



PLANNING COMMISSION

March 5, 2015

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

March 5, 2015

(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * February 19, 2015

SITE/FINAL PLANS:

- * 1. Specific/Site Plan: Southern Michigan Bank & Trust, 531 West Kilgore Road

PUBLIC HEARINGS:

- * 1. Final Report: Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations

OLD BUSINESS:

NEW BUSINESS:

- * 1. Historic District Modification, 3821 West Milham Avenue
- * 2. City of Portage 2015–2025 Capital Improvement Program
 - provided as separate document
 - Adjourn meeting to Conference Room No. 2

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

January 12, 2015 Zoning Board of Appeals meeting minutes
February 10, 2015 City Council regular meeting minutes
February 10, 2015 City Council Committee of the Whole meeting minutes

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

PLANNING COMMISSION

 DRAFT

February 19, 2015

The City of Portage Planning Commission meeting of February 19, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No 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; and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the role and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Felicijan (yes), Dargitz (yes) and Richmond (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the role excusing Commissioners Bosch, Somers and Schimmel. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the February 5, 2015 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Felicijan, to approve the minutes as submitted. The motion was unanimously approved 6-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Report for Ordinance Amendment #14/15-A: Auto Repair and Vehicle Fueling Station Regulations. Mr. Forth summarized the staff report dated February 13, 2015 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Commissioner Dargitz asked if there were any concerns about locating a gas station near an environmentally sensitive area such as the Portage Creek. Mr. Forth indicated MDEQ requirements for installation and maintenance of underground storage tank systems minimize concerns. Mr. Forth also noted city requirements for storm water management and spill containment concerning gas stations that would also minimize threats to the environment. Commissioner Dargitz also asked how the 300 foot distance separation was measured. Mr. Forth stated the distance was measured from property line to property line. Commissioner Richmond asked if a gas station not currently meeting the locational requirements would be impacted due to a change in ownership. Mr. Forth stated a change in ownership would not affect the status of the gas station.

Attorney Brown briefly discussed the applicability of the nonconforming regulations section of the Zoning Code and how it would apply to existing gas stations that do not meet the locational requirements. Attorney Brown, Mr. Forth and the Commission next discussed the proposed ordinance language and whether an existing gas station that does not meet the locational requirements and was abandoned would be allowed to reestablish. Mr. Forth indicated staff would discuss this issue further with Attorney Brown and provide additional information at the March 5, 2015 meeting.

Chairman Welch opened the public hearing. No citizens were present to speak regarding the proposed ordinance amendment. A motion was then made by Commissioner Dargitz, seconded by Commissioner Patterson, to adjourn the public hearing for Ordinance Amendment 14/15-A, Auto Repair and Vehicle Fueling Station Regulations, to the March 5, 2015 meeting. The motion was unanimously approved 6-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:25 p.m.

Respectfully submitted,

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



Department of Community Development

TO: Planning Commission **DATE:** February 27, 2015
FROM: Vicki Georgeau, ^{VA} Director of Community Development
SUBJECT: Specific (Site) Plan for Southern Michigan Bank & Trust, 531 West Kilgore Road

I. INTRODUCTION:

A specific (site) plan has been submitted by Southern Michigan Bank & Trust to construct an approximate 2,500 square foot bank building and associated site improvements at 531 West Kilgore Road. The bank development represents the second project submitted under the previously approved CPD, commercial planned development submitted by Jeroco LLC and 5024 South Westnedge LLC. As background information, City Council on April 14, 2014 approved the CPD, commercial planned development rezoning application and associated conceptual plan/narrative involving a 5.3 acre tract of land located near the southwest corner of South Westnedge Avenue and West Kilgore Road. The specific (site) plan for Southern Michigan Bank & Trust has been designed in substantial conformance with the approved conceptual plan/narrative.

The Southern Michigan Bank & Trust building will be situated approximately 35-feet from the front/north property line and 20-feet from the side/east property line, where abutting the Speedway gas station. Access to the site will be provided through the existing Lowes driveways from West Kilgore Road and South Westnedge Avenue and the newly constructed limited turning movement driveway (right-in/left-in, right-out) from West Kilgore Road. Consistent with the City of Portage Access Management Ordinance, the applicant has agreed to provide future shared/cross access with the adjacent Speedway gas station site to the east. Storm water from the project will be collected, treated and stored underground, beneath the parking lot, prior to being released to the Portage Creek through an existing controlled rate discharge located south of the Riviera Maya site. In conjunction with the recently completed Earth Fare project, 5-foot wide concrete sidewalks were installed along the West Kilgore Road and South Westnedge Avenue frontages of the CPD zoning lot. Exterior finishes and color schemes for the bank building will be of a unified architectural and structural character that is complimentary to the Earth Fare building (see attached building elevations). Perimeter and interior landscaping areas with a mixture of native deciduous and evergreen trees and shrubs will be provided across the project site. Finally, all outdoor lighting units will contain shielded fixtures and conform to applicable ordinance standards.

II. RECOMMENDATION:

The development project has been reviewed by the City Administrative departments. Staff recommends that the Specific (Site) Plan for Southern Michigan Bank & Trust, 531 West Kilgore Road, be approved.

Attachments: Specific (Site) Plan Sheets
Color Building Elevations
Approved CPD Conceptual Plan (April 15, 2014)

S:\2014-2015 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Site Plans\Southern Michigan Bank & Trust, 531 West Kilgore Road - Specific Plan.doc

Site Plan Submittal
18 February 2015
IA Project: 20140805

Southern Michigan Bank and Trust

531 West Kilgore Road,
Portage, MI

Owner
Southern Michigan Bank and Trust
51 W Pearl St, PO Box 309
Coldwater, MI 49036
800.379.7628 P

Construction Manager
Orion Construction, Inc.
32 Market Ave SW, Ste 200
Grand Rapids, MI 49503
616.464.1740 P
616.464.1742 F

Architect
Integrated Architecture
4090 Lake Drive SE
Grand Rapids, MI 49546
616.574.0220 P
616.574.0953 F

Civil Engineer
Hurley & Stewart
2800 S. 11th St.
Kalamazoo, MI 49009
269.552.4960 P
269.552.4961 F

Plumbing Engineer
M.E. Design Consultants
211 Spencer St. NE
Grand Rapids, MI 49505
616.454.1181 P

Electrical Engineer
Integrated Architecture
4090 Lake Drive SE
Grand Rapids, MI 49546
616.574.0220 P
616.574.0953 F

Structural Engineer
JDH Engineering, Inc.
3000 Wainest Suite B
Grandville, MI 49418
616.531.6020 P
616.531.6637 F

Mechanical Engineer
Integrated Architecture
4090 Lake Drive SE
Grand Rapids, MI 49546
616.574.0220 P
616.574.0953 F

RECEIVED
FEB 9 2015
COMMUNITY DEVELOPMENT

PRELIMINARY NOT FOR CONSTRUCTION

Southern Michigan Bank & Trust
Portage, Michigan

Site Plan Submittal
18 February 2015
IA Project: 20140805



Printing and Distribution
Grand Rapids, MI 49503
616.574.0220 P
616.574.0953 F



Infrastructure Associates
 4000 Lakeshore Drive SE
 Grand Rapids, MI 49508
 616.274.8833
 www.iaa.com

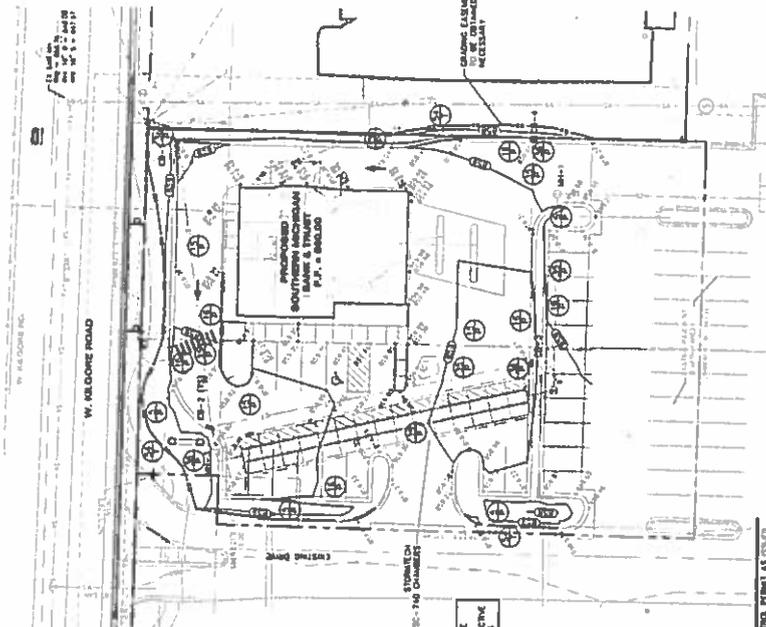
Southern Michigan Bank & Trust
 Forage Michigan

PRELIMINARY NOT FOR CONSTRUCTION

18 Jan 2013
 29 Jan 2013
 Design
 P. J. A. C. P. / J. G. C.
 20130005

SITE GRADING -
 SESC PLAN

C.5



811 Call before you dig.

PROFESSIONAL SERVICE

© 2013 Registered Professional. All rights reserved. No part of this drawing may be used or reproduced in any form or by any means, without prior written permission of the registered professional.

- GRADING NOTES**
1. EXISTING GRADES AND PROFILES WITH SLOPES AS SHOWN UNLESS OTHERWISE NOTED.
 2. ALL EXCAVATIONS SHALL BE PROTECTED BY SHIELDING OR BRACING TO PREVENT COLLAPSE.
 3. ALL SPOT ELEVATIONS ARE TOP OF FINISHED GRADES AT EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
 4. ALL SOIL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO MASS GRADING.
 5. ALL EXCAVATION SHALL BE IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS AND GEOTECHNICAL REPORT.
 6. ALL EXISTING ELEVATIONS ARE TO BE VERIFIED AND ACCEPTED AS SHOWN PRIOR TO COMMENCEMENT OF WORK.
 7. REMOVE AND REPLACE WITH CONTROLLED FILL ANY AREAS THAT HAVE BEEN DISTURBED BY PLAINS, FILLING, CONSTRUCTION EQUIPMENT, ETC.
 8. ALL EXISTING FILL FOR THIS PROJECT SHALL BE SELECTED EXCAVATED MATERIAL FROM THE SITE APPROVED BY THE CONTRACTOR AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
 9. ALL CHANNELS FULL UNDER THE INFLUENCE OF THE ROUTWAY AND PROPOSED ROAD GRADES, SHALL BE COMPACTED TO 95% MOISTURE PROCTOR DENSITY.
 10. ALL CHANNELS SHALL BE ACCOMPANIED BY PLACING THE FILL IN 12" LIFTS, WITH EACH LIFT AND MECHANICALLY COMPACTED TO 95% MOISTURE PROCTOR DENSITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ON EACH LIFT AS NECESSARY TO ENSURE THAT ADEQUATE MOISTURE CONDITIONS AND COMPACTION ARE ACHIEVED.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GRAND RAPIDS AND THE STATE OF MICHIGAN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GRAND RAPIDS AND THE STATE OF MICHIGAN.
 12. CONTRACTOR RESPONSIBLE FOR ALL NECESSARY ENGINEERING CALCULATIONS PRIOR TO COMMENCING WORK. NO CALCULATIONS SHALL BE REVIEWED BY THE ENGINEER AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GRAND RAPIDS AND THE STATE OF MICHIGAN.
 13. IF ANY CHANGES, ENCOUNTERS, OR CONDITIONS OCCUR DURING CONSTRUCTION, THESE SHALL BE REPORTED TO THE ENGINEER IMMEDIATELY AND THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GRAND RAPIDS AND THE STATE OF MICHIGAN.

PROTECT EXISTING DRIVE FROM CONSTRUCTION ACTIVITIES BY OTHER MEANS.

- SESO NOTES**
1. CONTRACTOR MUST COMPLY WITH ALL REQUIREMENTS OF THE SOIL EROSION CONTROL PERMIT AS ISSUED BY THE CITY OF PORTAGE.
 2. PROVIDE SILT SACKS IN EACH CATCH BASIN UNLESS OTHERWISE NOTED.
 3. ALL SOIL EROSION MEASURES SHALL BE IN PLACE PRIOR TO COMMENCING WORK.
 4. STOCKPILE AND MAINTAIN SILT FENCES UNLESS OTHERWISE NOTED.
 5. MAINTAIN A VEGETATIVE BUFFER WHEREVER POSSIBLE.
 6. SEE LANDSCAPING PLAN FOR FINAL SLOPE TREATMENTS.
 7. PLACE TOPSOIL AND SEED ACCORDING TO THE LANDSCAPE PLAN AS SOON AS AREAS ARE BROUGHT TO GRADE.
 8. CLEAR ADJACENT ROADWAYS WHEN NECESSARY.
 9. WATER BEING NECESSARY TO PREVENT AND REMOVE SEDIMENT WASHOFF.
 10. PLACE MACH BLANKET IN ALL SLOPES 1 ON 3 OR STEEPER.
 11. COORDINATE THE LOCATION OF THE TOPSOIL STOCKPILE WITH OTHER SEED STOCKPILE.

SOIL EROSION AND SEDIMENTATION CONTROL MEASURES

KEY	DETAIL	CHARACTERISTICS
1
5
15
16
35
36
54



Professional Architecture
 200 West Main Street
 Suite 100
 Ann Arbor, MI 48106
 Phone: 734.769.8888
 Fax: 734.769.8889
 Email: info@ia-architects.com

Southern Michigan Bank & Trust
 10000 Michigan Ave
 Ann Arbor, MI 48106
 Phone: 734.769.8888
 Fax: 734.769.8889
 Email: info@smbank.com

DATE: 10/15/2013
 PROJECT: SITE LANDSCAPE PLAN
 DRAWN BY: J. B. BROWN
 CHECKED BY: J. B. BROWN
 SCALE: AS SHOWN
 SHEET NO.: 11/01/01

SITE LANDSCAPE PLAN

LP1.0

GENERAL NOTES:

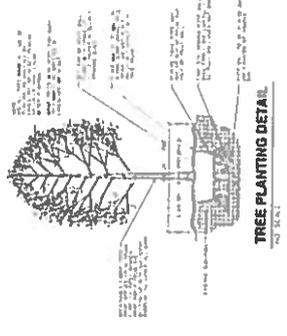
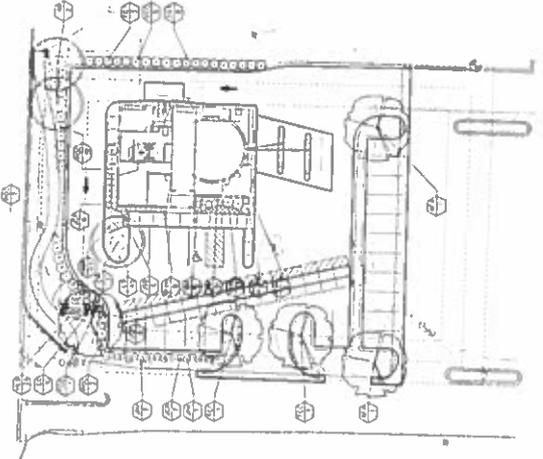
1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE ILLINOIS PLANTING SPECIFICATIONS (IPSS) 2009.
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LEGEND:

- PERENNIAL PLANTING
- ANNUAL PLANTING
- TREE PLANTING
- SHRUB PLANTING
- GRASS PLANTING
- ROCK PLANTING
- WATER PLANTING
- WOOD PLANTING
- PAVING PLANTING
- CONCRETE PLANTING
- BRICK PLANTING
- STONE PLANTING
- CLAY PLANTING
- GLASS PLANTING
- METAL PLANTING
- PLASTIC PLANTING
- TEXTILE PLANTING
- PAPER PLANTING
- LEATHER PLANTING
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- PAPER PLANTING
- LEATHER PLANTING

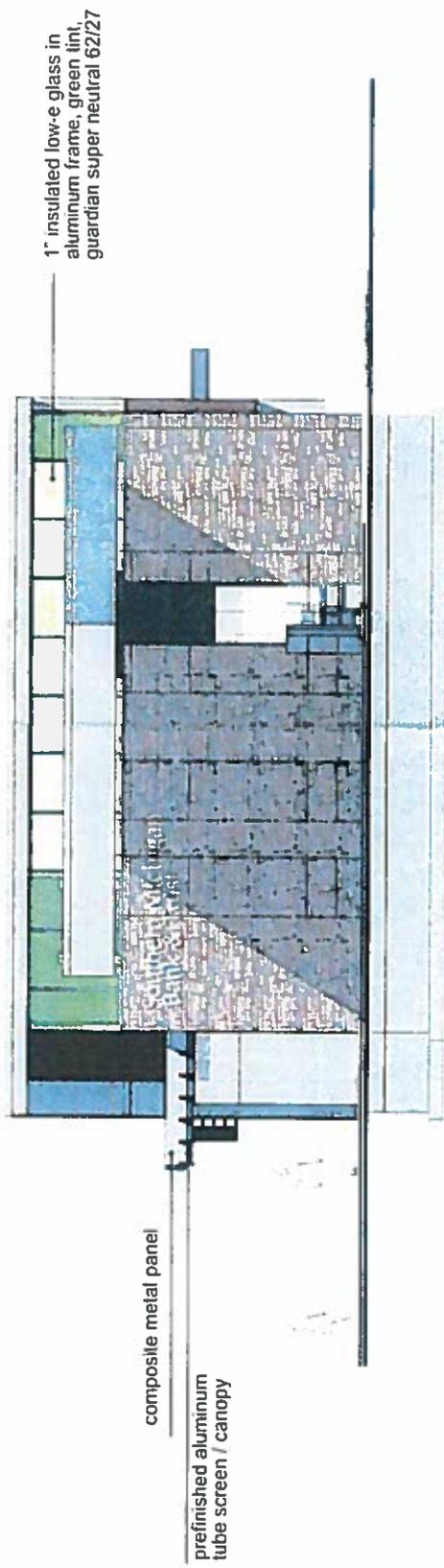
PLANTING SPECIFICATIONS:

1. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE ILLINOIS PLANTING SPECIFICATIONS (IPSS) 2009.
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NO.	PLANT NAME	PLANT CODE	PLANT SIZE	PLANT QUANTITY	PLANT NOTES
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11/01/01 SITE LANDSCAPE PLAN LP1.0



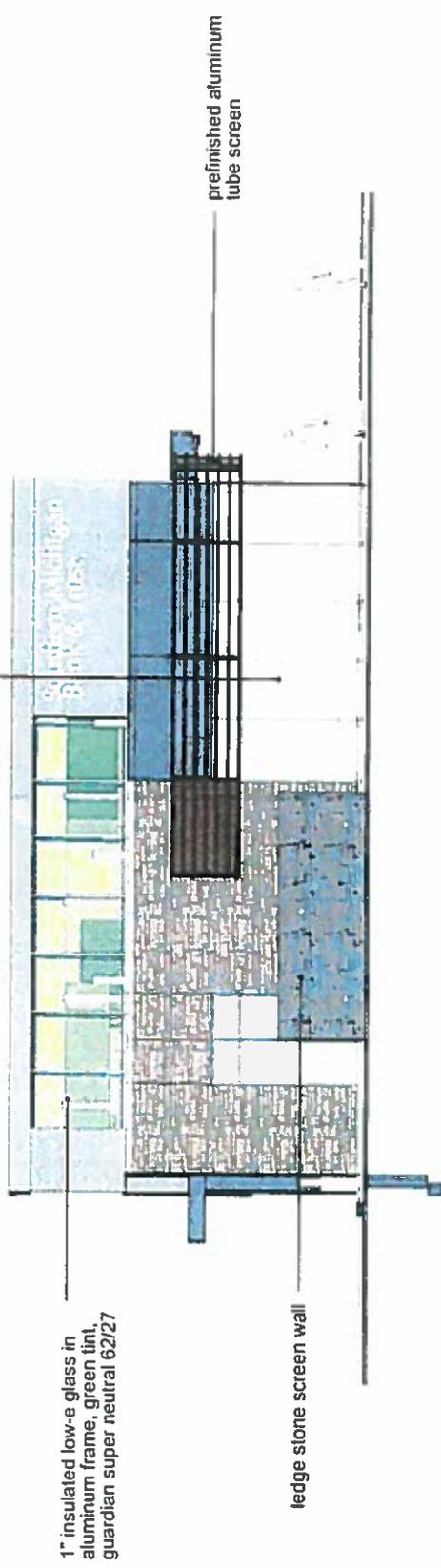
1" insulated low-e glass in aluminum frame, green tint, guardian super neutral 62/27

composite metal panel

prefinished aluminum tube screen / canopy

south

1" insulated low-e glass in aluminum frame, guardian super neutral 62/27



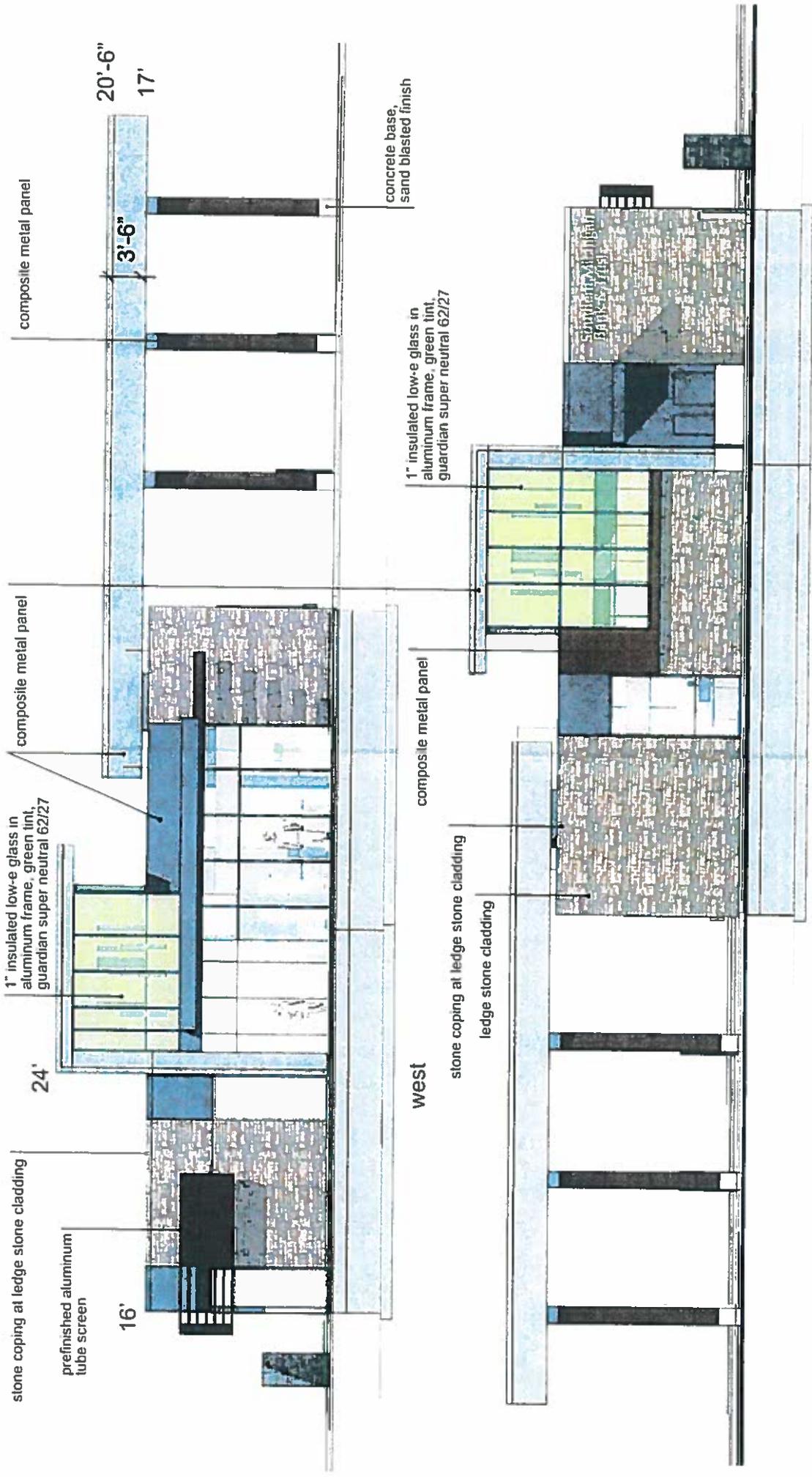
1" insulated low-e glass in aluminum frame, green tint, guardian super neutral 62/27

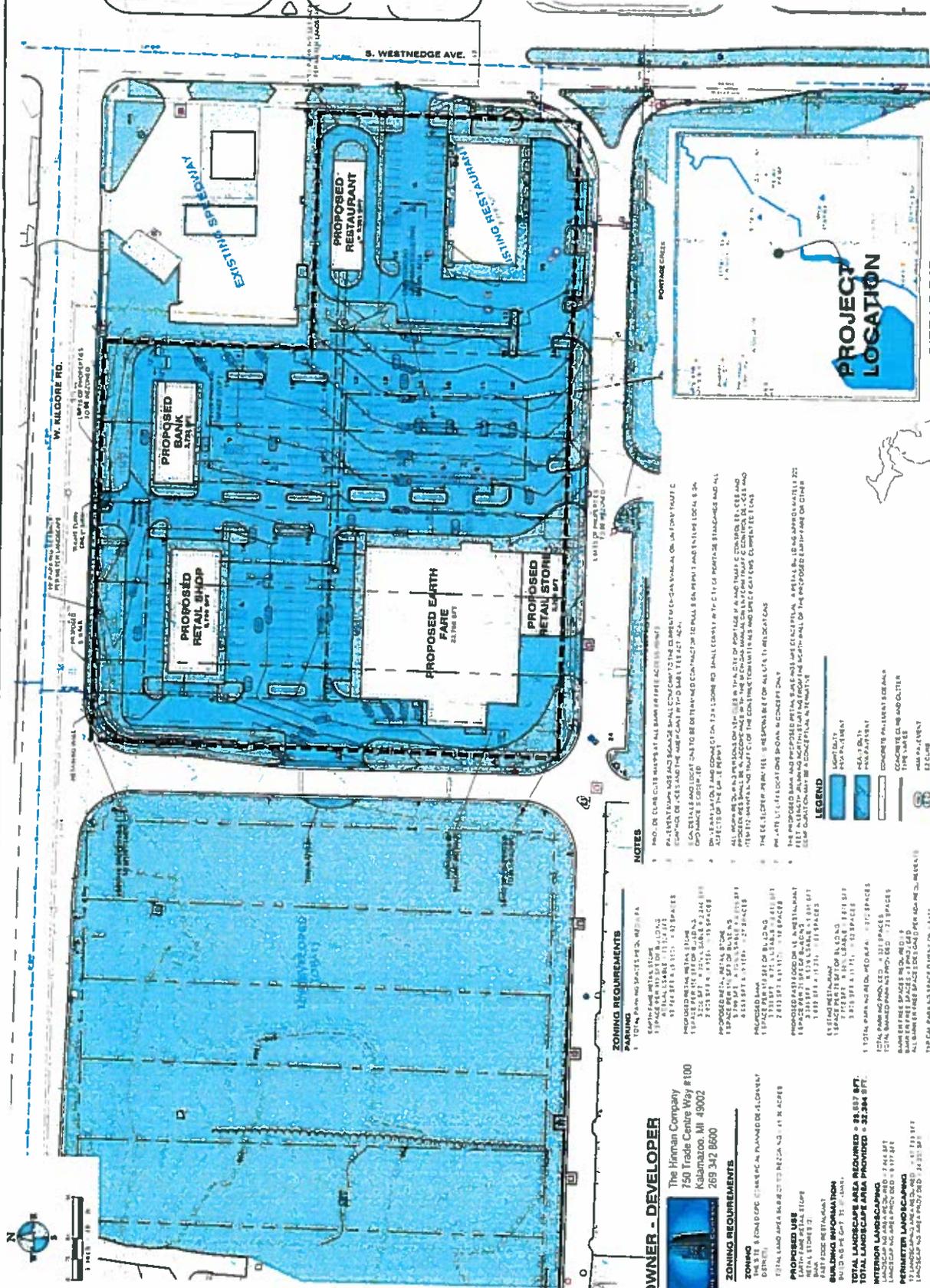
ledge stone screen wall

prefinished aluminum tube screen

north

elevations





SITE LOCATION MAP
 SCALE 1" = 100'

Approved Conceptual Plan
 (April 15, 2014)



- NOTES**
- PROVIDE CURB CUTS AND DRIVEWAYS AT ALL BANK DRIVE ACCESS POINTS.
 - PAVING CONTRACTOR SHALL VERIFY TO THE DEPARTMENT OF TRANSPORTATION THAT ALL DRIVEWAY AND DRIVEWAY DETAILS AND LOCATIONS TO BE OBTAINED FROM CONTRACTOR SHALL BE IN ACCORDANCE WITH LOCAL ORDINANCES AND STANDARDS.
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- ZONING REQUIREMENTS**
- PARKING**
- 1 TOTAL PARKING SPACES REQUIRED = 111 SPACES
 - 2 TOTAL PARKING SPACES PROVIDED = 111 SPACES
 - 3 TOTAL PARKING SPACES PROVIDED = 111 SPACES
 - 4 TOTAL PARKING SPACES PROVIDED = 111 SPACES
 - 5 TOTAL PARKING SPACES PROVIDED = 111 SPACES
 - 6 TOTAL PARKING SPACES PROVIDED = 111 SPACES
 - 7 TOTAL PARKING SPACES PROVIDED = 111 SPACES
 - 8 TOTAL PARKING SPACES PROVIDED = 111 SPACES
 - 9 TOTAL PARKING SPACES PROVIDED = 111 SPACES
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 - 18 TOTAL PARKING SPACES PROVIDED = 111 SPACES
 - 19 TOTAL PARKING SPACES PROVIDED = 111 SPACES
 - 20 TOTAL PARKING SPACES PROVIDED = 111 SPACES

OWNER - DEVELOPER
 The Hinman Company
 750 Trade Centre Way #100
 Kalamazoo, MI 49002
 269.342.8600

ZONING REQUIREMENTS

1 TOTAL LAND AREA REQUIRED TO BE PROVIDED = 45.8 ACRES

PROPOSED USE

1 TOTAL LAND AREA REQUIRED TO BE PROVIDED = 45.8 ACRES

TOTAL LANDSCAPE AREA REQUIRED = 28,857 S.F.

TOTAL LANDSCAPE AREA PROVIDED = 28,384 S.F.

INTERIOR LANDSCAPING

1 LANDSCAPING AREA REQUIRED = 1,478 S.F.

2 LANDSCAPING AREA PROVIDED = 1,478 S.F.

PERIMETER LANDSCAPING

1 LANDSCAPING AREA REQUIRED = 27,379 S.F.

2 LANDSCAPING AREA PROVIDED = 26,906 S.F.



TO: Planning Commission

DATE: February 27, 2015

FROM: Vicki Georgeau^{jk} Director of Community Development

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

I. INTRODUCTION:

The Planning Commission has deliberated over recommended changes to regulations for auto repair facilities and vehicle fueling stations during the past several meetings. The changes are being considered as part of the Planning Commission approved FY2014-15 Work Program, which included Zoning Code amendments pertaining to several topics. Amongst the Zoning Code amendments to be prepared for consideration were revised/updated regulations pertaining to "Auto Service Station" and "Gas Station."

This report provides historical background information pertaining to auto-related services, recommended changes to regulations for auto repair facilities and auto fueling stations, a summary of previous Planning Commission discussions and concludes with recommended ordinance language.

II. AUTO REPAIR FACILITIES:

Regulations regarding automobile repair/servicing have remained basically unchanged since comprehensive zoning of the city in 1965. Between 1965 and 2003, the Zoning Code established two categories for auto repair/servicing: Auto Service Station that permitted "...the servicing of and minor repair of automobiles" and Auto Repair Station that permitted "...general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles." Since auto repair activities and gasoline stations were commonly conducted together in the 1960s, the Auto Service Station and Auto Repair Station categories also allowed the sale of gasoline/engine fuels as an associated, on-site use. An Auto Service Station (minor repairs) was a use permitted in the B-3, general business district subject to review and approval of a special land use permit by the Planning Commission and as a permitted use in the I-1, light industrial district. An Auto Repair Station (major repairs) was permitted as a special land use in the I-1 district.

In 2003, the Zoning Code was amended to separate auto repair activities into two types: major and minor. The 2003 amendment also recognized the marketplace change that vehicle fueling stations were becoming less associated with auto repair and more associated with convenience shopping needs such as food and beverages. The definition of Auto Repair Station was replaced with Auto Repair Station – Major (description remained the same) and Auto Repair Station – Minor with the following description change, "...where the following services may be carried out such as minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding three tons gross vehicle weight; provided, however, there is excluded any repair or work

included in the definition of Auto Repair Station – Major. The definition of Auto Service Station remained basically unchanged to include vehicle fueling/gasoline stations that also may include the sale of minor accessories and the servicing and minor repair of automobiles. Currently, Auto Repair Station – Minor is allowed as a permitted use in the B-3 district and a special land use in the B-2 and I-1 districts, while Auto Repair Station – Major is allowed as a special land use in the I-1 district.

A survey of auto repair facilities currently located in the B-3 zoning district indicates most offer comprehensive automotive repair and servicing activities that include some form of what is considered major repair work such as engine, transmission or other vehicle component repair. Since major auto repair activities are only permitted in the I-1 and I-2, industrial districts, auto repair businesses located in the B-3 district that offer major repair services may not be completely in conformance with the Zoning Code requirements.

Recognizing that many local auto repair facilities offer comprehensive services, staff visited several businesses to compare external impacts associated with the operation of minor and major repairs. The visits revealed few external differences between businesses with major and minor repair activities. Several sites had a minimal amount of discarded auto parts outdoors such as used tires and a couple of sites had inoperable vehicles that had apparently been on-site for an extended period of time. Minor repair facilities such as Belle Tire or Midas Muffler had few, if any, vehicles left on-site after business hours while several of the facilities that offer more comprehensive services had several vehicles on-site, often located within a fenced enclosure. Based on the review of existing repair facilities, the potential adverse land use impacts of major repair facilities are similar to those of minor repair facilities. Engine and/or transmission rebuilding activities, for example, can often be less impactful than some minor repair activities (e.g. noise associated with removing/replacing exhaust systems and tire repair/replacement) since rebuilding related activities including assembly, disassembly and/or machining of automobile related components are performed indoors with precision machines and tools in a controlled environment. The primary impacts associated with both types of auto repairs is outside storage and vehicle parking.

III. VEHICLE FUELING STATION:

As the Commission will recall, a recent 2014 application for an “Auto Service Station” (gasoline/vehicle fueling station) redevelopment project at the former Centre Street Market site, 710 and 732 East Centre Avenue, generated significant controversy, concern and discussion regarding the appropriateness of this use when adjacent to a single family residential neighborhood and/or a child day care/preschool facility. While this “Auto Service Station” (gasoline/vehicle fueling station) proposal was eventually withdrawn by the applicant and the property subsequently rezoned from B-3, general business to B-1, local business, the issue of the appropriateness of this land use adjacent to a residential uses and child day care facility and/or school still remains. Since 1965, gasoline/vehicle fueling stations (“Auto Service Station”) have been allowed in the B-3 and I-1 zoning districts as special land uses without specific conditions. For Commission information, attached is a map that shows the location of existing fueling stations in the City of Portage.

In reviewing the East Centre Avenue gas station proposal, staff and the Planning Commission relied heavily on the General Standards for Review of Special Land Uses provisions of the Zoning Code (Section 42-462) in reviewing potential impacts from the proposed gas station on the adjacent single

family residential neighborhood and child day care/preschool facility. In order to address the impacts associated with the operation of gas stations, specific ordinance standards are recommended.

The most significant ordinance change involves the location of a vehicle fueling station in relation to a residential zoning district, day care center, public/private school or religious institution (many religious institutions operate child day care facilities). Two alternatives were presented to the Commission. The first alternative recommended that a fueling station not be adjacent to or abut one of the land uses noted above. The second alternative recommended a fueling station not abut or be within 300 feet of the protected land uses referenced above. The location requirement that a fueling station not abut or be within 300 feet of a residential land uses, child care, school and church facilities reduced the number of locations suitable for a new vehicle fueling station, while providing additional protections for these nearby land uses. With the 300-foot separation standard, the attached 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. During the January 22, 2015 meeting, the Commission agreed to proceed with an ordinance amendment that would require fueling stations to be located in either the B-3 or I-1 zoning districts to be at least 300 feet away from a residential land uses, child care, school and church facilities.

In an effort to address existing vehicle fueling stations that would not meet the new locational requirements, language has been added to provide a level of protection for these facilities. Also, the proposed fueling station regulations are not applicable to existing fueling stations located in the PD, planned development or CPD, commercial planned development districts. These fueling stations include BP, 4421 West Centre; Sam's Club, 7021 South Westnedge; and a proposed fueling station for Wal-Mart, 8350 Shaver Road. 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.

IV. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing during the February 19, 2015 meeting. No verbal or written citizen comments regarding the proposed ordinance amendment were received at the meeting. The Commission, staff and the City Attorney briefly discussed the applicability of the nonconforming regulations section of the Zoning Code and whether the provisions would apply to an existing gas station that does not meet the proposed locational requirements, and, furthermore, whether an abandoned gas station that does not meet the proposed locational requirements would be protected and allowed to reestablish.

V. PROPOSED ORDINANCE LANGUAGE:

Staff has researched many other community ordinances related to auto repair facilities and vehicle fueling stations, discussed the proposed auto repair amendments with several local business owners, and has considered public comment received and administrative/Planning Commission decisions concerning these uses. As a result of these research efforts, staff is recommending auto repair facilities no longer be classified as either minor or major and two new/updated definitions be established: Auto Repair and Auto Collision/Body Shop. Staff is also recommending that the

definition of Auto Service Station be changed to Vehicle Fueling Station and the definition be revised to reflect the current operational characteristics.

Attached is draft ordinance language prepared by the staff and the City Attorney. The attached draft ordinance language identifies proposed revisions in underline (new text) and strikeout (deleted text) format. A “clean” version without the underline and strikeout text is also provided. The proposed changes are summarized below.

Section 42-112, Definitions

Auto Repair Station – Minor, Auto Repair Station – Major and Auto Service Station. These three definitions are proposed to be rewritten and replaced with the following:

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

Auto Collision/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.

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.

These modifications separate auto repair uses from auto collision/body shop and vehicle fueling station uses. The modifications also recognize that auto collision/body shops typically have more potential adverse land use related impacts such as long term outdoor storage of damaged vehicles, body and frame straightening, reconditioning of automobiles, painting and undercoating. Auto collision/body shops would be allowed only in the industrial zoning districts.

Section 42-261. B-2, community business district

C. Special land uses (Items 2. and 4.)

Changes have been made to this section to eliminate references to “minor” and “major” auto repair and replace with new definitions and terminology. Auto repair facilities would continue to be permitted use in the B-2 district (without being limited to only minor repairs) as a special land use subject to conditions.

Section 42-262. B-3, general business district

B. Principal permitted uses (Item 4.)

C. Special land uses (Items 1. and 4.)

Changes have been made to these sections to eliminate references to “minor” and “major” auto repair and “automobile service stations” and replace with newly defined uses. Auto repair facilities would continue to be a permitted use in the B-3 district (without being limited to only minor repairs) as a separate facility or associated with a vehicle dealership, and as a permitted use in the I-1 and I-2 districts. In regard to Auto Repair, operational conditions were added that: require all repair activities to be conducted completely within the building; restrict the length of time a vehicle awaiting repair or inoperable vehicles may be outdoors; and screening requirements for outside storage of parts and other material.

In regard to Vehicle Fueling Stations, the location requirement that a fueling station not abut or be within 300 feet of a residential land uses, child care, school and church facilities has been added. This requirement would not prevent an existing fueling station that does not meet the locational standard from expanding and/or reconstructing. However and based on discussions during the February 19th meeting, language has been added to prevent a fueling station that does not meet the locational requirement from re-establishing if the use has been abandoned for a period of 90 days or more. For determining whether the use has been abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply. Other conditions have been included such as location of air compressors and vacuums stations, outside storage/display areas, and a provision to protect existing stations that may not be able to comply with the new locational standards. Finally, language has been incorporated that clarifies when an existing fueling station must comply with the requirements applicable to air compressors and vacuum stations, and outdoor storage and display. Compliance with the ordinance is required 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.

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

B. Principal permitted uses (Item 20.)

C. Special land uses (Item 2.)

Changes have been made to these sections to eliminate references to “minor” and “major” auto repair and “automobile service station” and replace with newly defined uses. Changes also include allowing Auto Repair as a permitted use in the I-1 district (currently a special land use) with the same operational conditions related to the length of time a vehicle may be located outdoors. Vehicle fueling stations are also allowed to continue in the I-1 district with the same conditions applicable within the B-3 district.

Auto Collision/Body Shops continue to be allowed as a special land use in the I-1 district with the added requirements that the zoning lot not abut a single family residential zoning district or land designated for residential use in the PD zone and that all vehicles awaiting repair and visible from a public street be enclosed by an opaque fence or wall at least six-feet in height. Additionally, language has been added to protect 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.

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

C. Special land uses (Item 7.)

Currently, Auto Collision/Body Shop is not specifically referenced in the I-2 district so changes have been made to add this use as special land use in the I-2 district. Auto Collision/Body Shops include the requirements that the zoning lot not abut a single family residential zoning district or land designated for residential use in the PD zone and that all vehicles awaiting repair and visible from a public street be enclosed by an opaque fence or wall at least six-feet in height. Finally, language has also been added to protect 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.

VI. RECOMMENDATION

Based on the above analysis and subject to any comments received during the March 5, 2015 public hearing, the Planning Commission is advised to recommend to City Council that Ordinance Amendment 14/15-A, Auto Repair & Vehicle Fueling Station Regulations, be approved.

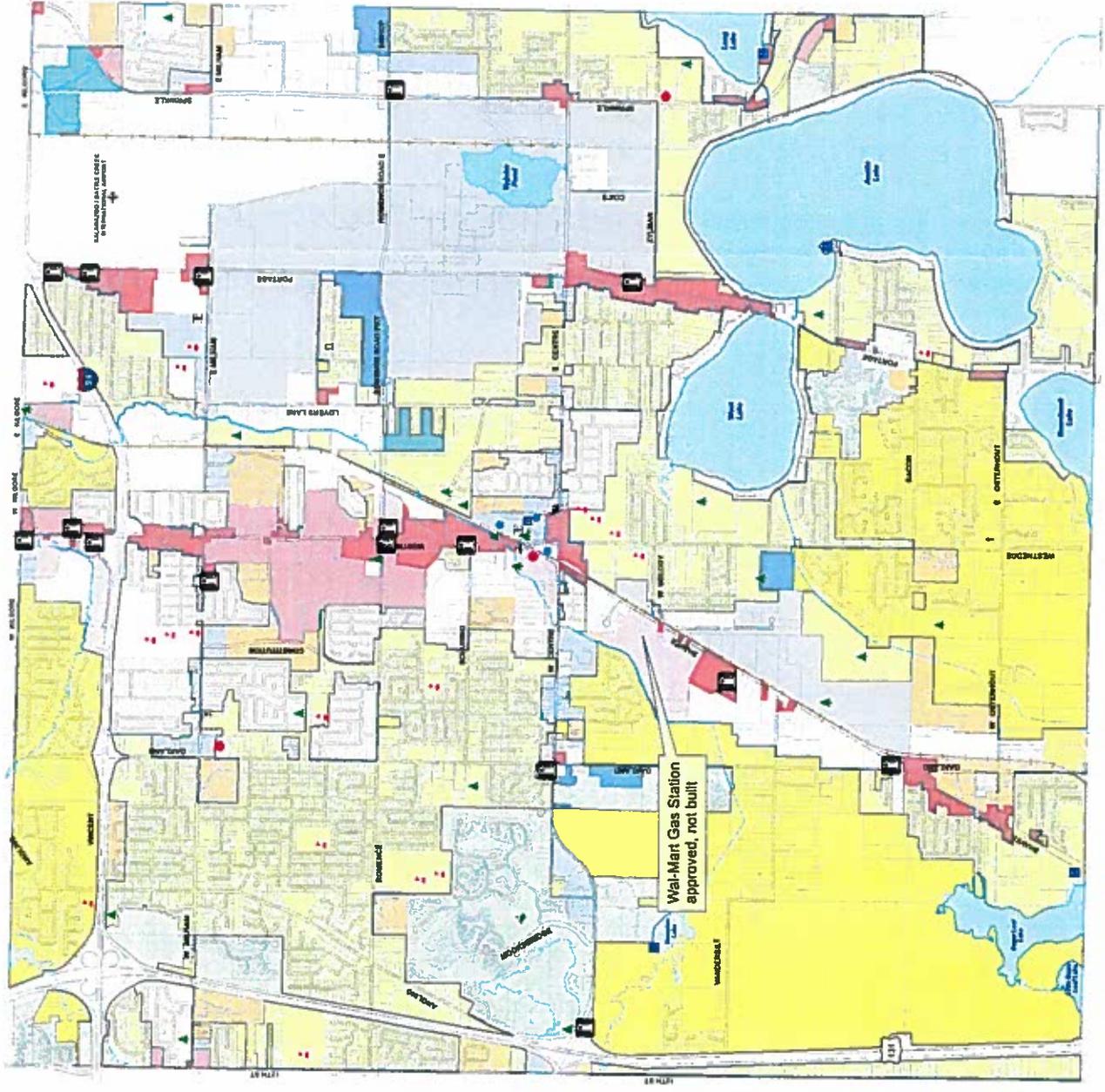
Attachments: Map of existing gas station locations
Map of potential gas station locations with 300-foot separation requirement
Ordinance Amendment (highlight/strike and clean versions)
December 18, 2014 and January 22, 2015 Planning Commission meeting minutes

T:\COMMDEV\2014-2015 Department Files\Board Files\Planning Commission\PC reports\Ordinance Amendments\Auto Repair Regulations\2015 02 27 Ordinance Amendment 14-15-A VO Auto Repair and Gasoline Station Regulations (final report).doc



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
MERCURY PETROLEUM LLC	507 W MILHAM AV
JFB REAL ESTATE LLC	7938 OAKLAND DR
JFB REAL ESTATE LLC	7838 OAKLAND DR
SPEEDWAY SUPERAMERICA, LLC	8379 PORTAGE RD
EMRO MARKETING CO	5974 PORTAGE RD
PORTAGE FAMILY REAL ESTATE, LLC	5316 PORTAGE RD
SHELL MARKETING RESOURCES, LLC	5128 PORTAGE RD
KAL-DRAKE INC	9950 SHAWER 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	9012 S WESTNEDGE AV
SHELL MARKETING RESOURCES, LLC	7000 S WESTNEDGE AV



1 inch = 3,200 feet

[HIGHLIGHT & STRIKE VERSION]

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 Collision/Body Shop repair station—Major: A place with or without the sale of petroleum products (excluding gasoline and diesel fuel for motor vehicles), where automobile repair, collision and/or auto body services the following services may be carried out such as general repair, engine rebuilding and rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; and overall painting; and undercoating of automobiles occurs.~~

~~Auto repair station—Minor: A place with or without the sale of petroleum products (excluding gasoline and diesel fuel for motor vehicles), where general automobile repair; servicing; or rebuilding engines, transmissions or similar vehicle components; and the following services may be carried out such as minor repairs, incidental replacement of parts occurs, or motor service to passenger automobiles and trucks not exceeding three tons gross vehicle weight; provided, however, there is excluded any repair or work included in the definition of "Auto repair station—Major."~~

~~Auto service 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 motor vehicles) are retailed directly to the public on the premises. Services may include the sale of minor accessories and the servicing and minor repair of automobiles. 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.~~

~~Vehicle repair, major: See "Auto repair station—Major".~~

~~Vehicle repair, minor: See "Auto repair station—Minor".~~

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 ~~station, minor.~~

- 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 ~~major vehicle repair~~ 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 Major and minor vehicle repairs shall 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 ~~station~~—~~Minor.~~ 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 located outdoors for more than fourteen (14) days. All other vehicles shall not be 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. ~~No major vehicle repair or refinishing shall be done on the site.~~ 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 located outdoors for more than fourteen (14) days. All other vehicles shall not be stored 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 fuelingAutomobile service stations for the sale of gasoline, oil and minor accessories only, but not including major vehicle repair or other activities where any adverse external effects could extend beyond the property line subject to the following:

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

- i. a 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. 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; provided however that a vehicle fueling station, whether or not it has reconstructed and/or expanded its facilities, which has been abandoned for any reason for the period of not less than ninety (90) days, shall thereafter comply with the locational requirements of subsection 4(a). For purposes of determining whether such use is abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply.

-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 located outdoors for more than fourteen (14) days. All other vehicles shall not be 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 ~~Automobile service~~ stations subject to the following:

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

- i. a 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. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 1(a) shall not be prevented from reconstructing and/or expanding its facilities; provided however that a vehicle fueling station, whether or not it has reconstructed and/or expanded its facilities, which has been abandoned for any reason for the period of not less than ninety (90) days, shall thereafter comply with the locational requirements of subsection 1(a). For purposes of determining whether such use is abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply.

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).

2. Automobile repair stations (major and minor) 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.

Sect. 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).

[CLEAN VERSION]

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 Collision/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 located outdoors for more than fourteen (14) days. All other vehicles shall not be 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 located outdoors for more than fourteen (14) days. All other vehicles shall not be stored 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 located within 300 feet of the following:
 - i. a 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. 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; provided however that a vehicle fueling station, whether or not it has reconstructed and/or expanded its facilities, which has been abandoned for any reason for the period of not less than ninety (90) days, shall thereafter comply with the locational requirements of subsection 4(a). For purposes of determining whether such use is abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply.

- 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 located outdoors for more than fourteen (14) days. All other vehicles shall not be 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. a 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. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 1(a) shall not be prevented from reconstructing and/or expanding its facilities; provided however that a vehicle fueling station, whether or not it has reconstructed and/or expanded its facilities, which has been abandoned for any reason for the period of not less than ninety (90) days, shall thereafter comply with the locational requirements of subsection 1(a). For purposes of determining whether such use is abandoned, the requirements and conditions contained in Section 42-133(C)(5) shall apply.

- 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).
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.

Sect. 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).

NEW BUSINESS:

I. 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.

PLANNING COMMISSION

January 22, 2015



The City of Portage Planning Commission meeting of January 22, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three 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 roll and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Felicijan (yes), Bosch (yes), Somers (yes) and Schimmel (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to approve the roll excusing Commissioners Dargitz and Richmond. The motion was unanimously approved 7-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the December 18, 2014 meeting minutes contained in the agenda packet. A motion was made by Commissioner Stoffer, seconded by Commissioner Schimmel, to approve the minutes as submitted. The motion was unanimously approved 7-0.

SITE/FINAL PLANS:

1. Site Plan: Pinefield (Phase 3), 6291 South 12th Street. Mr. West summarized the staff report dated January 16, 2015 regarding a request by Pinefield, LLC to construct Phase 3 of the Pinefield residential development. Mr. West indicated Phase 3 proposed construction of seven four-unit buildings and one two-unit building (30 units total), four detached storage buildings and associated site improvements on the vacant parcel located north of Pinefield (Phase 2). Mr. West discussed the proposed access to Phase 3, reconfiguration of the existing storm water retention basin and the applicant's plans to preserve existing mature evergreen trees along the northern property line and install supplemental evergreen and deciduous tree plantings along the northwest portion of Phase 3 where adjacent the single family residence located at 6255 South 12th Street.

Mr. Bob Deppe of Pinefield, LLC (applicant/owner) was present to support the site plan. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve the Site Plan for Pinefield (Phase 3), 6291 South 12th Street. The motion was unanimously approved 7-0.

PUBLIC HEARINGS:

None.

OLD BUSINESS:

1. Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations. Mr. Forth summarized the staff report dated January 2, 2015 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Mr. Forth summarized changes made to the draft ordinance language since Commission review and discussion at the December 18, 2014 meeting. The

Commission did not have any additional comments regarding the proposed ordinance amendment. A motion was then made by Commissioner Bosch, seconded by Commissioner Patterson, to schedule a public hearing for February 19, 2015 to formerly consider Ordinance Amendment #14/15-A. The motion was unanimously approved.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

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



Department of Community Development

TO: Planning Commission **DATE:** February 27, 2015
FROM: Vicki Georgeau, ^{VA} Director of Community Development
SUBJECT: Historic District Modification, 3821 West Milham Avenue

Attached is a communication and report from the Portage Historic District Study Committee, involving a request received from Patrick and Lisa Lynch, owners of the property located at 3821 West Milham Avenue, that 16.55 acres of land be removed from the existing Van Riper historic district property. The preliminary report summarizes the request and provides important background information. The preliminary report was reviewed by the Historic District Commission on February 18, 2015 and the Historic District Study Committee is recommending the Historic District modification be approved. A public hearing will be held by the Historic District Commission on March 11, 2015.

The land area proposed to be removed from the Historic District is located along the western portion of 3821 West Milham Avenue, adjacent US-131. The proposed modification would remove 16.55 acres (from the overall 21.02 acre property) to facilitate construction of an approximate 180,000 square foot senior living facility. The proposed senior living facility would replace the previously approved cottage offices and would be incorporated into the nonresidential portion of The Homestead Planned Development. A public hearing to consider this proposed amendment to the tentative plan for The Homestead is tentatively scheduled for the March 19, 2015 Planning Commission meeting. Municipal water and sanitary sewer service are available. The proposed modification does not affect any existing historic building or structure and leaves the historic property with approximately 4.46 acres of remaining land.

In accordance with the Local Historic Districts Act (Public Act 169 of 1970), the preliminary report is being forwarded to the Planning Commission for review and comment. The Planning Commission is advised to review this matter and, subject to any additional comments, staff advises the Planning Commission recommend that the Historic District Modification involving 3821 West Milham Avenue be approved as proposed. The Planning Commission recommendation will be forwarded to the Historic District Commission in advance of the March 11, 2015 public hearing. At the conclusion of the public hearing, the information and recommendations will be forwarded to City Council for final action.

Attachment: Communication and report from Portage Historic District Study Committee

S:\Commdev\2014-2015 Department Files\Board Files\PLANNING COMMISSION\PC Reports\2015 02 27 Historic District Modification, 3821 West Milham Avenue.doc

CITY OF PORTAGE

COMMUNICATION

TO: Portage Planning Commission

DATE: February 18, 2015

FROM: Portage Historic District Study Committee

SUBJECT: Historic District Modification – 3821 West Milham Avenue

Attached is a preliminary report concerning a request for a historic district modification at 3821 West Milham Avenue. The preliminary report is being provided to the Planning Commission for review, as set out in Public Act 169 of 1970. A public hearing will be held on this matter on Wednesday, March 11, 2015 at 8:15 a.m. in Portage City Hall Conference Room #3.

c: Erica L. Eklov, Historic District Commission Staff Liaison

Attachment

City of Portage, Michigan Historic District Study Committee

Historic District Modification
The "Van Riper" Property
3821 West Milham Avenue · Portage, Michigan 49024

Preliminary Report

February 18, 2015

Summary

A request from Patrick and Lisa Lynch, owners of the property commonly known as 3821 West Milham Avenue, seeks to remove an approximately 16.55 acre portion from the approximately 21.02 acres from the Van Riper property located within the City of Portage Historic District. It is the recommendation of the Historic District Study Committee ("HDSC") that the City Council **APPROVE** the request as outlined and requested.¹

Authority

The Local History Districts Act, being Act 169 of 1970 as amended;

The City of Portage City Council resolution designating the Historic District Commission as the standing Historic District Study Committee, pursuant to MCL 399.214, to review and make recommendations as recited in the February 9, 2015 Communication from Erica L. Eklov, Administrative Assistant to the City Manager.

The Charge of the Committee

The Historic District Study Committee is charged with reviewing the request and acting as set forth in Public Act 169 of 1970. Specifically, the HDSC must:

1. Conduct a photographic inventory of resources within the existing historic district.
2. Conduct basic research of the historic district and the historic resources located within the district.
3. Determine the total number of historic and non-historic resources within the historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the national register of historic places.
4. Prepare a preliminary report that addresses at a minimum all of the following:
 - a. The charge of the committee.
 - b. The composition of the committee membership.
 - c. The historic district studied.
 - d. The boundaries for the historic district in writing and on maps.
 - e. The history of the historic district.

¹ The filing by Patrick and Lisa Lynch was originally styled as an "Application for Certificate of Appropriateness for Modification to Historic District Structures." The HDSC has treated said Application as a request for a recommendation from the Historic District Study Committee for removal of property from the historic district pursuant to MCL 399.214 and related authority as granted by the City Council.

- f. The significance of the district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
5. Transmit copies of the preliminary report for review and recommendation to the Portage Planning Commission, to the Michigan Historical Commission and to the state Historic Preservation Review Board.
6. Make copies of the preliminary report available to the public.
7. Hold a public hearing within 60 days after the transmittal of the preliminary report.
8. Following the public hearing, prepare and submit a final report with its recommendations and the recommendations, if any, of the Portage Planning Commission to the City Council. If the recommendation is to modify the historic district, the final report must include a draft of a proposed ordinance.

The Composition of Committee Membership

Voting Members

The HDSC is comprised of members of the Portage Historic District Commission, including: Christine Broberg, Suzanne Nemeth, Russell Randall, E. James Ebert, Jamie Jager, Larry Ahleman, and Fred Grunert.

Non-Voting Participants

City of Portage Liaison: Erica Eklov

Abstentions

Mark Reile and Katie VanLonkhuyzen have abstained from participation in this review due to potential conflicts of interest.

Historic District Studied

Property Address: 3821 West Milham Avenue
Portage, Michigan (County of Kalamazoo)

Parcel ID No.: 00007-025-A

This property is commonly referred to as the "Van Riper Property." The total size of the property is approximately 21.02 acres of which approximately 16.55 acres is sought to be removed from the historic district for a senior living facility development.

On February 7, 2015, Fred Grunert visited the property and photographed the historic resources, which include the house, outbuilding, and the property generally. Photographs were taken of proposed area to be removed from the historic district, in context within existing boundaries and the street, are attached hereto.

The proposed modification of the Van Riper Property would remove approximately 16.55 acres to the west of the historic home. The modification does not affect any existing structure, building, or edifice and leaves the historic property with approximately 4.46 acres of the remaining land. Any new construction on the new parcel will be subject to the City of Portage construction and development regulations.

The Boundaries for the Historic District in Writing and on Maps

The legal description for the historic property under the prior Historic District Ordinance (approximately):

SEC 7-3-11 W ½ NE ¼ SEC 7 EXC S 165 FT ALSO EXC US 131 ROW, ALSO EXC MICHIGAN HIGHWAY EASEMENT.

The legal description of the current historic district property under the City Assessor (approximately):

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 7 THAT IS 868.34 FEET SOUTH 89° 42' 49" EAST OF THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89° 42' 49" EAST ON SAID NORTH LINE 77.75 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00° 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89° 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 285.00 FEET; THENCE SOUTH 00° 02' 20" EAST PARALLEL WITH SAID WEST LINE 261.87 FEET; THENCE SOUTH 47° 07' 46" EAST 42.56 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILICUDDY LANE; THENCE SOUTHWESTERLY 127.20 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 27° 01' 34" WEST 125.59 FEET; THENCE SOUTH 11° 10' 57" WEST ON SAID RIGHT OF WAY LINE 10.65 FEET TO THE NORTH LINE OF THE SOUTH 165.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 89° 46' 18" WEST ON SAID NORTH LINE 631.86 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 7; THENCE NORTH 00° 05' 48" WEST ON SAID QUARTER LINE 745.80 FEET TO THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY U.S. 131; THENCE NORTH 09° 52' 01" EAST ON SAID EASTERLY RIGHT OF WAY LINE 359.76 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST MILHAM AVENUE; THENCE SOUTH 89° 42' 49" EAST ON SAID SOUTH RIGHT OF WAY LINE 806.09 FEET; THENCE NORTH 00° 05' 48" WEST PARALLEL WITH SAID QUARTER LINE 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.02 ACRES MORE OR LESS.

The new legal description of the proposed modified district (approximately):

COMMENCING AT THE NORTH ¼ POST OF SECTION 7, T. 3 S., R. 11 W., CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN; THENCE SOUTH 89° - 42' - 49" EAST ALONG THE NORTH LINE OF SAID SECTION, 868.34 FEET FOR THE PLACE OF BEGINNING OF THE LAND HEREINAFTER DESCRIBED; THENCE CONTINUING SOUTH 89°-42'-49" EAST ALONG SAID NORTH LINE, 77.75 FEET TO THE WEST LINE OF THE HOMESTEAD OF PORTAGE NORTH, AS RECORDED IN THE LIBER 42 OF PLATS ON PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00°-02'-20" EAST THEREON, 745.00 FEET; THENCE SOUTH 89°-57'-40" WEST, PERPENDICULAR TO SAID WEST LINE, 285.00 FEET; THEN NORTH 1°-08'-30" EAST, 63.87 FEET; THEN NORTH 28°-47'-38" WEST 75.92 FEET; THENCE NORTH 3°-02'-36" EAST, 217.65 FEET; THEN NORTH 18°-55'-42" EAST, 170.22 FEET; THENCE NORTH 0°-35'-36" WEST, 34.24 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF WEST MILHAM AVENUE; THENCE SOUTH 89°-42'-49" EAST THEREON, 141.34 FEET; THENCE NORTH 0°-05'-48" WEST PARALLEL WITH THE NORTH AND SOUTH ¼ LINE OF SAID SECTION, 60.00 FEET TO PLACE OF BEGINNING. CONTAINING 4.46 ACRES.

The legal description of the property to be removed from the district (approximately):

COMMENCING AT THE NORTH ¼ POST OF SECTION 7, T. 3 S., R. 11 W., CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN; THENCE SOUTH 89°-42'-49" EAST ALONG THE NORTH LINE OF SAID SECTION, 868.34 FEET; THENCE SOUTH 0°-05'-48" EAST PARALLEL WITH THE NORTH AND SOUTH ¼ LINE OF SAID SECTION, 60.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF THE WEST MILHAM AVENUE; THENCE NORTH 89°-42'-49" WEST THEREON, 141.34 FEET FOR THE PLACE OF BEGINNING OF THE LAND HERINAFTER DESCRIBE; THENCE SOUTH 0°-35'-36" EAST 34.24 FEET; THENCE SOUTH 18°-55'-42" WEST, 170.22 FEET; THENCE SOUTH 1°-22'-14" WEST, 217.65 FEET; THENCE SOUTH 30°-12'-26" WEST 72.48 FEET; THENCE SOUTH 3°-02'-36" WEST 80.53 FEET; THENCE SOUTH 28°-47'-38" EAST, 75.92 FEET; THENCE SOUTH 1°-08'-30" WEST, 63.87 FEET; THENCE SOUTH 0°-02'-20" EAST PARALLEL WITH THE WEST LINE OF THE HOMESTEAD OF PORTAGE NORTH AS RECORDED IN LIBER 42 OF PLATS ON PAGE 16, KALAMAZOO COUNTY RECORDS THENCE SOUTH 47°-07'-46" EAST, 42.56 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF MCGILICUDDY LANE; THENCE SOUTHWESTERLY THEREON, 127.21 FEET ALONG A NON-TANGENT CURVE TO THE LEFT WITH AT RADIUS OF 230.00 FEET AND THE CHORD BEARING SOUTH 27°-01'-34" WEST, 125.59 FEET; THENCE CONTINUING SOUTH 11°-10'-57" WEST ALONG SAID RIGHT-OF-WAY, 10.65 FEET TO THE NORTH LINE OF THE SOUTH 165.00 FEET OF THE NORTHWEST ¼ of the NORTHEAST ¼ OF SAID SECTION; THENCE NORTH 89°-46'-18" WEST THEREON, 631.86 FEET TO THE NORTH AND SOUTH ¼ LINE OF SAID SECTION; THENCE NORTH 0°-05'-48" WEST THEREON, 745.80 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF HIGHWAY U.S. 131; THENCE NORTH 09°-52'-01" EAST THEREON, 359.76 FEET TO

SAID SOUTH RIGHT-OF-WAY LINE OF WEST MILHAM AVENUE; THENCE SOUTH 89°-42'-49" EAST THEREON, 664.75 FEET TO THE PLACE OF BEGINNING. CONTAINING 16.55 ACRES.

The History of the Historic District

The property located at 3821 West Milham Avenue was first owned by Allison Kivine (asa Kinne), sold in 1836 to brother-in-law Stephen Howard. It is believed that the first brick home, in the style of Greek revival, was built on the site which is today within the City of Portage territorial limits. The home-structure currently existing on the property was built in 1859. The barn is considered to have been built at the same time. The house was constructed using hand-hewn oak timbers, cut by Howard himself, for the basement along with handmade bricks. In the 1920s, the house was then utilized by Albert Henwood and his family, who modernized the home with the installation of plumbing and electricity.

The Henwoods also planted the well-known rows of lilac bushes that still exist on the property. The Van Ripers planted approximately 300 oaks and maples, which still exists on the south side of the property.

In 1945, Dr. Charles Gage Van Riper and his wife bought the property. Van Riper was a well-known audiologist and speech therapist, and founder of the Van Riper Speech Clinic at Western Michigan University.

A written history of the home is at the Portage District Library entitled "Our House."

The Significance of the District

The Van Riper Property, with its structures and vegetation, are historically significant to preserve. However, the proposed removal of 16.55 acre parcel from the historic district will have an insignificant contextual impact on the historic resources.

Recommendation

Following the study of the information contained within, the Historic District Study Committee recommends that the request to modify the Historic District as presented be **APPROVED**. It is recommended that City Council approve amending the City of Portage Historic District Ordinance, specifically Section 38-35 "District Established; Boundaries," to reflect the ensuing legal description for 3821 West Milham Avenue (parcel #00007-025-A).

Photos of 3821 West Milham for HDSC Report



1. View looking East at proposed drive



2. View looking South at proposed drive



3. View looking at House from drive



4. View of tree line separation at drive



5. View looking South at House

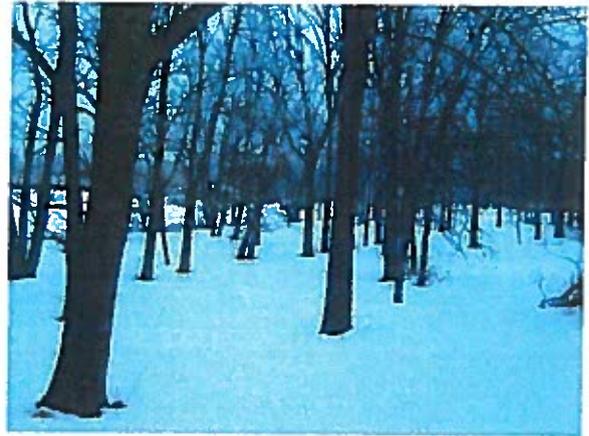


6. View of tree line West of Barns

Photos of 3821 West Milham for HDSC Report



7. View from corner of house looking West



8. View looking from house to Milham



9. View from South West corner of property



10. View of tree line looking North East



11. View of barns looking North East



12. View of barns looking North

Photos of 3821 West Milham for HDSC Report



13. View of barns looking East



14. View of barns looking East



15. View of tree line looking North



16. South of property looking North



17. South of property looking North at barns

TENTATIVE PARCEL MAP
FOR
MMM DEVELOPMENT
LOCATED IN SECTION 7, T. 3 S., R. 11 W.
CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

BY
Prein & Newhof
Engineers • Surveyors • Environmental & Soils Laboratory

7123 STADIUM DRIVE
KALAMAZOO, MICHIGAN 49009
PHONE: (269) 372-1158

FEBRUARY 17, 2015

Remainder Parcel:

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet for the place of beginning of the land hereinafter described; thence continuing South 89°-42'-49" East along said North line, 77.75 feet to the West line of The Homestead of Portage North, as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records; thence South 00°-02'-20" East thereon, 745.00 feet; thence South 89°-57'-40" West, perpendicular to said West line, 285.00 feet; thence North 1°-08'-30" East, 63.87 feet; thence North 28°-47'-38" West, 75.92 feet; thence North 3°-02'-36" East, 80.53 feet; thence North 30°-12'-26" East, 72.48 feet; thence North 1°-22'-14" East, 217.65 feet; thence North 18°-55'-42" East, 170.22 feet; thence North 0°-35'-36" West, 34.24 feet to the South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 141.34 feet; thence North 0°-05'-48" West parallel with the North and South 1/4 line of said Section, 60.00 feet to the place of beginning. Containing 4.46 Acres.

Split Parcel:

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet; thence South 0°-05'-48" East parallel with the North and South 1/4 line of said Section, 60.00 feet to the South right-of-way line of West Milham Avenue; thence North 89°-42'-49" West thereon, 141.34 feet for the place of beginning of the land hereinafter described; thence South 0°-35'-36" East, 34.24 feet; thence South 18°-55'-42" West, 170.22 feet; thence South 1°-22'-14" West, 217.65 feet; thence South 30°-12'-26" West, 72.48 feet; thence South 3°-02'-36" West, 80.53 feet; thence South 28°-47'-38" East, 75.92 feet; thence South 1°-08'-30" West, 63.87 feet; thence South 0°-02'-20" East parallel with the West line of The Homestead of Portage North as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records; thence South 47°-07'-46" East, 42.56 feet to the Northwesterly right-of-way line of McGillicuddy Lane; thence Southwesterly thereon, 127.21 feet along a non-tangent curve to the left with a radius of 230.00 feet and a chord bearing South 27°-01'-34" West, 125.59 feet; thence continuing South 11°-10'-57" West along said right-of-way, 10.65 feet to the North line of the South 165.00 feet of the Northwest 1/4 of the Northeast 1/4 of said Section; thence North 89°-46'-18" West thereon, 631.86 feet to the North and South 1/4 line of said Section; thence North 0°-05'-48" West thereon, 745.80 feet to the Easterly right-of-way line of Highway U.S. 131; thence North 09°-52'-01" East thereon, 359.76 feet to said South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 664.75 feet to the place of beginning. Containing 16.55 Acres.

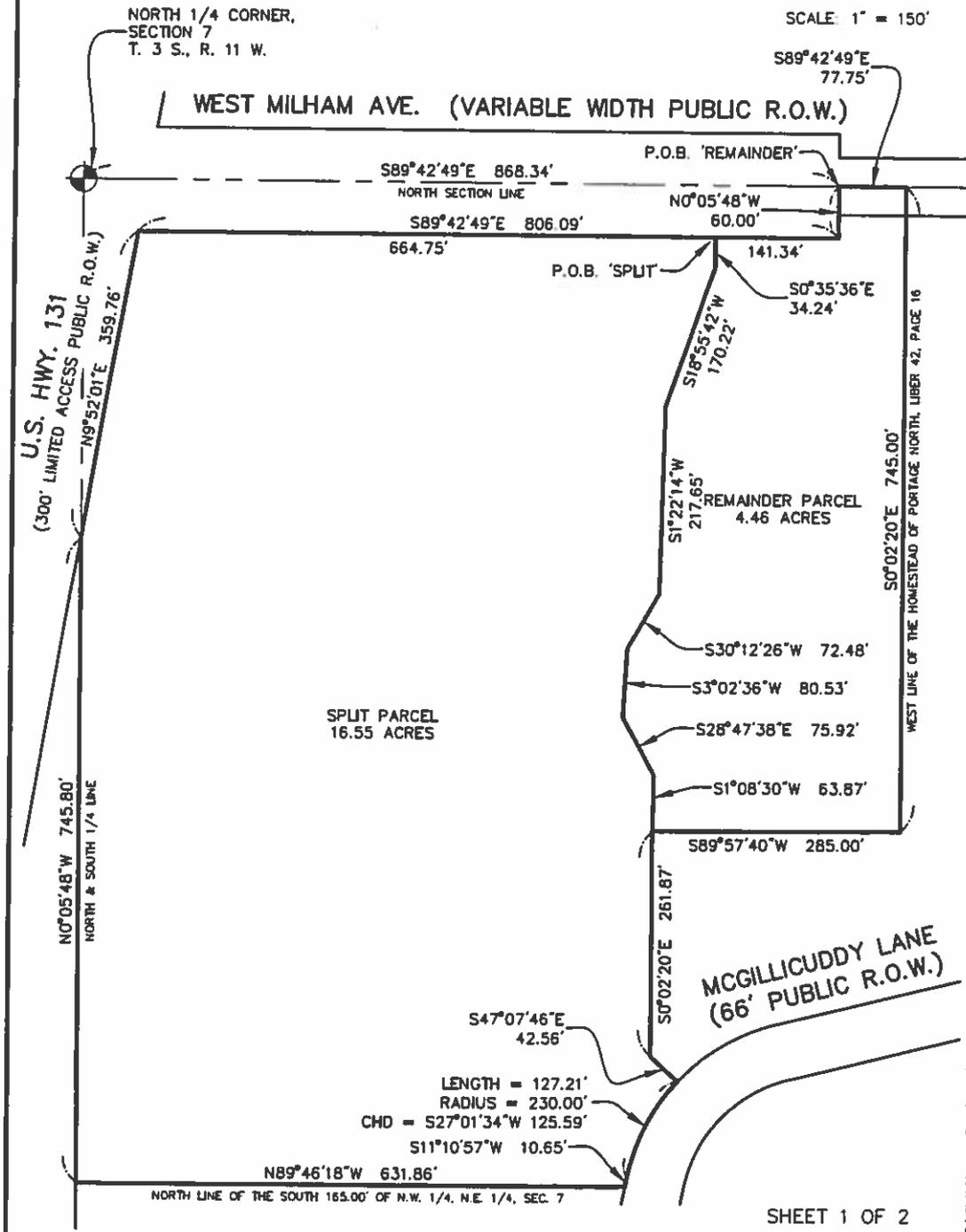
TENTATIVE PARCEL MAP
 FOR
MMM DEVELOPMENT
 LOCATED IN SECTION 7, T. 3 S., R. 11 W.
 CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN
 BY

Prein & Newhof
 Engineers • Surveyors • Environmental & Soils Laboratory

7123 STADIUM DRIVE
 KALAMAZOO, MICHIGAN 49009
 PHONE: (269) 372-1158
 FEBRUARY 17, 2015



SCALE: 1" = 150'



T:\LVL\LD PRO-ECTS\2014\2140651 PH7 PORTAGE SENIOR HOUSING\DWG\2140651 PARCEL DIVISION.DWG - RLS - Feb. 17 2015

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – January 12, 2015

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

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

MEMBERS EXCUSED: A motion was made by Bunch, seconded by Schaefer to excuse Doug Rhodus and Chad Learned. 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 December 8, 2014 minutes with the change that Bright, not Bunch voted no on ZBA #14-14(C). Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA #14-09, Janine Chicoine, 3620 East Shore Drive: No applicant was present. Upon voice vote, the Board accepted the withdrawal of the application 7-0.

NEW BUSINESS:

ZBA 14-17; Jeremy Vainavicz, 1009 Karendale Avenue: Mais summarized the request to construct a 1,108 square-foot dwelling where a minimum 1,600 square feet is required. Property owner, Larry Mishall, was present to answer questions. Seyburn inquired if the minimum dwelling size requirement for R-1C zones was affected by the size of the basement. Mais stated not in the case of one-story ranch dwellings.

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

A motion was made by Bunch, seconded by Schaefer to grant a variance to construct a 1,108 square-foot dwelling where a minimum 1,600 square feet is required for the following reasons: there are exceptional or extraordinary circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include it is the only lot in the plat subject to the minimum 1,600 square-foot dwelling requirement; the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity, the right to develop the lot with housing comparable to the rest of the neighborhood; the immediate practical difficulty causing the need for the variance request was not caused by the applicant; the variance would not be detrimental to adjacent property and the surrounding neighborhood; and would not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments and 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. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Robbe-Yes, Schau-Yes. The motion passed 7-0.

ZBA #14-18, Jerico LLC, 531, 605 West Kilgore Road, 5024, 5036 South Westnedge Avenue: Mais summarized the request to erect a 180 square-foot freestanding sign at 5024/5036 South Westnedge Avenue where a maximum 149 square-foot sign is permitted. Andy Wenzel and Steve Vandersloot were present to answer questions. Mr. Wenzel stated they were allowed a 180 square-foot sign based on the Kilgore Road frontage and a 149 square-foot sign based on the South Westnedge Avenue frontage and thought it made more sense to swap the signs placing the larger 180 square-foot sign on South Westnedge where there was more traffic, and put the smaller 149 square-foot sign on Kilgore Road, where there was less traffic and is across the street from St. Monica church and school. Bunch noted there is currently a freestanding sign in front of Riviera Maya. Mr. Wenzel stated they propose to remove the Riviera Maya sign and incorporate it into the new sign. Bunch inquired if this resulted in a reduction of signage. Mais

stated yes. Seyburn inquired where specifically they would be placing the sign along South Westnedge Avenue. Mr. Vandersloot said they have not yet chosen the specific location, but that it would meet all setback requirements. Seyburn expressed concern for traffic visibility along South Westnedge if there were insufficient minimum clearance under the proposed sign. Mr. Vandersloot replied they considered this as they didn't want to create traffic visibility issues either but felt they could balance adequate visibility while also identifying tenants.

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

Schau inquired why staff was recommending elimination of the second (16 square-foot) sign along Kilgore Road. Mais stated it would reduce visual clutter. Mr. Wenzel stated they wanted the option to keep the second sign and had a tenant that may be interested in the small sign. Schau stated he would not include the condition that the second (16 square-foot) sign on Kilgore be eliminated. A motion was made by Schau, seconded by Robbe, to grant a variance allowing a 180 square-foot freestanding sign for South Westnedge Avenue and a 149 square-foot sign for Kilgore Road 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 dual frontage zoning lot, and would result in a reduction of signage; 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 materials, staff report, and all comments and 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. Upon roll call vote: Smith-Yes, Seyburn-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Schau-Yes. The motion passed 7-0.

ZBA #14-19, The Hinman Company, 5220 South Westnedge Avenue: Mais summarized the request to modify a freestanding sign that would be: a) 212 square-feet in area where a maximum 180 square feet is permitted; and b) 29 feet high where a maximum 25-foot height is permitted. Andy Wenzel and Steve Vandersloot were present to answer questions. Mr. Wenzel stated there is a conforming 180 square-foot sign, and while they were granted a setback variance for a second sign at the north end of the property, the sign was never erected because the north building is located too close to the right-of-way to provide sufficient space for both a sign in front and a safe maneuvering lane. The proposal was to add a 32 square-foot panel at the top of the existing sign but if a second sign were ever to be erected in the future they would make the subject sign conforming. Bunch inquired if the proposed modification would make the sign taller than other signs in the area. Mr. Vandersloot acknowledged it would be taller than other signs but the resulting sign consolidation is preferable to the alternative of erecting a second sign at the front property line.

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

A motion was made by Seyburn, seconded by Bright, to grant a variance to modify a freestanding sign that would be: a) 212 square-feet in area where a maximum 180 square feet is permitted; and b) 29 feet high where a maximum 25-foot height is permitted with the condition that no additional signs be permitted without first making this sign conforming, 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 narrow maneuvering lane in front of the north building; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify businesses on premises; 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, Robbe-Yes, Schau-Yes. The motion passed 7-0.

ZBA #14-20, Nathan Cronenwett, 1106 West Centre Avenue: Mais summarized the request for a variance from the conflicting land use screening requirements along the southeast side of the site, between the hair salon and the adjacent senior apartment/retirement complex (Portage Pines Apartments, Fountain View Assisted Living Facility, Spruce Creek Apartments). Mr. Cronenwett stated he made a mistake when he followed the advice of a contractor by deviating from the approved site plan, but felt the resulting layout was preferable because the approved site plan made it possible for vehicles to potentially hit the building. Pat Flanagan of Ingersoll, Watson & McMachen stated the existing drive configuration is preferable to the one-way traffic circulation pattern as it provides green space on the west side of the building, preserves mature trees on the south side, and the proposed screening plan is as good as the approved plan. Bright inquired if all the proposed plantings would be on the Portage Pines property. Mr. Flannigan replied most would be on the neighboring property.

A public hearing was opened. Alan Sylvester spoke on behalf of Portage Pines and stated they supported the applicant's proposal as they had already planned on planting additional trees and did not mind maintaining the proposed screening trees. Seyburn noted there was an easement for a water main along the west side of the Portage Pines property and wondered where the location of the main was. Mr. Flanagan stated approximately 10 feet east of the property line and it would not be impacted by the proposed tree placement. Seyburn inquired how Portage Pines would have felt if the applicant had approached them with the screening proposal prior to them deviating from the approved plan. Mr. Sylvester replied they would still have preferred the proposed plan. The public hearing was closed.

The Board discussed various means to ensure the applicant is held responsible for the screening trees. A motion was made by Seyburn, seconded by Schau, to grant a variance permitting the driveway to remain in its current configuration two feet from the east property line and the conflicting land use screening be installed as shown on the proposed plan with the understanding that the applicant assumes all financial responsibility for the installation, maintenance, and if necessary, replacement, of the five screening trees on the adjacent property (7968 Kenmure Drive), with the condition that the minutes of this meeting be recorded at the Kalamazoo County Register of Deeds with the applicant's deed. There are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the narrowness and depth of the property; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to develop the property in a logical manner; the immediate practical difficulty (the width of the property) 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, Robbe-Yes, Schau-Yes. The motion passed 6-1.

OTHER BUSINESS: None

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:59 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 10, 2015

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

At the request of Mayor Pro Tem Pearson, Pastor Steve Nichols of Berean Baptist Church of Portage gave the invocation and 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, and Mayor Pro Tem Jim Pearson. Mayor Peter Strazdas was absent with notice. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Urban, seconded by Ford, to approve the January 20, 2015 Committee of the Whole and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Pearson asked Councilmember Randall to read the Consent Agenda. Councilmember Urban asked that Item F.4, February 24, 2015 Committee of the Whole (COW) Meeting, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 10, 2015:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of February 10, 2015. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARINGS:

WEST OSTERHOUT AVENUE SANITARY SEWER PROJECT #414-S (LLOY STREET TO SOUTH WESTNEDGE AVENUE): Mayor Pro Tem Pearson opened the public hearing and introduced Transportation & Utilities Director Chris Barnes, who explained that the purpose of the hearing was to consider confirmation of the Assessment Roll as outlined in Resolution No. 5 for the sanitary sewer project on West Osterhout Avenue, from Lloy Street to South Westnedge Avenue.

He provided a description of some of the specifications of the proposed sanitary sewer installation along West Osterhout Avenue and an outline of the process to this point. He reminded City Council that installation of sanitary sewers is a prerequisite of the reconstruction of the street and explained. Mr. Barnes explained the importance of the sewer construction to the ground water in the area which is the supply source for public drinking water as service will be provided to the fourteen properties involved. He provided other details of the project, including the costs.

He explained the assessments to property owners are based on the City Council Policy of a cap of 80 feet, even though most of the properties exceed 80 feet in frontage and includes the installation of a sanitary sewer lead.

He indicated that the standard special assessment rate is \$32.09 per foot and \$1,001 for a six inch lateral as designed for this project. He said the affected property owners were recently notified of the planned improvements, including the special assessment process and the schedule of payments. If approved by City Council, he indicated that the sanitary sewer project would begin in the summer of 2015 in conjunction with the street reconstruction program. Mayor Pro Tem Pearson asked for discussion and opened the public hearing to the audience.

Dave Hoeksema, 443 West Osterhout Avenue, thanked City Council for keeping the City in such good shape. He objected to the Special Assessment as this is a City-initiated project and asked why he should have to pay for it because he does not see a benefit to him from the project. He said he lives on eight acres of property and is 400 feet from the roadway, and indicated that he probably will

never hook up. He also advocated an Extension District which would require payment of the fees when the property owner does hook up, and the City would recoup the funds at that time. He indicated that five out of the fourteen of the properties involved are over 200 feet from the roadway and conjectured that none of them will ever hook up.

Mayor Pro Tem Pearson asked Mr. Barnes to explain why this project is considered City-initiated; why not create an Extension District; and, how will this project benefit Mr. Hoeksema's property?

Mr. Barnes explained that sanitary sewer and public water service is part of the overall road project. He said that extending sanitary sewer and public water to those areas of the City that do not have service has been a City Council objective for (at least) seventeen years. He noted that this project has moved forward each year in the Capital Improvement Program (CIP) Budget to be constructed jointly with the road project.

Next, Mr. Barnes indicated that an Extension District is typically used for property owners who do not want sanitary sewer and public water service, but are in between two sets of property owners who would like sanitary sewer and public water service; also, he indicated that even though the property was not assessed, the property owner may have to connect to the sanitary sewer in eighteen months because of the mandatory sewer ordinance (and pay at that time). He explained that funding for a project such as this requires the sale of bonds and a match of city share bonds, and the Special Assessment Districts have to be covered by the city at-large, or the utility; moreover, since there are no sale of Special Assessment Bonds, that does change the financing of the project.

Finally, Mr. Barnes explained that even though the sanitary sewer is 400 feet from the property owner's dwelling, there is benefit to the property as it will always be there should there ever be a need or desire for service.

In answer to Councilmember Randall, Mr. Barnes explained that there are 80 feet of chargeable frontage per residential lot at \$32.09 per foot, or a maximum charge of \$2,567.20, and the \$1,001 figure is for the sanitary sewer lead. Mr. Barnes explained that the cost of the 400 feet of pipe from the house to the lead varies depending upon the terrain, the driveway and make-up of the property and is the responsibility of the property owner.

In answer to Councilmember Ansari, he mentioned that affected property owners would not have to connect to the sanitary sewer until the Kalamazoo County Public Health Department determined a septic system was not feasible, and restated that there is benefit to the property as the sanitary sewer will always be there should there ever be a need or desire for service.

Rick Griffioen, 325 West Osterhout Avenue, objected to the Special Assessment as he does not see a benefit to him from the project, especially considering a cost of nearly \$7,000 for two parcels. Discussion followed and Mr. Griffioen indicated that he was thinking about combining the two properties to save the charges for 66 feet of frontage, as it is vacant land and is not really much of a benefit to him. He also stressed that there is no need for him to hook up the 325 West Osterhout Avenue property, the same as Mr. Hoeksema, so there is no personal benefit to him.

In answer to Councilmember Reid, Mr. Barnes said that this property was split in 2008 and the primary property now has 151 feet of frontage, and is assessed at a cap of 80 feet, and the other property has 66 feet of frontage and is assessed for the entire 66 feet. He said combining the two properties would cap the assessment at 80 feet for both properties; also, if the combined property was split in the future, the newly formed parcel would be assessed at the rate of an 80 foot lot, so the cost would be higher than that of the 66 foot lot as it exists currently. Also, Mr. Barnes answered that the City may install extra leads if it is within good engineering judgment to do so, although typically only one lead is provided per buildable residential lot. He expressed his belief that the approval of the Special Assessment Roll sets the Roll in motion; that the assessment will be levied potentially tomorrow; and combining lots would have no effect on the assessment at that point.

Mayor Pro Tem Pearson summed up that it sounds like the citizen had a few months to know to combine the properties before the presentation of Resolution No. 5, and it would be too late to combine the properties if City Council takes action on the Resolution at this meeting.

In answer to Councilmember Ford, Mr. Barnes indicated that none of the fourteen lots have a mandatory hook-up requirement.

In answer to Councilmember Reid, Mr. Barnes said that there would be no conflict with construction if City Council decides to wait to adopt Resolution No. 5 at the next meeting, but expressed a caveat when assessments would be pushed from being due from 2015 to 2016 because this would cause a change in the Resolution and a change in the financing.

Mayor Pro Tem Pearson asked Mr. Griffioen if Council does not vote on Resolution No. 5 tonight, is he going to combine his parcels, and Mr. Griffioen answered in the affirmative. He also expressed a concern whether there would be enough time to combine the properties of City Attorney Brown, who indicated that a deed would have to be prepared and recorded, but he did not know how much staff time would be required. Discussion followed.

Motion by Reid, seconded by Ansari, to adjourn the public hearing. Upon a voice vote, motion carried 6 to 0.

Councilmember Randall asked if there are other citizens who might benefit from the opportunity to combine parcels and Mr. Barnes said, "No." When she asked if all of the houses are set back significantly from the road, Mr. Barnes answered, "No." Discussion followed.

Councilmember Reid indicated that she had a property that was specially assessed, but never hooked-up; however, when she decided to sell the house, the financing required hooking up if there was city water, so having the water at the road allowed the buyer to get the financing and allowed her to sell her house in a very "down" market. She said having public utilities available does provide a benefit to the property, even if the property owner does not anticipate hooking up to them, and sewer hook-up benefits the environment for the whole city.

Councilmember Urban pointed out that City Council has already determined the necessity of the project and this hearing is only to determine the technical accuracy of the assessment roll as prepared and presented. He pointed out that no one has challenged the accuracy of the roll and the benefit goes with the property and not the property owner. Mayor Pro Tem Pearson deferred to City Attorney Randy Brown, who indicated that some years ago, there was a challenge on that same issue, and the Michigan State Tax Tribunal found under Michigan Law that the installation of utilities, water and sewer, is a benefit to the property, even though the property is not hooked up. Discussion followed.

In answer to Councilmember Reid, Mr. Barnes stated his opinion that the adoption of Resolution No. 5 would be the final action and any changes in the assessment roll would have to be reflected in the final Resolution No. 5, but the Necessity of the project would not change. City Attorney Brown concurred and a new Resolution No. 5 is all that would have to be prepared for adoption. Discussion followed.

Councilmember Urban raised the question of the need for a survey and discussion followed regarding the timeframe necessary, and Mr. Barnes indicated that six weeks would be too long to wait owing to his earlier caveat when assessments would be pushed from being due from 2015 to 2016 because this would cause a change in the bonding.

In answer to Councilmember Reid, Mr. Barnes stated that the City at large would pay the cost incurred as a result of the reduction of front footage by 66 feet for Mr. Griffioen. Discussion followed.

Motion by Reid, seconded by Ford, to table this action until March 10, 2015 (four weeks), in order to give Mr. Griffioen time to combine his properties on Osterhout Avenue. Upon a roll call vote, motion carried 6 to 0.

PINE VIEW DRIVE SANITARY SEWER PROJECT #415-S (BACON AVENUE TO CHAUCER STREET): Mayor Pro Tem Pearson opened the public hearing and introduced Transportation & Utilities Director Chris Barnes, who explained that the purpose of the hearing was to consider confirmation of the Assessment Roll as outlined in Resolution No. 5 for the sanitary sewer project on Pine View Drive from Bacon Avenue to Chaucer Street.

He provided a description of some of the specifications of the proposed sanitary sewer installation along Pine View Drive and an outline of the process to this point. He reminded City Council

that installation of sanitary sewers is a prerequisite of the reconstruction of the street and explained. He explained that this is the last remaining segment needed in this area.

Mr. Barnes explained the importance of the sewer construction to the ground water in the area which is the supply source for public drinking water as service will be provided to the fourteen properties involved.

He explained the assessments to property owners are based on the City Council Policy of a cap of 80 feet, even though most of the properties exceed 80 feet in frontage and includes the installation of a sanitary sewer lead.

He indicated that the standard special assessment rate is \$32.09 per foot and \$1,001 for a six inch lateral as designed for this project. He said the affected property owners were recently notified of the planned improvements, including the special assessment process and the schedule of payments. If approved by City Council, he indicated that the sanitary sewer project would begin in the summer of 2015 in conjunction with the street reconstruction program. Mayor Pro Tem Pearson asked for discussion from City Council and opened the public hearing to the audience.

There being no discussion, motion by Ford, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Urban, seconded by Reid, to adopt Resolution No. 5 for the Pine View Drive Sanitary Sewer Project #415-S, confirming the Special Assessment Roll. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 415 of City of Portage Resolution Book No. 45.

REPORTS FROM THE ADMINISTRATION:

*** DIRECTOR OF THE DEPARTMENT OF PUBLIC SERVICES APPOINTMENT:**

Motion by Urban, seconded by Reid, to confirm the appointment of Rodney Russell as the Director of the Department of Public Services, effective February 11, 2015. Upon a roll call vote, motion carried 6 to 0.

*** ADP PAYROLL SERVICES AGREEMENT RENEWAL:** Motion by Urban, seconded by Reid, to approve the three-year pricing renewal agreement with ADP, Incorporated, to perform payroll services on behalf of the City of Portage at a cost of \$27,375.47 for the first and second year and a cost of \$27,992.97 for the third year, and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

*** ANNUAL MICROSOFT LICENSING RENEWALS:** Motion by Urban, seconded by Reid, to approve the annual Microsoft licensing renewals with CDW-G at a total cost of \$50,388.13 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 6 to 0.

FEBRUARY 24, 2015 COMMITTEE OF THE WHOLE (COW) MEETING: Mayor Pro Tem Pearson deferred to Councilmember Urban for comment. Councilmember Urban indicated that the CCTA spent a lot of time to determine a preliminary length of time for the millage, the amount of the millage and the date of the election. He also stressed that the request needs to be finalized in the middle of March to have this important issue on the ballot for the August 4, 2015 Special Election.

Mayor Pro Tem Pearson reminded City Council that they are within a thirty day notice period for comment and that is why the February 24, 2015 date was selected. Discussion followed regarding when to schedule a public session to seek input on the proposed millage election for Central County Transit Authority (CCTA). Discussion followed regarding the pros and cons of having the public session during the Council of the Whole (COW) or at the Regular City Council Meeting and the importance of having the session televised. City Attorney Brown advised City Council that if any decision was contemplated, the decision should be in a Regular or a Special Meeting of City Council.

Discussion resumed regarding the pros and cons of having the public session during the Council of the Whole (COW) or at the Regular City Council Meeting.

Motion by Reid, seconded by Ansari, to alter the COW schedule and schedule the education presentation by CCTA Executive Director Sean McBride regarding the CCTA proposals and public dialogue at 6 p.m. for February 24, 2015, and push back regularly scheduled agendas for COW meetings by one meeting. Councilmember Ford expressed support for having the matter discussed during the Regular City Council Meeting of February 24, 2015. Discussion followed. Motion failed. Yeas: Councilmembers Urban, Ansari and Reid. No: Councilmembers Ford and Randall and Mayor Pro Tem Pearson. Discussion followed.

Motion by Reid, seconded by Ford, to add the item to have CCTA Executive Director Sean McBride present the CCTA proposals to the citizens and have this scheduled at the earliest time period in the meeting. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

Motion by Urban, seconded by Randall, to set a Committee of the Whole (COW) Meeting for Tuesday, February 24, 2015, at 6:00 p.m. in Conference Room No. 1 to discuss enriching culture, increasing community engagement, and the study of the city retail profile to guide City Council efforts. Upon a voice vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

AUDIT – CITY TOWING AND IMPOUND CONTRACT: Mayor Pro Tem Pearson deferred to City Manager Larry Shaffer, who indicated he had a meeting with Public Safety Director Richard White and noted that the March of 2014 contract between McDonald's Towing and the City of Portage has been monitored since that time with no issues with performance. He said that both he and Chief White have spoken with the County Attorney Tom Canny regarding some of the more infamous remarks made by a second towing contractor regarding the performance at the vehicle accident on I-94 near the Galesburg exit, and Mr. Canny said, "There were no issues whatsoever that impinged upon or was in violation of the contract with the County." He indicated that he has also directed Chief White to put additional auditing mechanisms in place to ensure that the prices that were quoted in the contract between the City of Portage and McDonald's Towing are being adhered to. He stated that members of the Public Safety Department will contact individuals who have received towing services from McDonald's Towing; since such services are under the aegis of the towing contract between the City of Portage and McDonald's Towing, this will ensure compliance with all contract stipulations.

Councilmember Reid remembered that over a year ago, City Council received an overview of the towing contract, and City Manager Shaffer agreed to share with Council the regular audit or review that is currently being done.

Councilmember Randall noted two times in the contract where the \$45 dollar fee was not applicable: where there was adequate insurance of payment and where there was an outside vendor like an insurance company. Mr. Shaffer agreed to find out for her the total number of tows, how many do not fall under the \$45 charge, and if possible, what is being charged to the third party. Also, as a catalyst to the negative press regarding the January 9, 2015 car pile-up on I-94, he agreed to find out who covered the City of Portage during that time since McDonald's Towing could not, and what do we plan to do in the future should another incident such as this arise.

Mayor Pro Tem Pearson asked for a rationale for why the City of Portage does not have a rotation of towing services. Councilmember Urban indicated that Council did receive a document explaining the rationale for why the City of Portage does not have a rotation of towing services some time ago. He mentioned that with regard to the month to month rotation of towing services option, there were issues concerning storage and maintaining a chain of custody of evidence.

Motion by Urban, seconded by Ford, to receive the communication from the City Manager regarding an Audit of the City Towing and Impound Contract. Upon a voice vote, motion carried 6 to 0.

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

Portage Public Schools Board of Education Regular Meeting of December 8, 2014, Special Meeting of December 15, 2014 and Policy Governance Retreat and Organizational Meeting of January 12, 2015.

Central County Transportation Authority Regular Meeting of December 10, 2014, Special Meeting of December 19, 2014 and Agenda Packet of the January 23, 2015 Meeting.

Portage Park Board of January 7, 2015.

Kalamazoo County Environmental Health Advisory Council of January 14, 2015, the 2015 Meeting Schedule and a Membership List.

Portage Human Services Board of January 22, 2015.

Portage Planning Commission of January 22, 2015.

COUNCIL COMMITTEE REPORTS:

CENTRAL COUNTY TRANSIT AUTHORITY (CCTA) MEETING REPORT: In response to Mayor Pro Tem Pearson, Councilmember Urban indicated that the CCTA made a preliminary decision on the timing of the millage, the amount of the millage and to place the issue on the ballot for the August 4, 2015 Election. Discussion followed.

PUBLIC MEDIA NETWORK BOARD (PMN): Councilmember Reid mentioned two points of action from the PMN Meeting: With regard to the Request for Proposal with regards to the purchase of larger amounts of bandwidth which allows PMN to accommodate live streaming on the internet for all municipalities, the contract was awarded to Charter Communications and should be functioning in a couple of months. She mentioned the effort to standardize video equipment among the municipalities: in order to avoid equipment breakdowns and to ensure student interns can operate the equipment in all of the municipalities, PMN will be purchasing and maintaining all functional equipment from the municipalities and purchasing and maintaining whatever equipment is needed; furthermore, all of the municipalities will have essentially the same system for consistency in operation and in broadcasting, and to have backup equipment in case of breakdowns. Discussion followed.

AUSTIN LAKE GOVERNMENTAL LAKE BOARD: Mayor Pro Tem Pearson indicated that the Austin Lake Governmental Lake Board received the Aeration and Bioaugmentation Report from the Limnologist and the Engineer, and scheduled a Meeting on Monday, March 16, 2015, from 7 p.m. until 9 p.m., City Council Chambers, for questions and answers.

Motion by Reid, seconded by Ansari, to receive the Central County Transit Authority Report from Councilmember Urban, the Public Media Network Board Report from Councilmember Reid, and the Austin Lake Governmental Lake Board from Mayor Pro Tem Pearson. Upon a voice vote, motion carried 6 to 0. Discussion followed.

BID TABULATION:

* **LOVERS LANE/KILGORE ROAD TRAFFIC SIGNAL INTERCONNECTION PROJECT (DESIGN ENGINEERING SERVICES):** Motion by Urban, seconded by Reid, to award a contract to perform design engineering services for the Lovers Lane/Kilgore Road Traffic Signal Interconnection project to Abonmarche Consultants, Incorporated, in the amount not to exceed \$35,480 and authorize the City Manager to sign all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmembers Ford and Urban each said he and his family enjoyed the Fifth Annual Winter Snow Party that was organized by Deputy City Clerk Adam Herringa using Youth Advisory Committee volunteers.

All Councilmembers and City Manager Shaffer congratulated Parks, Recreation and Public Services Director Bill Deming and wished him a happy retirement; and, all Councilmembers and City Manager Shaffer welcomed newly appointed Public Services Director Rodney Russell.

Councilmember Reid mentioned that she attended the “Go Red for Women Luncheon” last week which is a benefit for the Michigan Chapter of the American Heart Association. She reminded everyone that the month of February is Heart Health Month. She stressed the importance of thinking about heart health, especially for women, as heart failure is the number one killer of women. She said that heart disease, heart attacks, do not present in the traditional way in women, so being aware of one’s numbers and of one’s health is important for women to keep in mind.

Mayor Pro Tem Pearson spoke about the second Committee of the Whole (COW) held by City Council earlier at 6 p.m. in Conference Room No. 1. He mentioned that the discussion was about Economic Development, and that the next two meetings will be about enriching culture and increasing community engagement. He also said that following those meetings, there will be two more meetings on supporting regionalization while focusing on Portage. He noted that the focus at the earlier meeting was enhancing development using PA 198 Policy. He said that there was good discourse and great interaction with Community Development Director Vicki Georgeau, who will be coming back with some recommendations. He cited speed to market, the meeting with Southwest Michigan First Director Ron Kitchens, and changes in the Tax Increment Financing State Law as other areas of discussion at the meeting.

ADJOURNMENT: Mayor Pro Tem Pearson adjourned the meeting at 9:09 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES OF THE COMMITTEE OF THE WHOLE WORK SESSION
OF FEBRUARY 10, 2015**

Mayor Pro Tem Pearson called the meeting to order at 6:02 p.m. The following Councilmembers were present: Councilmembers Nasim Ansari, Richard Ford, Patricia M. Randall, Claudette Reid and Terry Urban, and Mayor Pro Tem Jim Pearson. Mayor Peter Strazdas was absent with notice and excuse. Also present were City Manager Larry Shaffer, Deputy City Manager Rob Boulis, Director of Community Development Vicki Georgeau, and City Clerk James Hudson.

Mayor Pro Tem Pearson indicated that this is the second Committee of the Whole (COW) Work Session. He mentioned that at the last COW Meeting, Council looked at efforts that could be undertaken by the City to enhance economic development with a special focus on balancing economic development with the city's natural environment; discussed efforts that could be taken to promote the development of large undeveloped tracts of land within the city; and reviewed the possibility of working with Southwest Michigan First on pre-approved development sites. He also mentioned the topics for the meeting tonight are: Enhance economic development PA 198 Policy: Speed to market, Administrative review and Southwest Michigan First (SWMF) input on Policy and City Membership; Tax Increment Financing and Brownfield Development; and, Study of the City Retail Profile to guide City Council efforts.

Mayor Pro Tem Pearson opened the discussion and mentioned the proposed changes to the PA 198 Policy. City Manager Larry Shaffer distributed a summary of the five recommended revisions to the City of Portage PA 198 Policy contained in Director of Community Development Vicki Georgeau's communication to Mr. Shaffer dated January 9, 2015, for discussion:

	<i>City of Portage PA 198 Policy</i>	<i>Recommended Revision</i>
<i>Eligible Area</i>	<i>Building foundation</i>	<i>Building and site improvements</i>
<i>File Personal Property Statement?</i>	<i>Yes</i>	<i>No</i>
<i>Leased Property Term</i>	<i>Silent</i>	<i>At least as long as abatement</i>
<i>Project = more than 100,000 sq. ft. - or - \$10 million - or - 100 new jobs</i>	<i>6 years for real property 3 years for personal property</i>	<i>9 years for real property 6 years for personal property</i>
<i>Project = more than 200,000 sq. ft. - or - \$20 million - or - 200 new jobs</i>	<i>9 years for real property 6 years for personal property</i>	<i>12 years for real property 9 years for personal property</i>

Ms. Georgeau provided some background and history of the evolution of the City of Portage PA 198 Policy and stressed throughout her presentation and discussion that the proposed changes are an attempt to broaden flexibility in order to encourage development.

City Council discussed each of the proposed draft revisions individually, and Ms. Georgeau and Mr. Shaffer provided detailed explanations why each of the draft revisions to the PA 198 Industrial Tax Abatement Incentive Policy were desirable and should be considered for implementation; further, answered all of the concerns expressed by each Councilmember. Discussion followed.

Mr. Shaffer reminded City Council that this is a competitive process; that high quality projects are the most desirable; that the City Administration wants to be more competitive than in the past; and, that surrounding communities are using a 12-year tax abatement period. Discussion followed.

In answer to Councilmember Reid and her question regarding the phase-out of the personal property exemption, Ms. Georgeau explained that personal property purchased in 2015 has no tax consequences, so no abatement would be necessary; however, since the revised PA 198 legislation applies to manufacturers, a question still remains whether High Technology and Research and Development uses are exempt and, if not, whether a tax abatement could apply to those uses. She also explained that there is a period where personal property purchased prior to 2015 will be “phased out.” Discussion followed.

Councilmember Urban reminded everyone that this is one City Council decision that affects all of the other governing bodies in the community on the tax bill, and listed some of them. Discussion followed.

At the request of Mayor Pro Tem Pearson, Ms. Georgeau explained that the longer abatement periods are relative to the larger projects with large capital improvements, and that Southwest Michigan First indicated “Start-ups,” if defined as being in existence less than five (5) years, do not necessarily benefit from tax abatements because they often lease space and are not in the position to make big capital improvements. She indicated that the Administration does not have any specific suggestions at this time for “Start-ups,” that some research has been performed and that the Administration is in discussion with Southwest Michigan First for some ideas on this.

Mayor Pro Tem Pearson summed up by restating the idea of streamlining the public hearings by offering the option of shortening the time frame for approval and having the creation of the Industrial Development District and consideration of the Industrial Facilities Exemption Certificate Application at the same meeting. He also referenced to “speed to permitting” as discussed in the last paragraph of the February 4, 2015 Communication to Mr. Shaffer from Ms. Georgeau wherein staff proposed preparing an amendment to the Zoning Code that would broaden the scope of development in industrial areas which can be reviewed and approved administratively as opposed to formal review by the Planning Commission. Ms. Georgeau explained and discussion followed.

Councilmember Urban asked that as we proceed, we need to think about examples where the Planning Commission review was really important in terms of conflicting uses; and, he cited FEMA as an example as the proposed industrial use was next to a residential use. Discussion followed.

Councilmember Randall stressed the importance of having the process as uniform as possible to protect against favoritism and applied to all applicants using the same criteria. Discussion followed and Councilmember Urban recommended considering a Zoning Code change in order to codify the process of when an application must be put before the Planning Commission. Discussion followed.

Councilmember Reid asked about the 80% of the Kalamazoo County median family income for a one-person household reference in the February 4, 2015 Communication. She wanted to know if this was meant to apply to smaller entities, and Ms. Georgeau explained that this is an additional criteria that would provide an additional three year abatement as a further incentive for companies that provide high paying jobs. Councilmember Reid mentioned the situation where Stryker Corporation invested \$5 million and provided only two jobs, that were high paying, and would qualify under this criteria. She then queried whether Council should be looking at the amount of tax dollars that are being abated and the number of jobs being created. Ms. Georgeau promised to take another look at that as well as further analysis of her concern regarding the aforementioned median family income question. Discussion followed.

Mayor Pro Tem Pearson deferred the topic, "Study of the City Retail Profile to guide City Council efforts," to the March 10, 2015 COW Meeting.

When Mayor Pro Tem Pearson asked Ms. Georgeau to discuss the use of Tax Increment Financing (TIF), she indicated that TIF has been effectively utilized as part of the Brownfield Redevelopment efforts. She cited some examples and stressed that the Brownfield Redevelopment Policy is one area where the City can possibly help small businesses succeed. She explained some of the changes outlined in her communication to Mr. Shaffer dated February 4, 2015 entitled, "Tax Increment Financing and Brownfield Redevelopment Policy" and stressed the need for the revisions. She also suggested that the proposed revisions be submitted to the City Brownfield Redevelopment Authority for review. In response to Mayor Pro Tem Pearson, she explained the 15-year TIF time period parameters similar to the policy adopted by the City of Mt. Pleasant found at the top of the second page of the communication.

Discussion followed concerning the options and the need for an adequate incentive for the developer to clean up the (Brownfield) property in question. Ms. Georgeau identified the Brownfields in Portage using a map for Councilmember Ansari. In answer to Councilmember Reid, she expressed her opinion that there are probably no Brownfields in Portage that qualify for the State Grant option because the criteria is very narrowly written, so there are not a lot of opportunities for suburban communities. However, she did conjecture if Peterman Concrete should go out of business, the property became vacant, and there was contamination or the property became functionally obsolete, and we could show it was a key property for a significant development of a City Center, then maybe that kind of project could qualify for the State Grant option.

In summary, Mayor Pro Tem Pearson indicated that staff would be presenting recommendations for the PA 198 Industrial Tax Abatement Incentive Policy prior to TIF and Brownfield recommendations. He reiterated that the "Study of the City Retail Profile to guide City Council efforts," has been deferred to the March 10, 2015 COW Meeting.

STATEMENTS OF CITIZENS: Martha Dahlinger, 2612 Chopin Avenue, thanked City Council for doing all of this work and expressed her appreciation that they are considering wages being offered by companies being enticed to locate in Portage. She asked that they consider the percentage of temporary workers in the equation as well in order to build a community where people have an opportunity to have a living wage and have a job that they can depend on to care for their families.

ADJOURN: Mayor Pro Tem Pearson adjourned the meeting at 7:16 p.m.

James R. Hudson, City Clerk