



ZONING BOARD OF APPEALS

September 14, 2015

CITY OF PORTAGE ZONING BOARD OF APPEALS

Agenda

Monday, September 14, 2015

(7:00 pm)

**Portage City Hall
Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * July 13, 2015 meeting

OLD BUSINESS:

NEW BUSINESS:

- * ZBA #15-03, Allied Signs, on behalf of Earth Fare, 531 West Kilgore Road, 5024, 5036, 5050, 5070 South Westnedge Avenue: Requesting a variance to erect a 125 square-foot wall sign on the west elevation where no additional signage is permitted.
- * ZBA #15-04, Mark Tomasik, 204, 212, 220 West Milham Avenue: Requesting a variance from the off-street parking requirements to provide 96 spaces where a minimum 114 spaces is required.

OTHER BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

Minutes of Meeting – July 13, 2015

The City of Portage Zoning Board of Appeals meeting was called to order by Jeffrey Bright at 7:00 p.m. in the Council Chambers. Nine people were in the audience.

MEMBERS PRESENT: Glenn Smith, Jeffrey Bright, Lowell Seyburn, Michael Robbe, John Byrnes, and Alexander Philipp.

MEMBERS EXCUSED: A motion was made by Robbe, seconded by Smith to excuse Randall Schau, Phillip Schaefer, and Chadwick Learned. Upon voice vote, motion was approved 6-0.

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Randy Brown, City Attorney.

APPROVAL OF THE MINUTES: Byrnes moved and Robbe seconded a motion to approve the June 8, 2015 minutes as submitted. Upon voice vote, the motion was approved 5-0 (Seyburn abstained).

NEW BUSINESS:

ZBA #15-1, Great Lakes Self Storage 1, LLC, 800 Gladys Street, 6529 Naomi Street: Mais summarized the request for a variance from the conflicting land use screening requirements along the southwest portion of the site, between the Cross Creek Self Storage facility and the nonconforming single family residence at 6527 Naomi Street. Scott Carter agreed with staff's report and provided additional photographs of the site. Seyburn noted the razor wire referenced in the report appeared to be barbed wire. Mr. Carter stated it was necessary for security. Robbe inquired about the timing of the request, noting that the site plan had been approved in November, 2014. Pat Flanagan with Ingersoll, Watson & McMachen stated he did the plan and the timing was due to construction considerations imposed by the onset of winter. Robbe inquired if the existing chain link fence was part of the former automobile repair facility at 6529 Naomi Street. Mr. Carter said yes. Robbe inquired where the lights would be in relation to the nonconforming residence. Mr. Flanagan stated there would be two lights to the west of the new building and both will be directed downwards and not at the adjacent residence. Seyburn inquired where site access would be. Mais stated off Gladys Street.

The public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Smith, seconded by Byrnes, to grant a variance from the conflicting land use screening requirements along the southwest portion of the site, between the Cross Creek Self Storage facility and the nonconforming single family residence at 6527 Naomi Street for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the presence of existing fences and mature trees and the location and orientation of the new self-storage building; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to construct a storage facility that meets the spirit and intent of the Zoning Code; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the zoning ordinance. Upon roll call vote: Smith-Yes, Phillip-Yes, Robbe-No, Bright-Yes, Seyburn-No, Byrnes-Yes. The motion passed 4-2.

ZBA #15-2, 7540 South Westnedge Avenue: Mais summarized the request for a Temporary Use Permit to operate a mobile food trailer at 7540 South Westnedge Avenue from July 14, 2015 through December 31, 2014. Nicholas Lambright stated he wanted to stay at the proposed location for a six month period so his customers would know where to find the business.

A public hearing was opened. A letter for support from Carrie Wesley, 8126 Shaver Road was read. Jim Schalenko spoke on behalf of Main Street Pub, 7509 South Westnedge Avenue. Mr. Schalenko supported the Temporary Use as he felt it will bring additional traffic to the area and that the trailer looked clean and attractive. Seyburn inquired how he would feel about Nick's Gyros customers using their bathrooms. Mr. Schalenko responded any time they can bring people into his restaurant it is an opportunity to attract new customers. Jeff Maddox, 781 Lenox Avenue, spoke in support of the request. The public hearing was closed.

Bright questioned staff's recommendation to limit the Temporary Use to 60 days, and limit the hours of operation, as he felt new businesses should get flexibility. Seyburn stated he was not clear why the Board was reviewing this application. Mais responded staff did not consider a mobile food trailer to be a restaurant, and Temporary Use Permits are intended for uses not otherwise permitted and that while staff could approve a Business Special Event for periods up to 28 days, the applicant was proposing to operate for almost six months. Attorney Brown added it also allowed the Board the opportunity to place whatever conditions on operations they felt appropriate. Seyburn noted in terms of the hours of operation lighting may become an issue later in the year as the daylight hours get shorter and that the lack of bathroom facilities could potentially burden surrounding businesses. The applicant stated his trailer is equipped with its own generator and external electrical receptacles and that he has portable LED lights available. The applicant added his impression was that his customers didn't typically linger like they might at a restaurant and were not there long enough to need to use the bathroom. Bright requested the applicant speak to the issue of hours of operation. Mr. Lambright stated he would like the flexibility to stay open later if there is a special need, such as after a high school football game that gets out at 10:00 p.m., but it has been his experience that business slows down by 8:00 p.m. Robbe stated he would not support a motion permitting hours of operation after 10:00 p.m. A motion was made by Robbe, seconded by Seyburn, to grant a Temporary Use Permit to operate a mobile food trailer at 7540 south Westnedge Avenue from July 14, 2015 through December 31, 2015 with the following conditions: 1. The food trailer be licensed by the Kalamazoo County Department of Health and Community Services; 2. The food trailer, tables, and off-street parking set-up be consistent with the submitted site sketch; 3. Hours of operation be limited to 10:00 a.m. to 9:00 p.m. Sunday through Saturday; 4. The site be kept free from trash and refuse; 5. Temporary signage be limited to one sign not exceeding 40 square feet; 6. There be no sound amplifying equipment; 7. The trailer must be setback 30 feet from the east (front) property line; 8. Any lighting provided must conform to the lighting ordinance. Upon roll call vote: Smith-Yes, Phillip-Yes, Robbe-Yes, Bright-Yes, Seyburn-Yes, Byrnes-Yes. The motion passed 6-0.

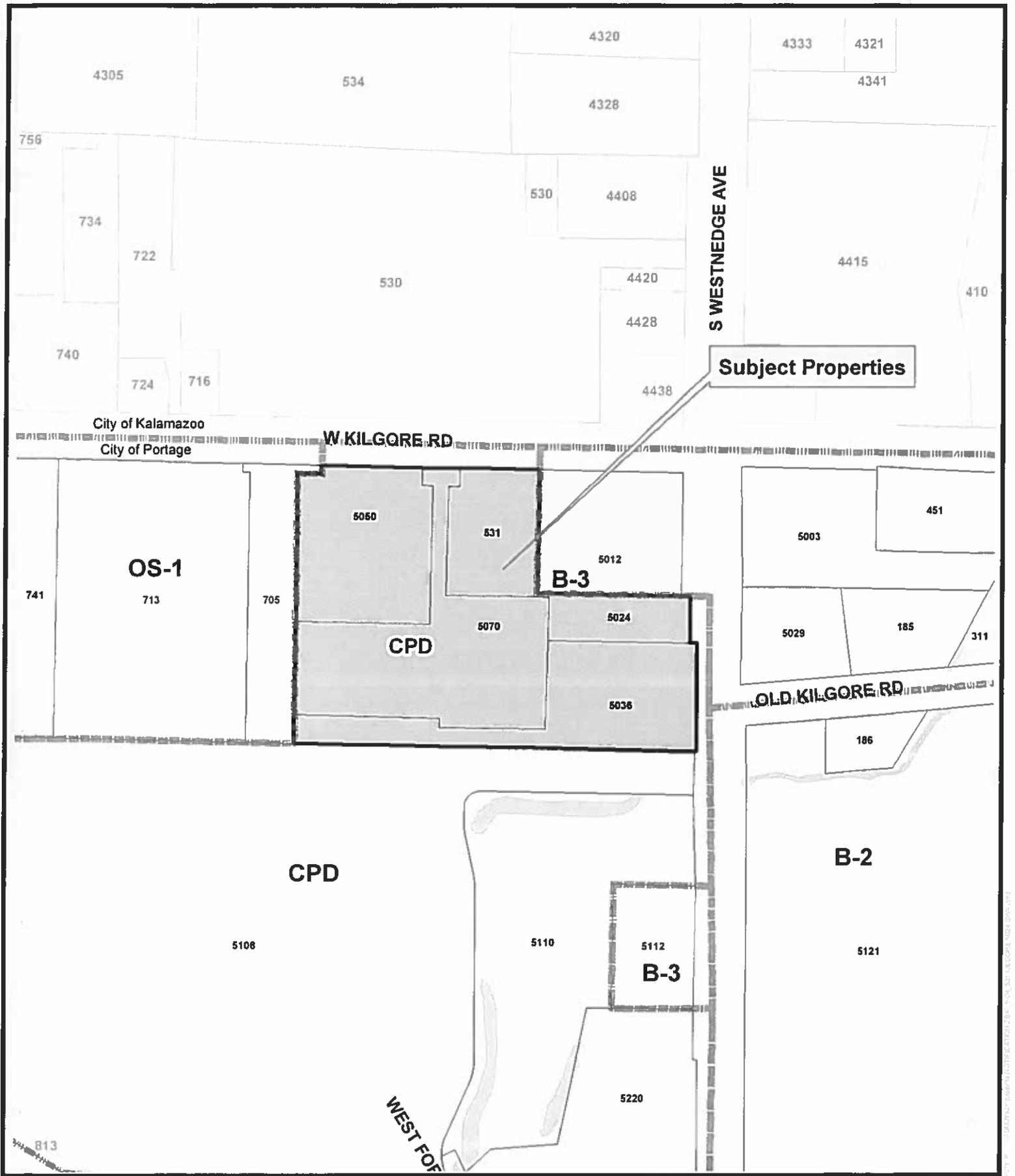
OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:19 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator



Legend

- Zoning Boundary
- Subject Properties

ZBA 15-03
531 West Kilgore Road
5024, 5036, 5050, 5070 South Westnedge Avenue

1 inch = 200 feet



RECEIVED

JUL 21 2015

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

COMMUNITY DEVELOPMENT

Application Date 7/20/15

Name of Applicant Allied Signs / Patrick Stieber
Print

Patrick Stieber
Signature

Applicant's Address 33650 Giftos, Clinton Twp. MI 48035

Phone No. 586-791-7900

Name of Property Owner (if different from Applicant) Jereco, LLC

Address 750 Trade Center Way, Portage, MI

Phone No. _____

Address of the Property that is the subject of this Application:

Street Address Earth Fare, 5070 S. Westnedge Avenue

For Platted Property: Lot _____ of _____ Plat _____

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application: Sign Contractor

Application Fee _____ (Residential Uses) \$330.00 (All Other Uses)

Type of Appeal (Please check one of the following bold choices and provide the requested information):

Variance from Zoning Ordinance: Article _____ Section 42-552 Paragraph H
Regarding: Use _____ Area _____ Yards _____
Setbacks _____ Parking _____ Other _____

Reason for Request (Also complete page 2 of application): To allow a third wall sign located on the rear of the building.

Appeal of Administrative Decision: Article _____ Section _____ Paragraph _____

Reason for Request: _____

Interpretation of the Zoning Ordinance: Article _____ Section _____ Paragraph _____

Reason for Request: _____

A Temporary Permit for: Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number:	Filing Date:	Tentative Hearing Date:
Previous Application Filed Regarding This Property:		

Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)
The building is situated close to the corner of W. Kilgore Rd and S. Westnedge located just behind the Speedway gas station that is at the corner. Due to the shape and setback of the building and lot, it has exposure on (3) sides.
2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)
Yes, not all properties have visibility from all four sides.
3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)
Yes but with detrimental affects by lack of identification.
4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)
Yes as the proposed is just a wall sign.
5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)
The variance would not result in adverse affects on the adjacent properties or alter the character of the area as this is a request for an additional wall sign. Earth Fare's signage is designed to be esthetically cohesive with the overall building design and surrounding area.
6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)
The variance would not result in increased traffic congestion or other concerns as this is a wall sign. It would actually help alleviate traffic congestion since traffic traveling East on W. Kilgore would see the sign and have ample time to slow down to turn into the access road that runs behind the building and into the center
7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)
No as it is just a request for an additional wall sign.
8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
It would allow for branding of the business for the public. This is a business district and does not infringe on any residential areas.


Signature of Applicant

7/20/15
Date

EST



1975

EARTH FARE

HEALTHY FOOD FOR EVERYONE

July 30, 2015

Jeff Mais
Zoning & Codes Administrator
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Re: Earth Fare Sign Variance

Dear Mr. Mais,

I am writing to respectfully request approval of the variance submitted for one additional sign to be located on the rear of our Earth Fare location at 5070 South Westnedge Avenue.

We are requesting the variance to increase our presence for customers traveling east on West Kilgore Road. As the signage is currently configured many customers drive by the access drives off West Kilgore Road causing congestion at the intersection of South Westnedge Avenue and West Kilgore Road. By adding this new signage we feel that customers will see our location with enough time to turn off West Kilgore Road into the center thereby alleviating congestion at South Westnedge Avenue and West Kilgore Road and providing customers with a safe and easy ingress and egress. Furthermore, as the store sits now customers only see a blank rear wall of a building. Our hope is this will dress up the rear of the building and add some character in addition to enhancing the customer experience.

If you have any questions about this request, please do not hesitate to contact me.

Thank you,

Steven Jarvis
Senior Vice President of Real Estate

220 Continuum Drive
Fletcher, NC 28732
earthfare.com

EST



1975



Rear Elevation of building- proposed sign location in Upper Left corner



Existing Side elevation facing Kilgore Road

made with 30% post consumer fiber

EST



1975



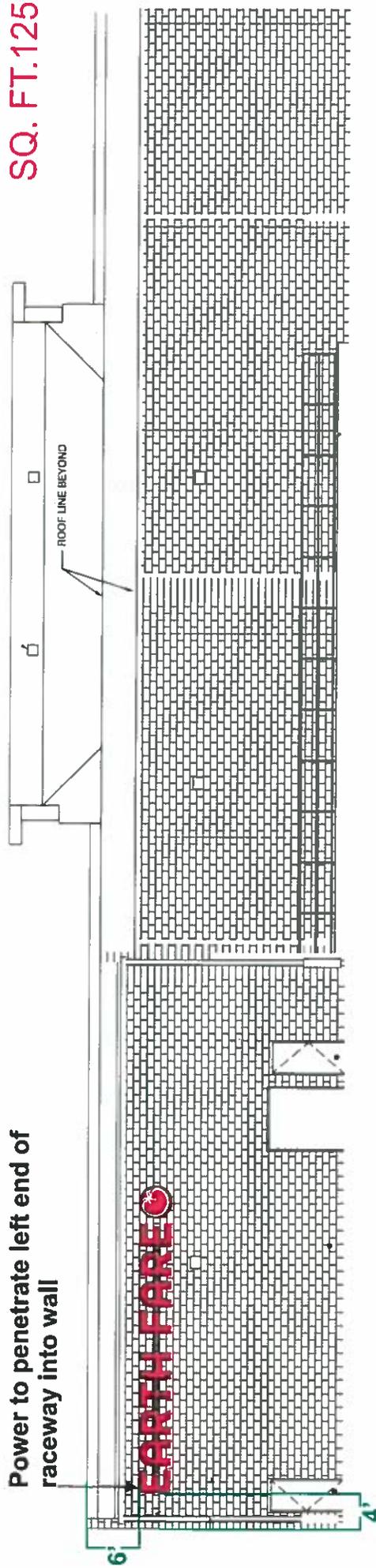
Front Façade view



Pylon sign on Kilgore

made with 30% post consumer fiber

Power to penetrate left end of raceway into wall



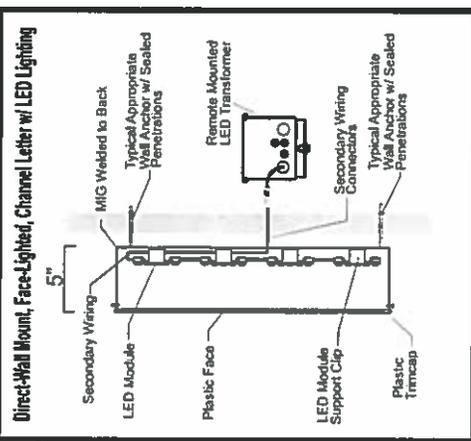
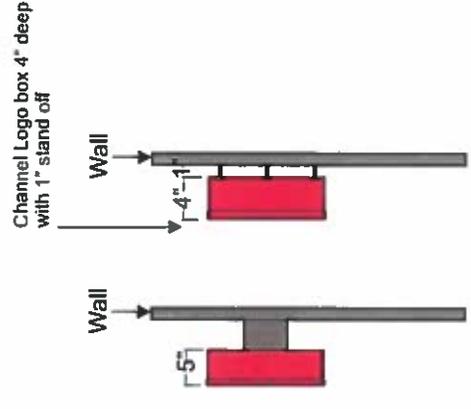
EARTH FARE

Color Sample and Color Specifications	
MAIN ID FACES:	PNASTRIB
REVEAL:	
CABINET:	
ACRYLIC:	
RETURNS:	PNIS 18G
TRIMCAPS:	RED
LED:	RED
RACEWAY:	
Power:	ILLUMINATION
	120 V LED 12v or T12 lamps
General Information	
(PRINTED COLORS ARE FOR CONCEPTUAL USE ONLY)	
ACTUAL COLORS TO BE CONFIRMED	

Underwriters Laboratories, Inc. LISTED



11801 Anderson Road Greenville, SC 29611
864 295 2287 Fax: 864 269 7711
www.masstarsigns.com

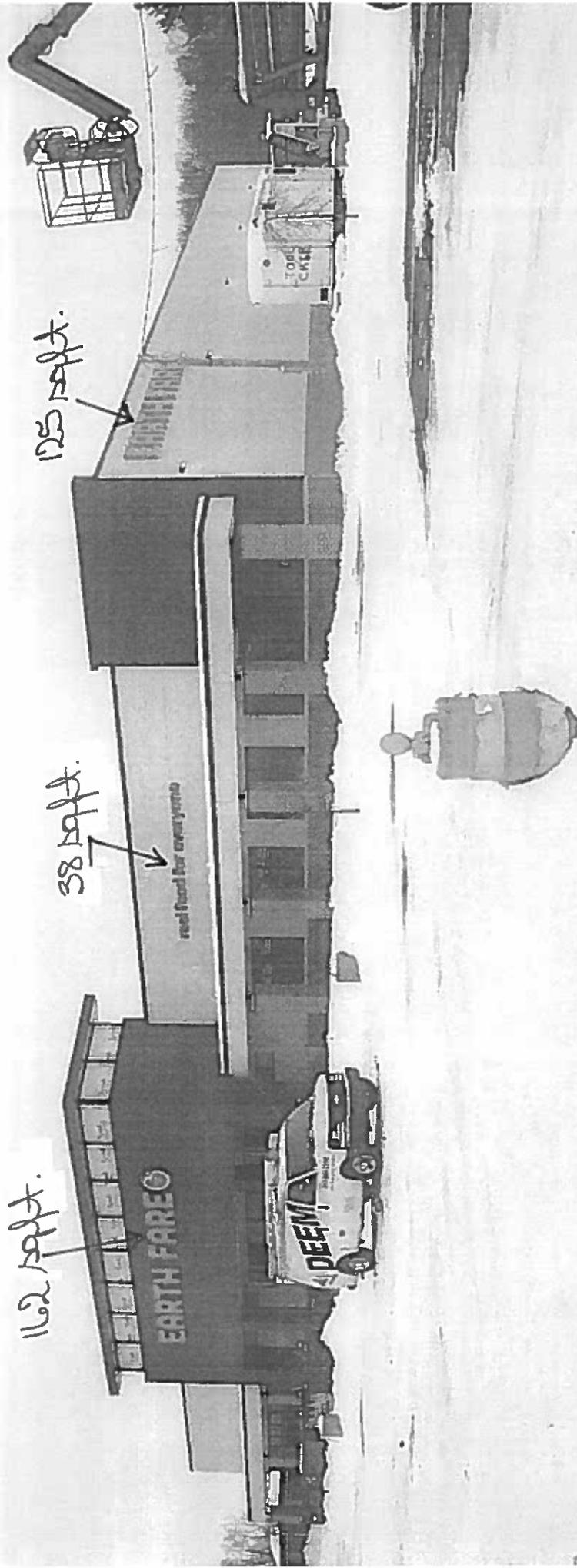


- Qty (1) Set:** LED internally illuminated channel letters with red flat acrylic faces, red trim caps, red returns & red LEDs mounted to raceway
- Qty (1):** LED internally illuminated channel logo box with routed aluminum face painted red and backed with white acrylic. White tomato to be only front illumination. Logo box to also have a red halo illumination around outside of and painted red. Registration mark to be white vinyl applied to first surface of aluminum tomato face.

CLIENT APPROVAL: _____ DATE: _____
 LANDLORD APPROVAL: _____ DATE: _____
 SALES PERSON: Mark Browning

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Current Conditions
Wall Signs = 325 sqft.



TO: Zoning Board of Appeals **DATE:** September 4, 2015
FROM: Vicki Georgeau, ^{VA} Director of Community Development
SUBJECT: ZBA #15-3, Allied Signs, on behalf of Earth Fare, 531 West Kilgore Road, 5024, 5036, 5050, 5070 South Westnedge Avenue, CPD, Commercial Planned Development
CODE SECTION: 42-552(H), Wall Signs, p. CD42:120
APPEAL: Requesting a variance to erect a 125 square-foot wall sign on the west elevation where no additional signage is permitted.
STAFF RECOMMENDATION:

The applicant is requesting the above referenced variance per the enclosed application, letter of explanation, and sign sketches. The 5.25 acre zoning lot is comprised of five parcels: 531 West Kilgore Road, 5024, 5036, 5050, 5070 South Westnedge Avenue. The property is zoned CPD, Commercial Planned Development and is surrounded by commercial properties to the east (across South Westnedge Avenue), south and west. Across the street to the north is St. Monica Catholic School and church within the City of Kalamazoo. The zoning lot is improved with a 23,775 square-foot Earth Fare store and attached 3,200 square-foot retail building, and 7,715 square-foot restaurant. Construction of a new bank facility is also currently underway at 531 West Kilgore.

As background, the Board recently granted a variance (ZBA 14-18) allowing the subject zoning lot to erect a 180 square-foot freestanding sign on South Westnedge Avenue in exchange for placing a smaller 149 square-foot sign along the West Kilgore frontage. Per Sec. 42-552(I) of the Zoning Code, Earth Fare was permitted the maximum 200 square feet of wall signage on the east elevation and 125 square feet of wall signage on the north elevation. In addition, the freestanding sign on West Kilgore has been erected and Earth Fare has a 22 square-foot panel on this sign located just west of the access drive for Earth Fare. The applicant now wishes to erect a 125 square-foot sign on the west elevation, and a variance is therefore requested.

The applicant indicates the sign is needed on the building's west elevation to help identify the business for eastbound traffic on West Kilgore. As noted above, the applicant has already installed the maximum amount of signage on the east and north walls of the building. Additionally, an Earth Fare identification sign visible to eastbound West Kilgore traffic exists on the recently constructed freestanding sign, and erection of the South Westnedge Avenue freestanding sign is anticipated in the near future. The combination of existing wall and freestanding signs will provide effective business recognition from both South Westnedge Avenue and West Kilgore Road consistent with ordinance requirements and signage allotted for other area businesses.

As additional information for the Board, the view of the west elevation is partially obscured by the presence of trees along both sides of the Lowe's West Kilgore driveway (this driveway also provides interior access to Earth Fare). Many of the

trees are part of the applicant's approved landscape plan and as they grow will further obscure view of the building's west elevation. Also, Jereco, LLC owns the office-zoned properties on the west side of the Lowe's service drive. When these properties develop, they will very likely obstruct the view of the west elevation and the proposed sign from the west as well.

With regard to the proposed sign on the west building wall the applicant has not demonstrated a practical difficulty. The variance is not necessary for the preservation and enjoyment of the property as there are conforming alternatives available. Such alternatives include: installing a larger panel on the West Kilgore freestanding sign, erecting four square-foot directional signs at the access drives and/or allocating permitted sign area from one of the other elevations to the west building wall. For the reasons noted above, the variance is not recommended by staff

**PRACTICAL
DIFFICULTY:**

None noted by staff.

T:\COMIMDEV\2015-2016 Department Files\Board Files\Zoning Board\15-04; 5070 SWA\2015 09 04 VG ZBA 15-04 SWA, 5070 (staff rpt) doc

SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA # _____, the application by _____
for a variance from _____

be:

a. granted for all of the following reasons:

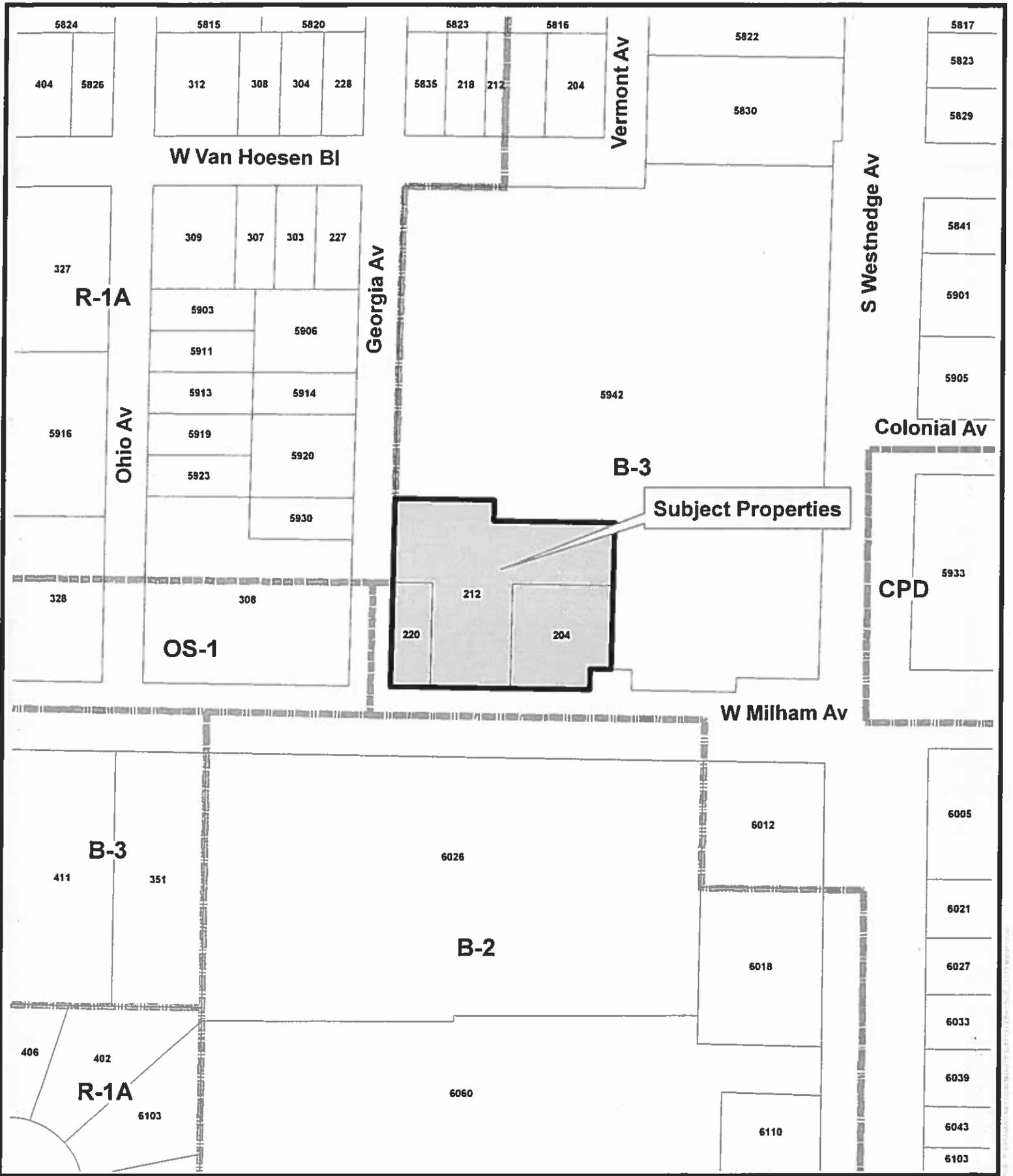
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to _____ which is similar to that possessed by other properties in the same zoning district and in the vicinity;
- 3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;
- 4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;
- 5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-or-

b. denied for one of more of the following reasons:

- 1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;
- 2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as _____;
- 3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;
- 4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;
- 5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately.



Legend

-  Subject Properties
-  Zoning Boundary

ZBA 15-04
204, 212, 220 West Milham Avenue



1 inch = 150 feet

RECEIVED

AUG 28 2015

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

COMMUNITY DEVELOPMENT

Application Date August 28, 2015

Name of Applicant Mark Tomasik
Print

Signature _____

Applicant's Address 1261 Leonard St. NE Grand Rapids MI, 49505

Phone No. (616) 291-1745

Name of Property Owner (if different from Applicant) P & L Company LLC

Address 3000 Breton Rd. SE Grand Rapids, 49512

Phone No. (616) 957-4000

Address of the Property that is the subject of this Application:

Street Address 212 W. Milham Ave, Portage MI 49024

For Platted Property: Lot 212, 204, 220 of _____ Plat

[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.]

Applicant's interest in Property that is the subject of this Application: Portage Retail Building

Including: Design 1, Unite Salon Suites, and 3 mercantile tenants.

Application Fee _____ (Residential Uses)

Commercial _____ (All Other Uses)

Type of Appeal (Please check one of the following **bold choices** and provide the requested information):

Variance from Zoning Ordinance: Article _____ Section _____ Paragraph _____

Regarding: Use _____ Area _____ Yards _____

Setbacks _____ Parking Other _____

Reason for Request (Also complete page 2 of application): _____

_____ **Appeal of Administrative Decision:** Article _____ Section _____ Paragraph _____

Reason for Request: _____

_____ **Interpretation of the Zoning Ordinance:** Article _____ Section _____ Paragraph _____

Reason for Request: _____

_____ **A Temporary Permit for:** Building _____ Use _____ Other Approval _____

Article _____ Section _____ Paragraph _____

Reason for Request: _____

FOR STAFF USE

Application Number: <u>15-04</u>	Filing Date: <u>8-28-15</u>	Tentative Hearing Date: <u>9-14-15</u>
Previous Application Filed Regarding This Property:		

Reason For Variance

1. Please explain how the property has characteristics such as narrowness, shallowness, irregular shape, topography, or natural features that prevent compliance with the Zoning Ordinance. (Attach additional sheets if needed.)
This parcel is positioned so that its perimeter is adjacent to public roadways on two sides and private roadways and on the other two sides. This limits the placement of the structure as well as access ways and parking.

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)
Surrounding parcels on the block are established. The remaining parcel is being redeveloped around the existing businesses, drives, and access-ways.

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)
The uses of the structure are permitted in the zoning district. By code the amount of required parking is 114 parking spaces for the two salons and three mercantile spaces combined. There are currently 96 parking spaces shown in the proposed site design. The variance would be to reduced required parking by 18 spaces.

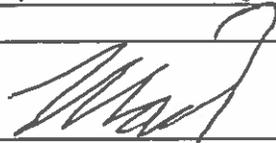
4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)
The variance as it stands reducing the parking by a count of 18 is appropriate. Two other facilities of the same nature have already been established and are up and running efficiently with less parking. The facility in Gains Township would require 136 spaces by Portage standards, 79 are provided. The facility in Grandville requires 162 spaces, 125 are provided.

5. Explain how the variance would not result in adverse affects on adjacent properties or alter the character of the area. (Attach additional sheets if needed.)
A reduction in required parking would not affect adjoining properties because there would be not overflow into other parking lots. All of the parking provided would rarely be in use at the same time even with the reduction. The nature of the project will work nicely with the surrounding businesses. They will more than likely promote additional business

6. Explain how the variance would not result in increased traffic congestion, noise, or other potential concerns, or in dangers from fire, flood or other hazards, that would be detrimental to the property or to the area. (Attach additional sheets if needed.)
The facility will attract more patrons to the area but traffic congestion and noise will not be an issue. The two salon tenants primarily work on an appointment basis regulating the time of customers and traffic flow. The other three mercantile tenant spaces are of a size that will not promote heavy use or traffic. The project will not cause disturbance for the area.

7. Is the reason for the request, the practical difficulty or the hardship created, due to an act of the applicant or due to an act by the previous property owner? (Attach additional sheets if needed.)
The physical size of the site is the main prohibiter of compliance with parking requirements. Comparable projects have proven the requirements are excessive and can be reduced without negative consequences to the sight or surrounding sites.

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)
The project is an excellent fit for the area. It is the intent and the belief that this proposed site and design will thrive with and benefit the surrounding businesses.



Signature of Applicant

September 3, 2015

Date



Innovative Design

PROFESSIONAL CORPORATION

Site, Building, and Interior Design

1261 Leonard Ave N.E.
Grand Rapids, MI 49505

Phone: 616-364-4111
email mark@innovativedesignpc.com

Portage Zoning Board of Appeals
7900 South Westnedge Avenue
Portage, Michigan 49002

8-28-2015

Subject: Parking Variance for Design1 Center 212 W. Milham Ave

Larry and Lisa Walt have been in business for over 30 years with Design 1 Salon and Spa's in four locations. They are looking to open a fifth salon in Portage at 212 W Milham Ave. The Portage Design 1 Center project will also include Unite Salon Suites, as well as three mercantile tenants.

Design 1 Salon and Spa and Unite Salon Suites will be two separate businesses that provide similar services. Unite Salon Suites will provide suites for independent stylists and related businesses that set their own schedules. This building concept has become popular in the recent years.

In Grand Rapids, Eclipse Salon Suites opened in 2010 with 30 suites and 29 parking spaces. Cindy Ladwig and her brother built the Eclipse Salon Suites, and have been managing it for the past 5 years. They have a mix of stylists, and other salon/spa services in their suites. Some suites are shared by two stylists. Because each suite is independently operated, their scheduled appointments vary. Since Eclipse opened 5 years ago with 29 parking spaces, there have always been spaces available.

I visited Eclipse Salon Suites to see their parking availability. There were 11 spaces available Wednesday 7-22-2015 at 1:00pm, about half of the suites were open with business. Cindy Ladwig explained that there are always parking spaces available, and wrote a letter describing their parking availability. See attached letter, site, and floor plan.

Unite Salon Suites will operate in the same way as Eclipse Salon Suites but with their own unique style. Unite Salon Suites will be owned and operated by Graham Walt, the son of Lisa and Larry Walt. The design, operation, and management will be to the upscale standards that the Design 1 Salon and Spa has developed. There will be 24 suites and up to 30 chairs. 48 parking spaces are required by the Portage ordinance. Unite Salon Suites need 30 spaces.

Design 1 Salon and Spa is full service salon and spa with 18 stylist chairs, 13 massage beds, 7 pedicure chairs and 5 manicure tables. Stylist chairs, massage beds, pedicure chairs or manicure tables are not occupied at same time because of design and operations.

The layout of the salon is designed for multi services, where a stylist would have a client that would be able to have their hair styled, a manicure, a pedicure, and make-up. The styles would multi task

using a stylist chair first for hair styles. Then, with their client, use the manicure, pedicure, and make-up areas. There is an area for men's hair styling with 2 chairs adjacent to the women's stylist area. When a male client schedules a haircut a stylist from the women's stylist area would use the chair in the men's area. Her chair in the women's area would not be in use at that time. The pedicure, manicure, and massage areas are designed to provide for groups. The pedicure chairs are arranged with a private room with 2 chairs and a space with 5 chairs to accommodate larger groups. The massage rooms have one 3 bed room and one 2 bed room for private groups.

Design 1 offers a variety of salon and spa packages to cater to your desire. Holidays, prom, and spring break are all busy times for their services. During these times customers come in groups and are often dropped off, minimizing the parking needed. Two of the Design 1 locations, one in Gains Township and the other in the City of Grandville, are of a similar size to the proposed design for the Portage location. Attached are plans of these locations and parking surveys of the available spaces during peak hours of operation.

At the busiest time Design 1 Salon and Spa would have 23 employees working. These 23 employees would consist of: 1 manager, 2 front counter receptionists, 2 masseuses / aestheticians, and 18 stylists / nail technicians. Many of the employees are trained in more than one of the services.

With 30 years of experience and 4 locations, Design 1 understands the parameters of their design requirements. This includes the amount of product they need to stock, the size of washers and dryers to meet the demands, the dimensions and arrangement of the areas for the services they provide, and the amount of parking spaces they need. 46 parking spaces are required by Portage ordinance. Design 1 Salon and Spa need 40 parking spaces. See attached site and floor plan of Design 1 Salon and Spa and Unite Salon Suites.

The proposed building will have 3 tenant spaces available for lease, 4390 sq.ft. The expected tenants would be related businesses. Salon Centric (a wholesale supplier for stylists) and Dr. Bengtson (a plastic surgeon) both have lease spaces at Design 1's other locations. These are the type of tenant's expected to lease. These spaces have parking calculated for mercantile tenants. 20 spaces are required and provided for these spaces. The proposed tenants would need less of the required parking.

This property is a great fit for the project; it will work well with the surrounding businesses without creating competition. The position of the retail has great frontage on Milham Ave. with adjacent properties of Panera Bread to the East, and Bed Bath & Beyond and Babies "R" Us to the North. A lot of forethought has gone into the building's placement and design.

The proposed site design eliminates the existing drive on Milham Ave. improving traffic flow. Entering and exiting the site will be accomplished through the existing shared drive on Milham Ave. to the East, along with a new drive accessing Georgia Ave. The Georgia Ave. entry/exit is aligning with the

drive to the church across the street to avoid vehicular headlights into the residential properties. This location will also make it less convenient to cut across the site to access Milham Ave. The structure located in the middle of the parcel with parking around the perimeter makes it easily accessible for all pedestrian and vehicular access.

The Gains location has a building area to parking spaces ratio of 22,071/ 79 which is 279.38 sq. ft. per parking space. The Grandville location has a ratio of 23,840/ 125 which is 190.72 sq. ft. per parking space. The proposed Portage site has a building area to parking ratio of 16,916/ 96 which is 176.21 sq. ft per parking space. The parking calculations, according to Portage ordinance, stipulate that approximately 114 spaces are required. The proposed site design has 96 parking spaces. We are asking for a variance of 18 spaces.

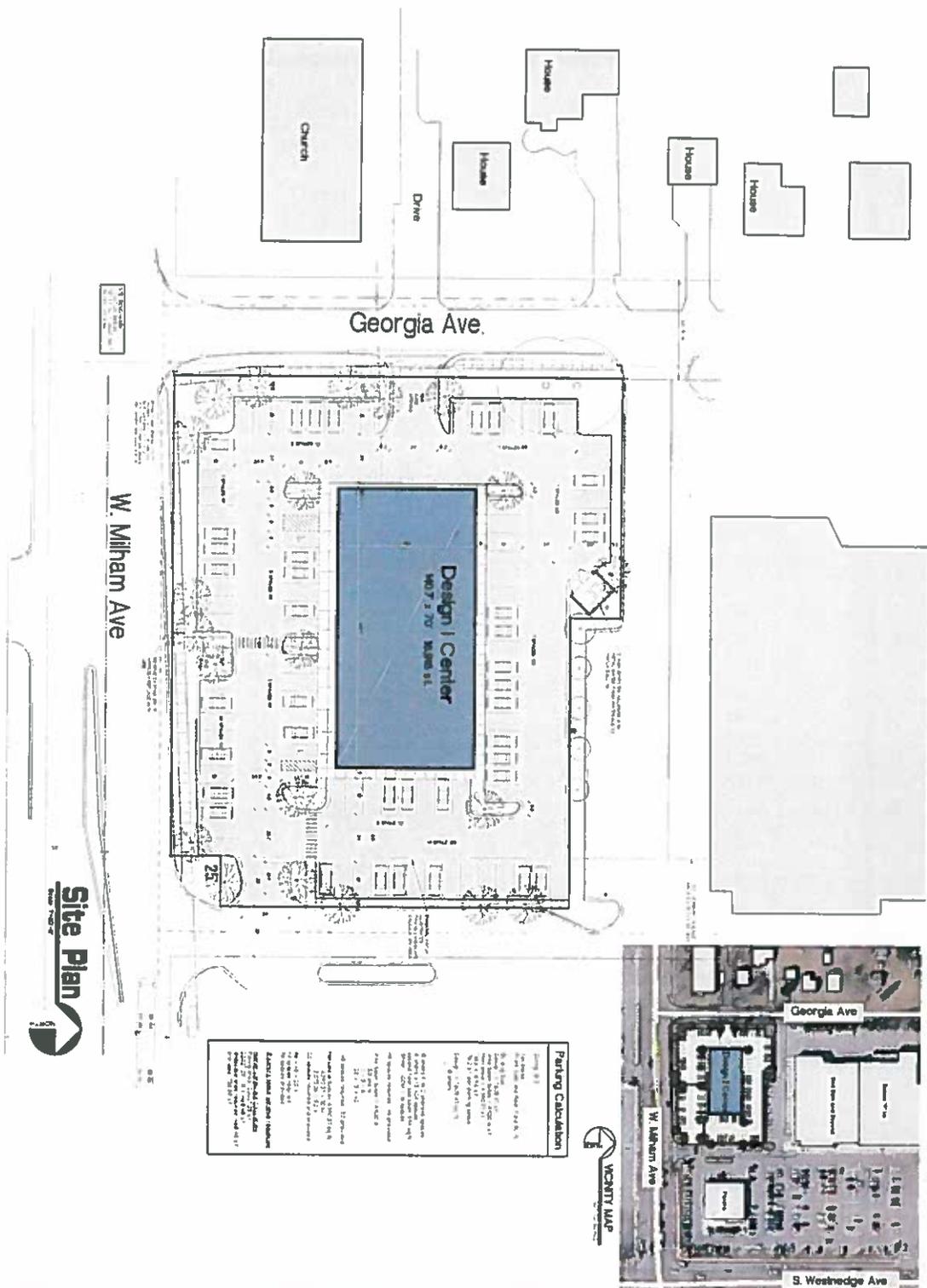
Included with the submittal for this parking variance is:

- 1) Zoning Board of Appeals Application.
- 2) 212 W Milham Ave. proposed site layout with parking calculations and building plans.
- 3) Site plans, parking calculations, and a parking lot surveys for the Design 1 Center's in Gains Township and Grandville. Both of these locations are functioning effectively with available parking significantly less than the required amount by Portage. These projects are similar in size and use to the proposed Milham project.
- 4) Eclipse Salon Suites letter, site, and floor plan

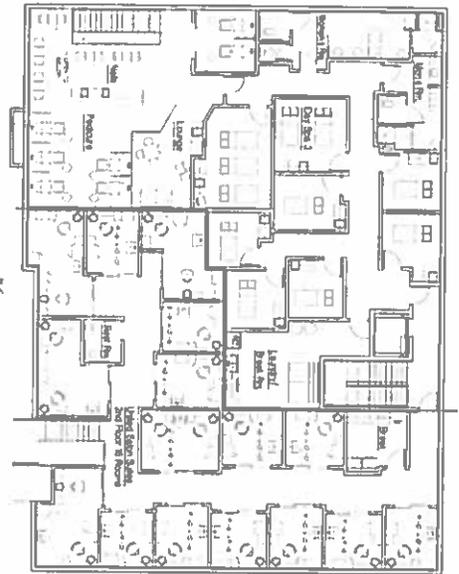
With these comparisons it is strongly believed that a variance of 18 parking spaces, providing 96 spaces will more than adequately serve the site at 212 W. Milham Ave.

Sincerely,

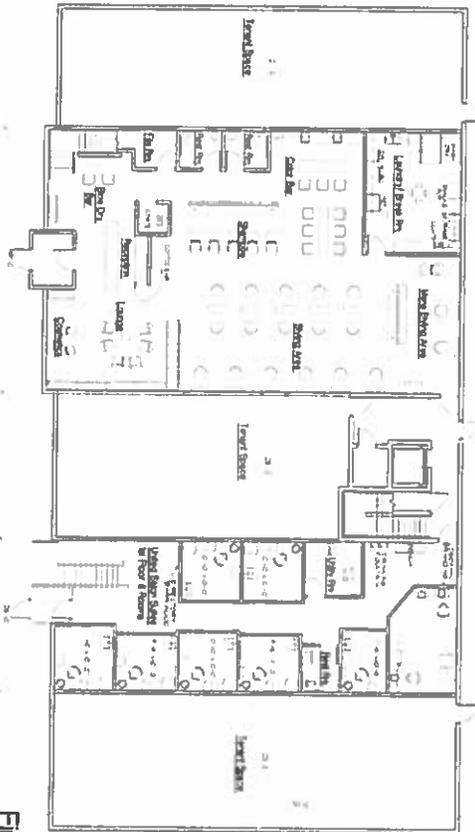
Mark Tomasik, Architect
Innovative design p.c.



Job No. C-1	Date 8-28-15	Revised SN/NO.	Proposed 14,280 sq. ft. of Building 212 W. Milham Ave Portage, Michigan 49824	Design One Plainfield Ave. Plainfield, MI 49628	DAR DEVELOPMENT, INC. <small>1000 East Grand Street, N.E. Grand Rapids, MI 49507 (616) 964-2100</small>	Innovative Design p.c. Site Building, and Interior Design 14000 Tompkins Ave. NW Grand Rapids MI phone 616-964-470 email info@innovativedesignpc.com
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Second Floor Plan
Scale 1/8" = 1'-0"



First Floor Plan
Scale 1/8" = 1'-0"

SH/NO A-1 Job No	Proposed 14,250 sq Building 212 W Michigan Ave Portage, Michigan 49024	Design One United Salon Suites Portage, MI	DAR DEVELOPMENT, INC. <small>1000 Lombard Street N.E. Grand Rapids, MI 49503-1207</small>	 Innovative Design p.c. Site, Building and Interior Design Mark Tomasek, Architect Grand Rapids, MI phone 616 264 4444 <small>email mark@innovativedesignpcc.com</small>
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Design One Salon and Spa, Gains Twp. Mi. 79 parking spaces									
Parking at Peak Times									
recorded numbers of empty spaces									
	10:00am		1:00pm		5:00pm		8:00pm		
	vacant spaces	occupied spaces							
Friday 7-17-2015	6	73	21	58	48	31			closed
Saturday 7-18-2015	10	69	17	62	closed		closed		closed
Sunday 7-19-2015	closed		closed		closed		closed		closed
Monday 7-20-2015							closed		closed
Wednesday 7-22-2015	13	66	32	47	36	43	53	26	
Friday 7-24-2015	15	64	28	51	44	35	closed		closed
Saturday 7-25-2015	24	55	29	50	closed		closed		closed

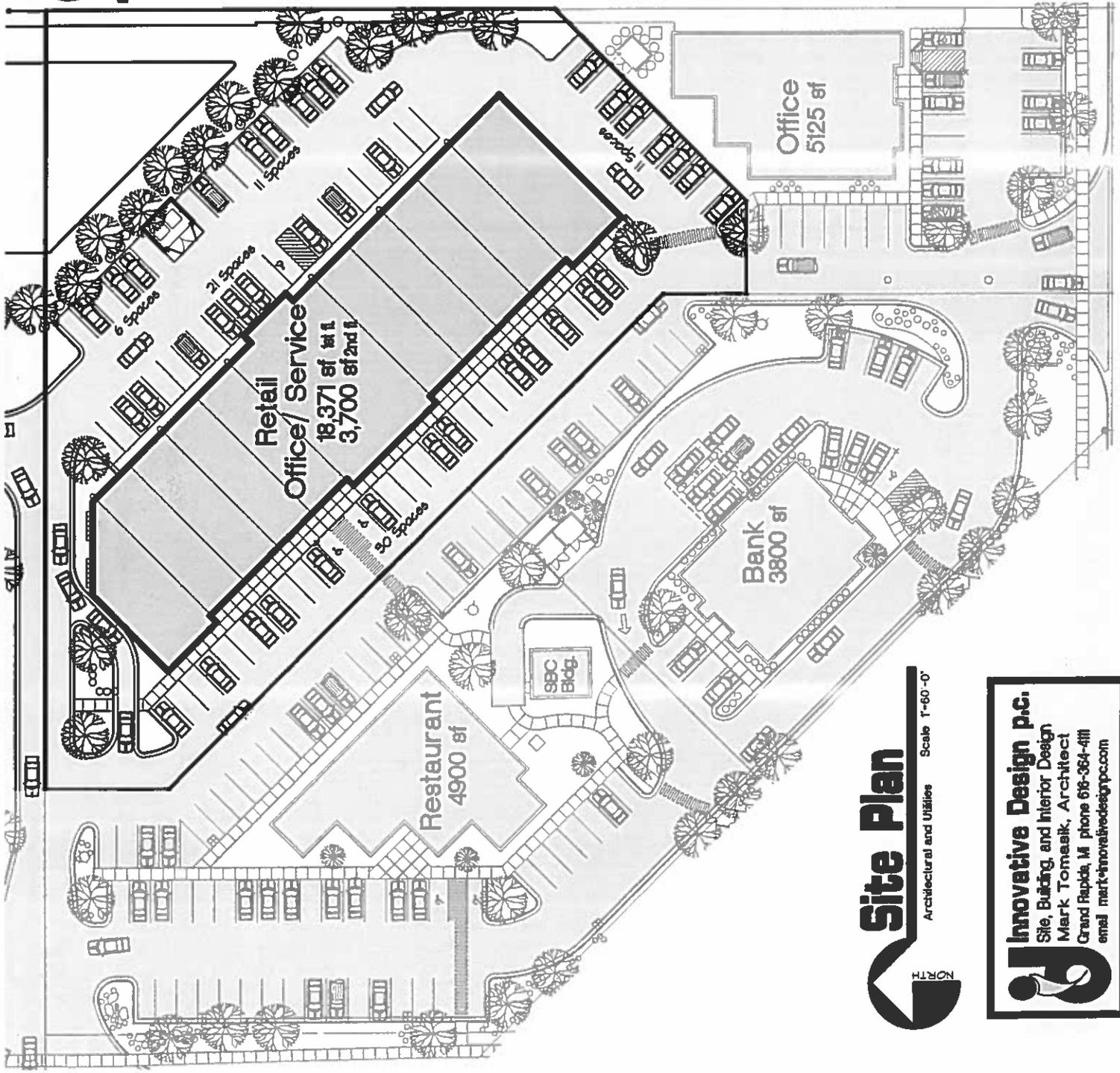
Hours of Operation

Mon. -Thur. 8-9 Friday. 8-7 Saturday 8-5

Gaines TWP

Parking Calculation by Gaines Ordinance	
Square Footage	
First Floor - 18,371	
Second Floor - 3,700	
Total - 22,071	
22,071 / 79 = 279.38 sq. ft. per parking space	
Salon space - 7,605.47 sq. ft.	
Personal Services	
8 spaces per 1000 ft.	
gross floor area	
7,605.47/1000 = 7.6 - 8	
6x8 = 48 Spaces	
Mercantile Space- 14,968.5 sq ft	
Retail	
5 per 1000 square ft.	
gross floor area	
14,968.5/1000 = 14.9 - 15	
15x5 = 75 Spaces	
48 + 75 = 123 Spaces Required	
79 Spaces Provided	

Parking Calculation by Portage Ordinance	
Square Footage	
First Floor - 18,371	
Second Floor - 3,700	
Total - 22,071	
Salon space - 7,605.47 sq. ft.	
18 chairs	
13 massage beds	
7 pedicure	
5 manicure	
43 chairs	
2 x 3 = 6 chairs	
41 x 15 = 615	
67.5 spaces	
Mercantile Space- 14,465.53 sq ft	
14,465.53 x 70%	
10,125.87 / 150 =	
69 spaces	
67.5 + 69 = 136.5 Spaces Required	
79 Spaces Provided	



Site Plan

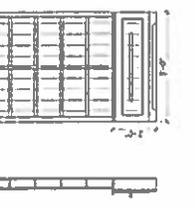
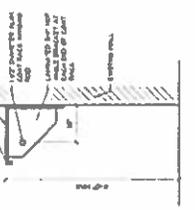
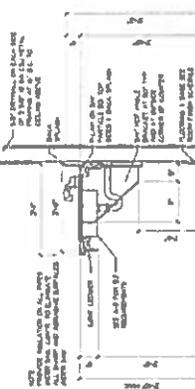
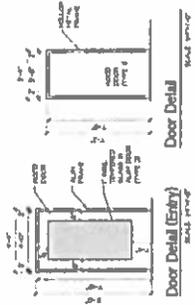
Architectural and Utilities Scale 1"=60'-0"



Innovative Design p.c.
 Site, Building, and Interior Design
 Mark Tomasiak, Architect
 Grand Rapids, MI phone 616-364-4111
 email mark@innovativedesignpc.com

General Notes

1. All work shall be in accordance with the approved plans and specifications.
2. The contractor shall be responsible for obtaining all necessary permits.
3. All materials and workmanship shall be subject to inspection and approval by the architect.
4. The contractor shall maintain access to all existing utilities and structures.
5. The contractor shall be responsible for the protection of all existing structures and utilities.
6. The contractor shall be responsible for the removal and disposal of all debris.
7. The contractor shall be responsible for the cleanup of the site.
8. The contractor shall be responsible for the safety of all workers and the public.
9. The contractor shall be responsible for the completion of the project within the specified time frame.
10. The contractor shall be responsible for the payment of all bills and taxes.

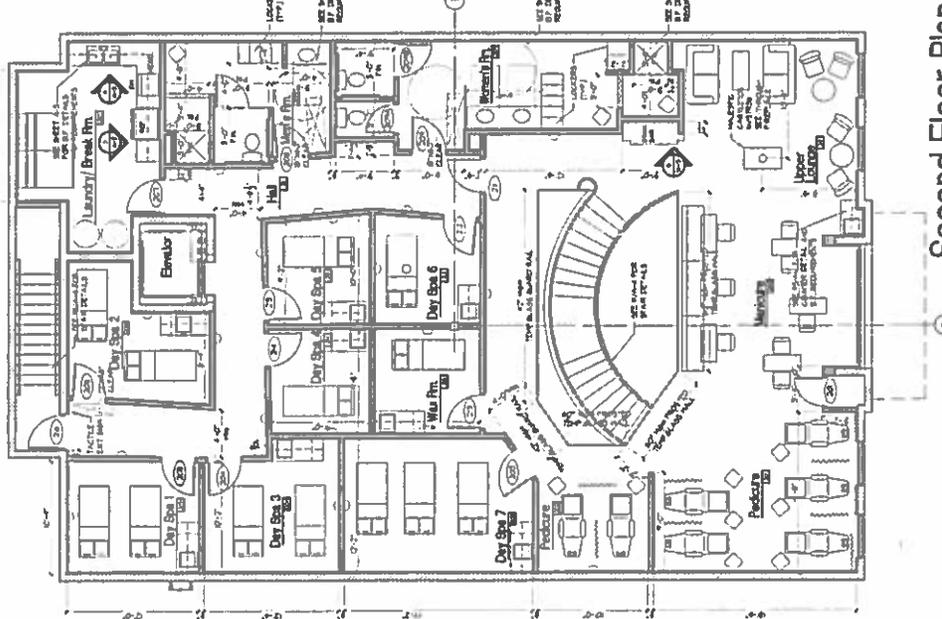
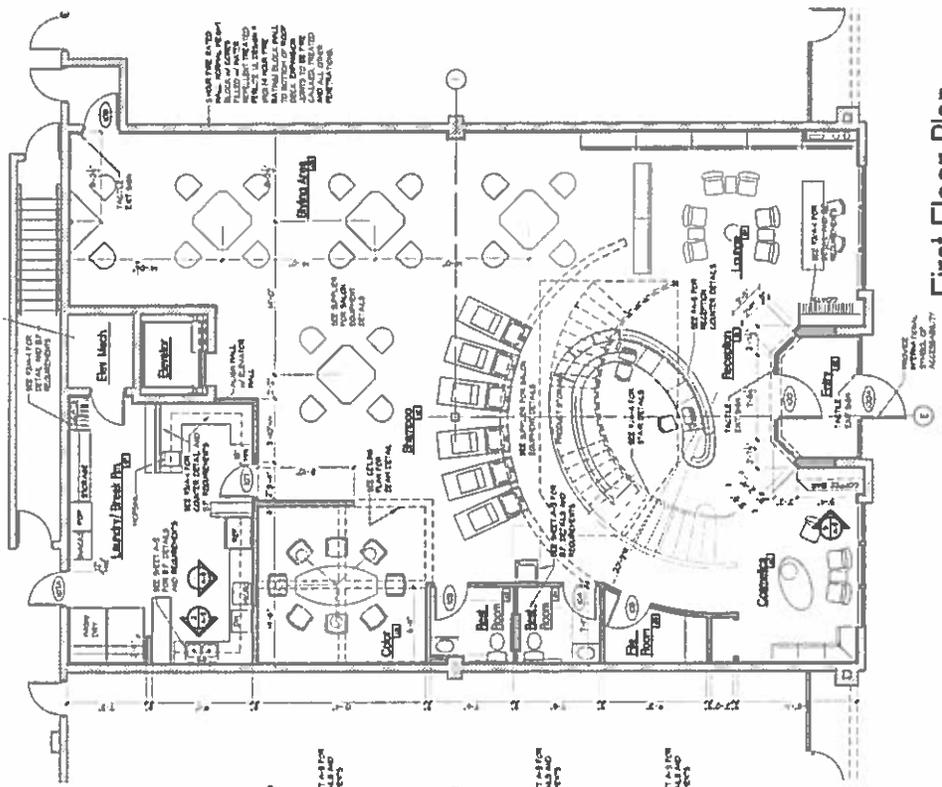


Door Schedule

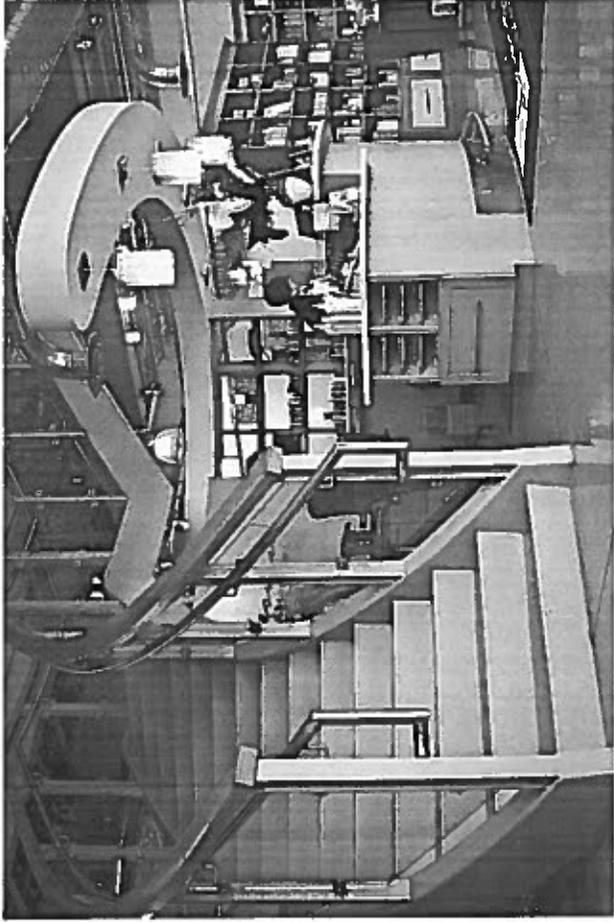
Room	Door	Finish	Lock	Hardware	Notes
101	101-1	101-1	101-1	101-1	101-1
102	102-1	102-1	102-1	102-1	102-1
103	103-1	103-1	103-1	103-1	103-1
104	104-1	104-1	104-1	104-1	104-1
105	105-1	105-1	105-1	105-1	105-1
106	106-1	106-1	106-1	106-1	106-1
107	107-1	107-1	107-1	107-1	107-1
108	108-1	108-1	108-1	108-1	108-1
109	109-1	109-1	109-1	109-1	109-1
110	110-1	110-1	110-1	110-1	110-1
111	111-1	111-1	111-1	111-1	111-1
112	112-1	112-1	112-1	112-1	112-1
113	113-1	113-1	113-1	113-1	113-1
114	114-1	114-1	114-1	114-1	114-1
115	115-1	115-1	115-1	115-1	115-1
116	116-1	116-1	116-1	116-1	116-1
117	117-1	117-1	117-1	117-1	117-1
118	118-1	118-1	118-1	118-1	118-1
119	119-1	119-1	119-1	119-1	119-1
120	120-1	120-1	120-1	120-1	120-1

Room Finish Schedule

Room	Finish	Notes
101	101-1	101-1
102	102-1	102-1
103	103-1	103-1
104	104-1	104-1
105	105-1	105-1
106	106-1	106-1
107	107-1	107-1
108	108-1	108-1
109	109-1	109-1
110	110-1	110-1
111	111-1	111-1
112	112-1	112-1
113	113-1	113-1
114	114-1	114-1
115	115-1	115-1
116	116-1	116-1
117	117-1	117-1
118	118-1	118-1
119	119-1	119-1
120	120-1	120-1



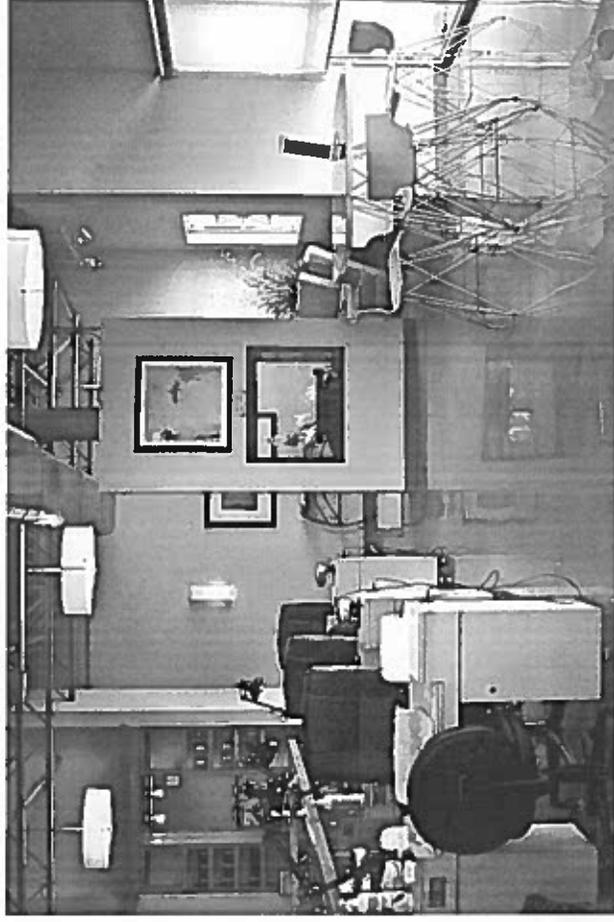
Gains Main Staircase



Gains Reception



Gains Pedicure Area



Gains Manicure Area

CHAPTER 15 Parking and Loading Regulations

Section 15.1 Purpose

The parking and circulation aspects of all developments should be designed to minimize their impact on neighboring properties and be well designed with regard to safety, efficiency, and convenience for pedestrians and vehicles. To do so, this section prescribes two types of regulations. First, it sets requirements for the number of parking spaces by use to provide reasonable protection to adjacent land uses from light, noise, stormwater runoff, and other effects of parking. Second, it contains regulations for the design of parking lots to ensure that they are safe, efficient, and convenient for pedestrians and vehicles and to minimize their impact on neighboring properties.

Section 15.2 General Requirements by Use

In all Zoning Districts, there shall be provided, before any Building or Structure is occupied, or is enlarged or increased in capacity, off-street parking spaces or parking area for motor Vehicles as follows:

Use	Minimum Requirement
Residential	
One and Two Family Dwellings	1 per unit
Multiple Family Dwellings <ul style="list-style-type: none"> • One Bedroom • Two Bedroom or more 	<ul style="list-style-type: none"> • 1.5 per unit • 2 per unit
Mobile Homes in a Mobile Home Park	2 per site. In addition to the two (2) required off-street parking spaces, one (1) additional parking space is permitted on each site provided it is hard surfaced and contains at least two hundred (200) square feet of area.
Housing for the Elderly <ul style="list-style-type: none"> • Independent Living Units • Convalescent, Nursing Home 	<ul style="list-style-type: none"> • 1.5 per unit • 1 per 2 beds plus 1 per employee
Institutional	
Churches, Synagogues, Temples, Mosques	1 per 4 seats
Health Facilities <ul style="list-style-type: none"> • Hospitals • Outpatient Care Facilities 	<ul style="list-style-type: none"> • 1.75 per bed • 2 per exam room plus 1 per lab or recovery room plus 1 per employee
Group Day Care	1 per employee plus 1/8 licensed capacity
Libraries, Museums, Art Galleries	2.5 per 1000 square feet gross floor area
Schools <ul style="list-style-type: none"> • Elementary and Middle • Secondary 	<ul style="list-style-type: none"> • 2 per classroom plus 1 per employee or 1 per 4 seats in the gymnasium or auditorium, whichever is greater • 2 for each 3 employees normally engaged in or about the building and grounds plus 1 for each 4 students enrolled in the institution
Retail	

Gaines Charter Township – Zoning Ordinance

Use	Minimum Requirement
Low Intensity Retail	2 per 1000 square feet gross floor area
Convenience Retail	4 per 1000 square feet gross floor area
Other Retail	5 per 1000 square feet gross floor area
Shopping Center <ul style="list-style-type: none"> • 25,000 to 400,000 sq. ft. gross leasable area • 400,000 to 600,000 sq. ft. gross leasable area • Over 600,000 sq. ft. gross leasable area 	<ul style="list-style-type: none"> • 4 per 1000 square feet gross leasable area • 4.5 per 1000 square feet gross leasable area • 5 per 1000 square feet gross leasable area
Financial Services	3 per 1000 square feet gross floor area
General Vehicle Servicing and Maintenance	5 per 1000 square feet plus 1 per employee
Drive Through Vehicle Maintenance	1 per 1000 square feet plus 1 per employee
Vehicle Sales	1 per 5000 square feet of sales area plus 1 per sales desk or office plus 1 per employee
Personal Services	6 per 1000 square feet gross floor area
Restaurant <ul style="list-style-type: none"> • Standard • Fast Food 	<ul style="list-style-type: none"> • 10 per 1000 square feet of gross floor area • 15 per 1000 square feet of gross floor area
Hotel, Motel, or Bed & Breakfast	1 per unit plus 1 per 2 employees plus amount required for accessory use
Bars, Taverns, and Nightclubs	10 per 1000 square feet of gross floor area
Recreational/Entertainment	
Indoor Commercial Recreational	6 per 1000 square feet of gross floor area
Outdoor Commercial Recreational	.3 per person at maximum capacity
Golf Course	60 per 9 holes plus 50% of amount regularly required for accessory uses
Stadiums	1 per 4 seats. When a stadium exceeds 5000 seats a separate parking plan describing how parking will be handled for special events must be submitted with the site plan. The parking plan must be designed to minimize the total impervious surface area constructed while still providing adequate parking area. Techniques to do so include, but are not limited to, sharing parking lots, providing shuttle buses, and using non-impervious parking surface materials.
Theaters	1 per 4 seats
Private Clubs	1/3 maximum occupancy
Office	
General Office	3 per 1000 square feet gross floor area
Medical Office	4 per 1000 square feet gross floor area
Industrial	
Warehousing	1 per 4000 square feet gross floor area plus amount for office or 1 per employee
Manufacturing and other industrial uses	1.5 per 1000 square feet gross floor area

Section 15.3 Maximum Parking Requirements

In order to limit excess areas of pavement that cause increased volumes of stormwater runoff and adverse aesthetic impacts, the number of parking spaces provided on any development site, excluding single family residential developments and institutional uses, shall not exceed the

minimum standards of this Chapter by more than twenty five per cent (25%), unless the Planning Commission or the Site Plan Review Committee approves a greater amount. The Planning Commission or Site Plan Review Committee shall not approve such additional parking unless it determines, based on documentation provided by the applicant, that such additional parking is necessary for the operation of the proposed use. The Commission may consider, but are not limited to, the following factors: the type of use proposed, the floor plan layout of proposed buildings, number of employees, examples of similar existing uses requiring such additional parking, and the likely frequency and duration of the need for additional parking.

Section 15.4 Reduced or Deferred Parking

The Planning Commission or Site Plan Review Committee may permit a reduction from the standards contained in Section 15.2 if the Planning Commission or Site Plan Review Committee determines that the requirements of this Chapter would result in an unneeded number of spaces based on documentation that the applicant provides. Alternatively, the Planning Commission or Site Plan Review Committee may permit the construction of a portion of the required parking to be deferred to a later date, subject to the following requirements:

- A. The site plan shall include the design and layout for the total number of parking spaces required by this Chapter, and shall designate the parking area to be constructed initially, as well as parking area that is being deferred.
- B. The entire planned parking area, both initial and deferred, shall comply with all applicable standards of this Ordinance, including dimensions, setbacks, internal landscaping and landscape buffer requirements.
- C. The area reserved for deferred parking must not have physical characteristics, such as excessive slope or wetland, which would interfere with its use for parking.

At any time following the approval of a plan for deferred parking and the construction of the use associated therewith, the Planning Commission may require that the deferred parking area be constructed.

Section 15.5 Joint Use of Facilities

Provision of common parking facilities for several lots is encouraged. In such cases, the total space requirement is the sum of the individual requirements for the individual lots. The Planning Commission or Site Plan Review Committee may grant exceptions to this requirement when the uses have parking demands that do not coincide in the time of day or in the day of week. In considering such exceptions, the following shall be considered:

- A. The nature of the uses and their respective parking demands;
- B. Their hours of operation and the days of the week in which they operate;
- C. The location of the parking area intended for joint use and its proximity to the uses; and

- D. The nature of the surrounding area and the potential impact of a parking area intended for joint usage.

Section 15.6 Location of Facilities

Parking for residential buildings and nonresidential buildings or uses in residential Zoning Districts shall be provided on the lot or premises with the building, structure or use it is required to serve. For non-residential buildings, structures and uses in commercial or industrial Zoning Districts, required parking shall be provided within three hundred (300) feet. The three hundred feet shall be the walking distance measured from the nearest point of the parking facility to nearest normal entrance to the Building, Structure, or use that such facility is required to serve.

Section 15.7 Size of Parking Space

Parking spaces and aisles for automobiles shall meet the following standards:

Angle	Width	Length	Aisle		Total Width	
			One way	Two way	One way	Two way
Parallel	8.5 feet	22 feet	12 feet	22 feet	29 feet	39 feet
<53°	9 feet	18 feet	13 feet	22 feet	49 feet	58 feet
54° to 74°	9 feet	18 feet	16 feet	22 feet	52 feet	58 feet
75° to 90°	9 feet	18 feet	13 feet	24 feet	48 feet	60 feet

Section 15.8 Requirements for Parking Areas

All land hereafter established as an off-street public or private parking area for more than five (5) vehicles, including a municipal parking lot, commercial parking lot, automotive sales and/or service lot, and accessory parking areas for Multiple Family Dwellings, businesses, industry, public assembly and institutions, shall be developed and maintained in accordance with the following requirements:

- A. The parking lot and its driveway shall be: (1) designed to provide adequate drainage per Kent County Drain Commission standards, (2) surfaced with concrete or asphalt, and (3) maintained in good condition, free of dust, trash and debris. The Planning Commission or Site Plan Review Committee may approve alternate parking lot surfaces for overflow parking or employee parking in order to reduce the amount of impervious surface and the corresponding storm water runoff. Alternate parking lot surfaces may include but shall not be limited to gravel, crushed stone, or products that are installed in the ground to support a vehicle but allow grass to grow within the supporting spaces.
- B. The parking lot and its driveways shall not be used for repair, dismantling or servicing of any Vehicles.
- C. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.

- D. The parking lot shall be provided with wheel or bumper guards or other appropriate means, so located that no part of a parked Vehicle will extend beyond the parking area.
- E. Lighting facilities shall be so arranged as to reflect the light away from any Street or adjoining premises.
- F. No part of any public or private parking area regardless of the number of spaces provided shall be closer than ten (10) feet to the Street right-of-way line.
- G. All private driveway entrances shall conform to the minimum standards as adopted by the Kent County Road Commission and shall be marked with a reflector device making them visible from both directions.

Section 15.9 Off-Street Loading Spaces

For every Building or addition to an existing Building hereafter erected, to be occupied by industrial, manufacturing, storage, display of goods, retail store or block of stores, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in Vehicles of materials or merchandise, there shall be provided and maintained on the same Lot or parcel of land with such Building or addition (1) an area or means adequate for maneuvering and ingress and egress for delivery Vehicles, and (2) off-street loading spaces in relation to Floor Areas as follows: (a) up to twenty thousand (20,000) square feet one space; (b) 20,000 or more but less than fifty thousand 50,000 (2) spaces; and (c) one additional space for each additional 50,000 square feet or fraction thereof. In addition, the following shall apply with regard to off-street loading and unloading spaces:

- A. Each loading space shall be at least 10 feet in width, 35 feet in length and 14 feet in height.
- B. Such space may occupy all or any part of any required Yard, provided that such space shall be on those sides of the Building that do not face a frontage Street.
- C. No such space shall be closer than 50 feet to any Lot in any R Zoning District unless wholly within a completely enclosed Building or enclosed on all sides by a wall or solid fence not less than 6 feet in height.

Design One Salon and Spa, City of Grandville Mi. 125 Parking space									
Parking at Peak Times									
recorded numbers of empty and occupied spaces									
	10:00am		1:00pm		5:00pm		8:00pm		
	vacant spaces	occupied spaces							
Friday 7-17-2015			55	70	55	70			closed
Saturday 7-18-2015	66	59	48	77	closed	closed			closed
Sunday 7-19-2015	closed		closed	closed	closed	closed			closed
Monday 7-20-2015			64	61	64	61			closed
Wednesday 7-22-2015	68	57	66	59					
Friday 7-24-2015	36	89	48	77	67	58			closed
Saturday 7-25-2015	57	68	71	54	closed	closed			closed

Hours of Operation

Mon. -Thur. 8-9 Friday. 8-7 Saturday 8-5

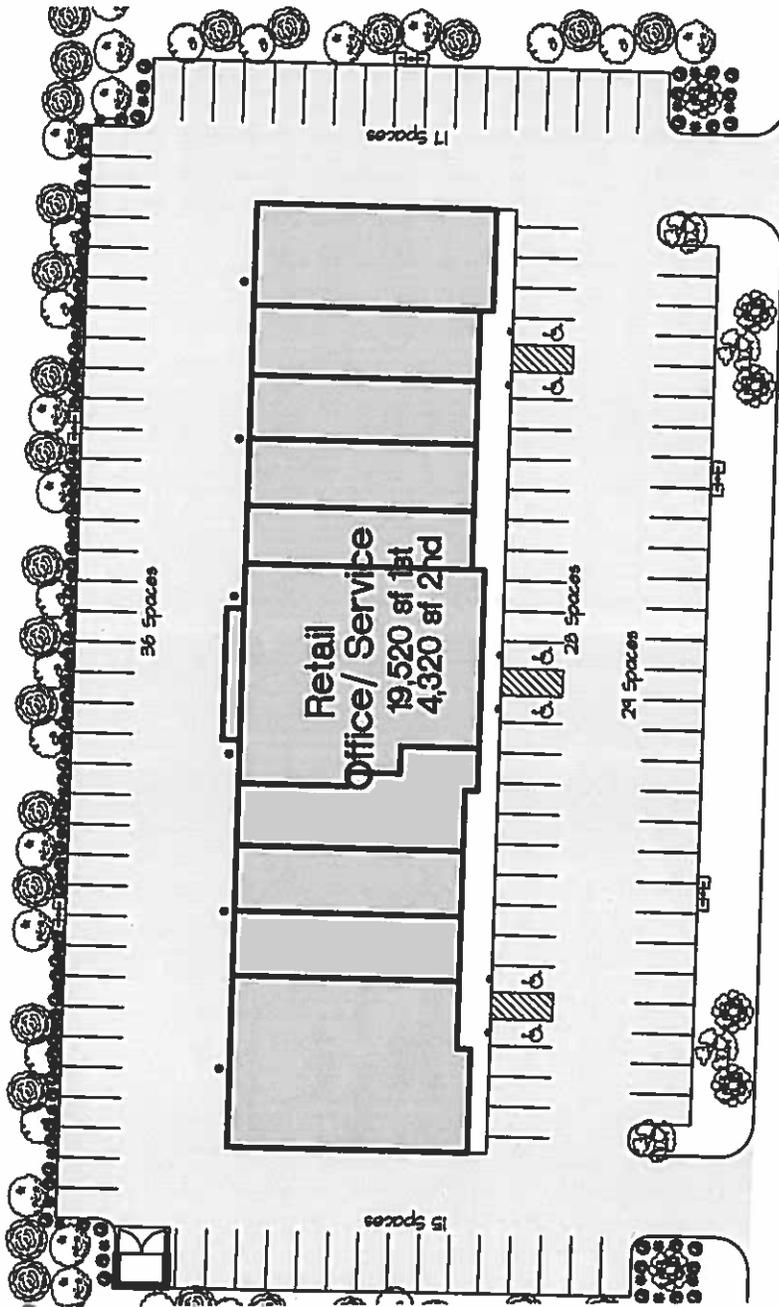
Grandville

Parking Calculation by Grandville Ordinance

Square Footage	Salon space = 8,365 sq. ft	Mercantile Space = 15,475 sq ft
First Floor = 19,520	Personal Service	Retail Uses
Second Floor = 4,320	1 spaces per 500 sq. ft.	3 per 1,000 sq. ft.
Total = 23,820	8,365/500 = 16.73 = 17	15,475/1,000 = 15.475 = 16
	17x1 = 17 spaces	16x3 = 48 spaces
	17 + 48 = 65 Spaces Required	125 Spaces Provided

Parking Calculation by Portage Ordinance

Square Footage	Salon space = 8,365 sq. ft.	67.5 spaces
First Floor = 19,520	18 chairs	
Second Floor = 4,320	13 massage beds	
Total = 23,840	7 pedicure	
23,840/ 125 = 190.72 sq. ft. per parking space	5 manicure	
	43 chairs	
	2 x 3 = 6 chairs	
	41 x 1.5 = 61.5	
	Mercantile Space = 15,475 sq ft	
	15,475 x 70% =	
	10,832.5 / 150 =	
	72.2 spaces	
	67.5 + 72.2 = 140 Spaces Required	
	125 Spaces Provided	



**Table 10.5.B.3
Parking Requirements**

Use	Requirement
Residential	1.5 spaces per dwelling unit, except senior assisted housing, which shall provide 0.5 spaces per dwelling unit*
Retail uses	3 per 1,000 sq. ft. UFA
Office and service uses. exc. personal service	3 spaces per 1,000 sq. ft. UFA
Restaurant, Entertainment & Recreation	1 space per 3 persons by occupancy or seating capacity
Hotels	1 per room plus 1 per employee
Personal service	1 space per 500 sq. ft. UFA
Civic uses	1 space per 3 persons by seating capacity in the largest assembly area; if no assembly area, 1 spaces per 1,000 sq. ft. UFA
Utility	1 space per use

UFA: usable floor area

*Residential uses shall provide reserved parking spaces or designated parking areas for each dwelling. Parking shall be located within 100 ft. of the dwelling; however, the city manager or designee may approve a greater distance if pedestrian ways are provided.

(g). Parking lots with more than 50 spaces shall provide one bicycle parking space for each 50 automobile parking spaces, with a minimum of 6 bicycle spaces.

b. Exterior Areas.

(1). Outdoor Temporary Display Areas:

(a). Temporary outdoor display areas are permitted, limited to the area within 3 ft. of the façade of the building to which it is accessory and shall not extend into adjoining sites. If located at the rear or side yard, it shall be contained within the same lot. A minimum 5 ft. wide walking zone along the sidewalk and leading to the entrance to the establishment shall be maintained so that pedestrian circulation and access to the building is not impaired. Alternate locations may be approved where pedestrian circulation or entrances to building are not impaired.

(2). Street Trees:

(a). One 3 1/2 inch caliper street tree shall be provided and located per 30 ft. of street frontage.

(b). Spacing may be varied by the city manager or designee for individual site conditions.

(3). Other:

(a). Space for bike racks, civic art, or other similar uses/activities may be permitted, provided a minimum 5-foot sidewalk clear area is provided.

c. Landscaping/Screening.

(1). Parking Lots

(a). Parking lots visible from a public street, sidewalk, or adjacent residential district or use shall be screened by a decorative

Section 15.1. Purpose and scope.

This article prescribes regulations for off-street, motor vehicle parking in residential and nonresidential zoning districts, ensures that adequate, safe and convenient parking and access are provided, and affords reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking lots. This article also establishes parking lot plan review requirements.

Section 15.2. Applicability of parking requirements.

For buildings and uses established after the effective date of this ordinance, the following off-street parking requirements shall be met:

- A. Whenever the use of a building or lot changes to another use classification, off-street parking shall be provided as required by this ordinance.
- B. If the intensity of the use of a building or lot increases because the floor area, seating capacity or some other aspect was enlarged, additional off-street parking shall be provided to accommodate the increase.
- C. Off-street parking lots existing on the effective date of this ordinance shall not be reduced below the requirements of this article.
- D. An area designated for required off-street parking shall not be changed to another use, unless equal facilities are provided elsewhere in accordance with this article.
- E. **Form-based zoning districts.** Parking requirements listed in *Article 10* for the form based districts shall apply in addition to the requirements of this article. Where any requirements conflict, the requirements of *Article 10* shall prevail.

Section 15.3. Parking lot plans.

- A. For all nonresidential and multiple family uses with more than two dwelling units; a site plan of a proposed parking lot shall be submitted to the planning commission for review and approval before a building permit can be issued. The site plan shall conform to the site plan review requirements of *Article 14*.
- B. When reviewing parking lot plans, the planning commission shall determine if safe and convenient circulation has been provided; that drive aisles and ingress and egress are properly arranged to accommodate safe pedestrian and vehicular movement to existing and proposed buildings and adjacent land uses, and that the proposed parking lot will not result in unsafe conditions or congestion.

Section 15.4. Off-street parking lot design.

- All off-street parking lots shall be laid out, constructed and maintained in accordance with the following regulations.
- A. Parking lots in form-based districts. In addition to the requirements of this article a parking lot in a form-based district shall conform to the specific requirements of the applicable district. Whenever there are conflicts, the requirements for the applicable form-based district shall prevail.
 - B. Location and Setbacks
 - 1. Off street parking lots shall meet the applicable parking setback or build-to line requirements as specified in the zoning district or the standards for the use.
 - 2. Off-street parking is permitted within any yard except as regulated in *subparagraph 3*, below; provided the parking lot setbacks in the applicable district or use

standards are met.

3. Setbacks

- a. In form-based districts, parking lots shall be located as required for the district.
- b. In all other districts, except for those allowing one- and two-family dwellings, off-street parking lots, including drive aisles, shall be located at least five feet from the rear and side lot lines, and at least 20 feet from the front lot line. Such open areas shall be landscaped, except for those containing drives, walk-ways, signs, utility or light poles, or similar structures. When additional and substantial screening or landscaping, acceptable to the planning commission, is provided a parking lot may encroach into the front setback.

- c. Where more restrictive setback requirements are listed for specific districts or uses, the more restrictive requirements shall prevail.
- 4. For all uses other than single family or two family dwellings, an off-street parking lot shall be located on the same lot or within 300 feet, measured along lines of public access, from the nearest point of the parking facility to the building(s) they are intended to serve. However, in the C-4 and C-5 commercial districts, off-street parking facilities shall be located within 1,000 feet of building(s) served.

C. Access

- 1. Access to a parking lot shall be by adequate, clearly limited and defined drives. Driveways for non-residential uses shall conform to the City of Grandville Driveway Construction Standards, as amended.
- 2. All parking spaces shall be accessed by adequate maneuvering lanes.

- 3. Except for single family and two family uses, the layout of a parking lot shall not require a vehicle to back into a street or use it to maneuver between parking rows.
- 4. When located in a zone district that allows uses other than single family residential, a parking lot shall not be accessed across land that is zoned for single family residential, except for an alley that forms a boundary between a residential and non-residential district.
- 5. An access drive to an off-street parking lot that is located in other than a single family residential zoning district shall be at least 25 feet from an adjacent single-family residential district.
- 6. All parking lots and storage areas shall provide emergency vehicle access. Parking lot or storage area driveway security gates shall be break-away and the owner shall provide the city with a hold harmless clause in the development agreement for instances when an emergency vehicle could be delayed or not able to reach a part of the property because of the gated access.

D. Dimensional Requirements: see Table 15.4.

Parking Pattern	Parking Space		Maneuvering Lane	
	Width	Length	One Way	Two Way
0° (Parallel)	8.5 ft.	22 ft.	12 ft. ⁽¹⁾	22 ft.
30° to 53°	9 ft.	18 ft.	13 ft.	22 ft.
54° to 74°	9 ft.	18 ft.	16 ft.	22 ft.
75° to 90°	9 ft.	18 ft.	24 ft.	24 ft.

**Table 15.4
Off-Street Parking Dimensional Requirements**

Notes to Table 15.4:

(1) May need to be increased when fire or safety apparatus must use maneuvering lanes.

- 2. Storage areas can only be located within a side or rear yard, and shall not hinder driver or pedestrian site lines within the parking lot.
- 3. A snow storage area shall be at least equal to 10 percent of the area of the planned parking lot. The calculation for snow storage shall not include deferred parking areas, until such time the deferred parking area has been converted to parking.
- 4. Snow shall be removed as needed to maintain the number of required parking spaces.

G. Construction and Maintenance. Parking lot construction shall require site plan approval in accordance with Article 14, Site Plan Review. Before a certificate of occupancy can be issued construction shall be completed and approved by the city manager or designee and the city engineer.

- 1. Parking lots and vehicle and equipment storage areas shall be paved with asphalt or concrete. The city engineer may also be approve alternate paving materials such as permeable/grass pavers. The planning commission may approve a substitute for hard-surfaced pavement in storage areas if they determine that it will not adversely impact an adjoining property.
- 2. Surfacing of a parking lot shall be completed prior to occupancy unless seasonal restrictions apply. In such cases the applicant shall provide a performance guarantee that ensures completion by a specified date the following season.
- 3. Parking spaces shall be striped with paint or other approved material, at least four inches wide, well maintained and clearly visible.

- 1. All parking lots shall be striped and maintained showing individual parking spaces, in accordance with Table 15.4.
- 2. Angled parking between these ranges shall be to the nearest degree.
- 3. The length of a parking space may be reduced by up to two feet if an unobstructed overhang of not less than two feet is provided, such as a landscaped area or sidewalk. A sidewalk shall be at least eight feet wide when abutting a parking lot.

E. Stacking spaces for drive through uses: Required stacking spaces shall conform to the following:

- 1. Stacking spaces shall be at least 22 feet long and nine feet wide.
- 2. Stacking spaces shall not block required off-street parking spaces. The lane containing the stacking spaces shall be separate and distinct from other access drives and maneuvering lanes.
- 3. When a single drive through lane allows five (5) or more vehicle to stack an escape lane shall be provided that allows a vehicle to exit the waiting lane.
- 4. Stacking spaces shall avoid undue interference with on-site parking and prevent unnecessary hazards to pedestrians.
- 5. In no instance shall vehicles stack onto an adjacent public or private road.

F. Snow Storage:

- 1. A site plan shall designate snow storage areas for

4. Bumper blocks shall not be used in parking lots except where the planning commission determines they are necessary, or in the case of administrative approvals, the city manager or designee.

5. Rainwater from parking areas shall be detained on site in accordance with city engineering standards. Depressed landscape islands, rain gardens, permeable pavement, vegetative swales and other low-impact designs are preferred as a way to avoid large detention basins.

6. To protect landscaped areas, sidewalks, buildings, or adjacent property from vehicles that might otherwise extend beyond the edge of the parking lot, a six inch concrete curb, or alternative as determined by the planning commission, shall define all sides of a parking lot and landscaped islands. Curb openings to accommodate drives, sidewalks and storm water drainage, as recommended by the city engineer are allowed. Plants shall be located two feet from curbs to accommodate a bumper overhang.

7. Off-street parking areas shall be landscaped in accordance with the requirements of Article 15.

8. Off-street parking areas shall be illuminated in accordance with the requirements of Article 16.

9. Fire lanes shall be designated and signed prior to occupancy. Vehicle circulation shall meet turning requirements established by the fire department.

10. Parking lots shall be free of trash and debris and surfaces, curbs, light fixtures and signs shall be maintained in good condition.

Section 15.5. General off-street parking requirements.

A. **Collective or Shared Parking.** Two or more buildings or uses may use a common parking lot provided the total parking spaces are equal to the required number when all uses computed separately. Cumulative parking requirements for mixed-use developments or shared facilities may be reduced by the planning commission when determined that one or more of the factors listed in subsection (d) below apply. When uses are on separately-owned lots, a legal agreement for shared parking shall be recorded and a copy provided to the city before a certificate of occupancy is issued.

B. **Reduction of Parking Requirements.** The planning commission may reduce the parking requirements based on finding that there will be a lower demand for parking due to one or more of the following:

1. Parking is shared by multiple uses and a high proportion of multi-purpose visits or uses will have peak parking demands during different times of the day or days of the week. However, pedestrian connections shall be maintained between all uses, separate parking lots shall be adjacent to each other and both pedestrian and vehicular access shall interconnect. After approval by the planning commission and before a certificate of occupancy can be issued a shared parking agreement shall be filed with the Kent County Register of Deeds and the city clerk.
2. Convenient municipal off-street parking or on-street spaces are located along the frontage of the site.
3. Walk-in business is expected due to the density and intensity of adjacent residential neighborhoods or

employment centers. When a reduction in parking spaces is allowed off-site pedestrian connections and on-site pedestrian circulation must offer safe and convenient access to building entrances.

4. Other forms of travel such as transit are available. When a reduction in parking spaces is allowed site design that incorporates transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities may be required.
5. The applicant provides a parking study, conducted by a qualified traffic engineer, that demonstrates a different standard would be more appropriate based on the actual number of employees, expected level of customer traffic or actual counts at a similar establishment. The planning commission may require a parking study to document that any one of the criteria (1) through (4) above would be met.

C. Maximum Allowed Parking. To minimize excessive pavement that can negatively affect site aesthetics and contribute to high rates of storm water runoff, the planning commission may allow the minimum parking space requirement to be exceeded by not more than 10 percent. In granting additional parking spaces the planning commission shall determine that based on documented evidence more parking will be required to accommodate a use on a typical day. The planning commission may require the additional parking spaces to be constructed using alternative paving materials, such as permeable/grass pavers or pervious concrete.

D. Banked Parking.

1. Where a reduction in the number of parking spaces is not warranted but an applicant demonstrates that the parking requirements for a proposed use would be excessive, the planning commission may defer some

of the parking. The city may request a performance guarantee to cover the cost of developing the deferred parking lot.

2. The site plan shall identify portions of the site where future parking spaces may be located. Such areas must be maintained in a landscaped appearance and not occupy required greenbelts, or parking lot setbacks or be used for any other purpose. Landscaping, such as parking lot trees that would otherwise be required shall be installed in the banked parking area.
3. The banked parking shall meet all ordinance requirements if constructed; based on parking needs or observation, construction of the deferred parking area may be initiated by the owner or required by the city manager or designee. Such an action shall require administrative approval of an amended site plan.

E. Prohibited uses. Except as may be approved as a special land use, the following are prohibited for areas designated for parking, access and maneuvering:

1. outdoor storage or display of merchandise;
2. motor vehicle sales, except on properties where vehicle sales are allowed as the principal use;
3. trucks or equipment, unless being used for a permitted construction project on the same site;
4. wrecked, junked or unlicensed vehicles;
5. vehicle repair.

Section 15.6. Residential Districts

In a residential district, parking or storing commercial vehicles, trucks, vans, and similar vehicles that exceed the capacity or weight as specified by this section (regardless if it is a commercial vehicle or not), and vehicles without current

license plates are subject to the following limitations:

A. Commercial vehicle, truck, or van parking or storage in a residential district. The parking or storage in a residential zone district of a commercial vehicle, or of a truck, van, or similar vehicle as specified by this section is not permitted, except under the following conditions:

1. A commercial vehicle used personally by an occupant of the premises in going to work may be parked or stored on the premises, provided that the vehicle does not exceed a gross vehicle weight rating of 7,500 pounds. No more than one commercial vehicle per dwelling unit shall qualify as an accessory use under this section.
2. Parking or storing trucks (including, but not limited to, pick-up trucks and panel trucks), vans, or similar vehicles with a rated capacity of more than one ton, or with a gross vehicle weight rating of more than 8,500 pounds, is prohibited in any residential zone district.
3. This prohibition does not apply to a recreational vehicle that is stored as permitted under subparagraph B, below; to school buses if parked at a school or school facility; or to buses owned or leased and exclusively used by an institution, or quasi-public organization and parked at their facility.

B. Storage of recreational vehicles. The restrictions for the storage of recreational vehicles, including, but not limited to, flatbed/enclosed trailers, vehicles, boats, boat trailers, travel trailers, motorized trailer dwellings, pick-up caps, pick-up campers, and motor homes are listed below.

1. Storage shall not be permitted in the front yard. Recreational equipment may be parked on a paved driveway in the front yard for a period not to exceed 72 hours before and after trips. At no time shall a recreational vehicle block a sidewalk.

2. Storage is permitted in one side or in the rear yard, provided it is located at least two feet from the side and/or rear property lines and is screened from neighboring properties by either a solid fence or evergreen trees or shrubs as described below. A solid fence may be used and shall be the height of the stored equipment, but shall not exceed six feet in height. Tightly spaced evergreen trees and/or shrubs that are at least six feet tall when planted may also be used to screen views. Storage shall be located behind a line that extends across the front façade of the residence. Storage is not permitted in a side yard adjacent to a street unless all side yard requirements can be maintained and the vehicle is screened as required above.
 3. A recreational vehicle shall not exceed eight and one-half feet in width, 13- 1/2 feet in height, and 40 feet in length.
 4. Only one recreational vehicle shall be stored or parked outside per lot or parcel.
 5. Stored or parked recreational vehicles shall be maintained in good repair, and the open storage of disassembled or component parts for such items is prohibited at all times. Required vehicle licenses shall be kept current.
 6. Recreational vehicles shall not be used for lodging, housekeeping or storage and shall be locked at all times to prevent entry except with permission or supervision by the owner.
 7. All recreational vehicles shall be moved from a lot no less than semi-annually.
- C. **Nonlicensed vehicles.** A motor vehicle without current license plates shall not be parked or stored in any residential zone district except within a completely

enclosed building.

- D. **Front yard.** No vehicle shall be parked or stored within a front yard in a residential district, except upon a residential driveway that meets the requirements of this ordinance.

Section 15.7. Transition zone parking.

Parking areas for nonresidential uses may be established within a residential district or, in the case of a multiple family use, in a single family or two-family district, where the residential side yard either abuts or is across the street or alley from a commercial, industrial or multiple family district, and where such parking area does not extend more than 150 feet from the right-of-way line of the lot that abuts or is across the street or alley from the commercial, industrial or multiple family district. The planning commission may authorize such transition parking areas subject to the following conditions:

- A. Such parking areas shall conform to all off-street-parking requirements of this ordinance.
- B. Transition parking areas shall not be located in the required front yard of a residential district and the front yard shall be landscaped as required.
- C. Transition parking areas shall be used solely to park passenger vehicles. Commercial repair work or sales and service of any kind is prohibited. Signs, other than directional signs, are prohibited within transition parking areas.

- D. Driveways that serve as a transitional parking area for a commercial or industrial use are not permitted on a street that is located within a residential district. If such parking areas contain more than four spaces, driveways serving such areas shall be located a minimum of 20 feet from the line of residential zoned property and shall also meet the setbacks from intersection and clear vision regulations as contained within this ordinance.

Section 15.8. Schedules of off-street parking requirements.

The number of required parking spaces for each use is listed with the requirements for each of the zoning districts.

A. Determination of Required Spaces.

- 1. When units or measurements determining the number of required parking spaces result in a fraction over one-half (1/2), a full parking space shall be required.
- 2. When parking space requirements are based on the number of employees, they shall be calculated upon the number of employees present during the peak shift or work period.
- 3. When parking requirements are based on the number of seats and seating is provided using benches or pews, each seat shall be 24 inches of bench or pew length. In buildings where no fixed seating is provided, the number of seats shall be based upon the seating capacity as determined by the Building Inspector.
- B. Uses not Listed. Parking requirements for a use not specified in this ordinance shall be the same as the most similar use, as determined by the city manager or designee during initial review of the parking lot plan and as subsequently approved by the planning commission.

Section 15.9. Off-street loading.

Uses, except for one- and two-family dwelling units, that customarily receive or distribute materials or merchandise shall provide off-street loading and unloading spaces according to the following:

- A. Each space shall be at least ten feet wide and 50 feet long.
- B. A loading space may be located within a required side or rear yard, except for required landscape areas, and except that a loading space shall not be located in a side yard that

- abuts a street if it is a corner lot. Loading spaces shall not be located in a required front yard.
- C. The design and screening of off-street loading areas shall be reviewed at the time of site plan approval to ensure adjacent properties, especially residential districts, are protected from any disruptions normally associated with such a facility.
- D. Off-street loading facilities that make it necessary to back directly into a public road are prohibited. All truck or vehicle maneuvering shall take place on site and not within a public right-of-way.



1606 Leonard St. NW
Grand Rapids, MI 49504
EclipseSalonSuites@gmail.com

July 23, 2015

Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services
City of Portage Department of Community Development
7900 South Westnedge Avenue

Dear Mr. Forth,

Mark Tomasik from Innovative design P.C. asked if I could describe the operations of Eclipse Salon Suites and the parking required.

We have been in business since 2010 with 30 suites. The spaces are primarily used by Hair Styles, they are also used for other salon/spa uses such as: pedicure, manicure, massage and other businesses related to the salon business. Each suite is operated by the tenant and their hours of operation varies. Never are all suites occupied. We have 29 parking spaces and there are always spaces available.

See our web site at < <http://www.eclipsesalonsuites.com/>> for Directory of Services and addition information of our operations.

Sincerely,

Cindy Ladwig

TO: Zoning Board of Appeals **DATE:** September 4, 2015
FROM: Vicki Georgeau, ^{kg} Director of Community Development
SUBJECT: ZBA #15-4, Mark Tomasik, 204, 212, 220 West Milham Avenue, B-3, General Business
CODE SECTION: 42-523, Off-Street Parking Requirements, p. CD42:120
APPEAL: Requesting a variance from the parking requirements to provide 96 off-street parking spaces where a minimum 114 spaces are required.
STAFF RECOMMENDATION:

The applicant is requesting the above referenced variance per the enclosed application, letter of explanation, site plan and related materials. The 1.27 acre zoning lot is comprised of three parcels: 204, 212, and 220 West Milham Avenue and currently accommodates two vacant commercial buildings, off-street parking, and associated site improvements. To the west, across Georgia Street, is a church zoned OS-1, office and two single family dwellings zoned R-1A, One Family residential. The southern single-family residential dwelling is the church parsonage. To the north, east and south are commercial properties.

The applicant proposes to redevelop the subject property with a two-story, 16,916 square-foot (9,849 sq. ft. building footprint) commercial building, which will accommodate a hair salon (Unite Salon Suites), spa-salon (Design 1), and three additional commercial tenant suites with a combined area of 4,347 square feet. Design 1 would have a total of 18 salon chairs on the first floor, requiring 30 parking spaces, and would house the spa portion of the business (with massage tables, and manicure/pedicure stations) on the second floor. The spa has a usable floor area of 1,594 square feet and at a ratio of one parking space for every 100 square feet would require another 16 parking spaces. Unite Salon Suites would have 30 chairs total on both floors, requiring 48 parking spaces. The retail suites require 20 parking spaces. The total parking spaces required for this development site is 114, whereas the applicant proposes to provide 96 spaces.

Due to unique operational characteristics of Design 1 and Unite Salon Suites, the applicant contends their parking needs are less than required by the Portage Zoning Code. The business model for Design 1 involves employees who perform multiple tasks that do not result in all chairs being utilized. For Unite Salon Suites the applicant indicates each suite is independently leased by individual stylists who have varied work hours. In support of the request, the applicant has provided parking data for similar facilities located in Gaines Township and City of Grandville. The parking counts indicate a number of vacant parking spaces are present at both locations at all recorded times. City staff contacted the aforementioned municipalities who report that both locations were approved as part of Planned Unit Developments. Staff at both municipalities also report no known problems with parking at their respective locations.

It should be noted conforming alternatives are available. The applicant could reduce the number of styling chairs and/or eliminate one of the commercial tenant suites and/or reduce the size of the other suites. However, the applicant maintains he has successfully operated similar facilities in other communities for several years with less available parking and without parking difficulties. Consequently, the applicant believes reducing the size of the building or number styling chairs is not warranted.

If the Board finds the strict application of the parking requirement to be a practical difficulty given the business operational characteristics indicated by the applicant and lack of parking problems reported by other communities, the variance can be granted.

**PRACTICAL
DIFFICULTY:**

Applicant indicates business operational characteristics.

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SUGGESTED NON-USE VARIANCE MOTION FORM

Mr. Chairman:

I move, in regard to ZBA # _____, the application by _____

for a variance from _____

be:

a. granted for all of the following reasons:

- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to _____, which is similar to that possessed by other properties in the same zoning district and in the vicinity;
- 3a. The immediate practical difficulty causing the need for the variance request was not created by the applicant;
- 4a. The variance will not be detrimental to adjacent property and the surrounding neighborhood, and;
- 5a. The variance will not materially impair the intent and purpose of the zoning ordinance.

-Or-

b. denied for one of more of the following reasons:

- 1b. There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district;
- 2b. The variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as _____;
- 3b. The immediate practical difficulty causing the need for the variance request was created by the applicant;
- 4b. The variance would be detrimental to adjacent property and the surrounding neighborhood, and;
- 5b. The variance would materially impair the intent and purpose of the zoning ordinance.

c. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately.