



PLANNING COMMISSION

January 22, 2015

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**January 22, 2015
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * December 18, 2014

SITE/FINAL PLANS:

- * 1. Site Plan: Pinefield Phase 3, 6291 South 12th Street

PUBLIC HEARINGS:

OLD BUSINESS:

- * 1. Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations
-- Adjourn to Conference Room No. 2

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

December 8, 2014 Zoning Board of Appeals meeting minutes
December 16, 2014 City Council regular meeting minutes

Star (*) indicates printed material within the agenda packet.

PLANNING COMMISSION

December 18, 2014

 DRAFT

The City of Portage Planning Commission meeting of December 18, 2014 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Eight citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services; Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the role and the following Commissioners were present: Patterson (no), Stoffer (yes), Welch (yes), Felicijan (yes), Dargitz (yes), Schimmel (yes) and Richmond (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the role excusing Commissioners Bosch and Somers (Commissioner Patterson unexcused). The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the December 4, 2014 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 6-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Condominium: Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road. Mr. Forth summarized the staff report dated December 12, 2014 regarding a request from Westview Capital, L.L.C. to construct Phase I of the Copperleaf Subdivision. Mr. Forth indicated Phase I of the Copperleaf preliminary condominium subdivision (previously named Harbors West) included 39 single family residential lots/units and construction of a new public street (Copperleaf Boulevard) from West Milham Avenue and two interior cul-de-sac streets (Callaway Circle and Edgebrook Circle). Mr. Forth stated the PD, planned development rezoning and tentative plan/narrative for the Harbors West Planned Development was approved by City Council in November 2013 and Phase I of the Copperleaf Subdivision has been designed in substantial compliance with the approved tentative plan/narrative. Mr. Forth discussed the previously approved modification allowing 39 lots/units on a cul-de-sac street within Phase I and the proposed sidewalk/pedestrian circulation system. Within Phase I, Mr. Forth stated the developer is proposing to install 6-foot wide concrete sidewalk along the east side of Copperleaf Boulevard, and 4-foot wide concrete sidewalk along the west side of Copperleaf Boulevard (from Lot 13 – north), around the entire bulb of Callaway Circle and along the south side of Edgewood Circle. Mr. Forth indicated an 8-foot wide asphalt path, that will connect to Copperleaf Boulevard and Edgebrook Circle (between Lots 31/32), is proposed within the designated open space/common area located along the northeast portion of Phase I. Mr. Forth stated this proposal differs slightly from the pedestrian circulation network included on the approved tentative plan which identifies an 8-foot wide asphalt path along the west side of Copperleaf Boulevard, extending from West Milham to the north, and a 4-foot wide concrete sidewalk along the east side of Copperleaf Boulevard. Mr. Forth indicated the applicant was proposing these

 DRAFT

changes due to grading issues and in an effort to preserve existing mature trees and provide screening/buffering to the existing single family residence located at 3910 West Milham Avenue, along the west side of Copperleaf Boulevard. The Commission and Mr. Forth next briefly discussed the slight changes to the proposed sidewalk/pedestrian circulation system.

Mr. Brian Wood of Allen-Edwin Homes (applicant representative) and Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant engineer) were present to support the preliminary condominium subdivision. Mr. Wood explained the proposed changes to the sidewalk/pedestrian circulation system and discussed open space areas planned throughout the development. The public hearing was opened by Chairman Welch. No citizens spoke regarding Phase I of the Copperleaf Subdivision. A motion was made by Commissioner Felicijan, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 6-0. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Dargitz, to recommend to City Council that the Preliminary Condominium for Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road, be approved subject to the two conditions contained in the Department of Community Development report dated December 12, 2014. The motion was unanimously approved 6-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Accessory Building (Schram), 710 East Osterhout Avenue. Mr. West summarized the staff report dated December 12, 2014 regarding a request from David Schram to construct an 18.5 foot tall, 2,952 square foot detached accessory building along the northwest portion of 710 East Osterhout Avenue. Mr. West indicated the Zoning Board of Appeals granted a variance on November 10, 2014 to allow construction of the detached accessory building to a height of 18.5-feet where a maximum 14-foot height is permitted. Mr. West stated the approximate 6.2 acre parcel contains a 1½ story residence with a ground floor area of 1,788 square feet and an attached garage/storage room totaling 1,144 square feet. Mr. West indicated the total ground floor area of all accessory buildings (including the proposed detached building) will exceed the ground floor area of the main residence by 2,308 square feet. Mr. West then described the nature of the heavily wooded parcel and the proposed location of the detached accessory building, which will be setback approximately 185-feet from the East Osterhout Avenue public right-of-way and 140-feet from the nearest property line (west). Mr. West stated the size and configuration of the parcel combined with the heavily wooded nature of the site and setback distances from adjacent residences and property lines will mitigate any impacts on adjacent properties.

Mr. David Schram (applicant/owner) was present to support the proposed detached accessory building. Commissioner Felicijan asked Mr. Schram whether the detached accessory building would be utilized for any business related activities. Mr. Schram reiterated the detached accessory building would be utilized for personal use only, no business related activities. No citizens spoke in regard to the proposed detached accessory building. After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Felicijan, to approve the proposed 2,952 square foot Accessory Building for Mr. David Schram at 710 East Osterhout Avenue. The motion was unanimously approved 6-0.

STATEMENT OF CITIZENS:

None.

7:15 p.m. - The Commission took a short recess.

7:20 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

A large, light-colored stamp with the word "DRAFT" in a bold, sans-serif font, tilted slightly upwards to the right. To the left of the text is a small icon of a document with a checkmark.

NEW BUSINESS:

1. Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations. Mr. Forth summarized the staff report dated December 12, 2014 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Mr. Forth indicated this first round of proposed ordinance amendments was consistent with the Planning Commission's FY 2014-2015 Work Program and Implementation Strategies contained in the 2014 Comprehensive Plan. Mr. Forth provided historical background regarding Zoning Code regulations pertaining to auto-related services and indicated that regulations have remained basically unchanged since comprehensive zoning of the City in 1965.

Mr. Forth reviewed current definitions that classify auto repair stations into two categories: Auto Repair Station (Minor) that is allowed in the B-3 district as a permitted use and in the B-2 and I-1 districts as special land uses; and, Auto Repair Station (Major) that is allowed in the I-1 district. The definition of Auto Repair Station (Major) includes auto collision/body shop activities and engine rebuilding activities. Mr. Forth indicated a survey of auto repair stations currently located in the B-3 zone indicates that most of these facilities offer comprehensive automotive repair and servicing that includes some form of "major" repair work such as engine, transmission or other vehicle component repair/rebuilding. Mr. Forth stated a further inspection of many of these facilities also discovered that external impacts associated with auto repair stations that conduct some form of "major" repair (e.g., engine and/or transmission rebuilding and repair) are similar to many "minor" auto repair activities (e.g., exhaust and tire repair and replacements). As a result and after researching several other community ordinances, Mr. Forth indicated staff was recommending the current definitions of Auto Repair Station (Minor) and Auto Repair Station (Major) be rewritten and replaced with Auto Repair Station and Auto Collision/Body Shop to clearly separate auto repair activities from auto collision/body shop activities. Mr. Forth stated Auto Repair Stations would be allowed as permitted uses in the B-3 and I-1 districts and as a special land use in the B-2 district, while Auto Collision/Body Shops would be allowed as special land uses in the I-1 and I-2 district. Mr. Forth indicated new operational standards were also proposed by staff that address auto repair activities being conducted completely within the building, restrictions on the length of time a vehicle awaiting repair may be stored outdoors and screening provisions for outdoor storage of parts, tires and other materials. Mr. Forth also stated a new locational requirement was also proposed for auto collision/body shops where the zoning lot does not abut a single family residential zoning district or land designated for residential use in the PD, planned development district. The Commission and staff briefly discussed the length of time provision for outdoor storage of vehicles awaiting repair, however, did not request any changes to the ordinance language at this time.

In regard to auto service stations (gasoline/fueling stations), Mr. Forth indicated staff was also recommending a modification to the definition to more clearly describe these uses. Mr. Forth indicated staff has prepared a new definition, Vehicle Fueling Station, that would replace Auto Service Station. Mr. Forth briefly discussed the recent controversial gasoline station redevelopment project at the former Centre Street Market property (710 and 732 East Centre Avenue) and stated that since 1965 there have been no specific conditions for locating a Vehicle Fueling Station in the B-3 or I-1 districts as a special land use. To address this issue, Mr. Forth indicated that staff was also recommending new locational and operational standards for Vehicle Fueling Stations including the requirement that a new Vehicle Fueling Station can not be adjacent to or abutting a residential zoning district, day care center, public/private school or religious institution.

Mr. Forth also presented maps that depicted the locations of existing Vehicle Fueling Stations across the city and areas that would be available for citing new Vehicle Fueling Stations based on proposed locational requirements. The Commission and staff next discussed various aspects of the proposed ordinance amendment including whether or not a minimum distance requirement (e.g. 300-feet) should be used for citing new Vehicle Fueling Stations from residential zoning districts, day care centers, public/private schools and religious institutions. After additional discussion, Mr. Forth indicated that staff would provide alternative maps and ordinance language that presented a minimum distance requirement for Vehicle Fueling Stations for further Commission review and discussion at the January 8, 2015 meeting.

 **DRAFT**

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Christopher T. Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services

TO: Planning Commission**DATE:** January 16, 2015**FROM:** Vicki Georgeau, ^{VJ} Director of Community Development**SUBJECT:** Site Plan for Pinefield Phase 3, 6291 South 12th Street.

I. INTRODUCTION:

A site plan has been submitted by Pinefield, LLC requesting approval to construct Pinefield Phase 3 on property addressed as 6291 South 12th Street. The plan for Phase 3 proposes construction of seven four-unit buildings, one two-unit building (30 units total), four detached storage buildings (two 800 square feet and two 600 square feet) that are accessory to the residential use and associated site improvements on the vacant parcel located north of Pinefield Phase 2. According to the applicant, each single family attached residential dwelling will be approximately 1,600 square feet in size and include two bedrooms and attached two-car garage.

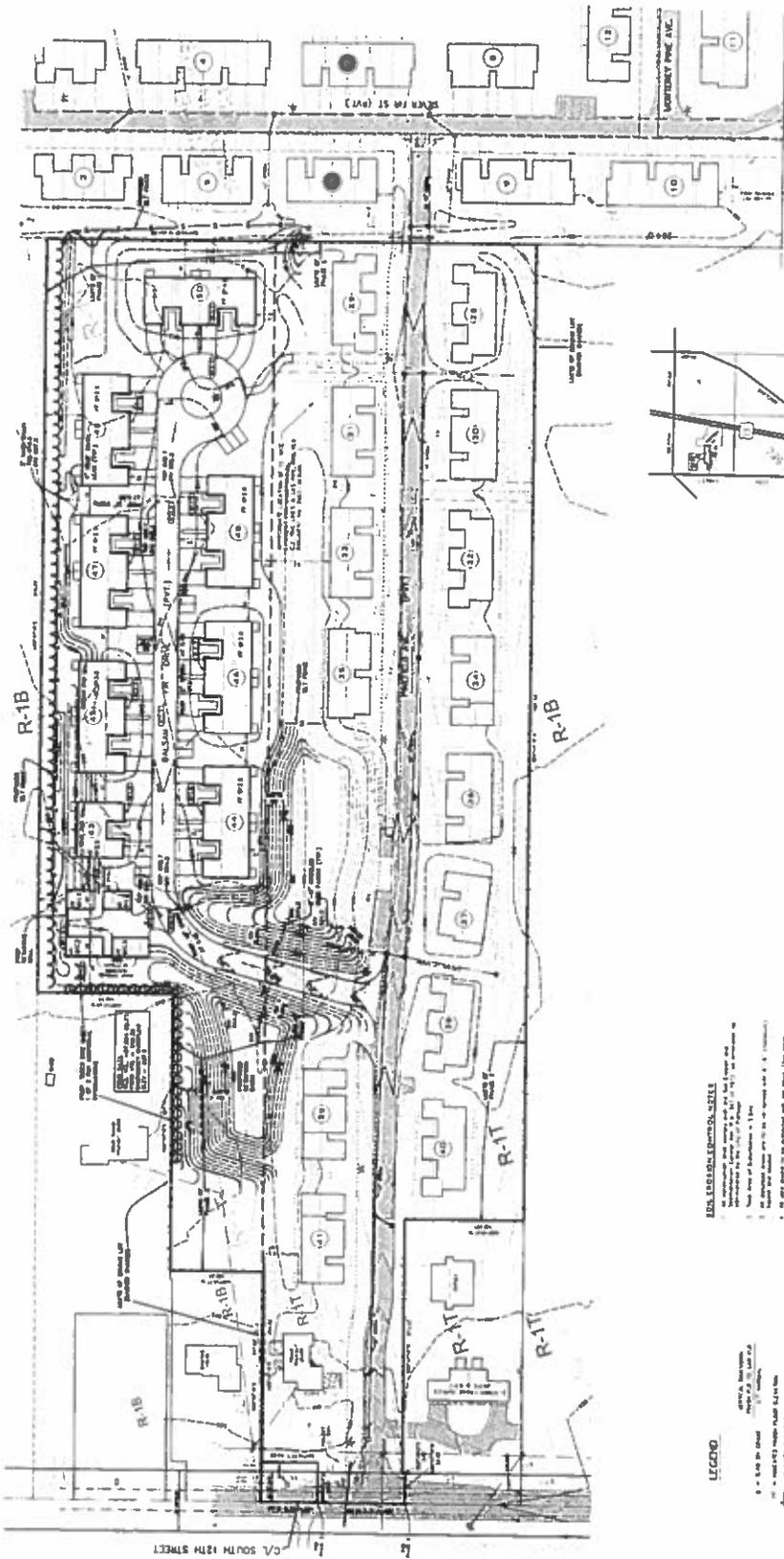
The subject property is zoned R-1T, attached residential and is currently used as a recreational area (playground equipment, walking path and pavilion) for the existing Pinefield residents. While not required, staff encouraged the applicant to retain some of the recreational area and facilities with Phase 3. The applicant indicated the walking trail would be too close to the back of the units impacting safety and privacy. Also, relocation of the trail along the north property line would require tree removal. As an alternative, the applicant has indicated he has a lease on the Consumers Energy Company property to the south of Phase 1 and intends to relocate the playground equipment and exercise path to this area once Consumers Energy Company and the City of Portage approves the plan.

Access to Phase 3 of the Pinefield development will be provided through construction of a new interior private street (Balsam Fir Drive) which will extend north and east from Pinefield Avenue within Phase 2. Pinefield Avenue (private street) provides access from South 12th Street, which is under the jurisdiction of the Kalamazoo County Road Commission. No new access from South 12th Street is proposed. Storm water from Phase 3 will be collected and conveyed to the existing retention basin located between Buildings 35 and 39 within Phase 2. This retention basin will be reconfigured to accommodate the proposed private street extension and the additional storm water runoff. Along the northern approximate 15-feet of Phase 3, the applicant is proposing to preserve existing mature evergreen trees. Additionally, the applicant will install supplemental evergreen trees (minimum 6-foot tall) and deciduous trees (minimum 2.5-3.0 inch caliper) along the northwest portion of Phase 3 where adjacent the single family residence located at 6255 South 12th Street.

II. RECOMMENDATION:

The site plan has been reviewed by the City Administrative departments. Staff recommends that the Site Plan for Pinefield Phase 3, 6291 South 12th Street, be approved.

Attachments: Site Plan and Landscaping Sheets

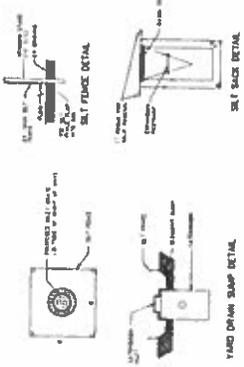


SOIL EROSION CONTROL SCHEDULE

1. All erosion control structures shall be constructed in accordance with the specifications of the City of Portland, Oregon, and the International Association of Bridge, Structural, and Mechanical Engineers, Inc. (IABSE).
2. All erosion control structures shall be constructed on the same day as the foundation work.
3. All erosion control structures shall be constructed on the same day as the foundation work.
4. All erosion control structures shall be constructed on the same day as the foundation work.
5. All erosion control structures shall be constructed on the same day as the foundation work.
6. All erosion control structures shall be constructed on the same day as the foundation work.
7. All erosion control structures shall be constructed on the same day as the foundation work.
8. All erosion control structures shall be constructed on the same day as the foundation work.
9. All erosion control structures shall be constructed on the same day as the foundation work.
10. All erosion control structures shall be constructed on the same day as the foundation work.

LEGEND

- 1. Silt Fence
- 2. Sediment Trap
- 3. Yard Drain
- 4. Erosion Control Blanket
- 5. Erosion Control Mat
- 6. Erosion Control Net
- 7. Erosion Control Fabric
- 8. Erosion Control Geotextile
- 9. Erosion Control Geomembrane
- 10. Erosion Control Geogrid
- 11. Erosion Control Geocell
- 12. Erosion Control Geotube
- 13. Erosion Control Geobag
- 14. Erosion Control Geocube
- 15. Erosion Control Geocylinder
- 16. Erosion Control Geosheet
- 17. Erosion Control Geomesh
- 18. Erosion Control Geotextile
- 19. Erosion Control Geomembrane
- 20. Erosion Control Geogrid
- 21. Erosion Control Geocell
- 22. Erosion Control Geotube
- 23. Erosion Control Geobag
- 24. Erosion Control Geocube
- 25. Erosion Control Geocylinder
- 26. Erosion Control Geosheet
- 27. Erosion Control Geomesh
- 28. Erosion Control Geotextile
- 29. Erosion Control Geomembrane
- 30. Erosion Control Geogrid
- 31. Erosion Control Geocell
- 32. Erosion Control Geotube
- 33. Erosion Control Geobag
- 34. Erosion Control Geocube
- 35. Erosion Control Geocylinder
- 36. Erosion Control Geosheet
- 37. Erosion Control Geomesh
- 38. Erosion Control Geotextile
- 39. Erosion Control Geomembrane
- 40. Erosion Control Geogrid
- 41. Erosion Control Geocell
- 42. Erosion Control Geotube
- 43. Erosion Control Geobag
- 44. Erosion Control Geocube
- 45. Erosion Control Geocylinder
- 46. Erosion Control Geosheet
- 47. Erosion Control Geomesh
- 48. Erosion Control Geotextile
- 49. Erosion Control Geomembrane
- 50. Erosion Control Geogrid
- 51. Erosion Control Geocell
- 52. Erosion Control Geotube
- 53. Erosion Control Geobag
- 54. Erosion Control Geocube
- 55. Erosion Control Geocylinder
- 56. Erosion Control Geosheet
- 57. Erosion Control Geomesh
- 58. Erosion Control Geotextile
- 59. Erosion Control Geomembrane
- 60. Erosion Control Geogrid
- 61. Erosion Control Geocell
- 62. Erosion Control Geotube
- 63. Erosion Control Geobag
- 64. Erosion Control Geocube
- 65. Erosion Control Geocylinder
- 66. Erosion Control Geosheet
- 67. Erosion Control Geomesh
- 68. Erosion Control Geotextile
- 69. Erosion Control Geomembrane
- 70. Erosion Control Geogrid
- 71. Erosion Control Geocell
- 72. Erosion Control Geotube
- 73. Erosion Control Geobag
- 74. Erosion Control Geocube
- 75. Erosion Control Geocylinder
- 76. Erosion Control Geosheet
- 77. Erosion Control Geomesh
- 78. Erosion Control Geotextile
- 79. Erosion Control Geomembrane
- 80. Erosion Control Geogrid
- 81. Erosion Control Geocell
- 82. Erosion Control Geotube
- 83. Erosion Control Geobag
- 84. Erosion Control Geocube
- 85. Erosion Control Geocylinder
- 86. Erosion Control Geosheet
- 87. Erosion Control Geomesh
- 88. Erosion Control Geotextile
- 89. Erosion Control Geomembrane
- 90. Erosion Control Geogrid
- 91. Erosion Control Geocell
- 92. Erosion Control Geotube
- 93. Erosion Control Geobag
- 94. Erosion Control Geocube
- 95. Erosion Control Geocylinder
- 96. Erosion Control Geosheet
- 97. Erosion Control Geomesh
- 98. Erosion Control Geotextile
- 99. Erosion Control Geomembrane
- 100. Erosion Control Geogrid



GRADING AND SOIL EROSION CONTROL PLAN
PROFFIELD CONDOMINIUMS - PHASE 3

FOR: **ATLIS REAL ESTATE**
1111 SOUTH 12TH STREET
PORTLAND, OREGON 97202
 PART OF THE NW 1/4, SECTION 07, T33, R11E,
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON

feboel engineering, inc.
 1111 SOUTH 12TH STREET
 PORTLAND, OREGON 97202
 (503) 255-1111
 www.feboel.com

DATE: 10/15/2014
 SHEET: 3 OF 3



Date: 12-9-2014
 Job Number:
 Plan Number:

Pinfield Condominiums

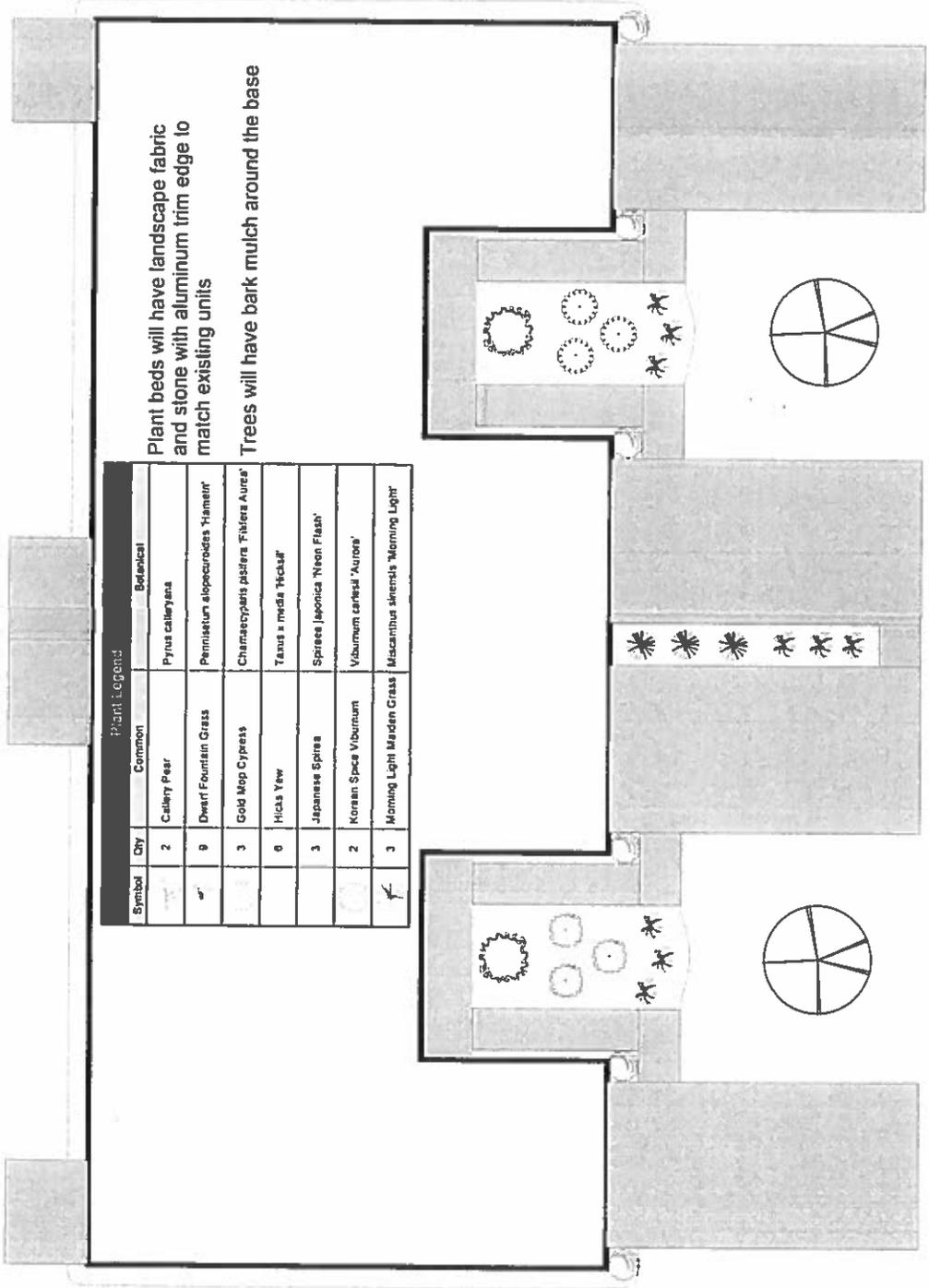
Centre Landscape
 4529 West Shore Drive
 Caledonia MI, 49316
 616-891-1273
 www.centrelandscape.com

Drawn By: [Blank]
 Checked By: [Blank]
 Created By: [Blank]

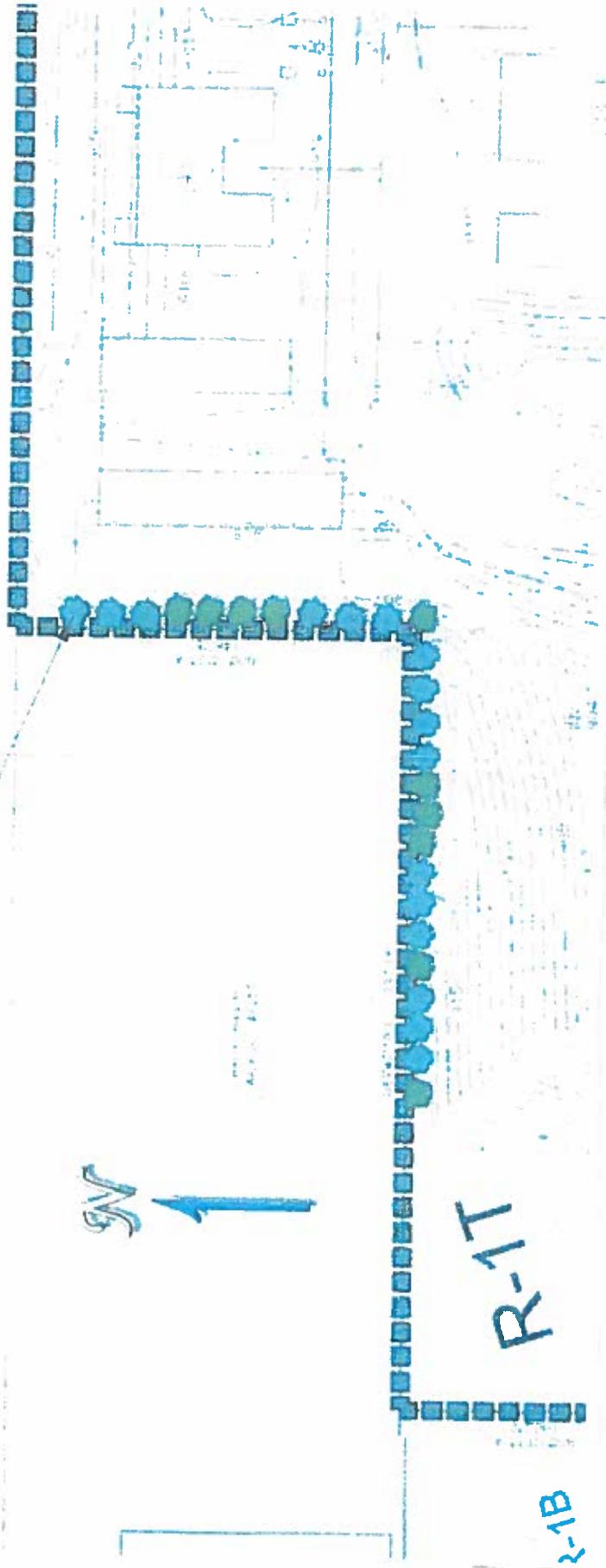


Plant Legend		Common	Botanical
Symbol	Qty		
	2	Callery Pear	<i>Pyrus calleryana</i>
	9	Dwarf Fountain Grass	<i>Pennisetum alopecuroides 'Hameln'</i>
	3	Gold Mop Cypress	<i>Chamaecyparis pisifera 'Filifera Aurea'</i>
	6	HCLs Yew	<i>Taxus x media 'Hicksii'</i>
	3	Japanese Spruce	<i>Spirea japonica 'Neon Flash'</i>
	2	Korean Spice Viburnum	<i>Viburnum carlesii 'Aurora'</i>
	3	Morning Light Maiden Grass	<i>Miscanthus sinensis 'Morning Light'</i>

Plant beds will have landscape fabric and stone with aluminum trim edge to match existing units
 Trees will have bark mulch around the base



Mix of deciduous and evergreen trees for screening (26)



TO: Planning Commission

DATE: January 2, 2015

FROM: Vicki Georgeau, ^WDirector of Community Development

SUBJECT: Ordinance Amendment 14/15-A, Auto Repair & Vehicle Fueling Station Regulations

I. INTRODUCTION:

During the December 18, 2014 Planning Commission meeting, the Commission discussed recommended changes to regulations for auto repair facilities and vehicle fueling stations. Following an initial discussion, the Commission had no specific revisions to proposed regulations concerning auto repair facilities. With regard to vehicle fueling stations, the Commission deliberated at greater length and modifications to draft amendments have been prepared for further review.

II. PROPOSED ORDINANCE MODIFICATIONS:

With regard to vehicle fueling stations, the Commission discussed options for the appropriate distance from a residential zoning district, child day care facility, public/private school or religious institution (protected land uses). The preliminary ordinance language indicated that a fueling station cannot be adjacent to or abut one of the land uses noted above. Another option the Commission discussed involved requiring a fueling station to be a specified distance away from protected land uses. At the conclusion of this discussion, staff indicated a map could be prepared for further review illustrating where fueling stations in the B-3, general business and I-1, light industrial zoning districts could be located when applying a 300-foot separation distance from protected land uses.

Attached are two maps shown to the Commission during the December 18th meeting: the first is a zoning map that illustrates the location of existing vehicle fueling stations; and the second is a map that shows areas zoned B-3 and I-1 that do not abut or are not adjacent to the protected land uses and are available for fueling station development (consistent with the preliminary ordinance amendment language). Also attached is a third map that shows areas zoned B-3 and I-1 that do not abut or are not within 300 feet of the protected land uses referenced above. As a result of removing the reference to "adjacent" and adding a 300-foot separation distance, the number of locations suitable for a new vehicle fueling station has decreased, while providing additional protections for nearby residential land uses, child care, school and church facilities. While additional protections are provided, it is noted that third map illustrates there are still over 200 parcels available for new vehicle fueling station development, in addition to the 16 existing fueling stations within the community.

As also discussed during the December 18th meeting, the proposed fueling station regulations are applicable to parcels zoned B-3 and I-1. It is noted that there are existing fueling stations located in the PD, planned development district (BP, 4421 West Centre) and CPD, commercial planned development district (Sam's Club, 7021 South Westnedge plus a proposed fueling station for Wal-Mart, 8350 Shaver Road) that will not be impacted by the proposed regulations. Impacts, if any, associated with fueling stations located in the PD or CPD districts can be addressed during the

tentative/conceptual plan review process, which is subject to the public hearing process before the Planning Commission and City Council.

Based on the above, the ordinance language was revised to include a minimum 300-foot separation distance from the protected land uses. In addition to the locational requirements for fueling stations, staff and the City Attorney have incorporated language that clarifies when an existing fueling station must comply with the requirements applicable to air compressors and vacuum stations, and outdoor storage and display. In particular, language has been added that requires compliance with the ordinance when a building permit for an addition, structural alternation or repair exceeds 25% of the appraised replacement cost of the entire building or structure, exclusive of the foundation. This ordinance language is similar to the language contained in Section 42-571 concerning landscaping and screening.

Finally, and similar to the locational requirements for vehicle fueling stations, language has been added to the draft amendment for auto collision/body shops in Sections 42-280.C.2 and 42-281.C.7. In particular, the revised language provides protections for existing auto collision/body shops that do not meet the locational requirements, while adding clarifying language as to when an existing auto collision/body shop must comply with the requirements for screening outdoor storage of vehicles.

The modifications to the proposed ordinance language are shown in the attached underline and strikeout text version.

III. RECOMMENDATION:

Subject to any further comments by the Commission, staff recommends a public hearing to formally consider Ordinance Amendment 14/15-A, Auto Repair & Vehicle Fueling Station Regulations be scheduled for February 5, 2015.

T:\COMM\DEV\2014-2015 Department Files\Board Files\Planning Commission\PC reports\Ordinance Amendments\Auto Repair Regulation\2014 12 29 Revised Ordinance Amendment 14-15-A VO Auto Repair and Gasoline Station Regulations.doc

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS, SEC. 42-261, B-2, COMMUNITY BUSINESS
DISTRICT, SEC. 42-262, B-3, GENERAL BUSINESS DISTRICT,
SEC. 42-280, I-1, LIGHT INDUSTRIAL DISTRICT, AND
SEC. 42-281, I-2, HEAVY INDUSTRIAL DISTRICT, OF ARTICLE 4, ZONING,
OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. - Definitions.

Auto Collison/Body Shop: A place where automobile repair, collision and/or auto body services such as general repair, rebuilding or reconditioning of motor vehicles; body, frame or fender repair; painting; and undercoating of automobiles occurs.

Auto repair: A place where general automobile repair; servicing; or rebuilding engines, transmissions or similar vehicle components; and incidental replacement of parts occurs.

Vehicle Fueling Station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motors vehicles) are retailed directly to the public on the premises. Services may include the sale of minor auto accessories; retail sales of non-automotive related products including sundries such as gum, candy, beverages, newspapers, magazines and other individually packaged convenience items.

Sec. 42-261. - B-2 community business district.

A. through B. No change.

C. Special land uses: The following uses may be allowed in the B-2 community business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. No change.
2. Auto repair.
 - a. The minimum lot size shall be 30,000 square feet, with a minimum width of 150 feet.
 - b. All services shall be performed within a completely enclosed building.
 - c. No service bay shall open to or face any public street.

- d. Not less than 20 percent of the ground area of the site shall be landscaped as a green area pursuant to an approved site plan.
 - e. In locations where the use abuts a residential district, the planning commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.
 - f. No auto collision/body shop activities shall be permitted.
 - g. When located within an integrated or planned cluster of establishments served by a common parking area, the use shall be located on the periphery in such a manner as not to create vehicular circulation obstructions or pedestrian movement conflicts and shall be designed so as to integrate the use with the site plan and architecture of the cluster of establishments. No additional curb openings onto a public street shall be permitted.
 - h. No outside storage of parts and/or materials shall be allowed.
 - i. No overnight outdoor storage/parking of automobiles that have been or are awaiting service or parts is permitted.
3. Automatic carwashes. No changes.
4. Vehicle dealerships, licensed by the state as a new vehicle dealer, for the sale of new motor vehicles, including accessory uses when related and incidental thereto, such as service areas and areas for the sale of used motor vehicles.
- a. through g. No change.
 - h. Activities permitted at auto repair and auto collision/body shops as defined in Section 42-112 may be permitted when conducted completely within the building, with no outside storage of parts and/or materials.
 - i. through l. No change.
5. through 7. No change.

D. No change.

Sec. 42-262. - B-3 general business district.

A. No change.

B. Principal permitted uses: In a B-3 general business district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

- 1. through 3. No change.
- 4. Auto repair subject to the following:
 - a. When conducted completely within the building.

- b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be ~~parked-located~~ outdoors for more than fourteen (14) days. All other vehicles shall not be ~~stored-located~~ outdoors for more than ninety (90) days.
- c. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

5. through 15. No change.

C. Special land uses: The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

- 1. Vehicle dealerships, licensed by the state, for the sale and rental of new or used motor vehicles and/or recreational vehicles, including accessory uses when related and incidental thereto subject to the following:
 - a. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas, which shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Ingress and egress to and from the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
 - c. Auto repair activities are permitted subject to the following:
 - i. When conducted completely within the building.
 - ii. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be ~~parked-located~~ outdoors for more than fourteen (14) days. All other vehicles shall not be ~~stored~~ located outdoors for more than ninety (90) days.
 - iii. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height

of the material stored outdoors cannot extend beyond the top of the screening enclosure.

2. through 3. Unchanged.

4. Vehicle fueling stations subject to the following:

a. The zoning lot does not abut or is not adjacent to located within 300 feet of the following:

i. residential zoning district;

ii. land designated for residential use in a PD, planned development district;

iii. a-child day care facility;

iv. a-public/private school;-or

v. religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. ~~and "adjacent" means a zoning lot which is separated from the subject lot by a street, alley or other public or private easement even if its property line does not abut or touch the subject zoning lot.~~ Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 4(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming.

b. Air compressors and vacuum stations shall not be located in the front yard area.

c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

d. Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsections 4(b) and 4(c) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

5. through 9. Unchanged.

D. Unchanged.

Sec. 42-280. I-1, light industrial district.

A. Unchanged.

B. 1 through 19, Unchanged.

20. Auto repair subject to the following:

- a. All repair activities are conducted completely within the building.
- b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be ~~parked-located~~ outdoors for more than fourteen (14) days. All other vehicles shall not be ~~stored-located~~ outdoors for more than ninety (90) days.

C. Special land uses: The following uses may be allowed in an I-1 light industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle fueling stations subject to the following:

- a. The zoning lot does not abut or is not located within 300 feet of the following:
 - i. residential zoning district;
 - ii. land designated for residential use in a PD, planned development district;
 - iii. child day care facility;
 - iv. public/private school; or
 - v. religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. ~~and "adjacent" means a zoning lot which is separated from the subject lot by a street, alley or other public or private easement even if its property line does not abut or touch the subject zoning lot. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 4(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming.~~

- b. Air compressors and vacuum stations shall not be located in the front yard area.
- c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

d. Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsections 1(b) and 1(c) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

~~a. The zoning lot does not abut or is not adjacent to: a residential zoning district; land designated for residential use in a PD, planned development district; a child day care facility; a public/private school; or religious institution. For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point, and "adjacent" means a zoning lot which is separated from the subject lot by a street, alley or other public or private easement even if its property line does not abut or touch the subject zoning lot. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection shall not be prevented from reconstructing and/or expanding their facilities and, for the purpose of this subsection shall be considered conforming.~~

~~b. Air compressors and vacuum stations shall not be located in the front yard area.~~

~~c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.~~

2. Auto collision/body shops subject to the following:

a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district. Any auto collision/body shop existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 2(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming;

b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B. Any auto collision/body shop existing as of the date of the adoption of this amendment shall comply with subsection 2(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

3. through 11, Unchanged.

D. Unchanged.

Sec. 42-281, I-2 heavy industrial district.

A. through B. Unchanged.

C. **Special land uses:** The following uses may be allowed in an I-2 heavy industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1 through 6, Unchanged.

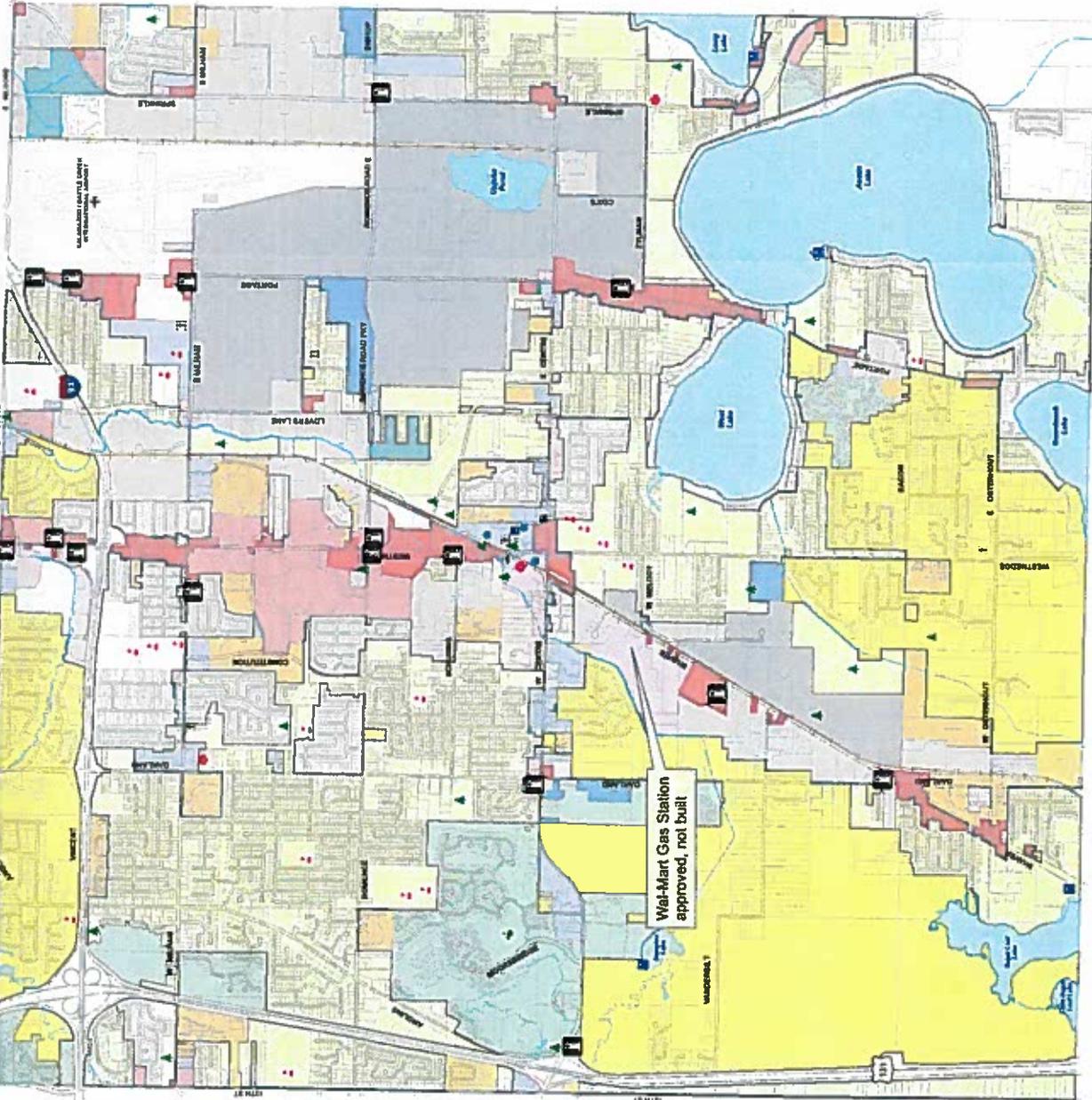
7. **Auto collision/body shops subject to the following:**

- a. **The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district.** Any auto collision/body shop existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 7(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming;
- b. **Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B.** Any auto collision/body shop existing as of the date of the adoption of this amendment shall comply with subsection 7(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

Gas Station Locations

Gas Stations

- B-1 Local Business
- B-2 Community Business
- B-3 General Business
- CPD Commercial Planned Development
- I-1 Light Industry
- I-2 Heavy Industry
- OS-1 Office Service
- OTR Office Technology and Research
- P-1 Vehicular Parking
- PD Planned Development
- R-1A One Family Residential
- R-1B One Family Residential
- R-1C One Family Residential
- R-1D One Family Residential
- R-1E Estate Residential
- R-1T Attached Residential
- RM-1 Multiple Family Residential
- RM-2 Multiple Family Residential
- MHC Mobile Home Community



Station Owner	Property Address
J DAVIS INC	4421 W CENTRE AV
MEROUY PETROLEUM LLC	507 W WILHAM AV
JB REAL ESTATE LLC	7938 OAKLAND DR
JB REAL ESTATE LLC	7938 OAKLAND DR
SPEEDWAY SUPERAMERICA, LLC	8378 PORTAGE RD
EMRO MARKETING CO	5974 PORTAGE RD
PORTAGE FAMILY REAL ESTATE, LLC	5316 PORTAGE RD
SHELL MARKETING RESOURCES, LLC	5128 PORTAGE RD
KAL-ORAKE INC	8900 SHAVER RD
AMERICAN GAS & OIL INC	7025 S SPRINKLE RD
CAH LAND COMPANY, LLC	7480 S WESTNEDGE AV
SHELL MARKETING RESOURCES, LLC	7000 S WESTNEDGE AV
ADMIRAL PETROLEUM #28	5342 S WESTNEDGE AV
ENTERPRISES, INC.	5231 S WESTNEDGE AV
EMRO MARKETING CO	5012 S WESTNEDGE AV
SHELL MARKETING RESOURCES, LLC	7000 S WESTNEDGE AV



1 inch = 3,200 feet



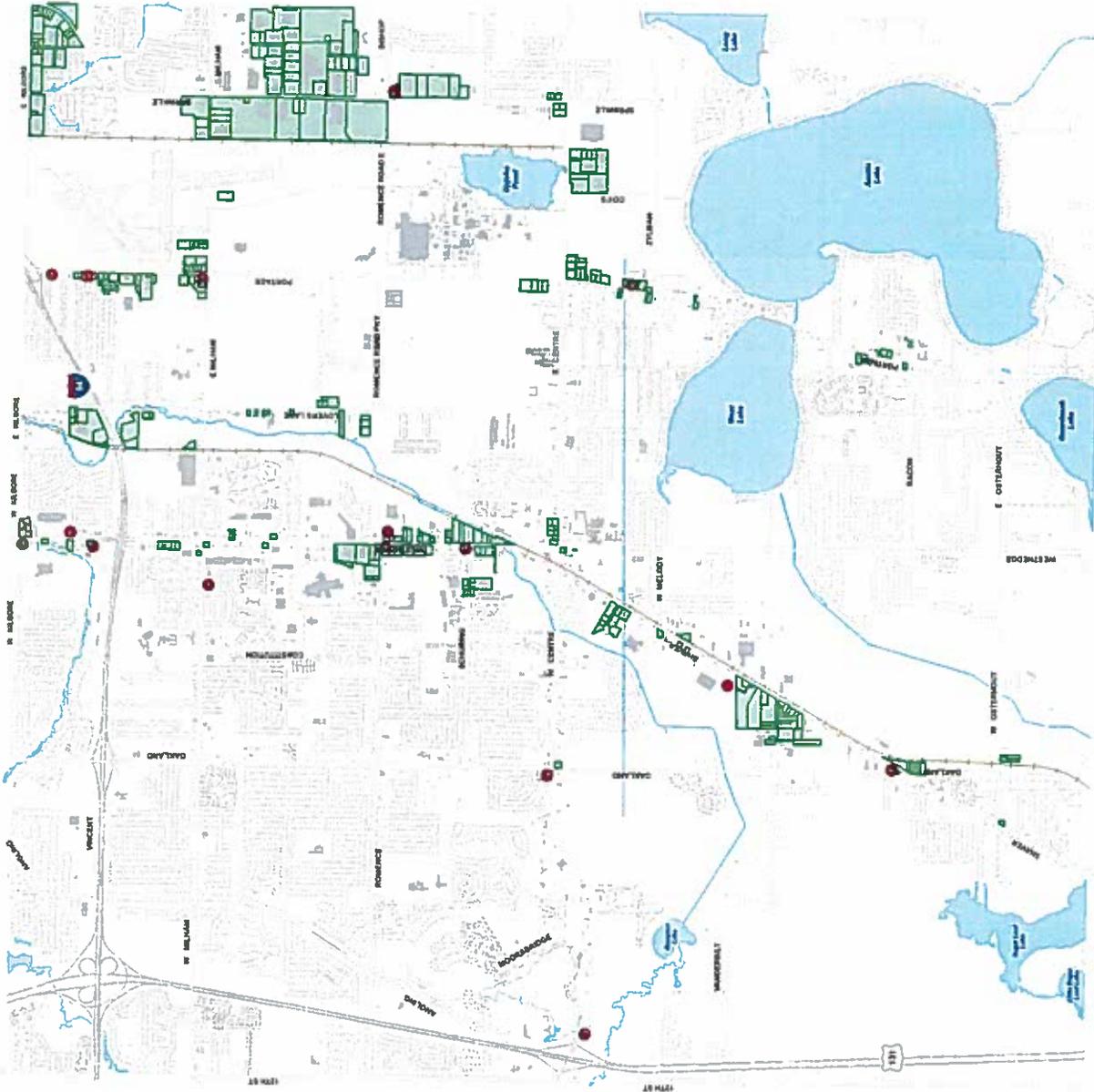
Gas Station Locations

● Gas Stations

▭ Properties meeting proposed Auto Fueling Regulations

- 339 Parcels meet criteria (excludes commercial condos)

- 159 of these Parcels are 1 acre or more



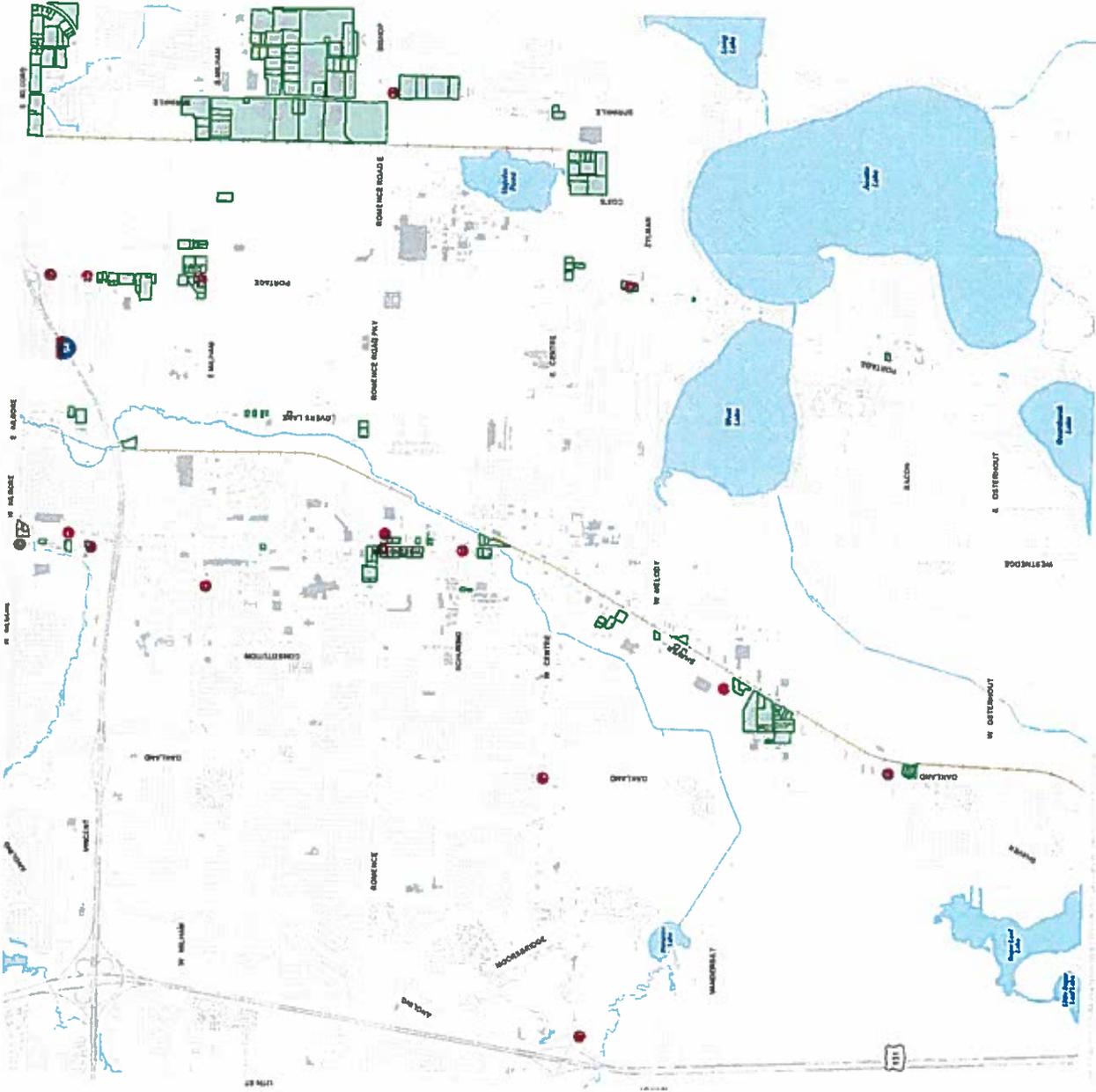
1 inch = 3,310 feet



Gas Station Locations

Regulated areas include additional 300' buffer areas

- Existing Gas Stations
- Properties meeting regulations
 - 216 existing Parcels meet criteria
 - 114 of these Parcels are 1 acre or more



1 inch = 3,200 feet
Date: 12/30/2014

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – December 8, 2014

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. Five people were in the audience.

MEMBERS PRESENT: Timothy Bunch, Chadwick Learned, Glenn Smith, Phillip Schaefer, Jeffrey Bright, Lowell Seyburn, and Randall Schau.

MEMBERS EXCUSED: A motion was made by Bunch, seconded by Schaefer to excuse Michael Robbe and Doug Rhodus. Upon voice vote motion passed 7-0.

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

APPROVAL OF THE MINUTES: Bunch moved and Schaefer seconded a motion to approve the November 10, 2014 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA #14-09, Janine Chicoine, 3620 East Shore Drive: No applicant was present. A motion was made by Bunch, seconded by Smith to postpone the matter until the January 12, 2015 meeting. Upon voice vote the motion passed 7-0.

NEW BUSINESS:

ZBA 14-14; Gaspare Matranga, 2804 East Shore Drive: Mais summarized the requests for a) a finding that there has been a change in circumstance since the October 23, 2014 Board decision; b) a variance to construct a 19-foot by 24-foot garage addition that would extend to within 21 feet of the front property line where a minimum 27 foot front yard setback is required; and c) a two-foot side yard setback variance to construct a 21-foot by 5.5-foot addition. Tina Kuchenbuch, Kira Sackley, and Gaspare Matranga were present on behalf of the applicant. Ms. Kuchenbuch stated Mr. Matranga has changed the request from the October 23, 2014 and was now asking for a lesser variance of 21 feet from the front property line as opposed to the 19 foot setback requested previously. Ms. Kuchenbuch stated the practical difficulty was the steep driveway slope, and the applicant's proposal for a side oriented garage that provides a level area in front of the garage door for vehicles to park and not have to worry about them sliding into the street during the winter months, which has happened on the existing driveway. Ms. Kuchenbuch stated the request will therefore help protect property and improve traffic safety. Ms. Kuchenbuch added the applicant did not create the practical difficulty with respect to the topography, and noted the request would not be detrimental to the neighborhood, as there are many dwellings along East Shore Drive that do not meet the minimum front setback. Learned inquired what the Board should be considering in determining if there has been a change in circumstances. Mais stated the Board should consider if there has been a significant change in the request itself and/or if the conditions surrounding the property have changed. Ms. Kuchenbuch stated the applicant has reduced the requested front setback by two feet and explained the difficulties in performing a turning maneuver from a stall in close proximity to the dwelling's front wall. Seyburn requested clarification if the applicant was intending to construct a third garage stall or not. Ms. Sackley stated the existing garage would be used primarily for storage by the applicant but there would be a third garage door close to the front of the dwelling that could be used for a small car by future owners. Bright inquired if the applicant had considered constructing a conforming 3.5 foot bump-out on the east side of the dwelling and using a vertically stacked washer/dryer. Mr. Matranga said his wife's arthritis made that option problematic. Seyburn inquired how close to the travelled portion of the street the garage would be. The applicant stated 29 feet.

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

Learned inquired if the Board should take into consideration just the two foot difference in the request or could other factors, such as a possible language barrier, be considered. Attorney Bear stated communication issues are regrettable but did not believe it is an issue that should be considered in this

situation. The Board must consider the application itself in determining if there has been a change in circumstances. In addition to the two foot front setback difference, Seyburn noted the applicant modified the design to incorporate additional building areas along the east side of the dwelling. A motion was made by Seyburn, seconded by Bunch, that the Board make a finding there has been a change of circumstances since the October 23, 2014 Board decision. Schau stated the applicant has modified the request slightly and raised new arguments but the facts before the Board are essentially the same as before and did not find there to be a change in circumstances. Upon roll call vote: Bunch-Yes, Schaefer-No, Schau-No, Seyburn-Yes, Learned-No, Bright-Yes, Smith-Yes. Motion passed 4-3.

Learned inquired if the applicant would consider a lesser variance for request b). The applicant responded no. A motion was made by Seyburn, seconded by Bunch, to grant a variance to construct a 19-foot by 24-foot garage addition that would extend to within 21 feet of the front property line where a minimum 27 foot front yard setback is required for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the topography, and the side-oriented garage requires adequate space to allow safe turning in close proximity to the front of the dwelling. Moreover, that one of the purposes of a driveway is to park vehicles in front of the garage which the proposed design would allow to occur safely; 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. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-No, Bunch-Yes, Bright-Yes, Learned-Yes, Schau-No. The motion passed 5-2.

A motion was made by Seyburn, seconded by Learned to deny c) a two-foot side yard setback variance to construct a 21-foot by 5.5-foot addition for the following reasons: 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; 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 constructing a 3.5 foot wide addition; the variance would be detrimental to adjacent property and the surrounding neighborhood; and would materially impair the intent and purpose of the Zoning Ordinance. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-Yes, Bunch-Yes, Bright-No, Learned-Yes, Schau-Yes. The motion passed 6-1.

ZBA #14-15, Philip Tullis, 2908 Kalarama Avenue: Mais summarized the request to construct a 23-foot by 13-foot garage addition seven feet from the (east) side property line where a minimum 10-foot setback is required. Mr. Tullis was present to answer questions. Bright asked the applicant to explain the practical difficulty. Mr. Tullis stated the conforming alternative of shifting the garage doors further west and constructing a narrower third stall did not look aesthetically appealing and left little room to open doors. Mr. Tullis added constructing a detached accessory building in the rear yard would have more negative impacts on adjacent property than the requested variance. Seyburn suggested the applicant might make the garage deeper as opposed to wider. Schau inquired if the applicant had three vehicles. Mr. Tullis stated yes. Mr. Tullis provided the Board letters of support from: Clark Bennett, 6320 Liteolier Street; George Amar, 6333 Liteolier Street; George Balog, 6275 Liteolier Street; Thomas McGee, 6230 Liteolier Street; Rudy Ruterbusch, 6345 Liteolier Street; Shahed Ahmed, 6290 Liteolier Street; Amelia Burch, 6324 Applewood Street; and Kathleen Aleman, 6248 Applewood Street.

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

Bright stated he agreed with the applicant that there were no appealing conforming alternatives. Schau stated most houses in the city do not have a three stall garage and most likely could not have one without a variance, and it appeared the practical difficulty in this case was simply that the applicant wants a three stall garage. A motion was made by Schau, seconded by Learned to deny the request to construct a 23-foot by 13-foot garage addition seven feet from the (east) side property line where a minimum 10-foot setback is required for the following reasons: 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; 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 constructing a narrower garage or detached garage; the variance would be detrimental to adjacent property and the surrounding neighborhood; and would materially impair the intent and purpose of the Zoning Ordinance. Upon roll call vote: Smith-No, Schaeffer-Yes, Bunch-Yes, Bright-No, Learned-Yes, Schau-Yes, Seyburn-Yes. The motion passed 5-2.

ZBA 14-16, Carole Meier, 1416 West Milham Avenue: Mais summarized the request to erect a freestanding sign six feet from the (south) front property line where a minimum 10-foot setback is required. Ms. Meier stated she was not changing the sign location or setback from the previous sign. Ms. Meier stated it was discovered during installation a sign permit had been issued in error, but she had the contractor finish erecting the sign due to having a short window of time to open her business.

A public hearing was open no one spoke for or against the request. The public hearing was closed.

A motion was made by Learned, seconded by Seyburn, to grant a variance to erect a freestanding sign six feet from the (south) front property line where a minimum 10-foot setback is required for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the location and width of maneuvering lane and off-street parking spaces, the narrow, depth of the green strip available for sign location, that a permit had been issued, and the Board had previously granted a variance for a sign in the same location; 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. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Schau-Yes. The motion passed 7-0.

OTHER BUSINESS: Mais stated the Michigan Association of Planning was offering training workshops in early 2015 and that Board members interested in attending should contact staff.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM DECEMBER 16, 2014

The Regular Meeting was called to order by Mayor Strazdas at 7:30 p.m.

At the request of Mayor Strazdas, Councilmember Urban provided an invocation. The City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Nasim Ansari, Richard Ford, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James Hudson.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Reid, to approve the December 2, 2014 Regular Meeting Minutes. Upon a voice vote, motion carried 6 to 0 with Mayor Strazdas abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Ansari to read the Consent Agenda. Mayor Pro Tem Pearson asked that Item F.7, Portage Road / Lakeview Drive Intersection Evaluation, be removed from the Consent Agenda. Councilmember Reid asked that item F.2, 2015 Fee Schedules, be removed from the Consent Agenda. With regard to Item F.4, FY 2014-2015 Community Development Block Grant (CDBG) Program FY 2014-2015 Annual Action Plan – Substantial Amendment, Councilmember Ansari indicated that as a Member of the Portage Community Center Board, which receives funding from CDBG, he will abstain from Item F.4.b. Motion by Ford, seconded by Urban, to approve the Consent Agenda Motions as amended. Upon a roll call vote, motion carried 7 to 0 with Councilmember Ansari abstaining from Item F.4.b, FY 2014-2015 Community Development Block Grant (CDBG) Program FY 2014-2015 Annual Action Plan – Substantial Amendment.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF DECEMBER 16, 2014:** Motion by Ford, seconded by Urban, to approve the Accounts Payable Register of December 16, 2014, as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

WINTER PARKING RESTRICTIONS ORDINANCE AMENDMENT: Mayor Strazdas asked City Manager Larry Shaffer if he had any comment, and Mr. Shaffer indicated that this ordinance amendment moves the restricted winter parking from October 15 to November 1 in response to a number of citizen concerns. Discussion followed. Mayor Strazdas opened the public hearing and invited comments from the public.

There were no comments from the audience. Motion by Reid, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Pearson, seconded by Ansari, to approve an amendment to Section 78-2, Parking (Chapter 78 Traffic and Vehicles), of the Code of Ordinances altering the annual parking restrictions to begin November 1. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Ordinance recorded on page 318 of City of Portage Ordinance Book No. 12.

REPORTS FROM THE ADMINISTRATION:

* **HEALTH INSURANCE CONTRACT RENEWALS:** Motion by Ford, seconded by Urban, to approve one-year contract renewals with Blue Cross Blue Shield of Michigan and Blue Care Network for employee health insurance; maintain current employer/employee cost sharing practices by taking

action to exempt the city from the requirements of P.A. 152 for the 2015 medical benefits plan year; and authorize the City Manager to execute all documents related to the contract renewals on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

2015 FEE SCHEDULES: Councilmember Reid pointed out that the on-line Comprehensive Master Plan and the Capital Improvement Program can be downloaded from the website and asked that staff continue to remind the public of that when there are inquires in this regard. Discussion followed. She also referenced the charge for events at Celery Flats, specifically the Walk-Run Fee, and the conflict that may occur again with a community building event at no charge. Discussion followed. City Manager Shaffer recognized the conflict and said that it is a delicate balance. He also indicated that staff will revisit the policy and bring suggestions to City Council for consideration. Discussion followed. Councilmember Reid also asked that the suggested Fee Schedules be brought to City Council before the last meeting of the year in case there are issues that need to be addressed, since they go into effect in January.

Motion by Reid, seconded by Ansari, to adopt the proposed 2015 Charges for Documents (FOIA Fees); recommended 2015 Recreation Program Fee Revisions; Resolution Establishing Fees for Grave Openings and Closings; Resolutions for Community Development Fees, Electrical Permits, Building Permits, Plumbing Permits and Mechanical Permits; and 2015 Special Assessment Rate Resolution. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 355, 357, 361, 365, 369, 373 and 377 of City of Portage Resolution Book No. 45.

* **REZONING APPLICATION #14/15-2, 4713 AND 4707 (WEST 10-FEET) WEST MILHAM AVENUE:** Motion by Ford, seconded by Urban, to accept Rezoning Application #14/15-2 for first reading and set a public hearing for January 20, 2015, at 7:30 p.m. or as soon thereafter as may be heard; and subsequent to the public hearing, consider approving Rezoning Application #14/15-2 and rezone the west 10 feet of 4707 West Milham Avenue and 4713 West Milham Avenue (excepting the west 10 feet) from B-2, community business to OS-1, office service. Upon a roll call vote, motion carried 7 to 0.

* **FY 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FY 2014-2015 ANNUAL ACTION PLAN - SUBSTANTIAL AMENDMENT:** Motion by Ford, seconded by Urban, to approve the Community Development Block Grant (CDBG) Program FY 2014-2015 Annual Action Plan Substantial Amendment; and approve an amendment to the FY 2014-15 CDBG contract with the Portage Community Center and authorize the City Manager to execute the contract amendment on behalf of the city. Upon a roll call vote, motion carried 6 to 0 with Councilmember Ansari abstaining.

* **WEST OSTERHOUT AVENUE SANITARY SEWER PROJECT #414-S:** Motion by Ford, seconded by Urban, to adopt Resolution No. 2 for the West Osterhout Avenue Sanitary Sewer Project #414-S, setting a public hearing of necessity on January 6, 2015, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 381 of City of Portage Resolution Book No. 45.

* **PINE VIEW DRIVE SANITARY SEWER PROJECT #415-S:** Motion by Ford, seconded by Urban, to adopt Resolution No. 2 for the Pine View Drive Sanitary Sewer Project #415-S, setting a public hearing of necessity on January 6, 2015, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 387 of City of Portage Resolution Book No. 45.

PORTAGE ROAD / LAKEVIEW DRIVE INTERSECTION EVALUATION: Mayor Pro Tem Pearson thanked Mr. Shaffer for reacting so fast to this situation and Mr. Shaffer intimated that

staff was equally dismayed by the tragedy that occurred at the intersection of Lakeview Drive and Portage Road where a ten year old girl lost her life on December 7, 2014. Mayor Strazdas invited Transportation & Utilities Director Chris Barnes to address his preliminary evaluation report dated December 3, 2014, provided in the City Council Agenda Packet. He referred to the geometric issue created by the skewed intersection and the steep approach from Lakeview Drive and indicated that an Engineering Report is underway that looks at a road diet.

He explained that the outcome of the analysis may result in the conversion on segments of Portage Road of a four lane road to a three-lane road, then he pointed out that the study revealed a low accident history on this roadway with less than four accidents per one million vehicle miles. He offered three alternatives to improve the safety and functionality of the intersection: relocate Lakeview Drive to the south and make it level with Portage Road; construct a roundabout; or, install traffic signals which have to be based upon specific warrants. With regard to changing the speed limit, he said that speed limits are based upon the 85th percentile which is the speed at which 85% of the drivers drive and that rate is 45-46 miles per hour on Portage Road.

In answer to Mayor Pro Tem Pearson, he said that the platooning of cars begins to fade 1,000 to 1,500 feet from an intersection, yet mentioned that there are actions that can be taken now before the road diet report such as the Driver Feedback Signs and limiting movement by not allowing any left turns at the Lakeview Drive and Portage Road intersection. Mr. Barnes deferred to the road diet study for the answer to the same issue at Ames Drive. Mayor Pro Tem Pearson indicated that the long term "fix" is preferred and requires property acquisition. Discussion followed.

Councilmember Ansari asked if the same approach can be made to Portage Road with the heavy traffic from Vicksburg as with Schoolcraft and US 131 where traffic is reduced from 70 mph to 35 mph as the driver enters town. In response to a signal at the intersection, Mr. Barnes indicated that the signal would be green all of the time owing to the lack of traffic from Lakeview Drive, so drivers would not slow down; and he contrasted this with the advantages of slowing drivers down with a three-lane roadway or with a roundabout where drivers slow to 12 mph. He indicated that the priorities are to install Driver Feedback Signs and to limit all left turns at the Lakeview Drive and Portage Road intersection. Discussion followed.

In answer to Councilmember Reid, Mr. Barnes indicated the road diet report would be ready in two weeks because of some remaining issues; for example, since the road was built using Federal Aid, he said that he would have to find out if any changes in the roadway would require that some of the funds have to be paid back. Discussion followed.

Mr. Barnes addressed the question from Councilmember Randall regarding the inconvenience of the Lakeview Drive homeowners who could no longer turn at the intersection. Discussion followed.

In answer to Councilmember Urban, Mr. Barnes indicated that he recommends no left turn north on Portage Road, that Lakeview Drive is not a designed roadway, and that it serves as a local street for lake property and would not be allowed to be built like it is today.

Lake Center Business Association (LCBA) President, Dr. Doug Lynes, 8827 Portage Road, indicated that the LCBA will bring recommendations to their meeting in January 2015, and have a written response for City Council afterwards. Speaking as a citizen, he expressed concern with the difficulty crossing Portage Road with the five lanes of traffic and the segments where the speed of the traffic increases, especially during the five o'clock rush hour. Because people drive faster than the speed limit, he suggested a 30 or 35 mph speed limit in order to make it a much safer roadway. He also indicated that the number of accesses on Portage Road make it very problematic for all types of traffic on Portage Road, especially at the Ames Drive and Lakeview Drive accesses. He spoke in support of the roundabout. Mayor Strazdas pointed out that the Kalamazoo County Road Commission had jurisdiction of Portage Road when it was expanded to five lanes and built Portage Road before giving it to the City of Portage. Discussion followed. Mayor Strazdas also clarified that the five options mentioned in the report are not all before Council for consideration, only the short-term options since the long-term options will require the road diet report and the expending of funds. Discussion followed.

Planning Commissioner Miko Dargitz, 9211 Austin Drive, reviewed her credentials and extended condolences to the family of the deceased girl. She mentioned that the problems on Portage Road have been under review for some time; that she grew up in the area; and spoke in favor of reducing the speed on Portage Road and explained. She referred to the Comprehensive Plan and expressed an interest in changing the roadway as an opportunity for building community in the area. Discussion followed.

Jeff Daane, 9918 East Shore Drive, spoke in support of reducing the speed limit and the use of the roundabout as a great idea to help slow the traffic on Portage Road. Discussion followed.

Keir Knapp, 2007 Lakeview Drive, reviewed his background and expertise in this subject area, and indicated that he drives the intersection many times per day. He expressed concern with the ability to judge the speed of the vehicles on Portage Road from Lakeview Drive because of the slope up to Portage Road from Lakeview Drive, the guardrail in the sight line which creates problems for lower cars, and the curvature of the roadway at this juncture. He also added the issue of the proximity of Lakeview Drive to the Lakeview Park entrance as drivers are in the center lane and pedestrians and bicyclists are attempting to cross the roadway. He expressed concern that if the road diet report warrants a three-lane road that the number of gaps allowing access will be fewer. He noted that the roundabout concept will require building up as much as 100 feet of Lakeview Drive to make the roundabout level which will increase the pitch on the driveways affected, and make it difficult for the homeowner to get out, especially in the winter. He objected to the stoplight because traffic would be coming around the curve and slam on their brakes when there is a red light in the intersection. He spoke in favor of relocating Lakeview Drive further south as the preferred option and explained. Discussion followed.

Kay Ensfield, 1818 Forest Drive, expressed her concern with no gaps in traffic on Portage Road, especially in the morning. She indicated that she respects the opinion of the Administration. She suggested that the traffic light on Bacon Avenue be set on a timer from 6:45 a.m. to 8:45 a.m. in order to produce gaps and it would not cost much to do this.

Chris Burns, 5706 Briar Hill Court, spoke in favor of the roundabout and the installation of a pedestrian bridge. Discussion followed.

Mayor Strazdas summed up and suggested that the Administration proceed with what they feel is the best short term solution, and to direct the Planning Commission to work through the alternatives and the ideas. City Manager Shaffer concurred with directing the matter to the Planning Commission for review.

Community Development Director Vicki Georgeau came forward to let City Council know that she has been working with Mr. Barnes on the road diet study, and that there was an interest in taking it not only to the Planning Commission, but also to the community and the business community for comment on the long term solution ideas. She advocated going to the Planning Commission, first. Discussion followed.

City Manager Shaffer indicated the need to implement the two of the short term solutions, to proceed expeditiously toward the final plan, and bring back a report on the impacts of the short term solutions with a plan to City Council.

Mayor Pro Tem Pearson indicated that he heard no objections to the Driver Feedback Signs and agreed with using them; also, with regard to closing Lakeview Drive, he advocated waiting to review the road diet report and explained. He also wished to wait for the input from Lake Center Business Association (LCBA) President Dr. Doug Lynes. With regard to the roundabout, he noted that it would have to be a part of the Capital Improvement Plan and would take a couple of years.

Motion by Pearson, seconded by Reid, to authorize the City Administration to proceed with the proposed intersection improvements of installing Driver Feedback Signage for the Portage Road / Lakeview Drive intersection. He asked that staff obtain feedback from citizens before closing off Lakeview Drive and come back in a couple of weeks with a recommendation.

Councilmember Randall asked if there are any special circumstances with parks where you are encouraging families, and children, to utilize the parks that would allow deviation from the 85% rule to make the park more accessible. Mr. Barnes responded that reasonable speed is determined by the 85%

rule and parks, schools, driveways, etc. all factor in. He explained that the road diet study looks at a speed reduction based on the geometric changes of the roadway and that going from a five lane road to a three lane road changes the nature of the road resulting in a change in the speed limit. He reflected on the suggestion that a speed study take place with the existing geometrics of the roadway. He let Council know that that is not a part of the road diet study as the reduction of the width of the roadway would probably have a speed reduction as part of the findings. He indicated that a speed study has not been conducted as part of this section of Portage Road. Moreover, the difficulty with pedestrian movements is complicated by the number of conflicting driveways in this particular segment of Portage Road, especially as it relates to the placement of pedestrian refuge areas and explained.

Councilmember Ansari concurred with the placement of Driver Feedback Signage and requested a Public Safety Officer be present for a couple of weeks for enforcement purposes. City Manager Shaffer indicated that he would discuss the enforcement request with Public Safety Director Richard White to assist in meeting our speeding objectives.

The motion by Councilmember Urban to amend the original motion to include immediate installation of the restricted turning movements out of Lakeview Drive onto Portage Road failed because of no support. Councilmember Urban explained his rationale and personal experience for his proposed amendment.

In response to Councilmember Ford, Mr. Barnes indicated that the 85 percentile speed limit came to light from the traffic count study performed in September-October 2014, which gives the number of trucks and calculated speed, but is not part of a study or analysis of the entire area, and is just raw data. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

Mayor Strazdas suggested that the speed study in the corridor as well as the design alternatives in this vicinity be directed to the Planning Commission for review and recommendation to City Council after the draft road diet study is completed hopefully by February 2015. Councilmember Urban expressed the caveat that the speed study could suggest an increase in the speed as occurred on South Westnedge Hill in Kalamazoo, although that was set artificially low and explained. Mayor Pro Tem concurred with Councilmember Urban. Discussion followed. Councilmember Ansari added that a similar thing occurred on Stadium Drive in Kalamazoo. Discussion followed.

City Attorney Brown indicated that the two suggestions made by Mr. Barnes could be handled by the City Manager on his own, even though there is no problem with City Council discussing the matter and authorizing the City Manager to do it, with the exception of the roundabout as a long term suggestion. Discussion followed.

* **MICHIGAN MUNICIPAL LEAGUE DUES:** Motion by Ford, seconded by Urban, to authorize payment to the Michigan Municipal League in the amount of \$8,899 for calendar year 2015 membership dues. Upon a roll call vote, motion carried 7 to 0.

* **APWA PROJECT OF THE YEAR AWARD – PORTAGE ROAD / CENTRE AVENUE TRAFFIC SIGNAL INTERCONNECTION PROJECT:** Motion by Ford, seconded by Urban, to receive the communication from the City Manager regarding the APWA Project of the Year Award – Portage Road / Centre Avenue Traffic Signal Interconnection Project as information only. Upon a roll call vote, motion carried 7 to 0.

* **NOVEMBER 2014 ENVIRONMENTAL ACTIVITY REPORT:** Motion by Ford, seconded by Urban, to receive the communication from the City Manager regarding the November 2014 Summary Environmental Activity Report as Information Only. Upon a roll call vote, motion carried 7 to 0.

* **CLOSED SESSION TO DISCUSS A PENDING LITIGATION:** Motion by Ford, seconded by Urban, to meet in closed session immediately following the regular meeting of December 16, 2014, to discuss a pending litigation. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Ford, seconded by Urban, to receive the departmental monthly reports. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION:

COMMUNICATION FROM THE HISTORIC DISTRICT COMMISSION CHAIR

MARK REILE: Mayor Strazdas introduced the communication from Historic District Commission (HDC) Chair Mark Reile. Discussion followed. Councilmember Reid noted that the HDC “wishes to open a dialogue with the City Council to develop a strategy to address these issues together.” She suggested placing this matter on the Committee of the Whole (COW) list so members of the HDC could come and have a dialogue in order for Council to obtain more information to enable a budgetary recommendation and explained. From his reading of the HDC bi-monthly reports, Mayor Pro Tem Pearson said he had an interest in hearing from the HDC on those cases where there is a resident who wished to be removed from the Historic District because it appeared to be beneficial, then had second thoughts. Discussion followed.

Motion by Reid, seconded by Ansari, to receive the report from the Historic District Commission (HDC) Chair Mark Reile regarding Strategy Development for Preserving Portage Historic Properties and refer the issue to a future Committee of the Whole (COW) Meeting, and invite members from the HDC to participate in that meeting. Upon a roll call vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the following Boards and Commissions:

- Portage Historic District Commission of November 5, 2014.
- Portage Park Board of November 5, 2014.
- Portage Human Services Board of November 6, 2014.
- Portage Youth Advisory Committee of November 10, 2014.
- Portage Zoning Board of Appeals of November 10, 2014.
- Portage Environmental Board of November 12, 2014.
- Portage Public Schools Board of Education Regular and Special of November 24 and Special of November 26, 2014.

Councilmember Urban left with excuse at 9:24 p.m.

COUNCIL COMMITTEE REPORTS:

CITY MANAGER EMPLOYMENT MANUAL TASK GROUP: Councilmember Reid provided a brief overview of how the committee is proceeding. She indicated that the Employee Manual originally written in 1985 has been updated, but has not kept up with current practices, and has to be approved by City Council. She indicated that Deputy City Manager Boulis is looking at the Administrative Orders making sure that they are valid and are in alignment with current practices. She referred to the five points identified in the December 16, 2014 Communication provided to City Council this evening. Councilmember Ford pointed out that the only exception to the Manual would be with the first point contained in the communication since what is contained in the City Manager Employment Contract would supersede anything in the Employment Manual. Councilmember Randall pointed out that 1985 was thirty years ago and that it is appropriate to look at the Employee Manual as we look at the City Manager Employment Manual.

Motion by Reid, seconded by Ansari, to accept the City Manager Employment Manual Task Group report. Upon a roll call vote, motion carried 6 to 0.

CITY COUNCIL GOAL SETTING SESSION: Mayor Strazdas highlighted the report from the Retreat held on December 15, 2014, from the notes of the Facilitator, Jill Edelen.

BID TABULATION:

* **CENTRAL COUNTY TRANSPORTATION AUTHORITY APPOINTMENTS:** Motion by Ford, seconded by Urban, to approve a one-year managed print services agreement with the option to exercise two one-year renewals with Applied Imaging for the provision of printer supplies and services and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

CLOSED SESSION: 9:35 p.m.

RECONVENE: 9:50 p.m.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Jeff Daane, 9918 East Shore Drive, asked for consideration for updating Lakeview Park. He said that the tennis courts and the basketball courts are in need of repair and he cited the need for handicap access to the play structure. He also asked that City Council consider striping a pedestrian crossing across Portage Road at the entrances.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmembers and City Manager Shaffer wished everyone safe and Happy Holidays and success in 2015.

Councilmember Ford highlighted the fun activities at the Tree Lighting Ceremony this year at Celery Flats.

Councilmember Randall indicated that she attended the swearing-in of the Kalamazoo County Commissioners earlier in the evening and mentioned that she was looking forward to working with them.

Mayor Strazdas noted that Council ended the year on a high note at the City Council Retreat on December 15, 2014. He mentioned that the Community Survey results had some surprises; that critical topics were discussed at the retreat; and that City Council came together for a great way to end the year. He announced that there will be pre-planned Committees of the Whole Meetings that will take place as needed from 6:00 p.m. until 7:15 p.m. before the Regular City Council Meetings to discuss various topics throughout the year.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:58 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.