

**Minutes of the Planning Commission
Of the City of Portland**
Held on Wednesday, February 8, 2017 at 7:00 P.M.
In Council Chambers at City Hall

Portland Planning Commission Members Present: Grapentien, Fitzsimmons, Williamson, Hinds, Clement, Kmetz

Absent: Culp

Staff: City Manager Gorman; City Clerk Miller; Zoning Consultant Eric Frederick

Guests: Jim & Kiley Hilligan of ConfluxCity Brewery Company, LLC; Loralee Hilligan; Doug & Charlsie Abel and Family; Fred Campbell of JML Design Group; John Dziewiatkowski

Chair Grapentien called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

Motion by Clement, supported by Fitzsimmons, to approve the Agenda as presented.
All in favor. Approved.

Motion by Fitzsimmons, supported by Williamson, to approve the minutes of the December 14, 2016 regular meeting as presented.
All in favor. Approved.

Chair Grapentien opened the Public Hearing at 7:02 P.M.

City Manager Gorman presented the request made by Jim Hilligan to rezone the properties located at 260 W. Grand River Ave. near Pleasant Street (34-300-050-000-015-00) and the property located at 135 Water Street (34-300-250-000-490-00) to C-2 under Section 42-33 of the Zoning Ordinance. This corner lot has a total of five different parcels. Currently, three of the parcels are zoned C-2. The request is to rezone two of the other parcels to C02 in order to maintain a consistent and unified piece of property that will better accommodate any future businesses that may wish to occupy the property.

City Manager Gorman noted that the Planning Commission should consider whether the C-2 zoning is an appropriate fit for the area.

City Manager Gorman further explained that although the property to the back, along Pleasant St., is listed as one of the properties to be rezoned City staff is reasonably confident it is already zoned C-2. Some internal documents indicate it might have been zoned R-2. All official city and county official records show that it is zoned C-2. In an abundance of caution it too has been included in the rezoning request.

The proper due process was followed. The appropriate public notice was published in the local newspaper and sent to the appropriate property owners.

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Mr. Hilligan stated that the actual building sits at the corner of the property and the topography of the property does not allow for the addition of a parking lot without adding to the property.

Chair Grapentien asked if the property is in the flood plain.

Mr. Hilligan stated that it is.

City Manager Gorman commented that this property is in an overlay district. Any property owner will have to go through the proper channels regarding development in a flood plain.

Mr. Hilligan stated that per the Zoning Ordinance a Special Land Use Permit is required for a parking lot and would require approval from the MDEQ. He further stated he is working with Williams & Works to develop a site plan and drainage plan that will meet both City and MDEQ requirements.

City Manager Gorman presented the preliminary site plan for ConfluxCity Brewery Company, LLC and noted where the proposed parking lot location is. The parking lot is proposed to be placed next to the Abel's residence at 143 Water St.

Mr. Hilligan noted that the property along Pleasant St., that is potentially already zoned C-2, is really only good for green space due to the large hill.

Member Fitzsimmons asked if the parking lot could be moved closer to the rental house at 117 Water St. or moved back further so there would be more of a buffer between it and the residential area it would be next to.

Vice Chair Clement asked if this was rezoned C-2 and a different business was developed what would prevent a building being built right on the property line.

Zoning Consultant Frederick stated that the Zoning Ordinance has a minimum 50 ft. side yard setback for a C-2 district when it is adjacent to a residential area. There is also a requirement of a 10 ft. solid landscape buffer between a parking lot and a residential area.

Mr. Hilligan stated that he has been in contact with the Abel's and they have come up with a slight change in the location of the parking lot and added green space. He further added that he is open to the type of vegetation.

Vice Chair Clement stated that she will abstain from the vote tonight due to the potential for an appearance of conflict.

Mr. Abel noted that a parking lot for any business will affect the property value of a neighboring residence. He stated that Mr. Hilligan has been great to work with. Mr. Abel stated that he is supportive of the use for the property and the proposed business. He asked the Planning Commission consider setbacks, buffer zones, and smart lighting when they consider the site plan in the future.

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Zoning Consultant Frederick stated that the C-2 district is a transition commercial district and allows some flexibility. The intent is to allow for a more residential friendly commercial district. There is a requirement of a minimum side yard setback of 50 ft. and a landscape buffer of 10 ft. He also noted there are very strict requirements for types of vegetation that can be planted. These requirements will be evaluated during the site plan review.

Mr. Dziwiatkowski asked if there is a provision to allow an 8 ft. wall to be installed as a barrier.

Zoning Consultant Frederick stated there is an option for a wall to be used as a buffer but noted that it couldn't be placed closer than 20 ft. from the property line. These are not used very often.

Chair Grapentien closed the Public Hearing at 7:23 P.M.

Under New Business, the Planning Commission considered the request for rezoning of the property at 260 W. Grand River Ave. and 135 Water St. to C-2.

Member Kmetz asked if a traffic study of the intersection will need to be conducted.

City Manager Gorman stated that a traffic study has been considered and will triggered by specific criteria. Fleis & VandenBrink has been involved in the evaluation of these properties.

Member Kmetz asked whether the property located at 260 W. Grand River Ave. near Pleasant St. is already zoned C-2.

City Manager Gorman explained that although the property along Pleasant St. is listed as one of the properties to be rezoned City staff is reasonably confident it is already zoned C-2. Some internal documents indicate it might have been zoned R-2. All official city and county official records show that it is zoned C-2. In an abundance of caution he suggests that the C-2 zoning be reaffirmed in the motion.

Member Kmetz that as he recalls the Planning Commission had a vision that the property could be zoned residential or commercial so they did not change the zoning so that it could develop as needed.

There was further discussion.

Motion by Kmetz, supported by Fitzsimmons, to recommend to the City Council they approve the proposed rezoning of the property located at 260 W. Grand River near Pleasant St. (34-300-050-000-015-00) and the property located at 135 Water St. (34-300-250-000-490-00) from R-2 to C-2. Vice Chair Clement abstained from the vote.
All in favor. Adopted.

City Manager Gorman noted that this issue will be presented to the City Council at its next meeting on Tuesday, February 21, 2017.

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Under Member Comments, City Manager Gorman stated that he has received information from McDonald's that the lease documents have been executed for the property at the corner of Grand River Ave. and Bridge St. With the execution of these documents it looks as if the rebuilding of McDonald's is moving forward. The prior approval by the Planning Commission has a 12-month expiration. They will have to bring their plan back to the Planning Commission to be reapproved.

In terms of other development, City Manager Gorman noted that he is still working with Sparrow on a proposed purchase agreement for property on Cutler Rd. Progress on the Old School Manor redevelopment is moving along quickly. The new windows are in the process of being installed.

City Manager Gorman proposed moving the March Planning Commission meeting to March 22, 2017 due to conflicts on the scheduled meeting day of March 8, 2017//

City Manager Gorman mentioned that the City is considering the implementation of curb side recycling. He encouraged residents to complete the online survey or to pick up a paper copy of the survey at City Hall.

Chair Grapentien thanked the public that attended the meeting tonight.

Motion by Clement, supported by Williamson, to adjourn the meeting at 7:40 P.M.
All in favor. Approved.

Respectfully submitted,

Jason Williamson, Secretary