



ZONING BOARD OF APPEALS

June 13, 2016

CITY OF PORTAGE ZONING BOARD OF APPEALS

Agenda

Monday, June 13, 2016

(7:00 pm)

**Portage City Hall
Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

- * May 9, 2016 meeting

OLD BUSINESS:

NEW BUSINESS:

- * ZBA #15-27, Chick-Fil-A, 6018, 6026, 6060, 6110, 6150, 6190, 6202, 6278, 6284, 6294 South Westnedge Avenue & 200, 240 Mall Drive: Requesting variances to retain a nonconforming 50 square-foot freestanding sign with an 18 square-foot changeable copy board after a substantial improvement has occurred, that: a) is not permitted, and b) does not meet the minimum 300-foot sign separation requirement; or c) erect a new 55 square-foot freestanding sign with a 22 square-foot changeable copy board where no freestanding sign is permitted.
- * ZBA #15-28, Pfizer, Inc., 7171 Portage Road: Requesting a variance to construct an approximate 98,000 square-foot building addition 65 feet in height where a maximum 60-foot building height is permitted.
- * ZBA #15-29, Nick's Gyros, 7206 South Westnedge Avenue: Requesting a Temporary Use Permit to operate a mobile food trailer at 7206 South Westnedge Avenue from June 14, 2016 through December 14, 2016.

OTHER BUSINESS:

Election of officers

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – May 09, 2016



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. Approximately six people were in the audience.

MEMBERS PRESENT: John Byrnes, Phillip Schaefer, Jeffrey Bright, Chadwick Learned, Randall Schau, Jay Eichstaedt, and Alexander Philipp.

MEMBERS EXCUSED: Michael Robbe and Lowell Seyburn.

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Charlie Bear, Assistant City Attorney, and Kyle Mucha, Zoning & Codes Administrator

APPROVAL OF THE MINUTES: Learned moved and Schau seconded a motion to approve the April 11, 2016 minutes as submitted. Upon voice vote, the motion was approved 7-0.

OLD BUSINESS:

ZBA #15-11, Christine Pelletier, 4415 Raborn Court: Mais summarized the request to retain a partially constructed 58-foot by 19-foot (1,102 sq. ft.) two-story accessory building in the rear (south) yard that is 19.5 feet in height where a maximum 14-foot height is permitted. Ms. Christine Pelletier provided cost estimates to either complete construction of the barn or demolish it. Schau stated he inspected the property and noted the barn in question could not be seen from the roadway.

A public hearing was opened. No one spoke for or against the request and the public hearing was then closed.

A motion was made by Learned, seconded by Schaefer, to approve a variance to retain the partially constructed 58-foot by 19-foot two-story accessory building in the rear (south) yard that is 19.5 feet in height, conditioned upon the applicant obtaining a building permit within 21 days and completing construction no later than November 30, 2016, 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 significant grade differences along the southern portion of the site and the surrounding zoning/land use pattern; the immediate practical difficulty causing the need for the variance was not caused 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. In addition, the application and supporting material, 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 action of the Board be final and effective immediately. Upon roll call vote: Philipp-Yes, Learned-Yes, Eichstaedt-Yes, Bright-Yes, Byrnes-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

NEW BUSINESS

ZBA #15-24; David Keyte, 6039, 6043 South Westnedge Avenue: Mais summarized the request for a variance from the parking requirements to provide 23 off-street parking spaces where a minimum 44 spaces are required. Mr. Keyte cited other similar sized Starbucks locations in Michigan that have parking comparable to the proposed variance. Mr. Keyte stated Starbucks conducts on average 60-70% of their business through the drive-thru window. Mr. Schau asked staff if there are currently other stand-alone drive-through coffee shops in Portage with reduced parking. Mais replied no. Learned inquired if another variance would be needed if the use of the proposed development changed in the future. Mais stated variances generally go with the land, but in this case the Board would be granting a variance allowing 23 spaces where

44 spaces are required, and depending on the parking requirements of any future change of use, it was possible another variance may be needed.

A public hearing was opened. No one spoke for or against the request and the public hearing was then closed.

A motion was made by Philipp, seconded by Eichstaedt, to grant a variance from the parking requirements to provide 23 off-street parking spaces where a minimum of 44 spaces is required 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 unique business operational characteristics and parking demand with similar stores; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to develop property with reasonable off-street parking; the immediate practical difficulty causing the need for the variance was not caused 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. In addition, the application and supporting material, 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 action of the Board be final and effective immediately. Upon roll call vote: Philipp-Yes, Learned-Yes, Eichstaedt-Yes, Bright-Yes, Byrnes-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-25; Kathleen Kline, 4622 Deep Point Drive: Mais summarized the variance requests to: a) construct a second story addition above the existing garage located two feet from the front (west) property line where a 25-foot front setback is required; b) retain the existing dwelling and attached garage that have 26% lot coverage where a maximum 25% is permitted; and c) construct a 10-foot by 7-foot master bathroom addition that will result in 27% lot coverage where a maximum 25% lot coverage is permitted. Ms. Kline stated she mostly agreed with the staff report but stated variance c) was due to an occupant's medical condition requiring access to the bathroom from the bedroom very quickly. A letter to this effect from Dr. Petra Toutanji was read into the record.

A public hearing was opened. No one spoke for or against the request and the public hearing was then closed.

A motion was made by Eichstaedt, seconded by Phillip, to grant variances to: a) construct a second story addition above the existing garage located two feet from the front (west) property line where a 25-foot front setback is required; b) retain the existing dwelling and attached garage that have 26% lot coverage where a maximum 25% is permitted; and c) construct a 10-foot by 7-foot master bathroom addition that will result in 27% lot coverage where a maximum 25% lot coverage is permitted, conditioned upon removal of the 75 square-foot shed, 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 size and shape of the substandard lot; the variance is necessary for the preservation of a substantial property right, the right to develop the property in manner similar to other properties in the vicinity; the immediate practical difficulty causing the need for the variance 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. In addition, the application and supporting material, 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 action of the Board be final and effective immediately. Upon roll call vote: Philipp-yes, Learned-yes, Eichstaedt-Yes, Bright-Yes, Byrnes-yes, Schau-yes, Schaefer-Yes. The motion passed 7-0.

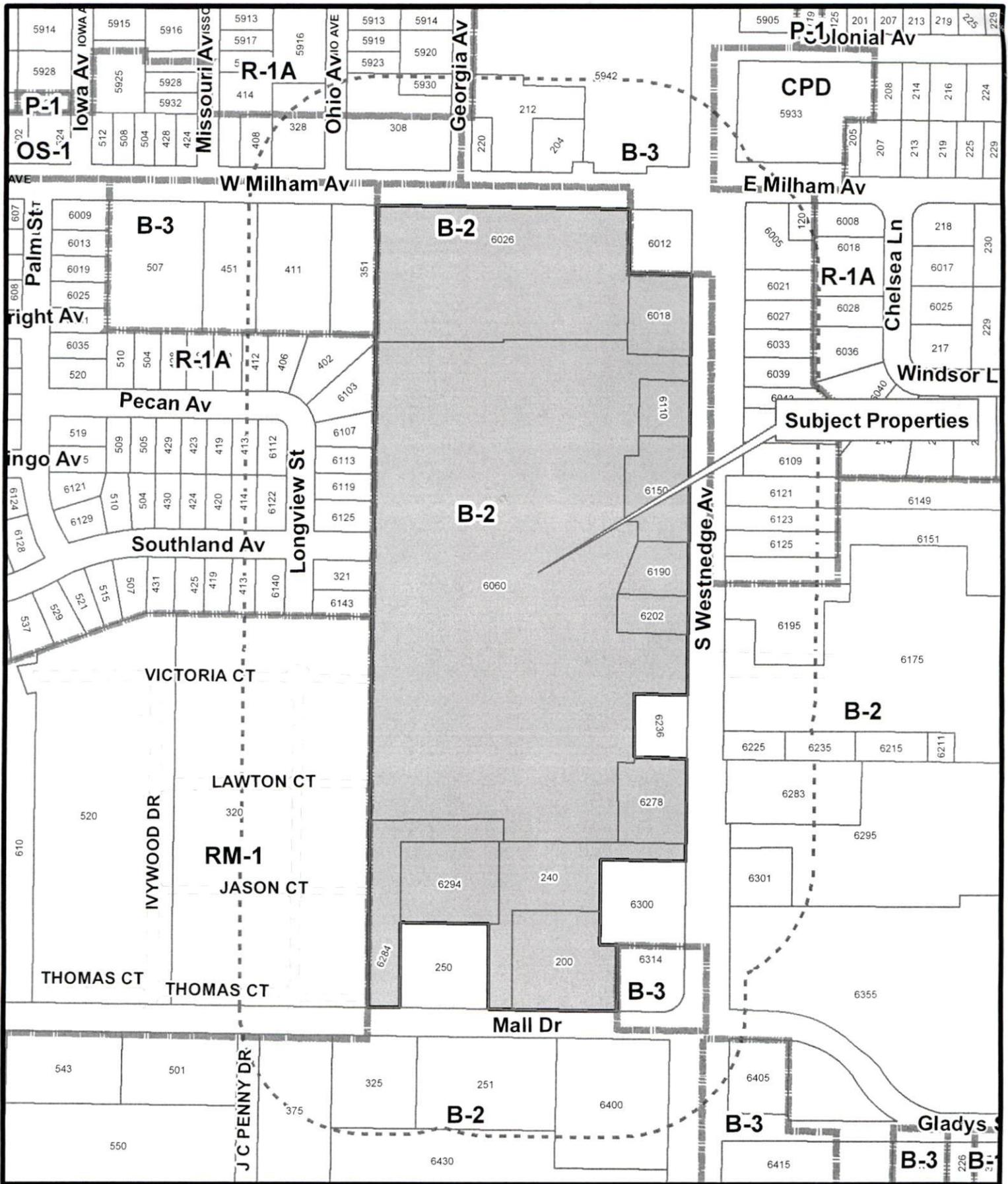
OTHER BUSINESS:

Zoning Board of Appeals Rules of Procedure: Mais stated revising the Rules of Procedure concerning conflicts of interest was appropriate and recommended the Board consider adopting the same language/rules used by the Planning Commission and City Council. Attorney Bear stated it is important for Boards to avoid even the appearance of impropriety. Learned stated he largely agreed, but at the same time wanted to preserve the right of Board members to speak as citizens if there were a request which directly impacted their property. After additional discussion, Mr. Schaefer, Mr. Learned and Mr. Schau volunteered to form a sub-committee to explore revisions to the proposed Rules of Procedure with the recommendation that city staff be involved with the committee as well. The subcommittee will report back to the Board at the June 13, 2016 meeting with an update.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator



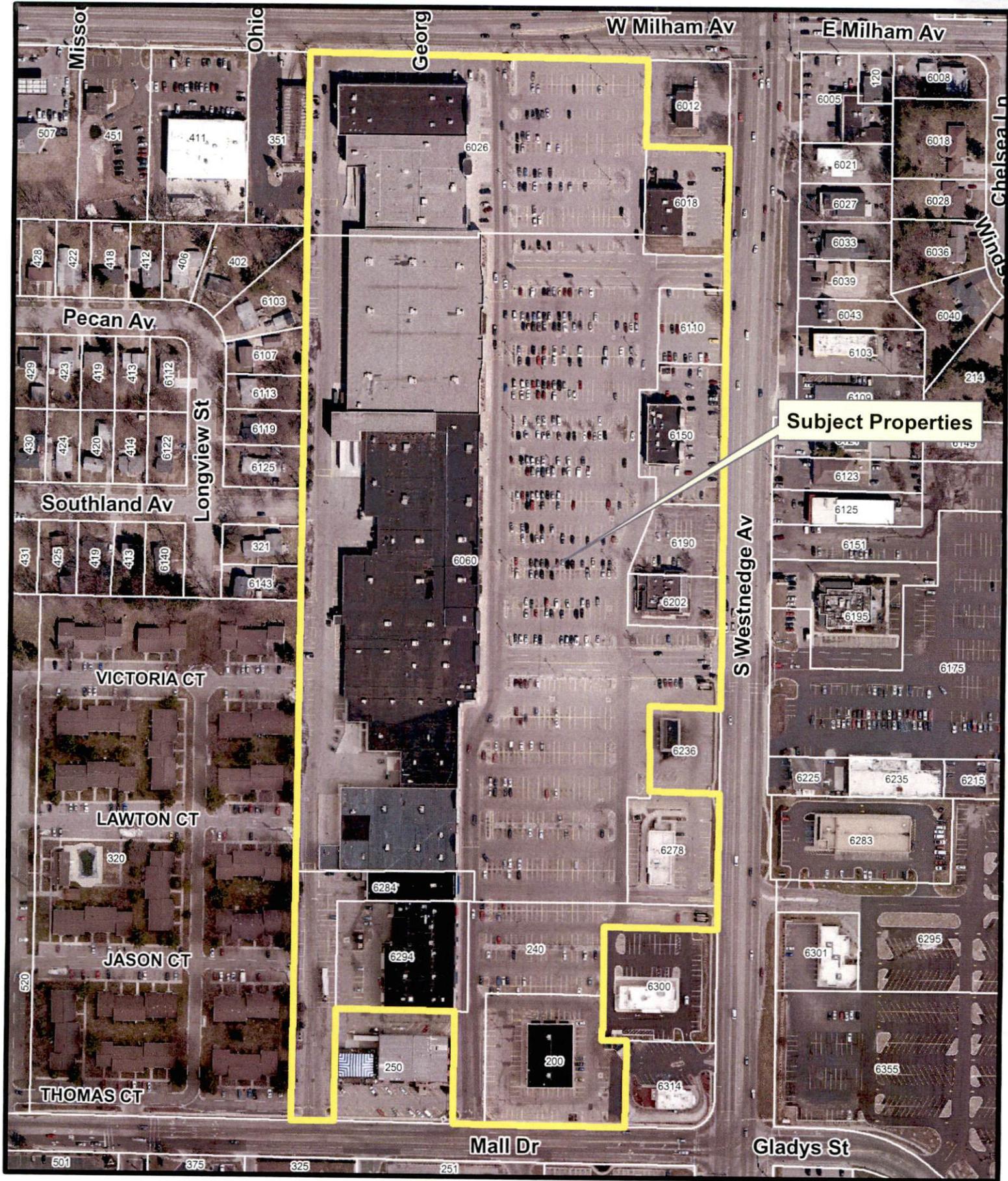
-  Zoning Boundary
-  Subject Properties
-  Notification Area

ZBA 15-27

6018, 6026, 6060, 6110, 6150, 6190,
 6202, 6278, 6284, 6294 South Westnedge Avenue &
 200, 240 Mall Drive



1 inch = 300 feet



Subject Properties

Aerial Photography

6018, 6026, 6060, 6110, 6150, 6190,
 6202, 6278, 6284, 6294 South Westnedge Avenue &
 200, 240 Mall Drive

 Subject Properties



1 inch = 220 feet



Department of Community Development

RECEIVED

JUN 02 2016

COMMUNITY DEVELOPMENT

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 5/13/2016
Name of Applicant CHICK-FIL-A: CHERYL SCALES
Applicant's Address 1811 4 MILE RD, NE, GRAND RAPIDS
Name of Property Owner (if different from Applicant) FRUDO AND FRIENDS
Address 225 PARSONS STREET

Address of the Property that is the subject of this Application:
Street Address 6202 S. WESTNEDGE AVE.
For Platted Property: Lot of Plat
[If The Property Is Unplatted, the Legal Description is needed. Please attach on a separate sheet.] - SEE ATTACHED

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

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):

X Variance from Zoning Ordinance: Article Section 42-552 Paragraph A-I
Regarding: Use Area Yards
Setbacks Parking Other RE-USE OF PYLON SIGN

Reason for Request (Also complete page 2 of application): TO MAINTAIN EXISTING FREE STANDING PYLON SIGN

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: SEE ATTACHED NARRATIVE

FOR STAFF USE

Table with 3 columns: Application Number, Filing Date, Tentative Hearing Date. Row 1: Previous Application Filed Regarding This Property.

SEE ATTACHED NARRATIVE

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.)

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)

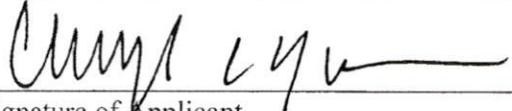
4. Is the variance the minimum necessary to permit reasonable use of the land and buildings, or would a lesser variance be fair and equitable to the applicant as well as logical and just to other property owners in the area? (Attach additional sheets if needed.)

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.)

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.)

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.)

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)



Signature of Applicant

5/13/2010

Date

Chick-fil-A #3870 6202 S, Westnedge Ave., Portage, MI

Zoning Board of Appeals Application Supplemental Information

Variance request from Section 42-552 – B-2, community business; B-3, general business; and CPD commercial planned development districts

May 16, 2016 (Revised June 1, 2016)

Background

Chick-fil-A has filed a site plan for 6202 S. Westnedge, Ave. to request the re-development of the Bilbo's Pizza site. The Chick-fil-A development will also lease parking area from Westnedge Shops, LLC (Southland Mall Development) as part of this site plan review. The current building on the site will be demolished and a new Chick-fil-A Restaurant will take its place.

The current Bilbo's pizza parcel has a stand-alone pylon sign on Westnedge Avenue. This sign is allowed as part of the B-2 Community Business District zoning. The plan for this parcel is for it to become part of the Southland Mall Zoning district. This district does not allow a stand-alone pylon sign, it requires that the signage be on one of the Mall combined signs. These signs are full with users and the Chick-fil-A sales/lease agreement does not give Chick-fil-A rights to use any of these signs. We are requesting that the property be able to keep the same pylon sign location and re face it, or replace it with a new sign located 300 feet from the current Mall sign south of the site.

The existing sign (see attached exhibit) has a main sign that is 5 feet x 10 feet = 50 square feet, and a changeable letter board below the main sign is 18.33 square feet, for a total of 68.33 sq. ft., and the overall height is 18 feet 4 inches tall. The current B-2 zoning ordinance allows a 50 sq. ft. sign on the Westnedge side based on the parcel frontage of 90 linear feet of the current Bilbo's frontage, or 80 sq. ft. if you base it on the Bilbo's plus the rental area to the north. The allowable height is 25 feet.

Chick-fil-A would like to propose a Pylon Sign on Westnedge that would be 55 sf main sign+22.67 sf reader = 77.67 sf total area, and 25 feet tall. See the attached signage package for more detail. We would like to move the sign so that it is 300 feet from the existing mall sign, but we could keep it in the same location if need be.

We are requesting this variance to be allowed the same rights as similar users in this zoning district. Across the street on Westnedge from our site, and both north and south of this property outside of the mall area parcels have pylon signs (see attached exhibit). Our site will not have a drive on Westnedge, so we feel that having the signs will allow our guests to find the site prior to driving past it.

This site is currently not part of the Southland Mall. The parcel does not have rights to the shared signs in the mall development, and our agreement with the Mall developers does not include signage rights. The signs are currently filled with users that have agreements in place to use the signs, and the locations of the signs are not adjacent to our 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

The current site is zoned B-2 and is a separate stand alone parcel that is not part of the shopping center zoning. We are asking to keep the same zoning status as currently exists for the B-2, B-3 and CPD districts. When the shopping mall was developed, there was a signage agreement put in place that limited the signage for the shopping mall development. This parcel is unique in that it was not part of that agreement and it is surrounded by the shopping mall development.

2. Are the physical characteristics you explained above unique and not shared by neighboring properties?

This parcel is surrounded by the shopping mall development and is unique in that it is the only parcel that is not included in this parcel. The parcel does share a drive way with the surrounding parcels and it does not have its own access to Westnedge.

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance?

Because this site is not part of the shopping mall development it does not have any rights to shared signage with the shopping mall tenants. If the pylon sign is not allowed to stay, this site will not have signage visibility on Westnedge Avenue. Other similar uses in the same zoning district on Westnedge Ave. have pylon signs and drive access to Westnedge. This site will not have the same advantage as competitors, and will limit the uses that would be interested in using this site.

4. Is the variance the minimum necessary to permit reasonable use of the land and building, 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?

We are asking for less overall total signage than what is allowed in the B-2 zoning of this parcel.

5. Explain how the variance would not result in adverse effects on adjacent properties or alter the character of the area.

The site currently has a pylon sign, and similar uses across the street and to the south and north of the mall are allowed pylon signs. Keeping a pylon sign at this location will not alter the character of the 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 the area.

The site currently has a pylon sign. This will not affect any of the items listed above. Keeping the sign will help direct traffic to the site and will help with guests find entry to the site from a distance that will allow them to find the driveway before passing the site.

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?

The site currently has a pylon sign and we are asking to keep the current sign. This sign is permitted by the current B-2 zoning ordinance.

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance.

The site currently has a pylon sign and we are asking to keep the current sign. This sign is permitted by the current B-2 zoning ordinance.



Southland Mall, LLC

May 13, 2016

Christopher Forth, AICP
Deputy Director of Planning,
Development & Neighborhood Services
City of Portage
Community Development
7900 South Westnedge Avenue
Portage, MI 49002

Re: Chick-fil-A's request for the use or replacement of the Bilbo's free standing sign

Dear Chris,

Please be advised that we are supportive of Chick-fil-A's request for their own free standing identification monument/pylon.

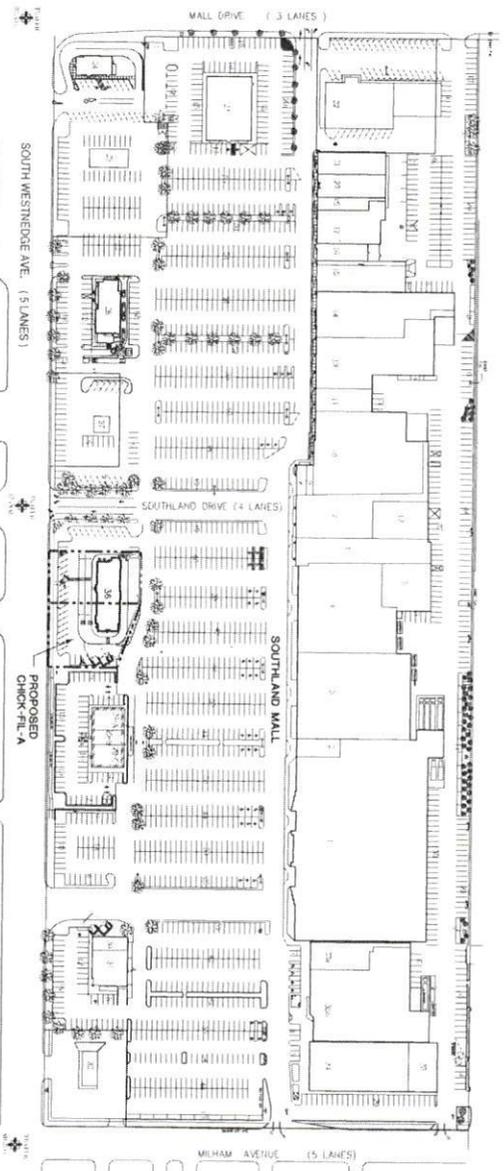
Sincerely,

Timothy A. Timmons
Meyer C Weiner Company
Authorized Agent for
Southland Mall, LLC

SOUTHLAND ZONING LOT PLAN KEY

NO.	LOT NO.	AREA	NO.	LOT NO.	AREA	NO.	LOT NO.	AREA
1	1	RETAIL	1	1	RETAIL	1	1	RETAIL
2	2	RETAIL	2	2	RETAIL	2	2	RETAIL
3	3	RETAIL	3	3	RETAIL	3	3	RETAIL
4	4	RETAIL	4	4	RETAIL	4	4	RETAIL
5	5	RETAIL	5	5	RETAIL	5	5	RETAIL
6	6	RETAIL	6	6	RETAIL	6	6	RETAIL
7	7	RETAIL	7	7	RETAIL	7	7	RETAIL
8	8	RETAIL	8	8	RETAIL	8	8	RETAIL
9	9	RETAIL	9	9	RETAIL	9	9	RETAIL
10	10	RETAIL	10	10	RETAIL	10	10	RETAIL
11	11	RETAIL	11	11	RETAIL	11	11	RETAIL
12	12	RETAIL	12	12	RETAIL	12	12	RETAIL
13	13	RETAIL	13	13	RETAIL	13	13	RETAIL
14	14	RETAIL	14	14	RETAIL	14	14	RETAIL
15	15	RETAIL	15	15	RETAIL	15	15	RETAIL
16	16	RETAIL	16	16	RETAIL	16	16	RETAIL
17	17	RETAIL	17	17	RETAIL	17	17	RETAIL
18	18	RETAIL	18	18	RETAIL	18	18	RETAIL
19	19	RETAIL	19	19	RETAIL	19	19	RETAIL
20	20	RETAIL	20	20	RETAIL	20	20	RETAIL
21	21	RETAIL	21	21	RETAIL	21	21	RETAIL
22	22	RETAIL	22	22	RETAIL	22	22	RETAIL
23	23	RETAIL	23	23	RETAIL	23	23	RETAIL
24	24	RETAIL	24	24	RETAIL	24	24	RETAIL
25	25	RETAIL	25	25	RETAIL	25	25	RETAIL
26	26	RETAIL	26	26	RETAIL	26	26	RETAIL
27	27	RETAIL	27	27	RETAIL	27	27	RETAIL
28	28	RETAIL	28	28	RETAIL	28	28	RETAIL
29	29	RETAIL	29	29	RETAIL	29	29	RETAIL
30	30	RETAIL	30	30	RETAIL	30	30	RETAIL
31	31	RETAIL	31	31	RETAIL	31	31	RETAIL
32	32	RETAIL	32	32	RETAIL	32	32	RETAIL
33	33	RETAIL	33	33	RETAIL	33	33	RETAIL
34	34	RETAIL	34	34	RETAIL	34	34	RETAIL
35	35	RETAIL	35	35	RETAIL	35	35	RETAIL
36	36	RETAIL	36	36	RETAIL	36	36	RETAIL
37	37	RETAIL	37	37	RETAIL	37	37	RETAIL
38	38	RETAIL	38	38	RETAIL	38	38	RETAIL
39	39	RETAIL	39	39	RETAIL	39	39	RETAIL
40	40	RETAIL	40	40	RETAIL	40	40	RETAIL
41	41	RETAIL	41	41	RETAIL	41	41	RETAIL
42	42	RETAIL	42	42	RETAIL	42	42	RETAIL
43	43	RETAIL	43	43	RETAIL	43	43	RETAIL
44	44	RETAIL	44	44	RETAIL	44	44	RETAIL
45	45	RETAIL	45	45	RETAIL	45	45	RETAIL
46	46	RETAIL	46	46	RETAIL	46	46	RETAIL
47	47	RETAIL	47	47	RETAIL	47	47	RETAIL
48	48	RETAIL	48	48	RETAIL	48	48	RETAIL
49	49	RETAIL	49	49	RETAIL	49	49	RETAIL
50	50	RETAIL	50	50	RETAIL	50	50	RETAIL
51	51	RETAIL	51	51	RETAIL	51	51	RETAIL
52	52	RETAIL	52	52	RETAIL	52	52	RETAIL
53	53	RETAIL	53	53	RETAIL	53	53	RETAIL
54	54	RETAIL	54	54	RETAIL	54	54	RETAIL
55	55	RETAIL	55	55	RETAIL	55	55	RETAIL
56	56	RETAIL	56	56	RETAIL	56	56	RETAIL
57	57	RETAIL	57	57	RETAIL	57	57	RETAIL
58	58	RETAIL	58	58	RETAIL	58	58	RETAIL
59	59	RETAIL	59	59	RETAIL	59	59	RETAIL
60	60	RETAIL	60	60	RETAIL	60	60	RETAIL
61	61	RETAIL	61	61	RETAIL	61	61	RETAIL
62	62	RETAIL	62	62	RETAIL	62	62	RETAIL
63	63	RETAIL	63	63	RETAIL	63	63	RETAIL
64	64	RETAIL	64	64	RETAIL	64	64	RETAIL
65	65	RETAIL	65	65	RETAIL	65	65	RETAIL
66	66	RETAIL	66	66	RETAIL	66	66	RETAIL
67	67	RETAIL	67	67	RETAIL	67	67	RETAIL
68	68	RETAIL	68	68	RETAIL	68	68	RETAIL
69	69	RETAIL	69	69	RETAIL	69	69	RETAIL
70	70	RETAIL	70	70	RETAIL	70	70	RETAIL
71	71	RETAIL	71	71	RETAIL	71	71	RETAIL
72	72	RETAIL	72	72	RETAIL	72	72	RETAIL
73	73	RETAIL	73	73	RETAIL	73	73	RETAIL
74	74	RETAIL	74	74	RETAIL	74	74	RETAIL
75	75	RETAIL	75	75	RETAIL	75	75	RETAIL
76	76	RETAIL	76	76	RETAIL	76	76	RETAIL
77	77	RETAIL	77	77	RETAIL	77	77	RETAIL
78	78	RETAIL	78	78	RETAIL	78	78	RETAIL
79	79	RETAIL	79	79	RETAIL	79	79	RETAIL
80	80	RETAIL	80	80	RETAIL	80	80	RETAIL
81	81	RETAIL	81	81	RETAIL	81	81	RETAIL
82	82	RETAIL	82	82	RETAIL	82	82	RETAIL
83	83	RETAIL	83	83	RETAIL	83	83	RETAIL
84	84	RETAIL	84	84	RETAIL	84	84	RETAIL
85	85	RETAIL	85	85	RETAIL	85	85	RETAIL
86	86	RETAIL	86	86	RETAIL	86	86	RETAIL
87	87	RETAIL	87	87	RETAIL	87	87	RETAIL
88	88	RETAIL	88	88	RETAIL	88	88	RETAIL
89	89	RETAIL	89	89	RETAIL	89	89	RETAIL
90	90	RETAIL	90	90	RETAIL	90	90	RETAIL
91	91	RETAIL	91	91	RETAIL	91	91	RETAIL
92	92	RETAIL	92	92	RETAIL	92	92	RETAIL
93	93	RETAIL	93	93	RETAIL	93	93	RETAIL
94	94	RETAIL	94	94	RETAIL	94	94	RETAIL
95	95	RETAIL	95	95	RETAIL	95	95	RETAIL
96	96	RETAIL	96	96	RETAIL	96	96	RETAIL
97	97	RETAIL	97	97	RETAIL	97	97	RETAIL
98	98	RETAIL	98	98	RETAIL	98	98	RETAIL
99	99	RETAIL	99	99	RETAIL	99	99	RETAIL
100	100	RETAIL	100	100	RETAIL	100	100	RETAIL

LOT 1 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 2 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 3 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 4 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 5 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 6 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 7 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 8 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 9 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 10 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 11 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 12 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 13 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 14 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 15 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 16 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 17 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 18 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 19 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 20 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 21 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 22 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 23 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 24 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 25 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 26 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 27 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 28 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 29 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 30 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 31 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 32 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 33 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 34 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 35 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 36 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 37 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 38 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 39 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 40 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 41 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 42 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 43 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 44 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 45 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 46 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 47 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 48 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 49 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 50 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 51 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 52 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 53 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 54 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 55 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 56 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 57 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 58 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 59 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 60 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 61 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 62 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 63 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 64 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 65 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 66 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 67 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 68 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 69 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 70 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 71 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 72 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 73 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 74 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 75 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 76 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 77 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 78 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 79 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 80 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 81 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 82 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 83 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 84 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 85 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 86 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 87 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 88 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 89 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 90 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 91 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 92 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 93 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 94 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 95 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 96 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 97 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 98 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 99 - GROSS LEASABLE AREA ON SITE = 242,444 SF
 LOT 100 - GROSS LEASABLE AREA ON SITE = 242,444 SF



SITE CONTEXT PLAN
 1" = 60' D. L. 1/8" = 100'



3000 Birmingham Rd
 Atlanta, Georgia
 30344-2798

progressive

1000 Peachtree St. NE, Suite 1000
 Atlanta, GA 30309
 Tel: 404.525.1000
 Fax: 404.525.1001
 www.progressive.com

SHEET TITLE
SITE CONTEXT PLAN

PROJECT NO. 22020234
 DATE 8-2015
 DRAWN BY: JLM
 CHECKED BY: JLM

Work Date By

Mark Date By



Cruck & Co.

5200 Buffington Rd.
Atlanta Georgia,
30349-2998

Revisions:

Mark Date By

Mark Date By

Mark Date By

Seal

progressive | ae
1111 N. HARRISVILLE CORNER, LANSING, MI 48104
TEL: 313.487.1100 FAX: 313.487.1101
WWW.PROGRESSIVEAE.COM

STORE #03870
FSU 508H-N-Sq-Lg

6202 South
Westledge Avenue
Portage, Michigan

SHEET TITLE
EXISTING
CONDITIONS

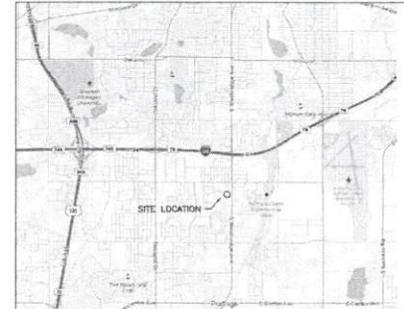
VERSION: V5
ISSUE DATE: 8-2015

Job No. 77020004
Store : 3870
Date : 5.04.16

Drawn By DCM
Checked By CCS

Sheet

C-1.0



VICINITY MAP
NO SCALE

LEGEND

- HIGH FOUND
- SECTION LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SUBJECT PROPERTY LINE
- SETBACK LINE
- LIGHT POLE
- UTILITY POLE
- ELECTRIC SWITCHGEAR
- TEL. ELEC. GAS WATER MANHOLE
- TEL. ELEC. CATV GAS MANHOLE
- CATCH BASIN
- MANHOLE
- WALK & BIKE
- HYDRANT
- FENCE LINE
- 12" SWS STORM SEWER
- 8" SWS SANITARY SEWER
- 12" WWS WATERMAIN
- GAS MAIN
- UNDERGROUND ELECTRIC LINE

ITEMS SHOWN IN BOLD TO BE REMOVED.

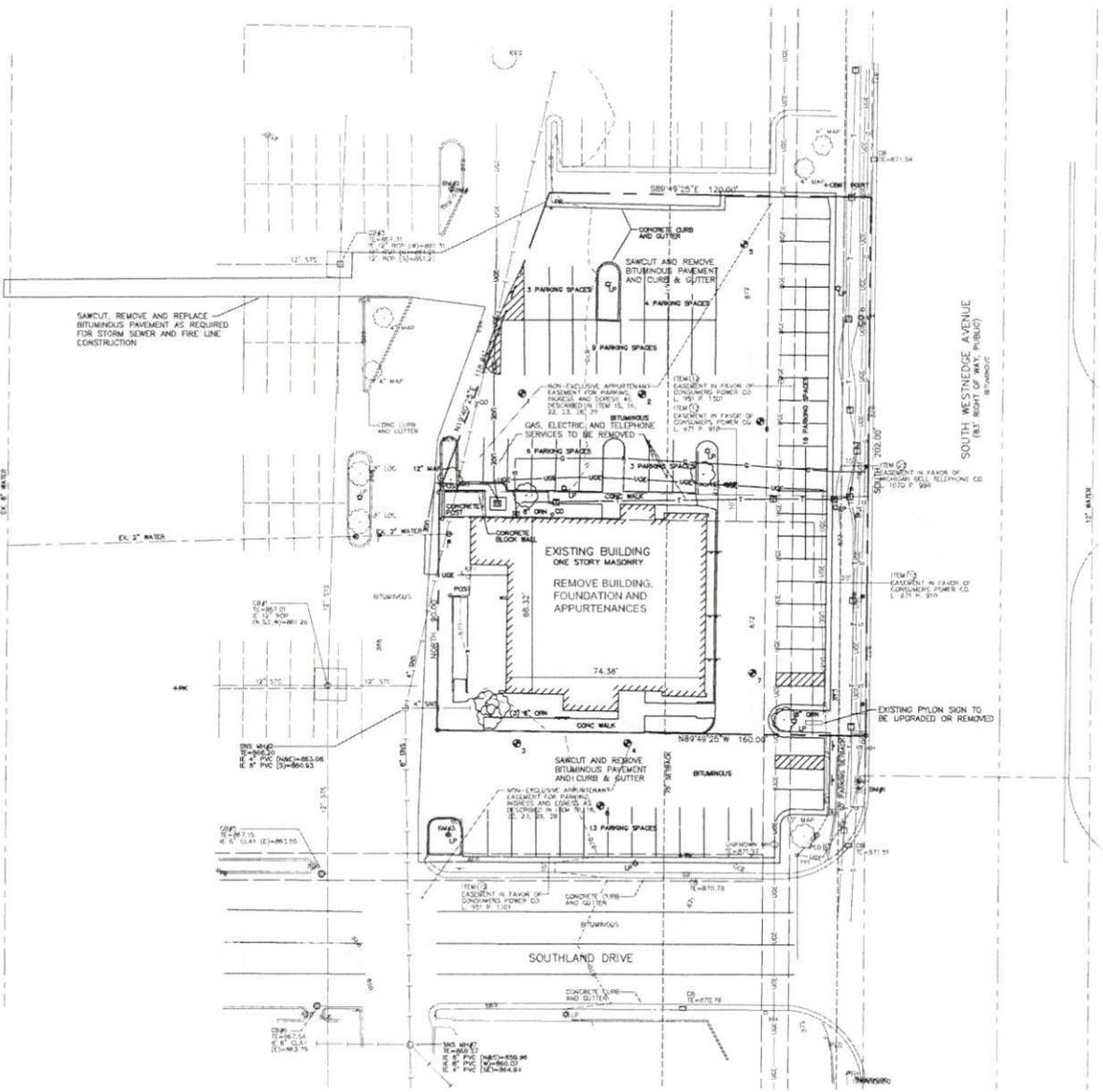
ELEVATION DATUM
ELEVATION DATUM IS NAVD 88
BASIS OF BEARINGS
HORIZONTAL DATUM IS MICHIGAN STATE PLANE
COORDINATE SYSTEM, SOUTH ZONE NAD83 (2011).

BENCHMARKS:

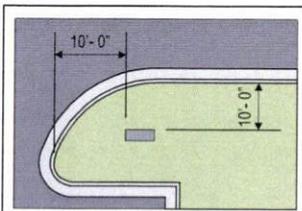
BM #1 TOP OF SW FLANGE BOLT ON HYDRANT (UNDER "W") AT SW QUADRANT OF S. WESTLEDGE DR AND SOUTHLAND DR	ELEV. 874.06
BM #2 TOP OF S SIDE OF CONC LIGHT POLE BASE 110' N OF NW PROPERTY CORNER	ELEV. 871.82
BM #3 TOP OF N SIDE OF CONC LIGHT POLE BASE 40' S OF SW PROPERTY CORNER, N SIDE OF SOUTHLAND DR.	ELEV. 870.54

SURVEY:

DATE: 2/24/16
 PAPER LOG BOOK NO.: 15-00
 PAGES: 46, 49
 DATUM: NAVD 88



B1	Chick-fil-A
Type:	Pylon Sign
Illumination:	Internally Illuminated w/ fluorescent bulbs
Square Footage:	55.00



TRY TO KEEP DIRECTIONALS 10'-0" FROM CURBS WHEREVER POSSIBLE TO INSURE VEHICLES DON'T HIT THEM

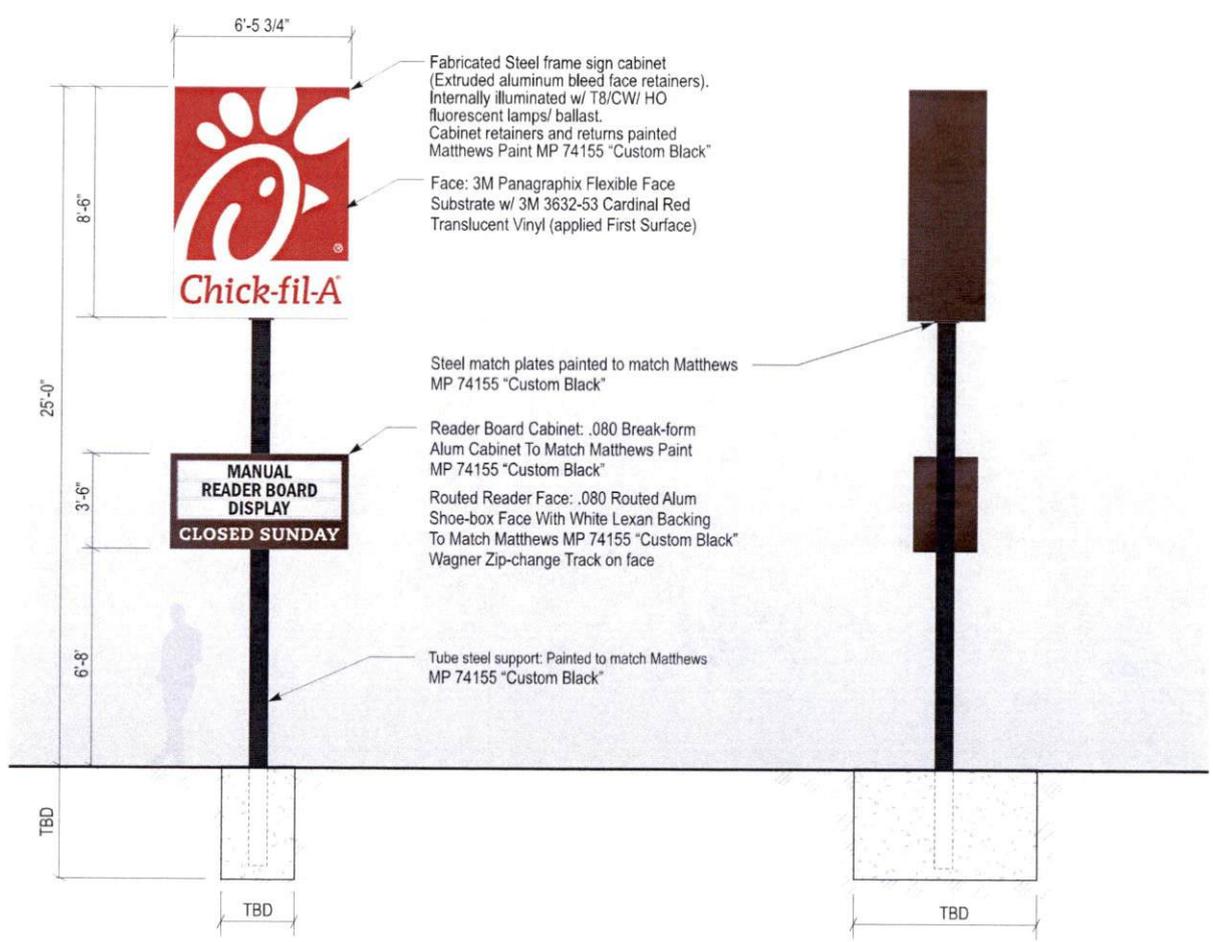
This Product is Listed by UNDERWRITERS LABORATORIES, INC. and Bears the Mark:

Electrical Detail: Logo Cabinet
(6) F72T12CWHO
() EESB1048-26L
TOTAL AMPS =

General Notes:

This sign is to be installed in accordance with the requirements of Article 600 of the National Electrical Code.

- 1) Grounded and bonded per NEC 600.7/NEC 250
- 2) Existing branch circuit in compliance with NEC 600.5, not to exceed 20 amps
- 3) Sign is to be UL listed per NEC 600.3
- 4) UL disconnect switch per NEC 600.6- required per sign component before leaving manufacturer*
*For multiple signs, a disconnect is permitted but not required for each section



B1 Pylon Sign Elevation
Scale: 3/16" = 1'-0"

Side Elevation
Scale: 3/16" = 1'-0"



Client:	Chick-Fil-A
Site #:	CF-3870
Address:	6202 South Westnedge Ave Portage, MI 49002

REVISION INFO	DATE	DESCRIPTION	BY
	03/08/2016	Original Renderings	JL
	03/14/2016	Revised B1, Added Vinyl/Banner	JH
	03/17/2016	Revised A1 to 48", A2 to 36", Polygon Sq. Ft. Calculation for all Signs	JH
	05/11/2016	Updated Site Plan	JEH
	05/16/2016	Revisions	JEH

This rendering is the property of Anchor Sign, Inc. It is for the exclusive use of Anchor Sign, Inc. and the party which requested the rendering. It is an unpublished original drawing not to be distributed, reproduced or exhibited without the consent of Anchor Sign, Inc. Please contact your account manager with questions regarding this statement.





5200 Buffington Rd.
Atlanta Georgia,
30349-2998

Revisions:
Mark Date By

Seal



VICINITY MAP
NO SCALE

LEGEND

- NON FINISH
- SECTION LINE
- RIGHT OF WAY LINE
- EASEMENT LINE
- SUBJECT PROPERTY LINE
- SETBACK LINE
- LIGHT POLE
- UTILITY POLE
- ELECTRIC TRANSMISSION
- TELL. ELEC. CABLE, WATER, MANHOLE
- TELL. ELEC. CABLE, DAY MAINLINE
- CATCH-BASIN
- MANHOLE
- VALVE & BOX
- HYDRANT
- FENCE LINE
- STORM SEWER
- SANITARY SEWER
- WATERMAIN
- GAS MAIN
- UNDERGROUND ELECTRIC LINE

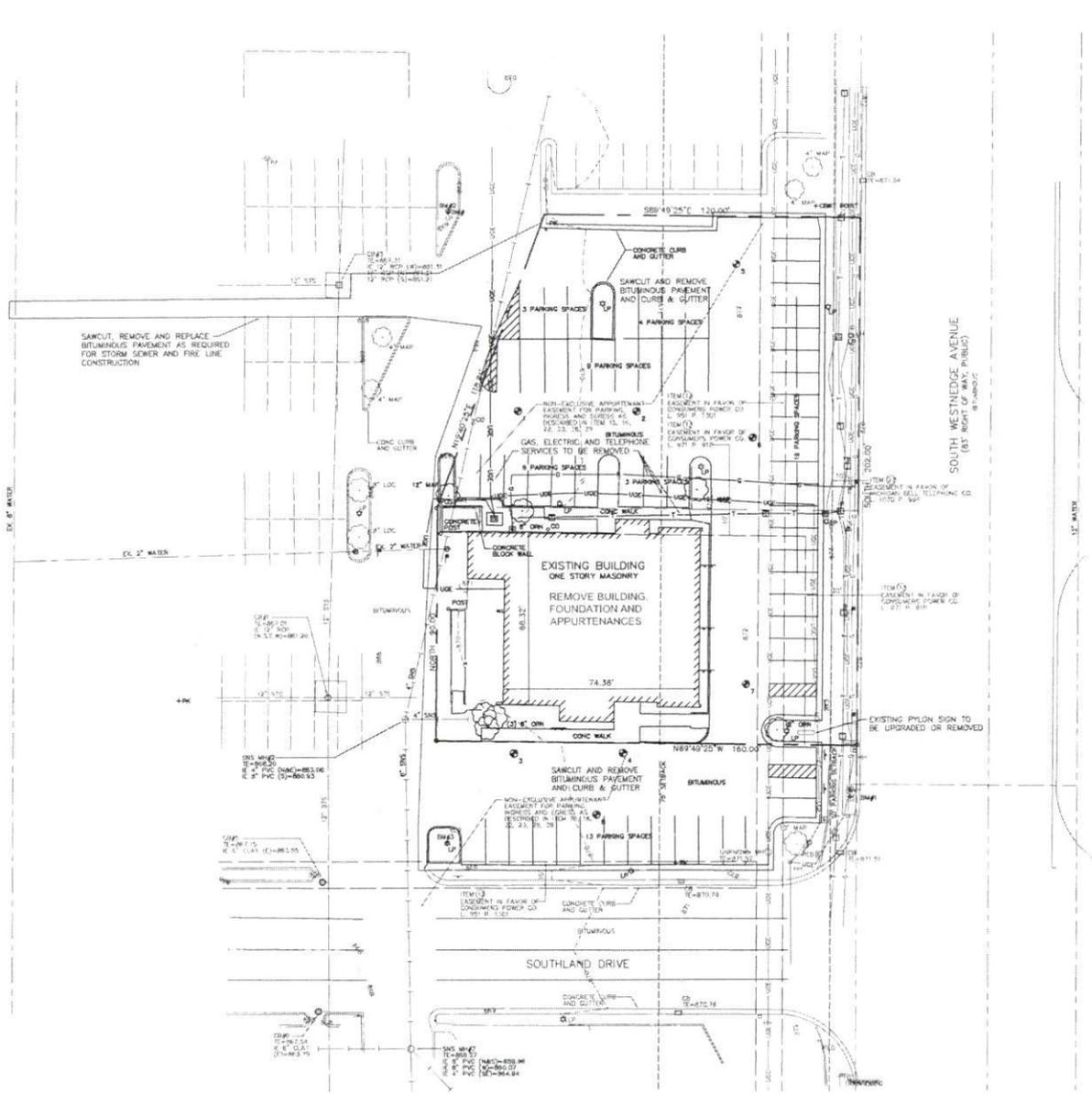
ITEMS SHOWN IN BOLD TO BE REMOVED.

ELEVATION DATUM
ELEVATION DATUM IS NAVD 88
BASIS OF BEARINGS
HORIZONTAL DATUM IS MICHIGAN STATE PLANE
COORDINATE SYSTEM, SOUTH ZONE NAD83 (2011).

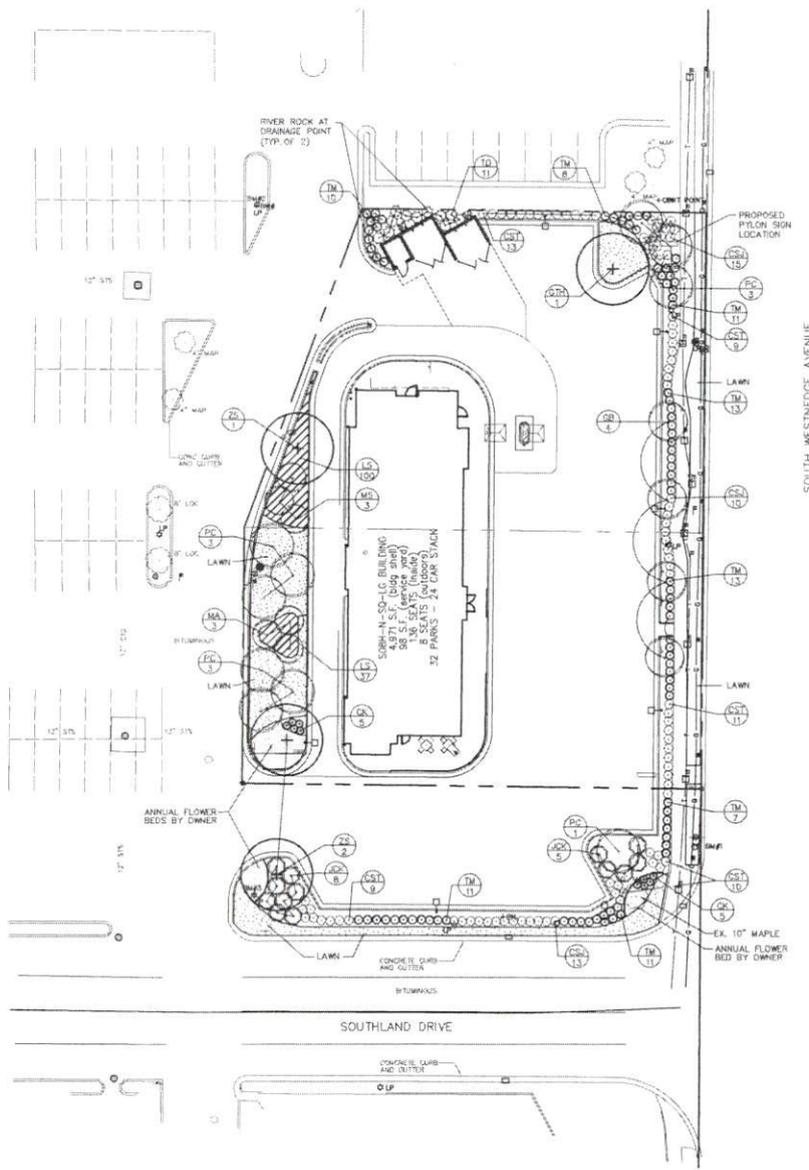
BENCHMARKS:

BM #1 TOP OF SW FLANGE BOLT ON HYDRANT (UNDER "M") AT SW QUADRANT OF S. WESTLEDGE DR AND SOUTHLAND DR	ELEV 874.08
BM #2 TOP OF S SIDE OF CONC LIGHT POLE BASE 110' N OF NW PROPERTY CORNER	ELEV 871.82
BM #3 TOP OF N SIDE OF CONC LIGHT POLE BASE 40' S OF SW PROPERTY CORNER, N SIDE OF SOUTHLAND DR.	ELEV 870.54

SURVEY:
DATE: 2/24/16
PAGE LOG BOOK NO.: 15-00
PAGES: 48, 49
DATUM: NAVD 88

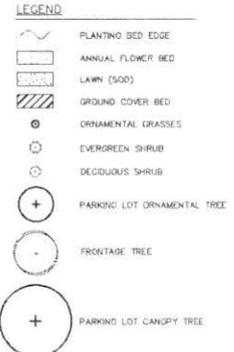


C-1.0



GENERAL LANDSCAPE NOTES

- SHRUB PLANTING BEDS AND TREE SAUCERS TO RECEIVE 2" SPREAD HARDWOOD MULCH. PERENNIAL BEDS TO RECEIVE 2" DEPTH MULCH AND GROUND COVER AREAS TO RECEIVE 1" DEPTH MULCH.
- ALL AREAS DISTURBED BY CONSTRUCTION TO BE TOPSOILED AND SEEDED UNLESS SHOWN OTHERWISE ON PLANS.
- CONTRACTOR TO CONTACT MISS DIG AT CALLER! AT LEAST 3 WORKING DAYS PRIOR TO CONSTRUCTION, TO CONFIRM LOCATION OF EXISTING UTILITIES.
- CONTRACTOR TO COORDINATE PLANTING SCHEDULE WITH IRRIGATION CONTRACTOR.
- SEEDING AND IRRIGATION LIMITS TO EXTEND TO ROAD EDGE.
- CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT IF AREAS OF POOR DRAINAGE OR OTHER UNUSUAL SUBGRADE CONDITIONS ARE ENCOUNTERED DURING EXCAVATION FOR PLANTING PITS.
- PLANTING MIXTURE FOR ANNUAL FLOWERS SHALL BE SIX INCH DEPTH OF FOUR PARTS BY VOLUME OF TOPSOIL TO ONE PART OF SPHAGNUM PEAT MOSS.



PLANT LIST

ABBREV.	BOTANICAL NAME	QUANTITY	COMMON NAME	COMMENTS
CK	CALAMAGROSTIS x ACUTIFOLIA 'KARL FOERSTER'		KARL FOERSTER FEATHER REED GRASS	62 POT, 30" O.C.
CS	CHAMOMILES SPECIOSA 'LET TRIAL'		LET TRIAL QUINCE	NO. 5, CONT. 30" HT. 3' O.C.
CS2	CHAMOMILES SPECIOSA 'TEXAS SCARLET'		TEXAS SCARLET QUINCE	NO. 5, CONT. 30" HT. 3' O.C.
GB	GONGILOBIUM 'PRINCETON SEVEN'		PRINCETON SEVEN GINGOO	2 1/2" CAL. B&B
GTH	GLEDITSIA TRIA RNER 'HALKA'		HALKA HONEYLOCUST	2 1/2" CAL. B&B
JCK	JUNIPERUS CHRY. 'HALLATYS COMPACT'		HALLATYS COMPACT JUNIPER	24" SPREAD, B&B
LS	URSISP SPICATA		LE TURP	NO. 1, CONT. 74" O.C.
MA	MALLUS 'ADMIRADACH'		ADMIRADACH CRABAPPLE	1 1/2" CAL. B&B
MS	MALLUS 'SARGENT'		SARGENT CRABAPPLE	1 1/2" CAL. B&B
PC	FRAXUS CALLEIANA 'CLEVELAND SELECT'		CLEVELAND SELECT PEAR	3 1/2" CAL. B&B
TW	TAXUS MEDIA 'DENSIFORMIS'		DENSE YEW	30" HT. B&B 3' O.C.
TOT	THUJA OCCIDENTALIS 'TECHNY'		MISSION ARBORVITAE	5" HT. B&B
ZL	ZELKOVA SEROTINA 'GREEN VASE'		GREEN VASE ZELKOVA	2 1/2" CAL. B&B

LAWN SOD
SOD SHALL BE 100 PERCENT BLUEGRASS SOD, CONSISTING OF AT LEAST 3 PREMIUM VARIETIES OF BLUEGRASS.

ZONING LANDSCAPE REQUIREMENTS

SOUTH WESTLEDGE AVENUE
ONE DECIDUOUS TREE FOR EVERY 30' OF PARKING LOT FRONTAGE (8 NEW TREES PLUS ONE EXIST. MAPLE)

MALL PARKING LOT
ONE DECIDUOUS TREE FOR EVERY 150' L.F. FRONTAGE EQUALS 6 TREES (9 TREES SHOWN)

PARKING LOT SCREENING - CONTINUOUS - 247 L.F. FRONTAGE EQUALS 9 SHRUBS 30" HT. HEDGE, SHRUBS 30" O.C. (74-30" HT. SHRUBS SHOWN)

PARKING ISLAND SQ. FT. REQUIRED - 1,780 SQ. FT. PRNG. / 15 SQ. FT. EQUALS 118 SQ. FT. FOR EVERY 15 SQ. FT. (8 TREES SHOWN)

NOTE: ALL LANDSCAPE AREAS TO BE FULLY IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM.



Revisions:

Mark Date By
 05.16.2016
 REVISION SITE PLAN REVIEW

Mark Date By
 05.20.2016
 ISSUED FOR PERMITS

Mark Date By



STORE #03870
 FSU SOB-N-Sq-Lg
 6202 South Westledge Avenue
 Portage, Michigan

SHEET TITLE
 LANDSCAPE PLAN

VERSION: V5
 ISSUE DATE: 8-2015

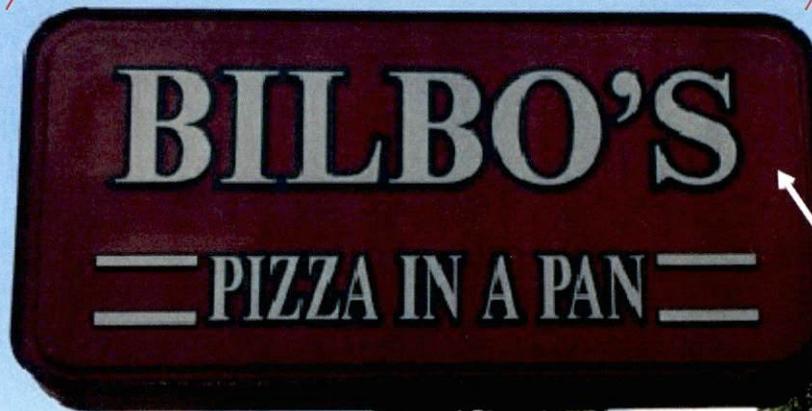
Job No. 77020004
 Store 3870
 Date 5.20.16
 Drawn By 945/DBH
 Checked By CCS

L1.0

EXISTING PYLON SIGN

10'

5'



50 sf

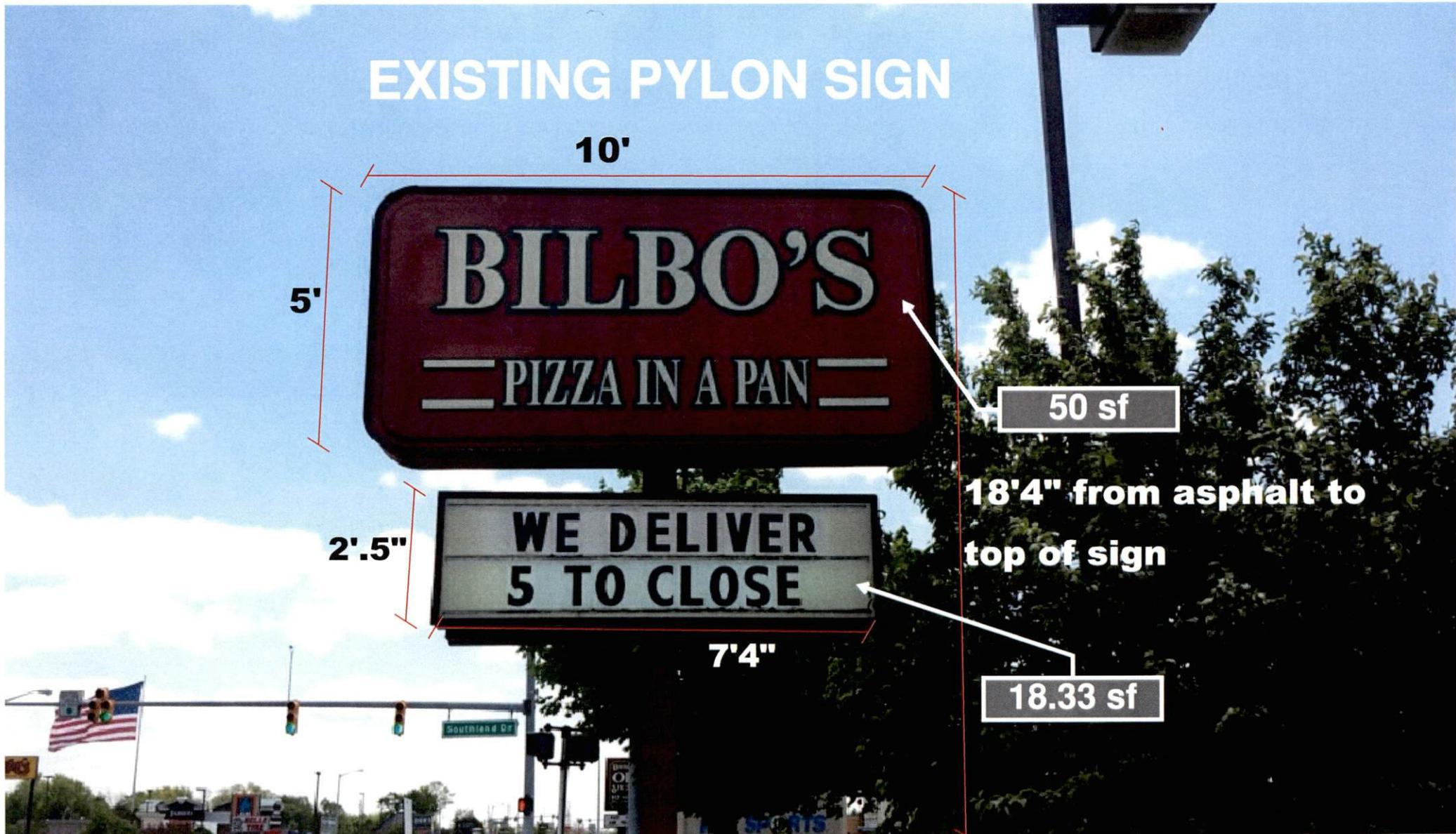
2'.5"

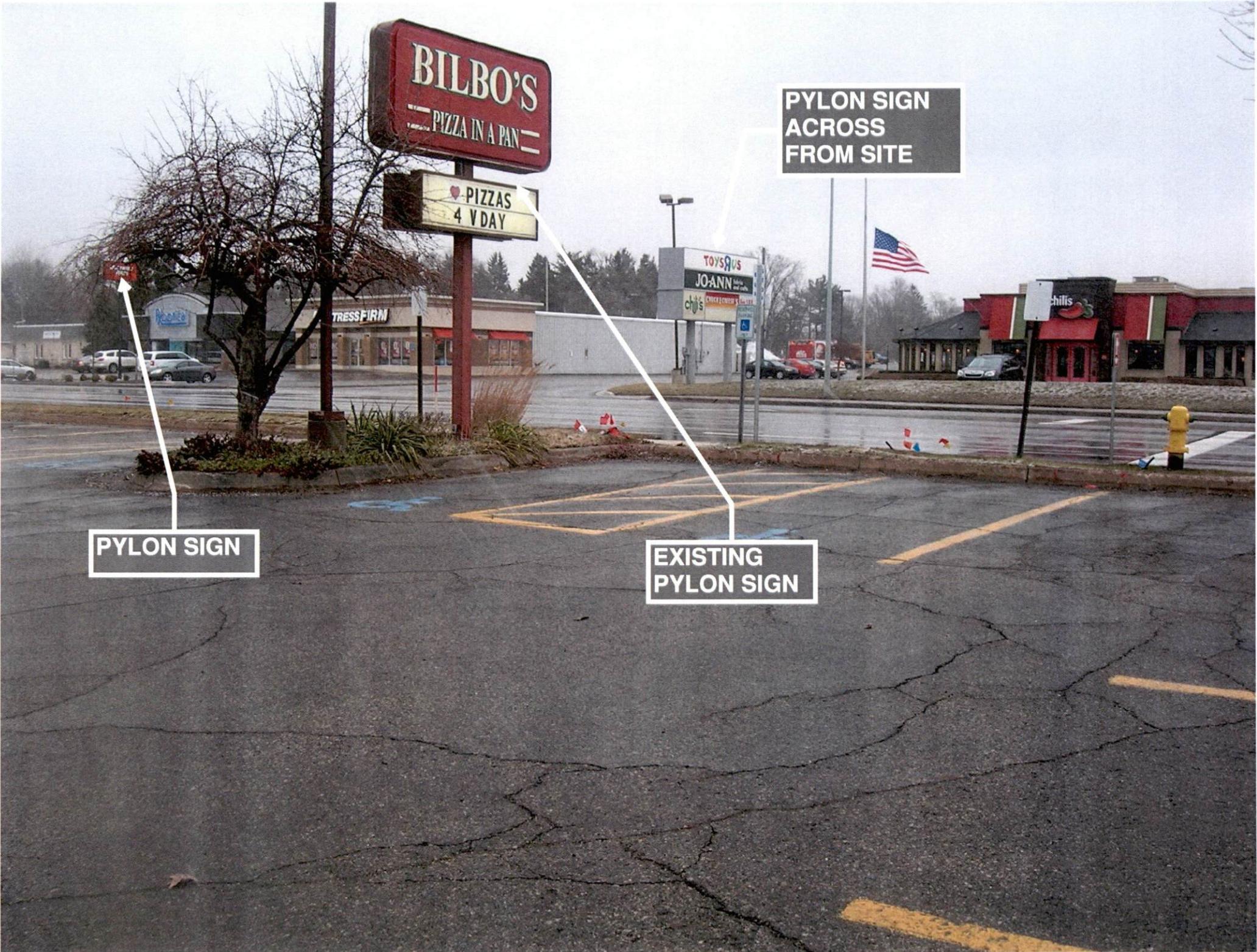


18'4" from asphalt to top of sign

7'4"

18.33 sf





PYLON SIGN

EXISTING
PYLON SIGN

PYLON SIGN
ACROSS
FROM
SITE

EXISTING PYLON SIGNS

EXISTING SITE
PYLON SIGN

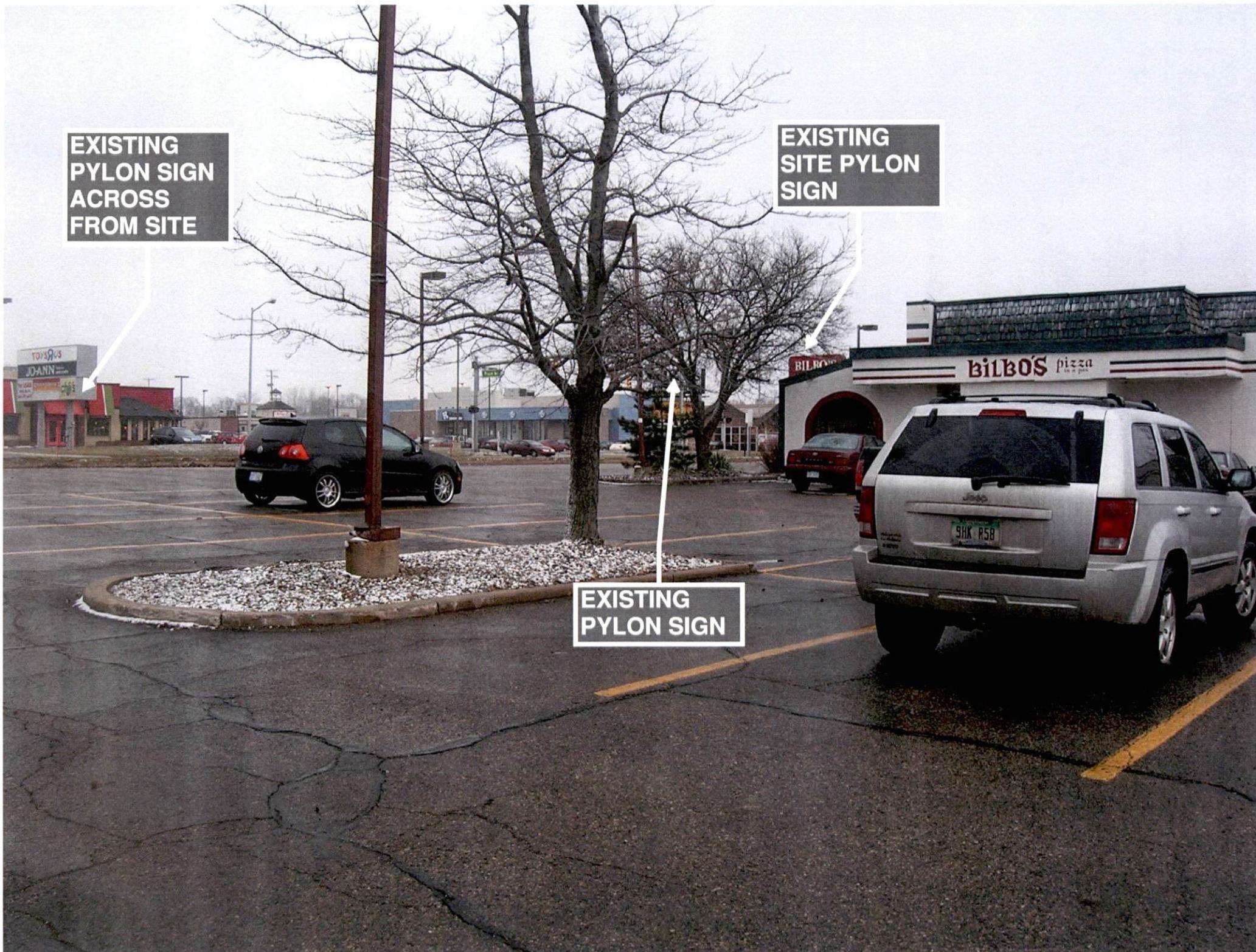
WESTNEDGE—SOUTHBOUND



EXISTING
PYLON SIGN
ACROSS
FROM SITE

EXISTING
SITE PYLON
SIGN

EXISTING
PYLON SIGN



EXISTING PYLON SIGNS



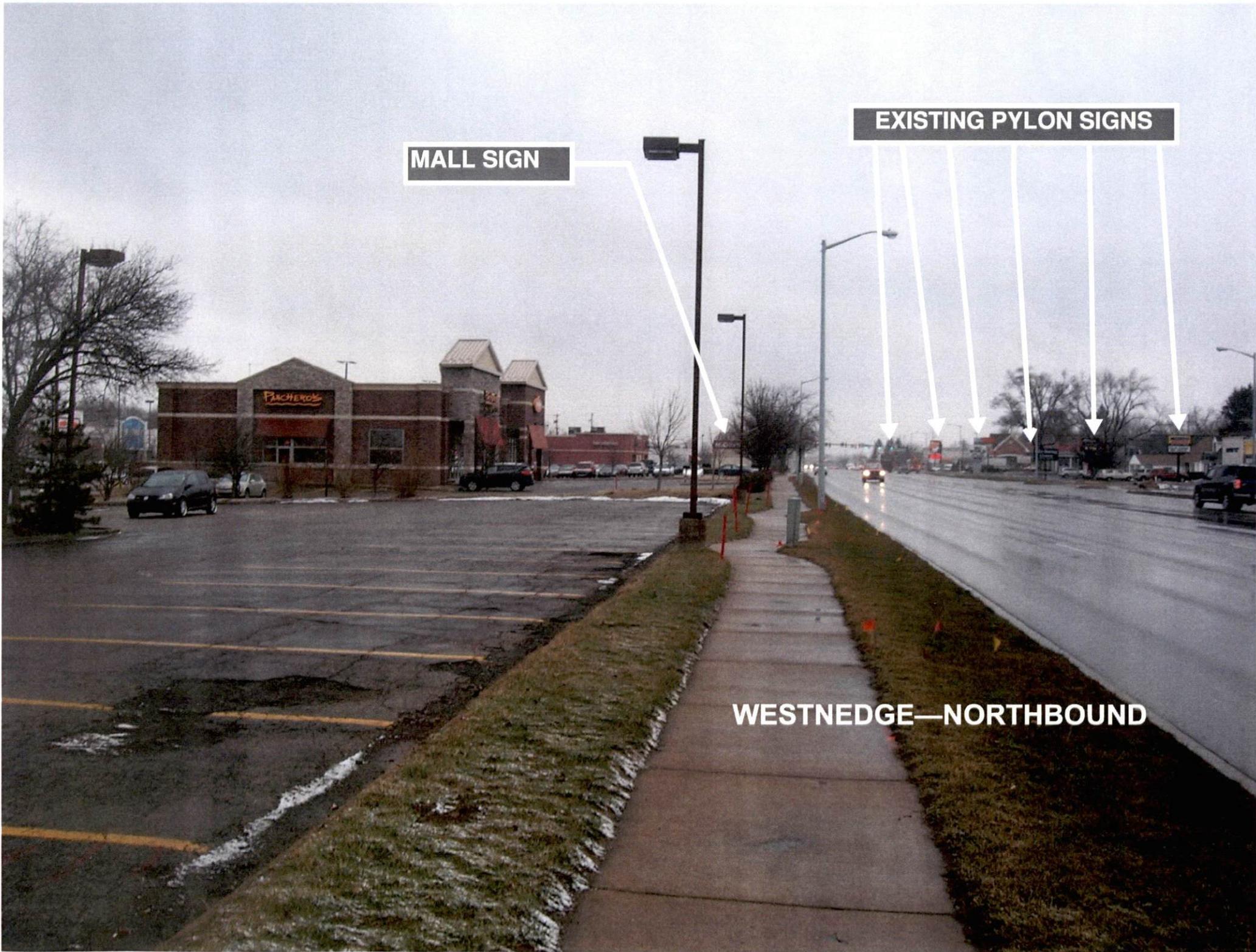
SHARED MALL SIGN

WESTNEDGE—SOUTHBOUND

MALL SIGN

EXISTING PYLON SIGNS

WESTNEDGE—NORTHBOUND





RECEIVED

JUN 03 2016

COMMUNITY DEVELOPMENT

SOUTHLAND ACQUISITIONS, LLC

May 31, 2016

Vicki Georgeau, Director
Department of Community Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

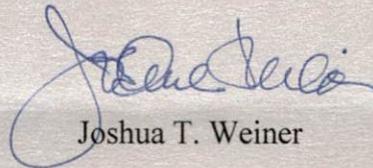
Re: Chick-Fil-A, South Westnedge Avenue

Dear Vicki:

We have been put on notice by the Department of Community Development that Chick-Fil-A is requesting a variance to retain a 50 square-foot freestanding sign with an 18 square-foot changeable copy board or a 55 square-foot freestanding sign with a 22 square-foot changeable copy board and that Chick-Fil-A's request is being reviewed by the Zoning Board of Appeals on Monday, June 13, 2016. In response to said notice, we believe Chick-Fil-A will be a welcome addition to the community and hereby offer our support and approval of Chick-Fil-A's variance request.

Very truly yours,

SOUTHLAND ACQUISITIONS, LLC



Joshua T. Weiner



RECEIVED

JUN 03 2016

COMMUNITY DEVELOPMENT

W3 L.L.C.

May 31, 2016

Vicki Georgeau, Director
Department of Community Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Re: Chick-Fil-A, South Westnedge Avenue

Dear Vicki:

We have been put on notice by the Department of Community Development that Chick-Fil-A is requesting a variance to retain a 50 square-foot freestanding sign with an 18 square-foot changeable copy board or a 55 square-foot freestanding sign with a 22 square-foot changeable copy board and that Chick-Fil-A's request is being reviewed by the Zoning Board of Appeals on Monday, June 13, 2016. In response to said notice, we believe Chick-Fil-A will be a welcome addition to the community and hereby offer our support and approval of Chick-Fil-A's variance request.

Very truly yours,

W3 L.L.C.

A handwritten signature in blue ink, appearing to read 'Joshua T. Weiner', with a large, looping flourish at the end.

Joshua T. Weiner



VILLA VIEW, LLC

May 31, 2016

RECEIVED

JUN 03 2016

COMMUNITY DEVELOPMENT

Vicki Georgeau, Director
Department of Community Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

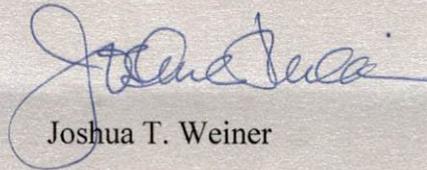
Re: Chick-Fil-A, South Westnedge Avenue

Dear Vicki:

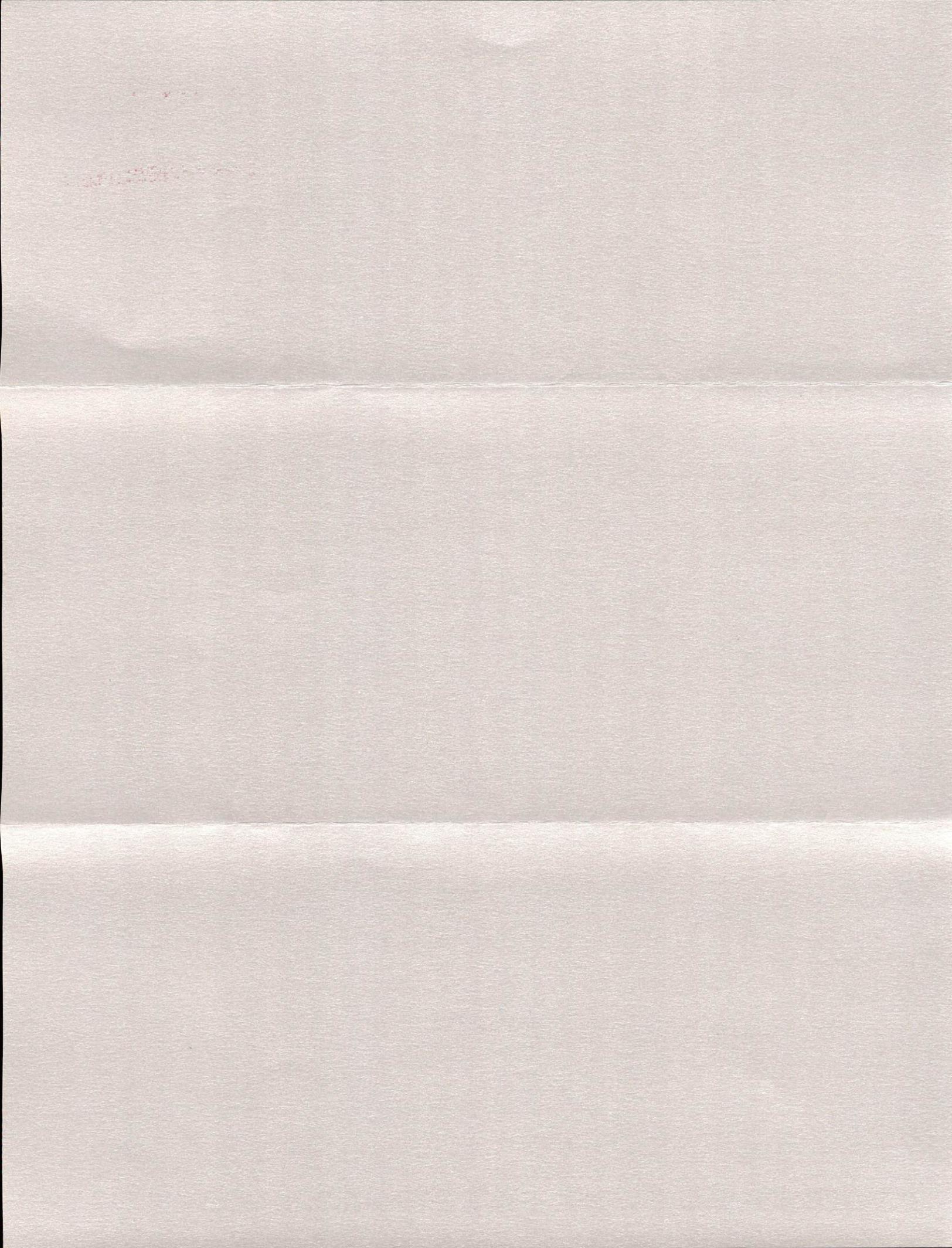
We have been put on notice by the Department of Community Development that Chick-Fil-A is requesting a variance to retain a 50 square-foot freestanding sign with an 18 square-foot changeable copy board or a 55 square-foot freestanding sign with a 22 square-foot changeable copy board and that Chick-Fil-A's request is being reviewed by the Zoning Board of Appeals on Monday, June 13, 2016. In response to said notice, we believe Chick-Fil-A will be a welcome addition to the community and hereby offer our support and approval of Chick-Fil-A's variance request.

Very truly yours,

VILLA VIEW, LLC



Joshua T. Weiner





SOUTHLAND MALL ANNEX, LLC

RECEIVED
JUN 03 2016
COMMUNITY DEVELOPMENT

May 31, 2016

Vicki Georgeau, Director
Department of Community Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

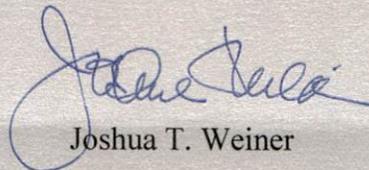
Re: Chick-Fil-A, South Westnedge Avenue

Dear Vicki:

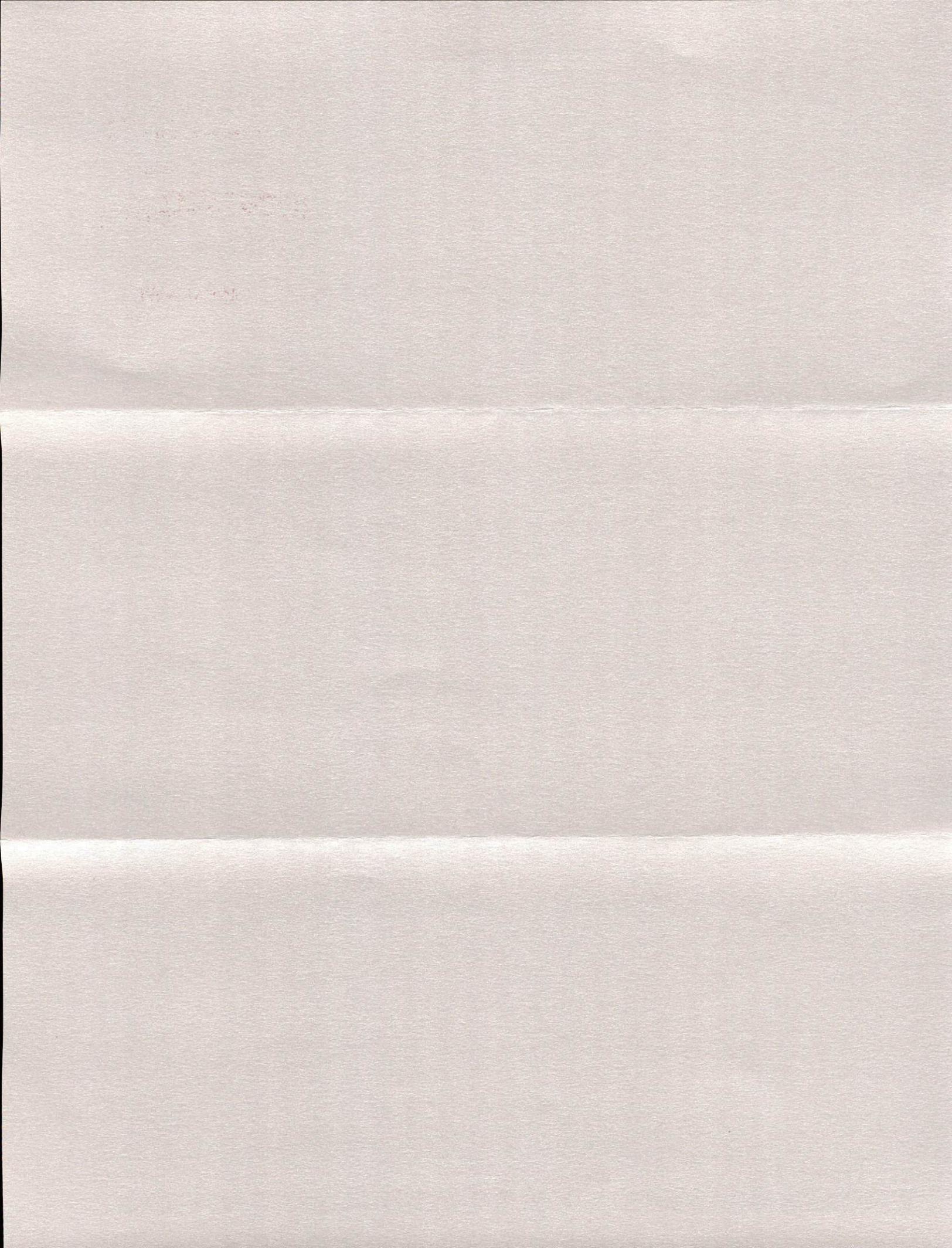
We have been put on notice by the Department of Community Development that Chick-Fil-A is requesting a variance to retain a 50 square-foot freestanding sign with an 18 square-foot changeable copy board or a 55 square-foot freestanding sign with a 22 square-foot changeable copy board and that Chick-Fil-A's request is being reviewed by the Zoning Board of Appeals on Monday, June 13, 2016. In response to said notice, we believe Chick-Fil-A will be a welcome addition to the community and hereby offer our support and approval of Chick-Fil-A's variance request.

Very truly yours,

SOUTHLAND MALL ANNEX, LLC



Joshua T. Weiner





W&T ACQUISITIONS, LLC

May 31, 2016

RECEIVED

JUN 03 2016

COMMUNITY DEVELOPMENT

Vicki Georgeau, Director
Department of Community Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

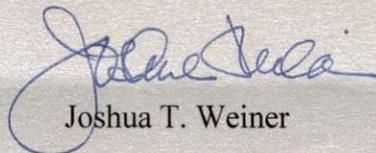
Re: Chick-Fil-A, South Westnedge Avenue

Dear Vicki:

We have been put on notice by the Department of Community Development that Chick-Fil-A is requesting a variance to retain a 50 square-foot freestanding sign with an 18 square-foot changeable copy board or a 55 square-foot freestanding sign with a 22 square-foot changeable copy board and that Chick-Fil-A's request is being reviewed by the Zoning Board of Appeals on Monday, June 13, 2016. In response to said notice, we believe Chick-Fil-A will be a welcome addition to the community and hereby offer our support and approval of Chick-Fil-A's variance request.

Very truly yours,

W&T ACQUISITIONS, LLC



Joshua T. Weiner



RECEIVED

JUN 03 2016

COMMUNITY DEVELOPMENT

J&T FIVE BELOW, LLC

May 31, 2016

Vicki Georgeau, Director
Department of Community Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Re: Chick-Fil-A, South Westnedge Avenue

Dear Vicki:

We have been put on notice by the Department of Community Development that Chick-Fil-A is requesting a variance to retain a 50 square-foot freestanding sign with an 18 square-foot changeable copy board or a 55 square-foot freestanding sign with a 22 square-foot changeable copy board and that Chick-Fil-A's request is being reviewed by the Zoning Board of Appeals on Monday, June 13, 2016. In response to said notice, we believe Chick-Fil-A will be a welcome addition to the community and hereby offer our support and approval of Chick-Fil-A's variance request.

Very truly yours,

J&T FIVE BELOW, LLC

Joshua T. Weiner



SOUTHLAND MALL, LLC

May 31, 2016

RECEIVED

JUN 03 2016

COMMUNITY DEVELOPMENT

Vicki Georgeau, Director
Department of Community Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Re: Chick-Fil-A, South Westnedge Avenue

Dear Vicki:

We have been put on notice by the Department of Community Development that Chick-Fil-A is requesting a variance to retain a 50 square-foot freestanding sign with an 18 square-foot changeable copy board or a 55 square-foot freestanding sign with a 22 square-foot changeable copy board and that Chick-Fil-A's request is being reviewed by the Zoning Board of Appeals on Monday, June 13, 2016. In response to said notice, we believe Chick-Fil-A will be a welcome addition to the community and hereby offer our support and approval of Chick-Fil-A's variance request.

Very truly yours,

SOUTHLAND MALL, LLC

A handwritten signature in blue ink, appearing to read 'Joshua T. Weiner', is written over the typed name.

Joshua T. Weiner

TO: Zoning Board of Appeals **DATE:** June 3, 2016
FROM: Vicki Georgeau,  Director of Community Development
SUBJECT: ZBA #15-27, Chick-Fil-A, 6018, 6026, 6060, 6110, 6150, 6190, 6202, 6278, 6284, 6294 South Westnedge Avenue & 200, 240 Mall Drive, B-2, Community Business

CODE SECTION: 42-552(A)(1), B-2 Signs, p. CD42:133
42-544(A)(5), Nonconforming Signs, p. CD42:129

APPEAL: Requesting variances to retain a nonconforming 50 square-foot freestanding sign with an 18 square-foot changeable copy board after a substantial improvement has occurred, that: a) is not permitted, and b) does not meet the minimum 300-foot sign separation requirement; or c) erect a new 55 square-foot freestanding sign with a 22 square-foot changeable copy board where no freestanding sign is permitted.

STAFF RECOMMENDATION: The applicant is requesting the above referenced variances per the enclosed application, site sketch, sign sketch and related materials. The property at 6202 South Westnedge Avenue currently is improved with a 5,178 square-foot commercial building (Bilbo's Pizza), off-street parking lot and related improvements. The property is zoned B-2, Community Business and is surrounded by other commercial properties.

The applicant proposes to purchase 6202 South Westnedge Avenue and redevelop the property with a 4,971 square-foot Chick-Fil-A restaurant and associated site improvements. The subject property is being acquired by the owner of Southland Mall and will be assimilated into the Southland Mall zoning lot whereby access, parking and storm water collection will be shared (Chick-Fil-A will also be leasing 6190 South Westnedge Avenue and a small portion of 6060 South Westnedge Avenue located immediately north of Southland Drive). For Board information, the Planning Commission approved the Chick-Fil-A site plan on May 19th, formally incorporating the redevelopment site into the overall Southland Mall zoning lot. Following Planning Commission approval of the site plan, the remaining businesses that are not part of the Southland Mall zoning lot, which extends from West Milham Avenue to Mall Drive, include Fannie Mae, Uncle Ed's Oil shop, Pizza Hut, Hodgson Light and Log, and Taco Bell.

Since 6202 South Westnedge will become part of the Southland Mall zoning lot, freestanding sign requirements per zoning lot are applied. The existing freestanding sign currently identifying Bilbo's Pizza would become nonconforming, as the additional sign on the Southland Mall zoning lot would exceed the number of permitted freestanding signs. Also, the existing Bilbo's Pizza sign does not meet the minimum 300-foot separation distance required between signs on the same zoning lot (currently located approximately 118 feet north of the central Southland Mall freestanding sign).

With regard to the existing freestanding sign located on 6202 South Westnedge Avenue, Section 42-544(A)(5) states that a nonconforming sign may not "be continued after any substantial improvement has taken place involving the main

building. For the purposes of this subsection, substantial improvement shall mean any repair, reconstruction or improvement of a building, the cost of which exceeds 25 percent of the market value of the building". In this instance the existing building is being demolished and replaced with a new building, and a variance to retain the existing sign or install a new one is required.

As background, the Board first approved a comprehensive sign variance package for the Southland Mall in 1993 (ZBA #93-26), permitting the three existing Southland Mall freestanding signs located near each mall entrance along South Westnedge. In 1997, the Board approved a variance (ZBA #96-31) for the existing freestanding sign on West Milham Avenue, and in 2006 the Board approved a variance (ZBA #06-07) allowing expansion of the mall's central South Westnedge Avenue entrance sign. In granting each request, the Board has consistently cited reduction and consolidation of freestanding signage as reasons for granting variances.

There is again an opportunity to consolidate signage along South Westnedge Avenue and thereby reduce visual sign clutter. The applicant has conforming alternatives available and could add a Chick-Fil-A sign panel by modifying the mall's central freestanding sign. There is unused area on the 52-inch high panel identifying MC Sports to move the 20-inch high letters up and add a similar sized Chick-Fil-A panel below it within the existing space. Also, there is unused space on the north Southland Mall sign (Kohl's is the only tenant panel) that can be utilized. Tenants towards the north end of Southland Mall, such as ABC Warehouse or TJ Max, that have a sign panel on the central Southland Mall freestanding sign could also be relocated to north Southland Mall sign making space available for Chick-Fil-A.

Alternately, the applicant could choose to do without a freestanding sign as six other businesses on the Southland Mall zoning lot in close proximity to South Westnedge Avenue have done, including two fast casual restaurants (Panchero's and Noodles & Company). In these situations, wall signage is used to identify the businesses and has been placed on all four walls to attract north and southbound South Westnedge traffic as well as interior Southland Mall traffic.

Finally, the use of banner signs also allows for business identification. Based on the number of street frontages and acreage, the Southland Mall zoning may have up to 17 banners, and each banner may be up to 20 square feet in area. With regard to the Chick-Fil-A site, banner signs could be attached to any of the three light poles proposed to be installed along the east edge of the parking lot adjacent to South Westnedge Avenue.

Because conforming alternatives are available, the variances to either retain the existing freestanding sign, or erect a new freestanding sign are not recommended.

**PRACTICAL
DIFFICULTY:**

None noted by staff. See suggested motion form

T:\COMMDEV\2015-2016 Department Files\Board Files\Zoning Board\15-13; 9110 Portage\2016 03 04 VG ZBA 15-13 Portage, 9110 (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:

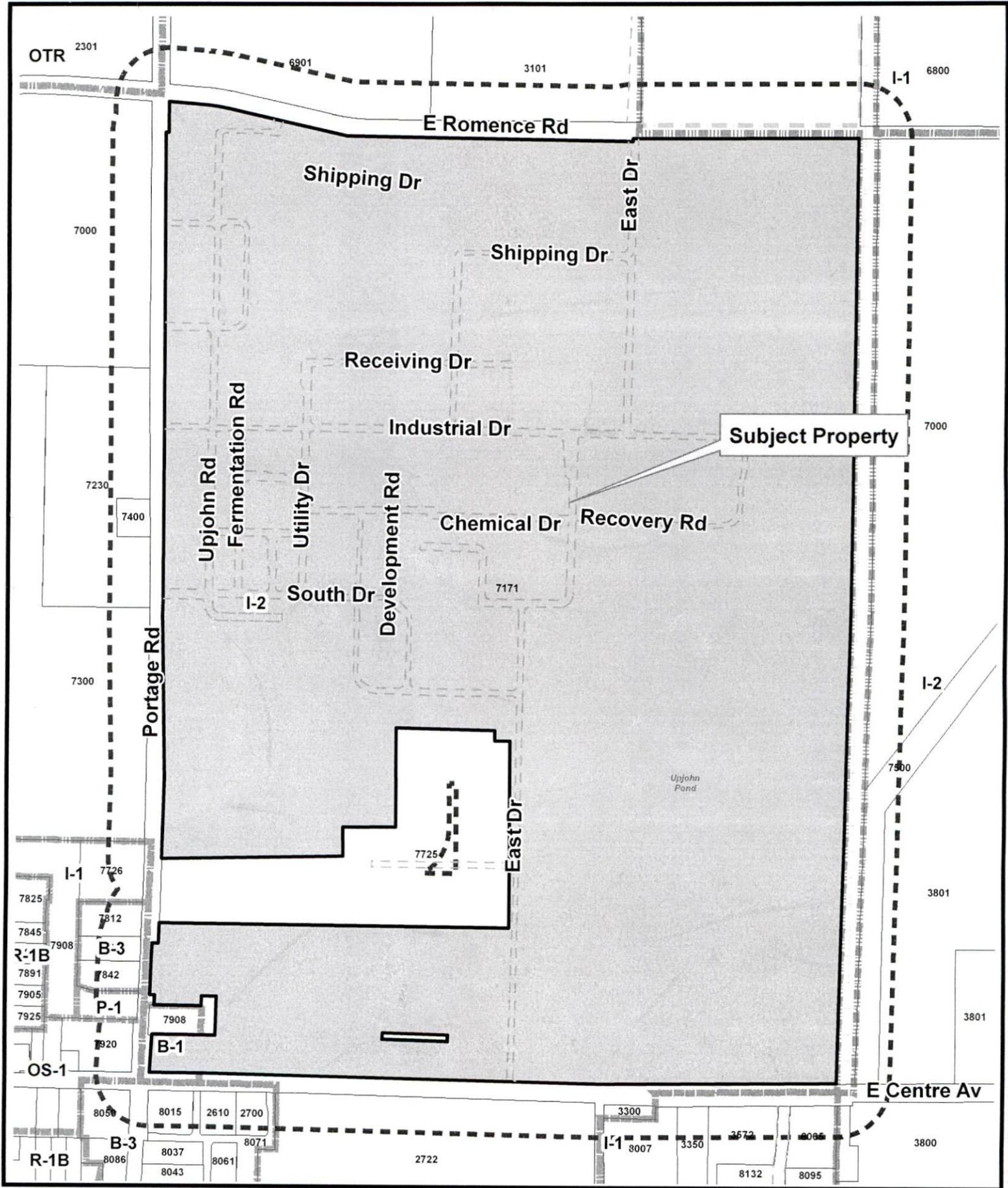
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right 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.**

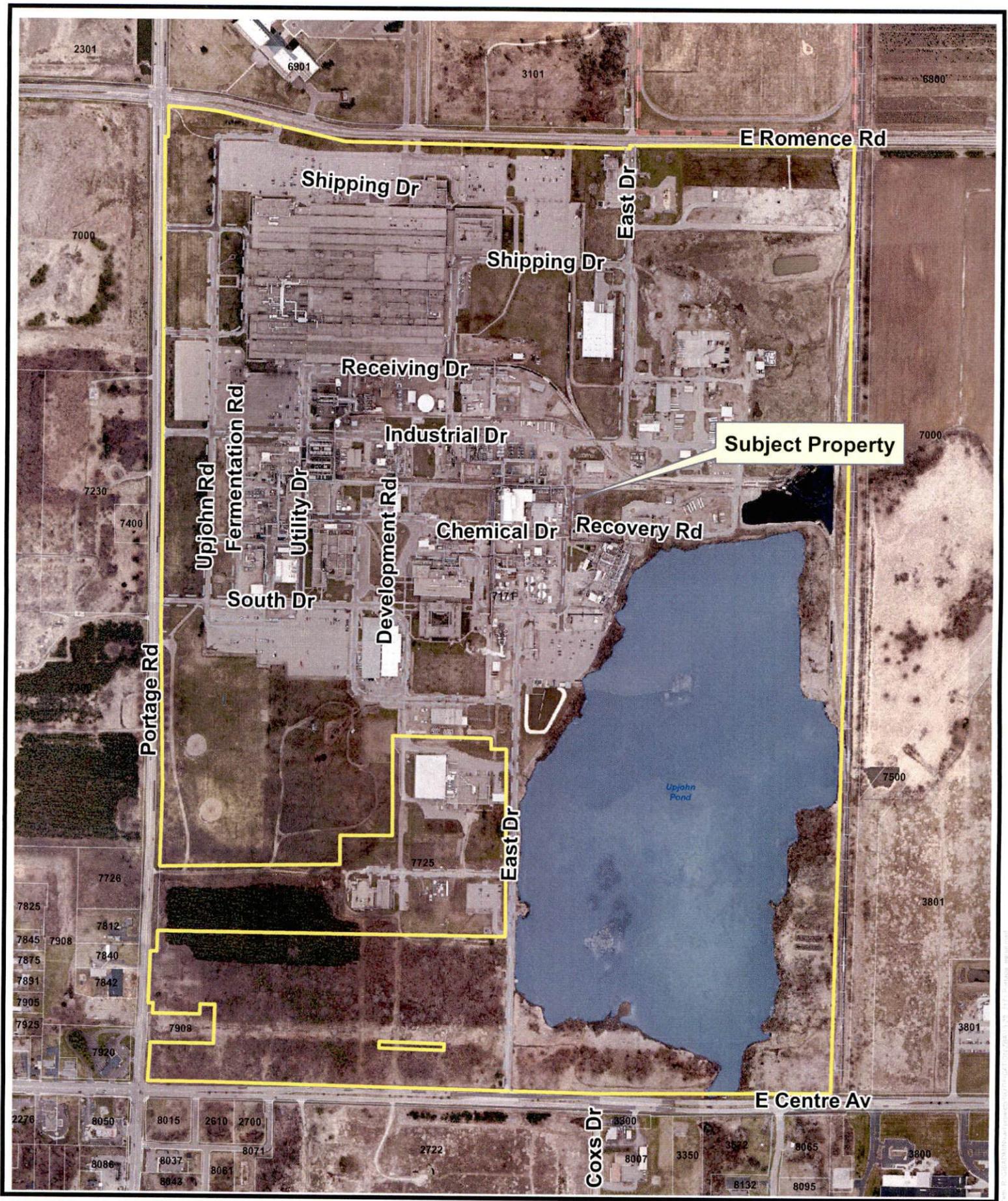


Legend	
	Subject Property
	Zoning Boundary
	Notification Area

ZBA 15-28
7171 Portage Road



1 inch = 700 feet



Legend
Subject Property

ZBA 15-28 7171 Portage Road



1 inch = 700 feet

RECEIVED

MAY 20 2016

COMMUNITY DEVELOPMENT



Department of Community Development

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

Application Date 5-23-2016
Name of Applicant Pfizer Inc
Applicant's Address 7171 Portage Rd
Name of Property Owner (if different from Applicant)
Address
Phone No.

Signature
Phone No. (269) 720-2009

Address of the Property that is the subject of this Application:
Street Address
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:
Application Fee (Residential User) All Other (nos)

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

X Variance from Zoning Ordinance: Article 42 Section 350 Paragraph Schedule A
Regarding: Use Area Yards
Setbacks Parking Other Height

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:

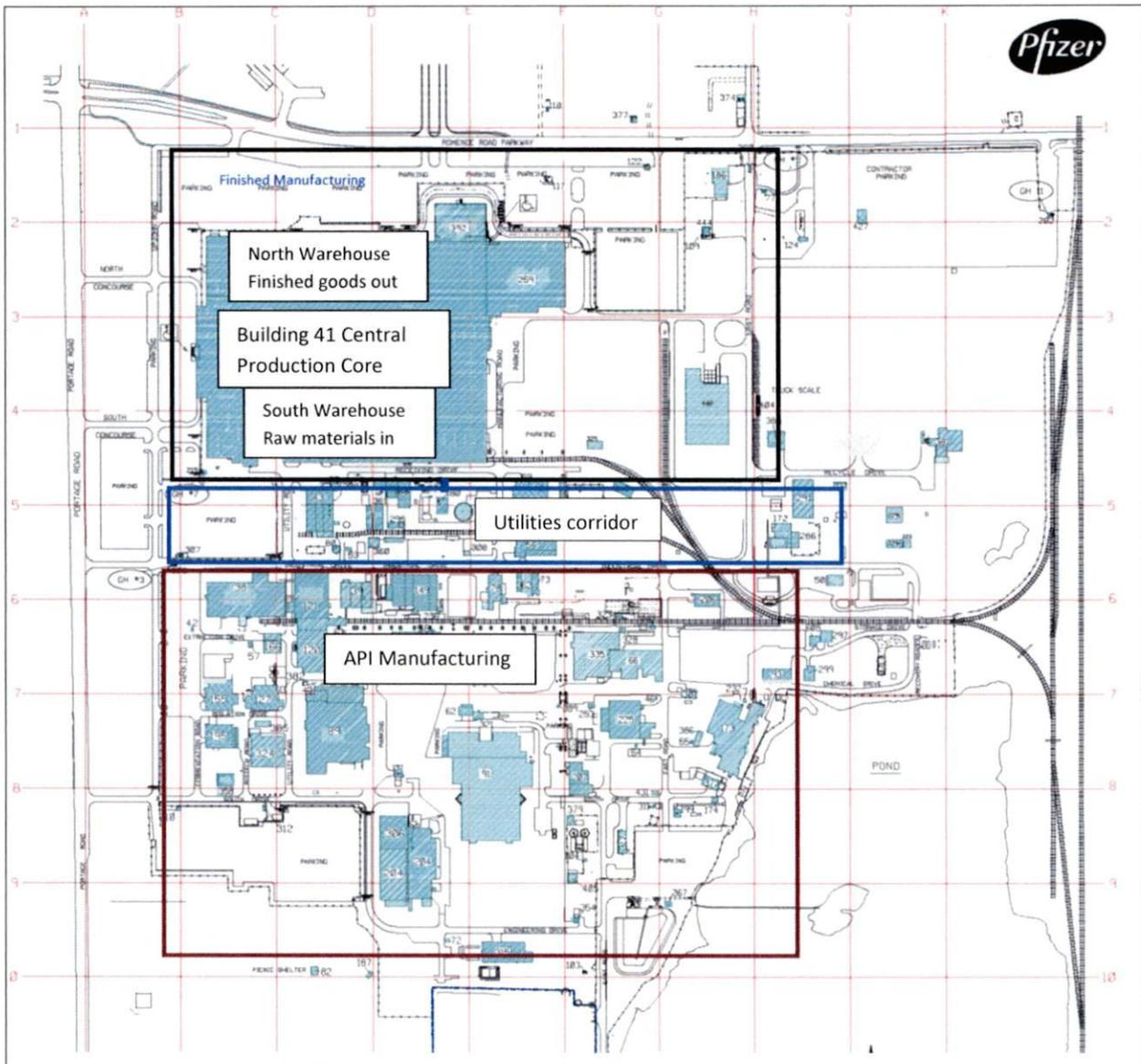
A Temporary Permit for: Building Use Other Approval
Article Section Paragraph
Reason for Request:

FOR STAFF USE

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

Introduction

The pharmaceutical manufacturing complex located at 7171 Portage Road, was originally constructed by the Upjohn Company starting in the late 1930's and is a unique facility which produces both active pharmaceutical ingredients (API - raw bulk drug) and finished dosage forms to be delivered to the market. The complex is divided north to south with the multiple buildings in the southern portion involved with API production and the main finished goods manufacturing building (Building 41) to the north. Building 41 is also supported by quality control laboratory facilities (Buildings 259 and 392 built prior to the mid 1990's). Through the center of the site is the Utilities corridor (steam, water, power, etc.) that services both API and finished goods (Building 41) manufacturing (see diagram below).



Pfizer acquired this site in 2003 and trimmed the operations from what used to be a corporate headquarters to a primary focus on manufacturing. Both the API and Finished Goods manufacturing areas have distinct regulatory requirements and the operations must be segregated, particularly with respect to the finished goods manufacturing facility. As Pfizer has evolved the site, our finished goods manufacturing has grown in its sterile

injectable solutions, suspensions, and freeze dry products in Building 41. Pfizer is continuing to upgrade and expand its manufacturing capabilities to meet current regulatory requirements and market demand for products produced in Portage. The existing finished goods manufacturing facility, Building 41, has an attached incoming raw materials warehouse on the south side of the building and an attached finished product and "work in progress" (WIP) warehouse on the north side of the building; with each area having set standards for cleanliness. New projects adding to the sterile manufacturing operations will require a significant footprint. This will involve internal expansion of finished goods manufacturing that will occupy much of the existing north warehouse; therefore, to meet long term volume growth, Pfizer needs to add internal controlled room (clean) warehousing. As a result, Pfizer has engaged a consultant (Miebach) to assist in designing logistics and warehouse operations for the future. The studies involve maximizing storage to floor space, logistics flow, etc. Based on these studies the optimal location to accommodate finished goods shipping warehouse needs is immediately north of the existing, attached finished goods shipping warehouse to accommodate room for 9,600+ pallet storage spaces. In addition to the pallet racking space, the warehouse needs to contain new truck docks, refrigerated space, and an office area.

Specifically, Pfizer is requesting a variance from Zoning Section 42-350, Schedule of Regulations A, maximum height of 60' for I-2 Heavy Industrial. Pfizer is requesting a variance to build to 65' at this location.

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.

There are several reasons for the variance request:

- *The unique nature and size of the facility, floor plan, logistics flow, and wide variability in operations (bulk pharmaceutical production, finished product manufacturing, laboratory operations, and support) create practical difficulties in expanding the facility for the future use without this exception.*
- *The current ~98,000 s.f. building with the 50' set back is the largest that can be constructed while keeping our current shipping docks in operation and keeping acceptable distances from Building 392, the laboratory building to the east of the proposed building.*
- *The original plan was to include 9600 pallet spaces (5 high pallet racks) for existing and near future (2020) production materials. Part of the master plan for the Pfizer facility is to build a second phase to this building to the west to accommodate production volumes beyond 2020. During the early design of this facility it was determined that we could accommodate additional volume in this footprint by adding two additional pallet racks vertically (7 racks high) and potentially complete this within the 60 foot high building. However due to the storage density we will be required to have in rack sprinkler systems which require additional rack heights and ESFR sprinklers which have a minimum height above the racking. Secondly, the first design discussions included 7500 s.f. of refrigerated space (fewer pallets per square foot non-refrigerated space), and due to space demand inside Building 41 this area has now expanded to 15,000 s.f. which additionally reduces the pallets per square foot. The addition of sprinklers and the fact that the starting height of the new building is 4' from the ground to match the height of Building 41 (so fork trucks and materials can pass back and forth without ramps) drove the height to 65'. Additional requirements for open space for material staging between the warehouse and production, and a space for turret truck repair had to be accommodated further reducing available space for racking. Given these restrictions on the usable floor space for narrow aisle racking, the net result is still approximately 2000 additional pallet spaces than our original plan providing for future volume and production capacity.*

Other locations were considered for the warehouse location, including the open area to the east of Building 41 but were deemed impractical for effective and compliant material flow, product flow through other classified areas, and long travel distances for "in process" products.

2. Are the physical characteristics you explained above unique and not shared by neighboring properties?

The Pfizer property is unique in that it is a vast manufacturing campus/facility and most of the immediately surrounding property is also owned by Pfizer with the exception of the office facility to the northwest. The Pfizer property is separated by a 100 foot wide Romence Road right of way to the property line of property 6901 Portage Road. The building at 6901 Portage Road to the northwest has an approximate setback of 200 feet to their property line. Additionally the location of the proposed building will face a vacant land area and the closest point of the proposed building to 6901 Portage Road to the north is approximately 400 feet.

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance?

The loss of the variance will not allow Pfizer to optimize the warehouse capacity for the allowable footprint, and will require an additional expansion sooner than would be necessary if the additional height were permitted potentially limiting production volumes.

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 the other property owners in the area?

The variance is the minimum necessary to allow Pfizer to maximize the pallet spaces in the allowable footprint for the warehouse expansion. Although the building could be built within the 60 limit it would limit the capacity and based on the facility location Pfizer does not believe that the 5' variance would cause harm to the business to the north.

5. Explain how the variance would not result in adverse effects on adjacent properties or alter the character of the area.

Pfizer owns the property surrounding the new facility on the east and west sides. Romence Road would border on the new facility on the north. The current Pfizer Building 41 facility height is 65'8" at the Northwest corner of the building (drawing attached). The office facility north and west of Romence Road is significantly set back from Romence Road. Pfizer also owns some of the property on the north side of Romence Road to the northeast of the proposed facility. Pfizer operates a manufacturing facility which occupies/owns a large portion of the property bordered by Romence Road Parkway, Sprinkle Road, Portage Road and Centre Avenue. The exterior appearance of this new warehouse will be similar in appearance to the existing Building 41 with a brick fascia on the north and east sides (future expansion An addition to the building fascia, Pfizer will mitigate potential negative impacts by providing landscaping according to the previous variance application as shown on the site plan submitted for Pfizer by Hurley Stewart for the building.

- 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.**

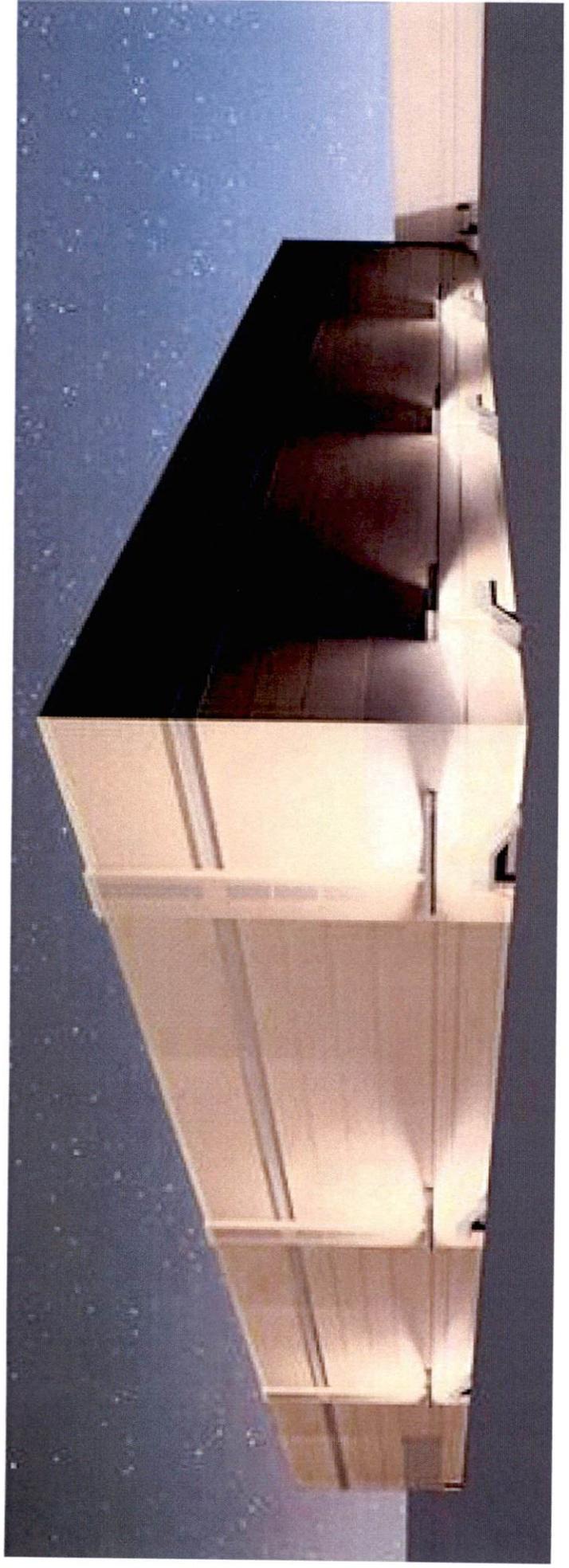
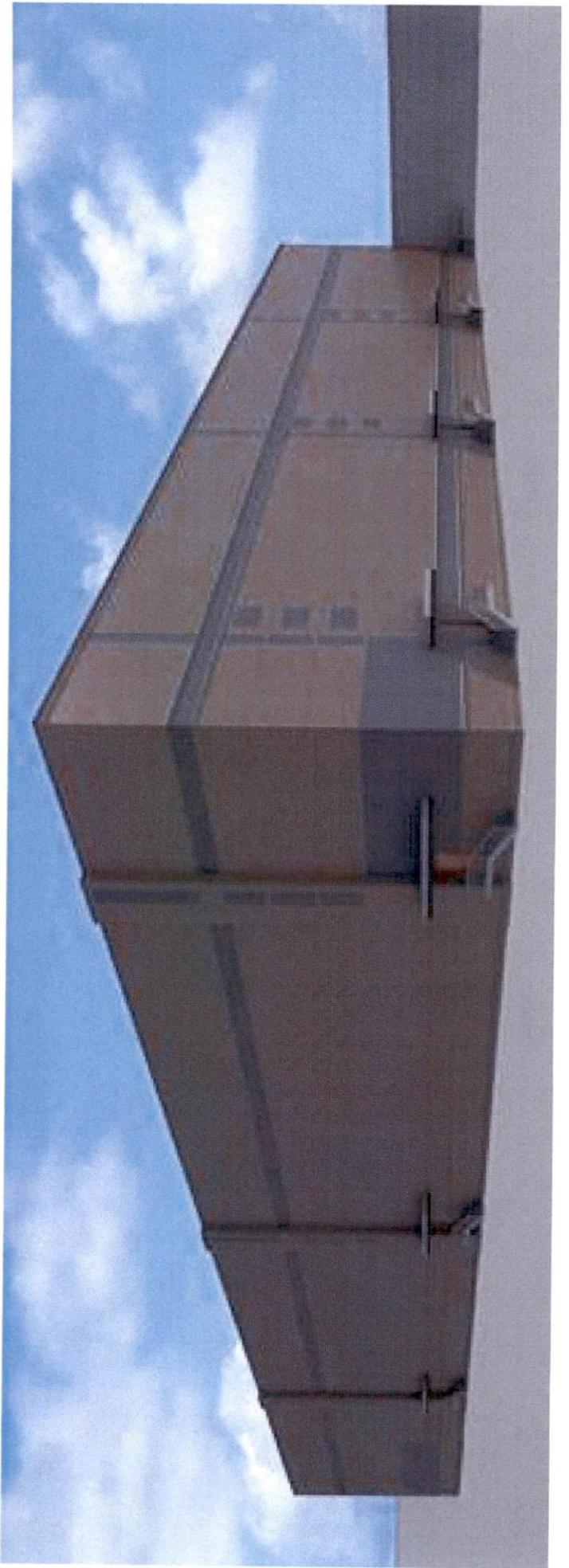
On an average day there are 4 to 5 trucks using the existing north dock to ship finished products from the Pfizer facility. The number of trucks entering and leaving with the new facility would be an average of 8 to 10. The additional truck traffic is not associated with this new warehouse; the additional trucks are associated with increased production volume. Traffic congestion on Romence Road Parkway should be relieved as the proposed plan would create space for 4 to 5 truck to wait entirely off the road on Pfizer property, where today there are frequently trucks waiting on Romence Road to enter the facility at Pfizer Guardhouse #1. The additional 5' of requested height will allow more storage but at this time will not increase any traffic above and beyond that expected as noted above.

- 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?**

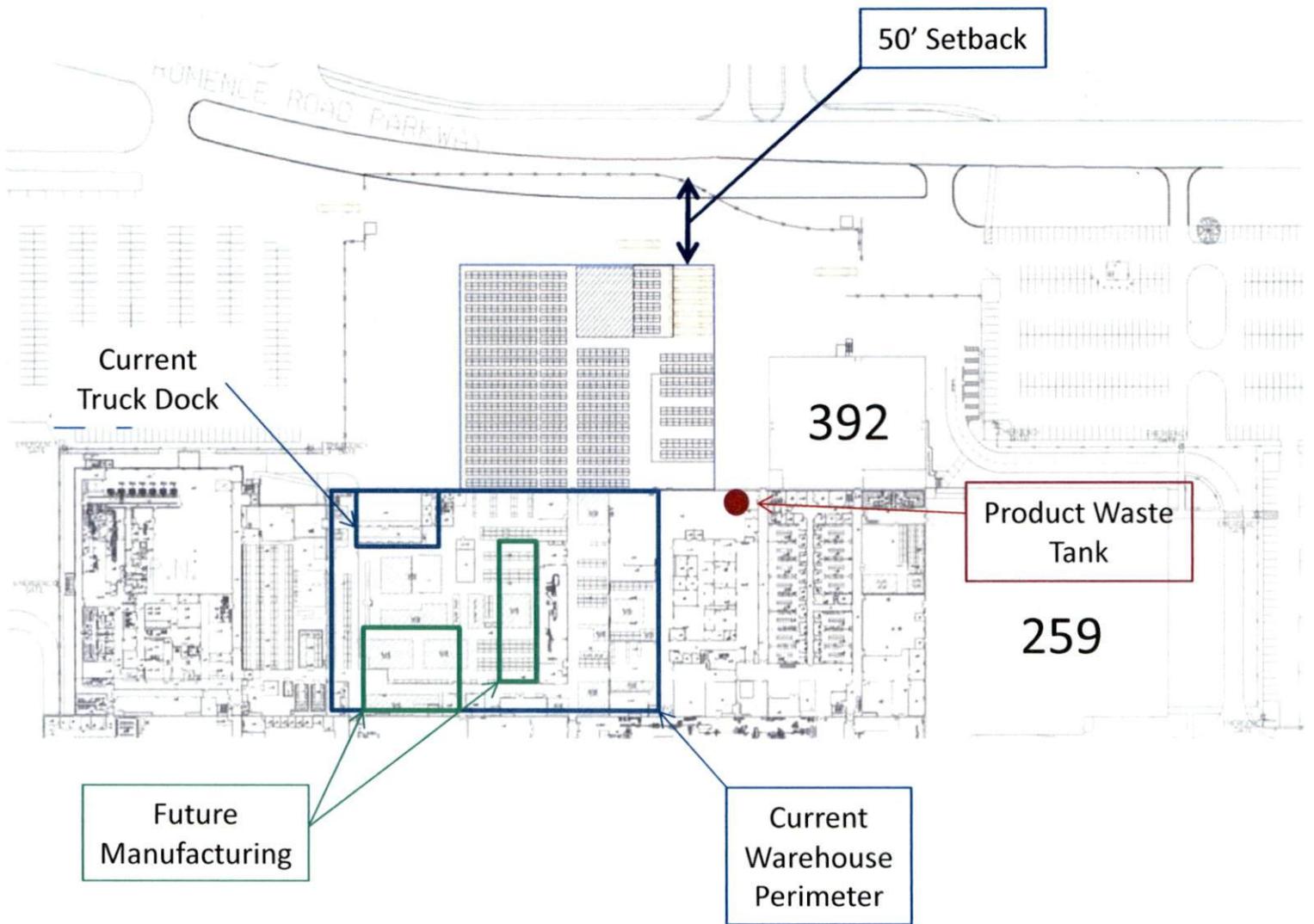
The main manufacturing facility at 7171 Portage was built in the 1951 by the previous owner. Also prior to Pfizer, needing expanded laboratory operations, the previous owner constructed Building 259 in 1983 and Building 392 in 1995. Pfizer purchased this property with the acquisition of Pharmacia in 2004. The unique nature and size of the facility, floor plan, logistics flow, and wide variability in operations (bulk pharmaceutical production, finished product manufacturing, laboratory operations, and support) create practical difficulties in expanding the facility for the future use without this exception. At the time the original facility and subsequent expansions were constructed, the need for this expansion and level of production volume could not have been envisioned.

- 8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance?**

The spirit of the zoning ordinance is to "provide orderly development and uniformity with regard to the development pattern" for the City of Portage. The architecture and design of this building will be consistent with the existing buildings on the Portage Pfizer property and as there is no immediate neighbor on the north property lane, the appearance of that property will not be impacted. Additionally, as stated in question #5, the north property line of the property will include attractive and softening landscaping compliant with city codes along Romence Road in a way to provide an attractive visual appearance to the building from the road. We are continuing to look at ways to visually break up the horizontal expanse of the building but the attached should provide a close approximation. It is not felt that the additional 5 vertical feet will alter this appearance.

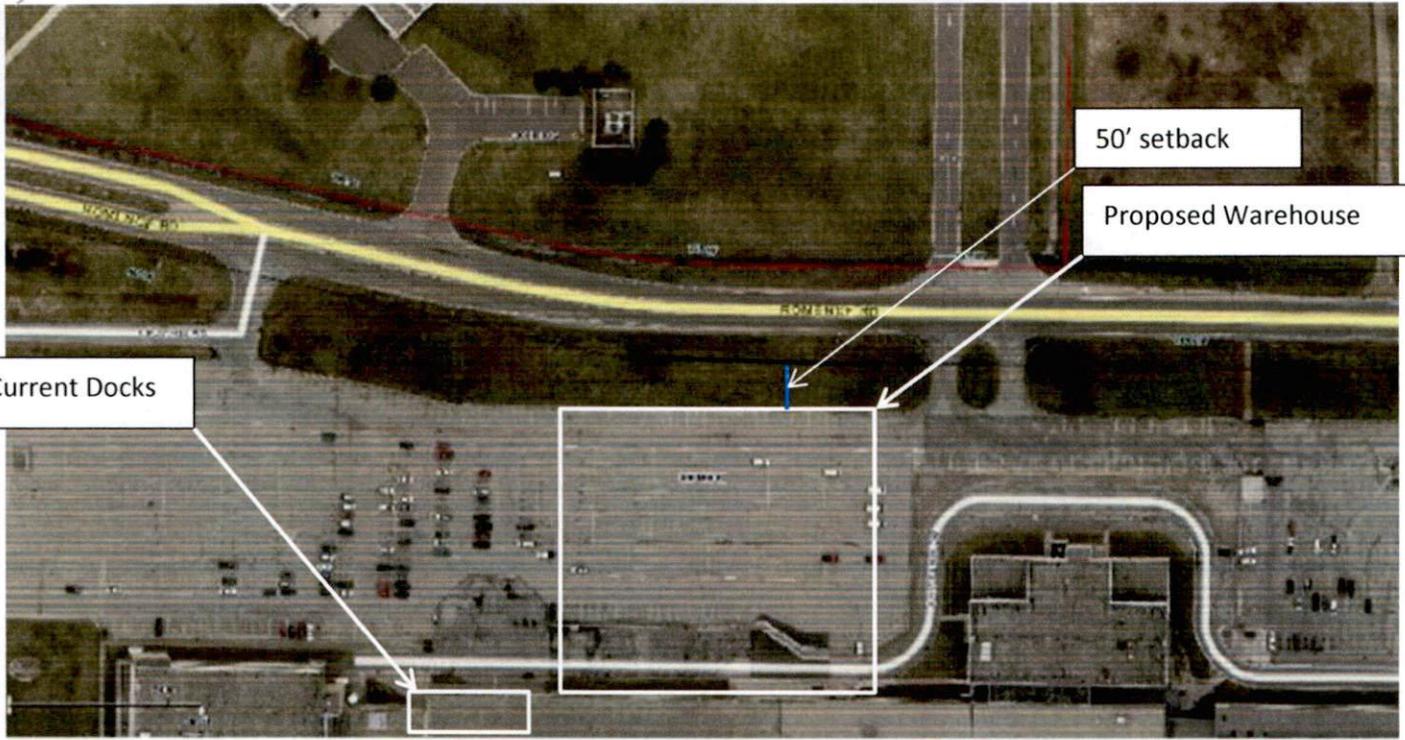


Detailed Drawing of B41 with New Warehouse



Areal of Warehouse in Relation to 6901 Portage Property





Current Docks

50' setback

Proposed Warehouse

TO: Zoning Board of Appeals **DATE:** June 3, 2016

FROM: Vicki Georgeau, ^WDirector of Community Development

SUBJECT: ZBA #15-28, Pfizer, Inc., 7171 Portage Road; I-2, Heavy Industry

CODE SECTION: 42-350 Schedule of Regulations; p. CD42:84.

APPEAL: Requesting a variance to construct an approximate 98,000 square-foot building addition 65 feet in height where a maximum 60-foot building height is permitted.

STAFF RECOMMENDATION:

The applicant is requesting the variance per the enclosed application, site sketches, and related materials. The 436 acre property is zoned I-2, heavy industry and accommodates a large manufacturing campus, and is surrounded by other industrial properties.

The Board recently granted variances (ZBA #15-09) for a 50-foot front setback where a minimum 100 feet is required, and to permit a loading zone in a required front yard to allow construction of an industrial warehouse addition on the north side of Building 41. At that time, construction plans had not been finalized and the applicant subsequently engaged a consultant to assist in designing logistics and warehouse operations. Based on the studies, it was determined the warehouse will need to accommodate double the amount of refrigerated space originally anticipated and include office and turret truck repair areas. Also, the floor elevation of the proposed warehouse addition needs to be four feet above the adjoining ground elevation to match the floor elevation of Building 41 so equipment can pass back and forth between buildings without the use of ramps. These changes from the original plan reduced the amount of interior pallet storage area.

As a result of the building modifications referenced above and in an effort to keep the building footprint while maximizing storage space, the applicant proposes to increase the height of the pallet storage racks by two additional levels. The increased rack height will also require ESFR quick-response sprinklers, which have a minimum required height above the racks. The additional storage volume will consequently increase the height of the proposed addition to 65 feet, where a maximum 60-foot building height is permitted. Footnote (6)(A) of the Schedule of Regulations typically permits the Planning Commission and/or City Council to approve building height modifications provided that "all yards shall be at least equal to the height of the structure." As a result of this language and since the Board has already approved a 50-foot front setback whereby the building setback and height cannot be equal, a variance from the Board is needed to authorize the increased building height.

Many of the same criteria cited as practical difficulties for the Board approved setback variance (ZBA #15-09) also apply to the building height request. 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 unique nature of the large manufacturing campus, internal manufacturing operations and the location of the existing buildings. The size of the property, surrounding development and zoning pattern are such that the proposed addition will not to impose negative impacts on adjacent properties, as the nearest building (6901 Portage Road) is over 400 feet to the northwest on the opposite side of the street and oriented to the southwest away from the proposed warehouse addition. The proposed building height is consistent with other portions of the Pfizer campus building that have heights similar and greater than the 65-foot proposed height. Finally, the building façade will include a variation in materials and accent lighting that will provide visual interest along Romence Road East. The above factors will help ensure that 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. For these reasons, the variance is recommended for approval.

**PRACTICAL
DIFFICULTY:**

Size of property and unique nature of manufacturing campus. See suggested motion form.

T:\COMMDEV\2015-2016 Department Files\Board Files\Zoning Board\15-28, 7171 Portage\20165 06 03 VG ZBA 15-28 Portage, 7171 (staff rpt).docx

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:

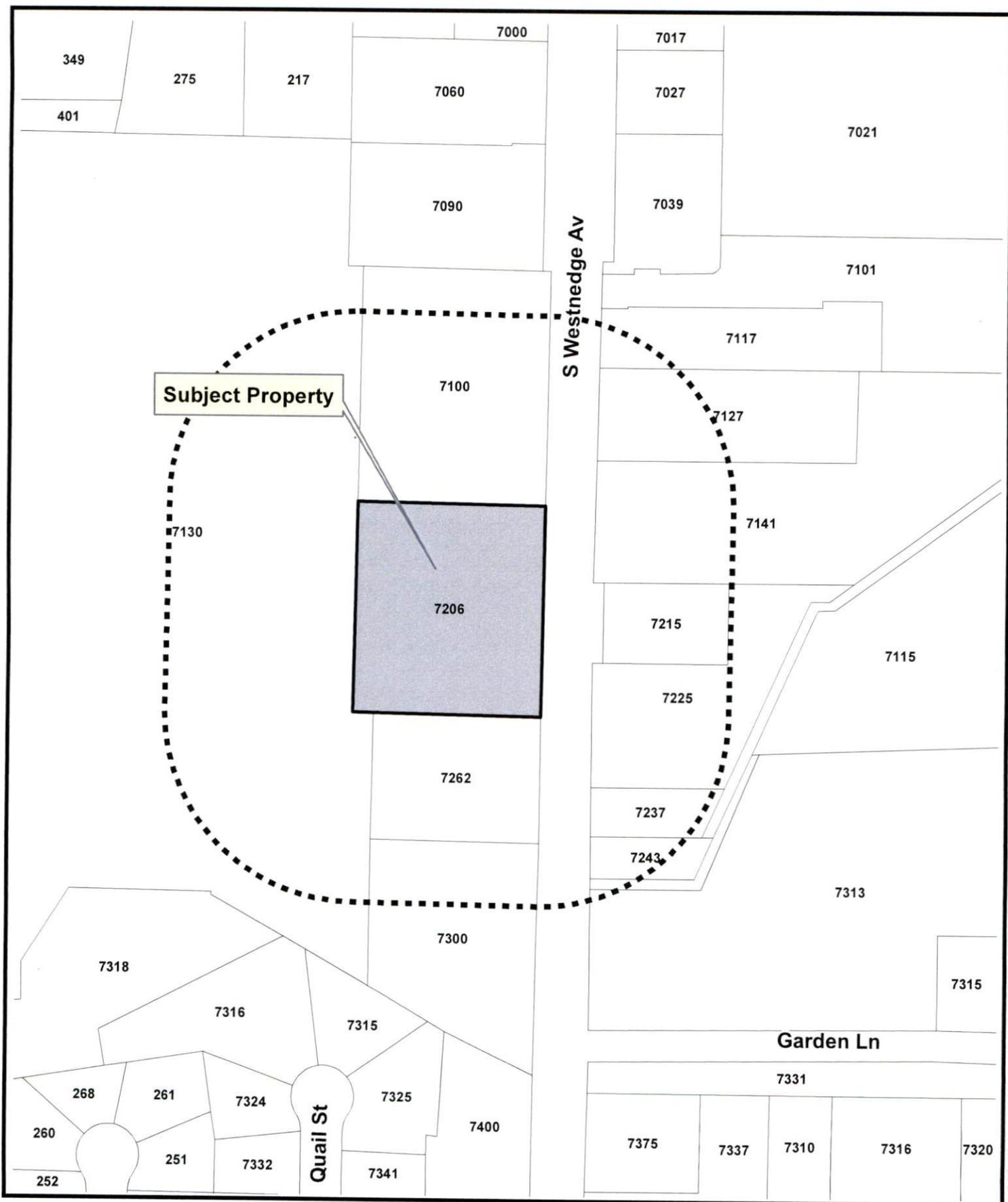
- 1a. There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include _____;
- 2a. The variance is necessary for the preservation and enjoyment of a substantial property right, the right 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

-  300' Notification
-  7206 SWA

ZBA 15-29
7206 South Westnedge Avenue



1 inch = 200 feet



Subject Property

S Westnedge Av

Legend
7206 SWA

ZBA 15-29 7206 South Westnedge Avenue



1 inch = 75 feet

RECEIVED

MAY 18 2016

ZONING BOARD OF APPEALS APPLICATION

FOR COMPLETION BY APPLICANT

COMMUNITY DEVELOPMENT

Application Date 5/17/2016
 Name of Applicant Nicholas Lambright Nick Lambright
Print Signature
 Applicant's Address 2727 West Michigan Phone No. 269-532-9616-cell
 Name of Property Owner (if different from Applicant) Plaza Corp. / 7206 Westnedge LLC.
 Address 7206 South Westnedge Phone No. 269-383-5775

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

Street Address 7206 S. Westnedge, Portage, MI
 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: Location to set-up local food trailer

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 _____ 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>15-29</u>	Filing Date: <u>5/18</u>	Tentative Hearing Date: <u>6/13</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.)

N/A

2. Are the physical characteristics you explained above unique and not shared by neighboring properties? (Attach additional sheets if needed.)

N/A

3. Can the property be reasonably used for the uses permitted in the zoning district without granting the variance? (Attach additional sheets if needed.)

No, variance is required to set-up a temporary business on a daily basis.

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.)

This variance is the minimum needed to operate.

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 trying to be obtained is currently a vacant lot. The mobile unit would leave it unbothered + add value.

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 area + variance are near a high traffic area... however, the lot is secluded + has an existing parking lot to decrease congestion in the area. (As shown in drawing)

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.)

N/A

8. Explain how the variance would fulfill the spirit and intent of the Zoning Ordinance. (Attach additional sheets if needed.)


Signature of Applicant

5/17/16
Date

Dear Board Members,

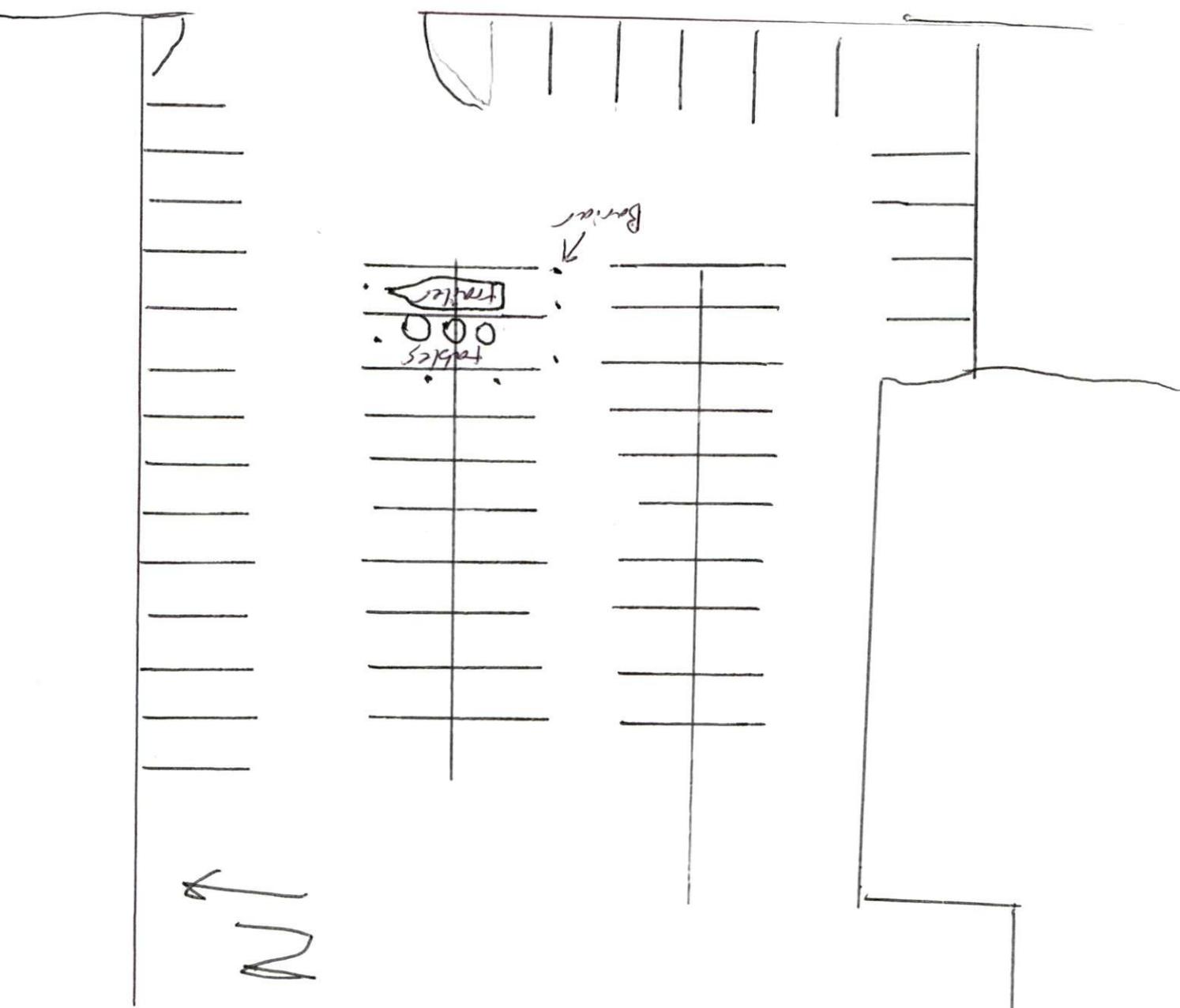
I am requesting a variance for 7206 South Westnedge in order to set up my food trailer. I would be setting up in the spot starting June 14th through December 14th. I would be setting up in the front of the properties parking lot (see attached drawing). The trailer would be there from 9am-8:30 pm Monday through Sunday. However, there are times that we would not be set up due to weather and if we have other events. On the property we would keep trash receptacles as well as make sure to clean up at the end of each operation day. Last year I set up in a very similar manner and was approved a variance which I believe was very successful. I am requesting the variance because this is currently the only way for me to set up and use my food truck in portage. I hope you will consider my application, for I would love the chance to serve our great city some great food.

Nicholas Lambright

Owner, Nick's Gyros

RECEIVED
MAY 24 2016
COMMUNITY DEVELOPMENT

Westridge Ave



RECEIVED
MAY 24 2016
COMMUNITY DEVELOPMENT

Jeff Mais

From: Andy Wenzel <andy@plazacorp.net>
Sent: Wednesday, May 25, 2016 5:23 PM
To: Jeff Mais
Cc: Clayton Nicholson; nicksgyrotrailer@gmail.com
Subject: Nick's Gyros, LLC/7206 South Westnedge Avenue

Hi Jeff-

I'm confirming that our ownership entity for the above address, 7206 Westnedge, LLC, has given authorization to Nick's Gyros, LLC to temporarily operate a food truck at the above address. We've requested them to work with the city for the required permits, etc... Let me know if you have any questions. Thanks!

Andy

Andy Wenzel
Director of Acquisitions and Development
PlazaCorp Realty Advisors, Inc.

PLAZACORP
Management, Development, Brokerage, Leasing

211 East Water Street, Suite 201
Kalamazoo, MI, 49007
Phone: 269.383.5775
Fax: 269.383.5774
Cell: 269.342.2100
andy@plazacorp.net
Plazacorp.net

TO: Zoning Board of Appeals **DATE:** June 3, 2016
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: ZBA #15-29, Nick's Gyros, 7206 South Westnedge Avenue, B-3, General Business
CODE SECTION: 42-622(D), Temporary Uses, p. CD42:140.3
APPEAL: Requesting a Temporary Use Permit to operate a mobile food trailer at 7206 South Westnedge Avenue from June 14, 2016 through December 14, 2016.

STAFF RECOMMENDATION:

The applicant is requesting the above referenced Temporary Use Permit per the enclosed application, site sketch and related materials. The 2.27 acre parcel has a 4,600 square foot vacant building, off-street parking area and related improvements. The property is currently listed for sale, is zoned B-3, General Business, and is adjacent to a developed commercial property to the north, south, and east (across the street), and to a wetlands area to the west.

As background information for the Board, food trucks or trailers are most commonly "mobile", move from site to site, and have the option of applying for a Business Special Event (BSE) permit for periods up to 28 days a year on a commercial zoning lot. While Portage does not have specific ordinance provisions for mobile food trucks/trailers, many other communities have adopted such regulations that most often: limit food trucks/trailers to commercial areas and require a permit; include provisions for trash disposal; health department approval; length of time at any given location; and include separation requirements from brick and mortar restaurants. For example, Kalamazoo requires a 150 foot distance from existing restaurants, whereas Grand Blanc Township requires 500 feet. Grand Rapids allows the Planning Commission to consider distance separation from existing restaurants when evaluating a special land use permit.

Although mobile food vendors can add to place making efforts, they may compete with established brick and mortar restaurants that have a much higher overhead cost. As measured from property line to property line, the proposed Nick's Gyros mobile food trailer will be approximately 50 feet from Culver's and 80 feet from Monelli's Sports Bar and Grill. Culver's and Monelli's have received notice of this public hearing and can comment on the proposed application.

While the applicant has the option of obtaining BSE permits at various locations in the community consistent with the intent of a mobile food vendor operation, the applicant is requesting to operate the food trailer at this one location from June 14 – December 14, 2016. As the Board may recall, Nick's Gyros received a prior Temporary Use Permit to operate for a six month period at 7540 South Westnedge Avenue from July – December 2015. During this time, there were no complaints or issues with the Temporary Use for the Nick's Gyros food trailer.

Section 42-622(D)(2)(c), Temporary Uses states that the “use shall be in harmony with the general intent of the district.” Subject to any additional information brought before the Board, staff recommends the Temporary Use permit for Nick’s Gyros, 7206 South Westnedge Avenue be approved subject to the following conditions:

1. The Temporary Use be approved from June 14 – December 14, 2016.
2. The food trailer be licensed by the Kalamazoo County Department of Health and Community Services.
3. Food trailer tables and off-street parking set-up be consistent with the submitted site sketch.
4. Hours of operation be limited to 9:00 a.m. to 8:30 p.m. seven days a week.
5. The site be kept free from trash and refuse.
6. Temporary signage be limited to one sign not exceeding 40 square feet.
7. There be no sound amplifying equipment with the exception of a portable generator which must meet the requirements of Chapter 24, Article 4 (Noise)
8. The trailer must meet B-3 setback requirements (30 feet from front property line).

**PRACTICAL
DIFFICULTY:**

Not applicable for Temporary Use.