact the ordinances.

Ms. Georgeau summarized the prior meetings of City Council regarding their discussions to allow medical marihuana facilities in the community. Ms. Georgeau provided a brief overview on the process to obtain a business license and Zoning Code amendments, including where the various facilities can be located and spacing requirements. Ms. Georgeau indicated a public hearing is scheduled for the January 4, 2018 Planning Commission meeting. The Commission and Ms. Georgeau discussed the various components of business license and Zoning Code requirements.

Mr. Kyle Barker (1210 Crown Street, Kalamazoo, Michigan), stated he represents clients with \$10 million of capital investment. Mr. Barker believes the separation distance between facilities is excessive and will result in inflated land values for these types of uses.

**ADJOURNMENT:**

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 10:15 p.m.

Respectfully submitted,

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