

**Minutes of the Planning Commission  
Of the City of Portland**

Held on Wednesday, May 8, 2019 at 7:00 P.M.  
In Council Chambers at City Hall

Portland Planning Commission Members Present: Grapentien, Fitzsimmons, Roeser, Williamson, Culp

Absent: Kmetz, Hinds

Staff: City Manager Gorman; City Clerk Miller, Paul LeBlanc, AICP of PLB Planning Group

Guests: Keith Cook; Bill Fabiano; Gary Olson; Patrice and Darrin Weber, owners of Portland Assisted Living Center; staff members of Portland Assisted Living Center; David Straub, Chief Operating Officer of Mayberry Homes; Sandy Elliot, CEO of The Brook; William Carey and Jim DeWitt, Executive Directors of The Brook; Scott Perrin of Perrin Construction; Bill Frazier and Katelyn Gress of the Sidock Group, Inc.

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

Motion by Fitzsimmons, supported by Williamson, to excuse the absence of Members Kmetz and Hinds.

All in favor. Approved.

There were no public comments.

Motion by Williamson, supported by Roeser, to approve the Agenda as presented.

All in favor. Approved.

Motion by Williamson, supported by Culp, to approve the minutes of the April 10, 2019 meeting as presented.

All in favor. Approved.

Under Public Hearings and New Business, Chair Grapentien opened the Public Hearing to consider a proposed rezoning, from C-2 to C-1, to the property located at 103 E. Grand River Ave. as requested by Bill Fabiano.

City Manager Gorman explained the location of the property and further noted that C-1 zoning is for a typical downtown where there are zero setbacks. C-2 zoning is typically reserved for the highway district where there are stand alone buildings with plenty of room for setback requirements. As this property is in the downtown district of Portland, rezoning the property to C-1 is in the spirit of the Zoning Ordinance.

Mr. LeBlanc noted that when he reviewed this request, he struggled to understand why the property is currently zoned C-2. Rezoning this property to C-1 would also get rid of the nonconforming status.

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Chair Grapentien closed the Public Hearing at 7:06 P.M.

The Planning Commission considered the request to rezone the property at 103 E. Grand River from C-2 to C-1.

Motion by Roeser, supported by Fitzsimmons, to make a recommendation to City Council to rezone the property located at 103 E. Grand River Ave. (300-050-000-175-00) from C-2 to C-1. All in favor. Approved.

Chair Grapentien opened the Public Hearing to consider an amendment to the Rindlehaven TND PUD to remove a 10-acre parcel for rezoning related to potential development of an Elderly Housing Facility by The Brook on a portion of the Rindlehaven Development at 7:07 P.M.

Mr. LeBlanc presented information on the request stating that the current TND PUD does provide for a much larger senior housing development at the east end of the Rindlehaven Development near Cutler Rd. The area proposed to be removed from the TND PUD is designated as commercial. Because the proposed Elderly Housing Facility is much smaller and in a different location than the one planned in the TND PUD in addition to the removal of the commercial portion of the development Mr. LeBlanc recommended the amendment be handled as a “major change”.

Mr. LeBlanc further noted he and City Manager Gorman had discussions with Mayberry Homes about amending the entire PUD but they were not in a position to do so at this time although they do envision making other changes.

Mr. LeBlanc stated that he recommends the approval of a recommendation to the City Council to amend the Rindlehaven TND PUD based on the following reasons (as outlined in his memo to the Planning Commission):

- The scale of the approved PUD has been shown to be overly ambitious.
- The planned commercial component on the subject property is determined to be infeasible and not in the best interest of the City and its business community.
- The amendment would open an opportunity for an elderly housing development that is needed by the community and is consistent with the mixed-use character envisioned by the City Master Plan for this area.
- An elderly housing project on this parcel would generate far less traffic than the uses proposed in the approved PUD plan and would add a potential customer base for nearby businesses.

Keith Cook, one of the original Rindlehaven developers, stated that when the Rindlehaven plan was developed it was they type of development desired by the City although it wasn't what he had foreseen. Because of the downturn in the economy the development did not happen. Mr. Cook further stated the development shouldn't have been a TND and the proposed use is part of what was originally planned.

Mrs. Weber asked if notices were sent.

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Chair Grapentien stated that notices were mailed to property owners within a 300' radius of the proposed development and published in the newspaper.

Mrs. Weber stated that the proposed development could have a potential impact to her business and employees.

Mr. Carey stated the proposed development by The Brook would include 42 units, half of which would be independent living and half would be assisted living which would have some level of need but not memory care or nursing care. The building would be approximately 40,000 square feet.

Mr. Carey further stated The Brook has built 11 elderly housing facilities to date and does not take the investments of others lightly. They have selected Portland as a #1 attractive community to build in after an extensive review of the area. They feel there is a demand for these services without taking away substantial business from others already in the area. They believe all can thrive and that The Brook would be a good addition to the community.

Mrs. Weber asked how many of their facilities are licensed.

Mr. Carey stated they operate by state exemption because of mandated acuity levels that allow them to operate under the exemption.

There was continued discussion around state licensing.

Chair Grapentien closed the Public Hearing at 7:34 P.M.

Chair Grapentien stated that he was on the Planning Commission when the existing Rindlehaven TND PUD was approved. He appreciates the work that went into it; if the plan had been developed, he feels it would have supported the commercial area that was included. He further stated his feeling that there should be something put in place to address the rest of the TND PUD as is expected to take place going forward.

Mr. LeBlanc stated that even if these 10 acres are taken out of the PUD any further development has to come back to the Planning Commission for approval. As has been previously presented to the Planning Commission, Mayberry Homes has been planning the 2<sup>nd</sup> phase of its development, any changes to their plan will not happen unless the current PUD is amended and will follow the same process as is happening now. They can not do anything that deviates from the current plan without Planning Commission and City Council approval.

Motion by Williamson, supported by Fitzsimmons, to recommend the amendment to the Rindlehaven TND PUD to remove a 10-acre parcel for rezoning related to potential development of an Elderly Housing Facility to the City Council for approval.  
All in favor. Approved.

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Chair Grapentien opened the Public Hearing to consider a proposed rezoning, from the TND PUD to R-3, related to the potential development of an Elderly Housing Facility by The Brook on a portion of the Rindlehaven Development at 7:41 P.M.

There was no public comment.

Chair Grapentien closed the Public Hearing at 7:42 P.M.

Mr. LeBlanc noted the criteria the Planning Commission needs to consider for rezoning as outlined in Section 42-33 (b)(2) of the Zoning Ordinance.

Mr. LeBlanc stated that he recommends the approval of a recommendation to the City Council to approve the rezoning to R-3, multi-family residential, based on the following reasons (as outlined in his memo to the Planning Commission):

- The rezoning request satisfies the criteria of Section 42-33 (b)(2).
- The R-3 zoning district permits a range of uses that would be compatible with the existing and planned development on the surrounding property.
- As noted in the Master Plan, there is an expressed need for alternate housing choices in the City that would be allowed in the R-3 district.

Motion by Fitzsimmons, supported by Culp, to recommend the proposed rezoning, from TND PUD to R-3, to the City Council for approval.

All in favor. Approved.

Chair Grapentien opened the Public Hearing to consider a request for a Special Land Use Permit related to the potential development of an Elderly Housing Facility (Section 42-341) by The Brook on a portion of the Rindlehaven Development at 7:48 P.M.

Mr. LeBlanc stated that Elderly Housing is permitted in the R-3 district with the approval of the Planning Commission; but would be contingent on the rezoning of the property by the City Council. Pursuant to the Zoning Enabling Act, if all criteria are met then the request must be approved.

Mr. LeBlanc presented the criteria that must be met per the City of Portland Zoning Ordinance, as outlined in his memo to the Planning Commission. Per Section 42-341 (p)(1), the applicant will have to verify the total number of parking spaces provided and, if deficient, must add the necessary number to meet the requirement. Per Section 42-341 (p)(4), all units in the building shall have a minimum of 450 square feet per unit. The applicant has not submitted floor plans as part of the preliminary site plan. Compliance with this requirement must be assured. Per Section 42-341 (p) (5) a covered drop-off and pick-up area shall be provided on-site in close proximity to the main entrance and walkways shall be provided from the main building to the sidewalk along the adjacent street. A covered drop-off area at the front entrance is shown on the preliminary site plan but there is no indication whether sidewalks are proposed.

Mr. LeBlanc stated his recommendation that the Planning Commission approve the Special Land Use Permit subject to the following (as outlined in his memo to the Planning Commission):

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- Approval is conditioned on obtaining a rezoning of the site to R-3 by the City Council;
- All special use requirements of Section 42-341 (p) be satisfied, especially 1), 4), and 5), as noted; and
- A complete final site plan, as required by Section VI of the Zoning Ordinance, be submitted for review and approval prior to any construction.

Ms. Gress, site engineer for The Brook, stated that in regard to the parking issue under Section 42-341 (p)(1), the current site plan shows 54 parking spaces. Nine more parking spaces have been added to meet the requirement.

Mr. Carey provided information on 42 units included in the facility. Ten of the units are studio units that are 416 square feet. He stated that per Section 42-341 (p)(4) all units must be 450 square feet but the ordinance does not consider a building that has congregate or communal living space. He stated that each building has 6,000 square feet that is designated to communal living. Mr. Carey proposed that splitting the amount of communal living space to each of the units would make each of them over 600 square feet. He stated his feeling that this would be a fair interpretation of the ordinance and noted that it would be a substantial burden, substantial cost to change the plans for the building design.

Mrs. Weber expressed concerns with the proposed development by The Brook. She stated that they should have signed and sealed plans as she was required to for her development of the Portland Assisted Living and Memory Center. She further stated the request for a Special Land Use Permit should be denied as the development must be adequately serviced with public facilities. She stated that the development would be more than City's ambulance and utility services can handle and will result in increased costs to City residents. She also stated that this is an unlicensed facility that will create unfair competition with her local licensed facility. She asked if the City has considered these issues and if the City can accommodate a development of this size. She also asked if this development will result in increased taxes to City residents.

City Manager Gorman stated that the preliminary site plan presented tonight is only for the purpose of the Special Land Use Permit. The full site plan review will be held at the June 12, 2019 Planning Commission meeting and will address all of the issues laid out by Mrs. Weber.

Mr. LeBlanc noted that the "use" would be approved tonight but the development is still subject to site plan review at the next Planning Commission meeting.

There was discussion regarding the process, infrastructure, and the use of the property.

City Manager Gorman explained that this process is similar to what Mrs. Weber went through for her development, which also required rezoning.

Mrs. Weber asked about the ambulance service.

City Manager Gorman noted the City of Portland is one of few municipalities that has its own ambulance department with three ambulances in its fleet and excellent response times. Many communities have to contract these services out.

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Mrs. Weber asked about the requirement that “no exceptions” can be made in the approval of the Special Land Use Permit request.

Chair Grapentien explained, in reference to the 450 square foot minimum per unit requirement, that the Zoning Ordinance allows shared use of space. For example, in the instance of parking spaces, it is allowable to consider sharing spaces in order to meet parking space requirements. Using the common areas in the proposed development by The Brook supports the 450 square foot requirement. This is a zoning tactic used in other area of the Zoning Ordinance. He stated that in his opinion, this requirement is met.

Council Member Fitzsimmons noted that the Planning Commission can not look at competition in making its decisions, they much use the guidelines that are laid out in the Zoning Ordinance. He stated how great the Portland Assisted Living and Memory Center looks, the new addition looks nice. He further stated his feeling that competition allows choices and brings more positive development. Council Member Fitzsimmons stated his belief that the proposed location is a great area for this type of facility, and that all of businesses like this in Portland will thrive. There are a lot of positive things happening in Portland, he wants to see everyone thrive and be successful.

Mr. Olson, resident at Rindlehaven, stated that the exit onto Grand River Ave. is becoming quite dangerous at Rowe Ave. He is concerned about elderly drivers at this intersection.

Chair Grapentien stated that the original Rindlehaven TND PUD included addressing the traffic at a certain point in the development.

City Manager Gorman stated that this is a very valid concern. A substantial road project on Grand River Ave. from the City limits to the East to Rowe Ave. is being planned. Options are being considered for that intersection along Grand River Ave.

Chair Grapentien closed the Public Hearing at 8:21 P.M.

The Planning Commission considered the request for a Special Land Use related to the potential development of an Elderly Housing Facility by The Brook on a portion of the Rindlehaven Development.

Motion by Williamson, supported by Fitzsimmons, to approve the Special Land Use Permit related to the potential development of an Elderly Housing Facility by The Brook on a portion of the Rindlehaven Development contingent on obtaining a rezoning of the site to R-3 by the City Council, all special use requirements of Section 42-341 (p) be satisfied, especially (1), (4), and (5), and a complete final site plan, as required by Article VI of the Zoning Ordinance, be submitted for review and approval prior to any construction.

All in favor. Approved.

City Manager Gorman explained the Redevelopment Ready Communities (RRC) Program through the Michigan Economic Development Corporation (MEDC). He noted that the Planning

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Commission has undertaken some sophisticated development over the past several years; and has been successful.

City Manager Gorman further explained that the Michigan Main Street Program is now requiring communities to be involved with RRC in order to receive funding, this has forced some honest discussion among the DDA Board. He further provided information on the implications of participating or not participating with RRC.

Council Member Fitzsimmons provided feedback on the recent meeting with the MEDC regarding the RRC program. City Manager Gorman, Mayor Barnes, DDA Chair Grimminck, and DDA/Main Street Director ConnerWellman were all a part of this meeting with representatives of both the MEDC and RRC programs.

Council Member Fitzsimmons stated that the City Council and Planning Commission have been functioning well in terms of development and has received many compliments on what has been accomplished. He stated that he personally takes it as an insult when they say they could help improve, but don't actually in what way. He also stated the City doesn't have the manpower to implement the requirements of being an RRC community. He stated his feeling that this program does not make sense for Portland and the City should keep doing what we're doing.

City Manager Gorman stated that ongoing reporting is required from RRC communities. He stated that he keeps asking representatives of RRC how the investment of resources will lead to more development but hasn't gotten any concrete answers.

There was continued discussion.

City Manager Gorman stated that the Fiscal Year 2019/2020 Budget will undertake looking at the City's Master Plan. Due to the cost the completion of the Zoning Audit is on the "wish list" to be completed when possible.

City Manager Gorman stated that results of survey that was conducted for a potential broadband project showed a very favorable "take rate" despite the competition in the area. The City will now look at potential administrative processes, funding options, and try to anticipate potential problems.

City Manager Gorman stated that he is still looking at marketing options for the Cutler Rd. property.

Under Planning Commission Member Comments, Member Williamson noted that he has done extensive research on RRC and didn't find anything that showed their results. He stated his belief it would be ridiculous to become an RRC community.

Council Member Fitzsimmons stated his feeling that he would like to pass for now and reevaluate in a couple of years.

Motion by Williamson, supported by Roeser, to adjourn the meeting at 8:59 P.M.

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All in favor. Approved.

Respectfully submitted,

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Jason Williamson, Secretary