

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

Held on Wednesday, April 9, 2014 at 7:00 P.M.
In Council Chambers at City Hall

Portland Planning Commission Members Present: Grapentien, Fitzsimmons, Swaney-Frederick, Clement, Hinds

Absent: Gorman, Kmetz

Staff: Interim City Manager Reagan, City Clerk Miller, Deputy Zoning Administrator Gensterblum

Guests: Troy Mitchell; Patrice Weber; Jeffrey Thornberg, Capital Law PLC; Terry Frewen of Coldwell Banker Frewen Realty; Paul Lippens of McKenna Associates

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

Motion by Swaney-Frederick, supported by Fitzsimmons, to amend the agenda to excuse the absence of Members Gorman and Kmetz.

All in favor. Approved.

Motion by Clement, supported by Swaney-Frederick, to approve the Revised Agenda to excuse the absence of Members Gorman and Kmetz.

All in favor. Approved.

Motion by Fitzsimmons, supported by Hinds, to approve the minutes of the March 12, 2014 meeting as presented.

All in favor. Approved.

Under Public Hearings, Chair Grapentien opened the Public Hearing at 7:03 P.M. on the request made to rezone the property at 223 Charlotte Hwy. from C-2 to R-2.

Interim City Manager Reagan presented information on the request made by Patrice Weber of Eagle to rezone the old Portland Federal Credit Union property at 223 Charlotte Hwy. from C-2 to R-2. and a request for a Special Land Use Permit to allow an Adult Foster Care Large Group Home at the same property.

Interim City Manager Reagan stated that Eric Frederick, a Deputy Planner with an extension background in Planning, was consulted on this request. In his memo to the Planning Commission he found no issue with the proposed rezoning of the property 223 Charlotte Hwy. from C-2 to R-2, this property borders an R-2 district.

Terry Frewen, of Coldwell Banker Frewen Realty, the realtor for the property and himself a property owner in the notice area, stated that the building layout works well with the proposed use. The traffic flow would be much lower than the previous use as a credit union. There would only be 2 to 3 staff members, with occasional visitors. This property has been vacant for quite some time; other financial

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institutions have shown now interest in renovating the property but have been in favor of new construction. This has been the first viable option for the property.

Vice Chair Clement asked if Mr. Frewen had any issue with the rezoning of the property to R-2.

Mr. Frewen stated he did not; there are residential homes in this commercial district. He sees no reason it would affect the adjoining businesses.

Member Swaney-Frederick asked if Mr. Frewen seen any reason a change in zoning would affect the Portland Federal Credit Union property across Charlotte Hwy.

Mr. Frewen stated he did not see any reason it would, that is also a unique property with its own issues.

Interim City Manager stated that two letters of support were received in regard to the rezoning of this property.

Chair Grapentien stated he could see no reason why this property should not be rezoned to R-2.

Chair Grapentien verified there was no one in the audience against the rezoning of the property at 223 Charlotte Hwy.

The Public Hearing was closed at 7:11 P.M.

Chair Grapentien opened the Public Hearing at 7:12 P.M. for a Special Land Use Permit to allow an Adult Foster Care Large Group Home at 223 Charlotte Hwy.

Interim City Manager Reagan presented information on the request made by Patrice Weber of Eagle for a Special Land Use Permit to allow an Adult Foster Care Large Group Home at 223 Charlotte Hwy. to be contingent on the potential recommendation to the City Council for the rezoning of the property and its approval. This appears to be a good use of the property and beneficial to the community.

Deputy Zoning Administrator and Ambulance Director Gensterblum stated this would be a good use of the property.

Interim City Manager Reagan that in his memo Mr. Frederick found no issue with proposed use of the property at 223 Charlotte Hwy. The parking requirements are met, there is screening to the South, and there is no other similar facility within 1500 ft.

Troy Mitchell, property owner at 228 Charlotte Hwy., expressed his concern about the type of resident that would potentially reside at this facility.

Patrice Weber, stated her goal is to keep the elderly population in Portland and offer the assistance they need. Not looking to bring residents outside of the area.

Vice Chair Clement asked what the criteria would be to be accepted into the home.

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Ms. Weber stated the required care would be considered as well as age; someone that needs a higher standard of care but not a nursing home.

Member Swaney-Frederick asked if there were any security standards for dementia patients in particular. Anyone with dementia would be monitored at all times.

Ms. Weber stated there would be key fobs at each door to keep the residents in and safe but would allow staff and family members to enter.

Member Hinds asked if there would be an outdoor area and if it would be fenced.

Ms. Weber stated there would be three sitting areas inside the facility as well as an outdoor area. If permitted, she would like a covered patio area similar to what she has the facility she currently owns.

Mr. Mitchell further stated his concern that patients with dementia or Alzheimer's might pose a risk or disturbance to neighboring properties and asked what the ratio of staff to patients would be.

Ms. Weber stated there would be 3 to 4 staff if the facility were at full capacity with 20 residents. Individuals that are a threat to the community or staff would not be accepted as residents, this is the practice at the facility she currently owns. Her current facility is a family-friendly facility and she would expect the proposed facility would be the same. The licensing from the State of Michigan titles this type of facility as Adult Foster Care, the more common term for the type of facility this will be is Assisted Living offered to the elderly population.

Mr. Mitchell asked if there would be anything that would prevent high risk patients from being accepted into the facility in the future.

Ms. Weber stated that requests can be made to change the licensing from the State, as the licensing they receive is very specific in the type of care they can provide. She further stated that she is from the community and has no intention anyone into her facility that would cause harm to staff or anyone in the community.

Mr. Mitchell asked if there would be anything to prevent a future owner, that doesn't have the same business plan or moral standard, of this facility from caring for high risk residents.

Chair Grapentien stated that it would only be allowed if it met the City's Zoning Ordinance.

Jeffrey Thornberg, of Capital Law PLC at 1323 E. Bridge St., stated he has no issue with the proposed use. The proposed plan sounds like a good use of the vacant property.

The Public Hearing was closed at 7:31 P.M.

Chair Grapentien opened the Public Hearing at 7:31 P.M. for a Special Land Use Permit to allow for a two-family dwelling at 454 Detroit St.

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Interim City Manager Reagan stated an application was received for the property at 454 Detroit St. to allow a two-family dwelling. This property was formerly the Sunny Bunch Day Care and before that a party store.

Interim City Manager Reagan stated that Mr. Frederick also reviewed this application and found no issue with it. This will appear before the Zoning Board of Appeals on Monday to reduce the minimum unit size requirement in the R-2 district to create the multi-family dwelling.

The Public Hearing was closed at 7:33 P.M.

Under New Business, Member Swaney-Frederick commented that the question of rezoning seems clear cut as the adjoining district is R-2.

Member Fitzsimmons stated that the property at 223 Charlotte Hwy. has been vacant for approximately seven years; if there are adjustments that need to be made to occupy the property, they should be made.

There was discussion.

Chair Grapentien presented the criteria for rezoning and noted that they are met as there were no other factors deemed appropriate to consider by the Planning Commission.

Motion by Clement, supported by Swaney-Frederick, to recommend to the City Council the property at 223 Charlotte Hwy. be rezoned from C-2 to R-2.

All in favor. Approved.

Under Item b, for the request for a Special Land Use Permit to allow for an Adult Foster Care Large Group Home facility at 223 Charlotte Hwy., Member Swaney-Frederick noted that per the Zoning Ordinance a Site Plan Review would not be required for an Adult Foster Care facility.

There was discussion.

Motion by Fitzsimmons, supported by Hinds, to grant a Special Land Use Permit to allow an Adult Foster Care Large Group Home facility at 223 Charlotte Hwy.

Chair Grapentien presented the Standards that must be met to grant a Special Land Use and noted they have been met.

Interim City Manager Dempsey noted the property is actually two parcels.

Vice Chair Clement noted an amendment to the motion on the floor that the Special Land Use be granted for both parcels.

Member Fitzsimmons accepted the amendment.

Member Hinds accepted the amendment.

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Chair Grapentien asked Interim City Manager Reagan to verify if one of the parcels is non-conforming, if so, they should be adjoined.

Vice Chair Clement noted that the motion should be made contingent on the rezoning of the property at 223 Charlotte Hwy. from C-2 to R-2.

Both Members Fitzsimmons and Hinds accepted the amendment to the motion.

The vote for the motion on the floor was held.
All in favor. Approved.

Under Item c, for the request for a Special Land Use Permit for 454 Detroit St, to allow for a two-family dwelling Interim City Manager Reagan noted that an approval would be contingent on a variance request to reduce the minimum unit size requirement by the Zoning Board of Appeals at its meeting on Monday, April 14th.

Member Swaney-Frederick inquired what the property at 454 Detroit St. is currently zones.

Interim City Manager Reagan stated it is in the R-2 district.

Member Swaney-Frederick noted that the property was previously used as a day care facility which is a non-conforming use and would potentially be changed to a two-family dwelling which would also be a non-conforming use, but less so.

Vice Chair Clement noted that the parking at 454 Detroit St. was what was non-conforming.

Vice Chair Clement further stated that although the use would generally be non-conforming it would still meet the general standards. The Planning Commission does have the authority to take non-conforming use and make it less non-conforming.

Motion by Swaney-Frederick, supported by Fitzsimmons, contingent on the variance request to reduce the minimum unit size requirement by the Zoning Board of Appeals at its meeting on Monday, April 14, 2014 to grant a Special Land Use Permit for 454 Detroit St., to allow for a two-family dwelling.
All in favor. Approved.

Paul Lippens, of McKenna and Associates presented the logo samples proposed for the Master Plan process.

There was discussion regarding which logo the Planning Commission preferred.

Interim City Manager Reagan brought up his concern, in regard to the Master Plan Timeline, with holding the public meeting the same day as the Block Party, May 17th as there may be issues with parking, etc. Also, City Hall is used as a staging area which may cause issues.

Mr. Lippens presented the Master Plan Timeline and their goals in trying get as much public participation as possible, especially in regard to during the Block Party.

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There was discussion regarding whether to hold the public meeting the same day as the Block Party.

The consensus of the Planning Commission was that the public meeting should be held another day.

Mr. Lippens offered that the public meeting could also be held Wednesday, May 14th before the Planning Commission meeting. There will still be staff on hand for the Block Party to receive input for attendees.

Interim City Manager Reagan and the Planning Commission agreed this would be a great idea.

Motion by Clement, supported by Fitzsimmons, to adjourn the meeting at 8:20 P.M.

All in favor. Approved.

Respectfully submitted,

John Kmetz, Secretary