



PLANNING COMMISSION

June 2, 2016

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

May 19, 2016
(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * May 19, 2016

SITE/FINAL PLANS:

PUBLIC HEARINGS:

NEW BUSINESS:

1. Election of Officers

OLD BUSINESS: (Adjourn to Conference Room No. 2)

- * 1. Portage Road Improvements and Road Diet
- * 2. Ordinance Amendment 15/16-A, Off-Street Parking and Loading Regulations
- 3. Community Impact Projects Grant Fund – additional discussion

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

April 11, 2016 Zoning Board of Appeals meeting minutes
May 9, 2016 City Council special pre-meeting minutes
May 10, 2016 City Council special meeting minutes
May 10, 2016 City Council regular meeting minutes
May 23, 2016 City Council pre-meeting minutes

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

PLANNING COMMISSION

May 19, 2016

 DRAFT

The City of Portage Planning Commission meeting of May 19, 2016 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 12 citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the role: Patterson (yes), Stoffer (not present), Welch (yes), Dargitz (yes), Somers (yes), Schimmel (yes) and Richmond (yes). A motion was offered by Commissioner Patterson, seconded by Commissioner Dargitz, to approve the role excusing Commissioners Felicijan and Bosch. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the May 5, 2016 meeting minutes contained in the agenda packet. A motion was then made by Commissioner Dargitz, seconded by Commissioner Somers, to approve the minutes as submitted. The motion was unanimously approved 6-0.

PUBLIC HEARINGS:

1. Final Report; Rezoning Application #15/16-5, 715 West Osterhout Avenue. Mr. Forth summarized the final staff report dated May 13, 2016 regarding a request from Landmark Development Properties LLC to rezone 715 West Osterhout Avenue from R-1C, one family residential to PD, planned development. Mr. Forth discussed the zoning change and the proposed tentative plan including details associated with the wetlands area, trails, number of dwelling units and development density. Mr. Forth indicated that staff was supportive of the proposed zoning change and tentative plan/narrative.

Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant's engineer) was present to support the rezoning application and explain the planned development project. Mr. Flanagan introduced Mr. Aaron Hovestadt (principal of Landmark Development Properties) and provided follow-up from the discussion at the May 5th meeting regarding maintenance and longevity of the fire sprinkler systems within the condominium dwellings.

The public hearing was reconvened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Somers, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved 6-0. After a brief discussion, a motion was then made by Commissioner Patterson, seconded by Commissioner Dargitz, to recommend to City Council that Rezoning Application #15/16-5 be approved and 715 West Osterhout Avenue be rezoned from R-1C, one family residential to PD planned development. The motion included a finding that the PD district and proposed residential condominium development were appropriate in this area of the city and will provide assurances to surrounding property owners on the specific type of development that will be built on the property while providing design flexibility to the developer. The PD district and associated tentative plan/narrative submitted by Landmark Development Properties, LLC is consistent with the Comprehensive Plan/Future Land Use Map designations and surrounding zoning/land use pattern along West Osterhout Avenue. The motion was unanimously approved 6-0.

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2. Special Land Use Permit/Height Modification: Dockerty Memory Care, 710 and 732 East Centre Avenue. Mr. West summarized the staff report dated May 13, 2016 regarding a special land use permit application submitted by Dockerty Memory Care requesting to construct an approximate 32,000 square foot memory care facility at 710 and 732 East Centre Avenue. Additionally, Mr. West indicated that Dockerty Memory Care was also requesting a height modification to allow construction of three small portions of the building to a height of 28-feet, where a maximum 25-foot building height standard is established when adjacent to single family residential zoning/land use. Mr. West discussed the specifics of the two requests, the ordinance requirements and criteria for review and the surrounding land use characteristics. Mr. West indicated the applications satisfy the requirements for a special land use permit and height modification and staff was supportive of both requests.

Mr. Tim Stewart of Hurley & Stewart (applicant's engineer) was present to support the applications and to discuss the proposed development project. Mr. Stewart summarized the proposed 42-bed memory care facility and indicated that only three small areas (approximately 3% of the overall building mass) will exceed the 25-foot building height standard. Mr. Stewart indicated the facility would be constructed in two phases with Phase I consisting of the northern ½ of the building (20 beds) and the site related improvements and Phase II consisting of the southern ½ of the building (22 beds). The public hearing was then opened by Chairman Welch. No citizens spoke in regard to the special land use permit and/or height modification applications. A motion was made by Commissioner Patterson, seconded by Commissioner Somers, to close the public hearing. The motion was unanimously approved 6-0.

After a brief discussion, a motion was made by Commissioner Somers, seconded by Commissioner Dargitz, to approve the Special Land Use Permit for Dockerty Memory Care, 710 and 732 East Centre Avenue, and the Height Modification to allow construction of three portions of the building to a height of approximately 28-feet. The motion included a finding that the proposed building setback distances, existing mature trees and conflicting land use screening will adequately mitigate adverse impacts upon any adjacent single-family residential properties. The motion was unanimously approved 6-0.

7:15pm – Commissioner Stoffer arrived

7:18pm – Commissioner Schimmel excused herself

SITE/FINAL PLANS:

1. Site Plan: Dockerty Memory Care, 710 and 732 East Centre Avenue. Mr. West summarized the staff report dated May 13, 2016 regarding a request by Dockerty Memory Care to construct an approximate 32,000 square foot, 42-bed, memory care facility and associated site improvements at 710 and 732 East Centre Avenue. Mr. West discussed the proposed access, parking and screening for the project. Mr. Tim Stewart of Hurley & Stewart (applicant's engineer) was present to support the development. Mr. Stewart stated approximately 8 employees were anticipated at full build-out of the facility with staffing reduced to 3-4 employees during the night shift. Mr. Stewart indicated that residents of the facility would not be drivers and parking was more than adequate to accommodate employees and visitors.

The Commission, staff and applicant next discussed various aspects of the development project including the fire apparatus road along the east side of the building, loading/unloading area, refuse dumpster location and outdoor lighting. After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to approve the Site Plan for Dockerty Memory Care, 710 and 732 East Centre Avenue. The motion was unanimously approved 6-0.

2. Site Plan: Chick-Fil-A, 6202 South Westnedge Avenue. Mr. Forth summarized the revised staff report dated May 19, 2016 regarding a request by Chick-Fil-A to construct a new approximate 5,000 square foot drive-thru restaurant building and associated site improvements at 6202 South Westnedge Avenue. Mr. Forth stated the existing Bilbos Pizza building will be demolished to accommodate the Chick-Fil-A project and the approximate 0.33 acre parcel will be assimilated into the overall Southland Mall zoning lot. Mr. Forth indicated the revised site plan identifies the refuse dumpster/enclosure having been relocated to the side yard of the site, north of the building, and is acceptable and can be supported by staff. Mr. Forth indicated the applicant has

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requested to retain the existing Bilbos Pizza freestanding sign and the Zoning Board of Appeals will consider a variance request at the June 13, 2016 meeting.

Ms. Cheryl Scales of Progressive AE (applicant's architect) and Mr. Jason Hill of Chick-Fil-A were present to support the site plan and explain the development project. Mr. Hill stated there is not currently a Chick-Fil-A in Michigan, however, three locations were various stages of planning/development (Lansing, Detroit and Portage). The Commission, Mr. Hill and staff next discussed anticipated traffic generation and circulation around the proposed Chick-Fil-A building and within the Southland Mall. Mr. Hill stated extra drive-thru stacking spaces have been added for this location and Chick-Fil-A was comfortable with the site design and traffic circulation pattern. After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Somers, to approve the Site Plan for Chick-Fil-A, 6202 South Westnedge Avenue. The motion was unanimously approved 6-0.

NEW BUSINESS:

1. Accessory Building (Fawley), 10848 Cora Drive. Mr. West summarized the staff report dated May 13, 2016 regarding a request from Mr. Marc Fawley to construct a 13-foot tall, 1,440 square foot detached accessory building along the southeast portion of 10848 Cora Drive. Mr. West stated the approximate 2.9 acre parcel contains two, on-story residences with a total ground floor area of 1,472 square feet and a detached garage and detached carport totaling 864 square feet. If approved, Mr. West indicated the total ground floor area of all accessory buildings (including the proposed detached building) will exceed the ground floor area of the main residence by 832 square feet. As indicated in the application materials, Mr. West stated the proposed detached accessory will be utilized for storage of personal items including vehicles, boats, a motor home, golf cart and lawn equipment and will not be used for any business related purposes. Mr. West described the characteristics of the parcel and proposed setback distances from adjacent property lines and single family residences and indicated staff was supportive of the application.

Mr. Marc Fawley (applicant/owner) was present to support the proposed detached accessory building. No citizens spoke in regard to the proposed detached accessory building. After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the proposed 1,440 square foot Accessory Building for Mr. Marc Fawley at 10848 Cora Drive. The motion was unanimously approved 6-0.

STATEMENT OF CITIZENS:

None.

Commissioner Stoffer read a Resolution honoring Chairman Welch for his nine years of service to the Planning Commission. Chairman Welch thanked his fellow Commissioners and staff for their assistance and support during his time on the Commission.

Commissioner Patterson read a Resolution honoring Commissioner Somers for his 3½ years of service to the Planning Commission. Commissioner Somers thanked his fellow Commissioners and staff for their assistance and support during his time on the Commission.

8:00 p.m. - The Commission took a short recess.

8:15 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

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OLD BUSINESS:

1. Community Impact Projects Grant Fund – additional discussion. Commissioner Dargitz discussed the articles that were emailed to the Commission back on April 26th regarding neighborhood improvement grants. Commissioner Dargitz suggested selecting various elements from the communities in the articles which have established neighborhood improvement grant programs to serve as a framework for further discussion and consideration of a program for the City of Portage. Given time limitations of the Planning Commission, Commissioner Patterson suggested development of a program where organizations would submit proposals directly to City Council for review and consideration. Commissioner Dargitz stated she believes the Planning Commission could develop the framework for the grant fund program (e.g., goals, eligibility requirements, proposal format, review criteria, etc.) and either City Council or some other group could be formed to evaluate and recommend the proposals. Beginning at the June 2nd meeting, Chairman Welch suggested that the two new Planning Commissioners be informed of this discussion and that a subcommittee of the Commission be formed to develop the framework of the program for further consideration by the full Planning Commission. Commissioner Dargitz agreed that additional discussion should occur in June with the new Commissioners and she would assemble some bullet point items for further Planning Commission discussion. Mr. Forth suggested narrowing down the project categories and program elements that would be eligible for grant funding. Chairman Welch asked that any comments or ideas from the Planning Commission be forwarded to Commissioner Dargitz for assemblage and additional discussion at the June 2, 2016 meeting.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

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

TO: Planning Commission**DATE:** May 27, 2016**FROM:** Vicki Georgeau, ^{Va} Director of Community Development**SUBJECT:** Portage Road Improvements and Road Diet

As the Commission is aware, on May 5, 2016, an Open House was held to discuss recommendations of the Lake Center Subarea Plan, which includes providing a balanced and safe means of travel for bicycles, pedestrians and vehicles. One strategy to achieve this goal is a travel lane reduction, commonly known as a "road diet". As indicated in the Subarea Plan, road diets can benefit both drivers and pedestrians as a result of traffic calming and incorporation of complete street design elements. A road diet can also reduce vehicle speeds as a result of implementing geometric changes to a roadway. Finally, a road diet within the Portage Road corridor may help enhance the streetscape and place making efforts.

The Subarea Plan recommends implementation of a road diet on Portage Road south of Lakeview Drive where there are currently four lanes of traffic and lower traffic volumes. However, the Planning Commission may recall that north of Lakeview Drive, where traffic volumes are higher, additional study of a road diet was recommended. In this regard, the city retained CESO, Inc. to evaluate reducing the number of Portage Road travel lanes from five to three in Lake Center Core Node between Ames Drive and Lakeview Drive. The CESO study was provided to the Planning Commission for review on April 7th and was made available for public review and comment prior to and during the May 5th Open House.

In addition to road diets along the two segments of Portage Road noted above, the city has developed conceptual plans for improvements or modifications to the Lakeview Drive/Portage Road intersection and the East Osterhout Avenue/Portage Road intersection, and will be reconstructing Portage Road between East Osterhout Avenue and Mandigo Road (including construction of a sidewalk on the east side of the road) in the 2017 construction season. These concepts and implementation strategies were also discussed at the Open House.

Attached for review by the Commission is a copy of the presentation, and comments received prior to, during and after the Open House. In light of the feedback received, additional evaluation by city staff will be necessary and includes, but is not limited to the following:

- 1) Prior to any implementation of a road diet from Lakeview Drive to East Osterhout Avenue, additional traffic analysis and a detailed pavement marking and signage plan will be developed for additional review and public comment. If a decision is made to move forward with the road diet for this segment of Portage Road, it is anticipated implementation would occur concurrent with or immediately after the Portage Road reconstruction project south of East Osterhout Avenue in the 2017 construction season.
- 2) Plans for the Lakeview Drive/Portage Road intersection modification will be finalized during the summer 2016 in preparation of submitting a federal highway safety grant application to assist with funding the project. It is anticipated the city will be able to secure federal funds to help implement the intersection modification in 2018. Note: development of plans for this intersection will also take

into consideration public comment received regarding closing the intersection (i.e. constructing a cul-de-sac).

- 3) Plans for the East Osterhout Avenue/Portage Road intersection enhancement or modification will also be refined during the summer 2016 in preparation of the 2017-2027 Capital Improvement Program. It is anticipated implementation of any intersection modification would be in 2021 or 2022 based on the potential award of funding. Note: construction plans for this intersection will also take into consideration public comment received regarding a signalized intersection at this location.
- 4) Prior to any implementation of a road diet from Ames Drive to Lakeview Drive, additional review of the following will need to occur:
 - a. Traffic impact of the road diet south of Lakeview Drive;
 - b. Impact of the modification of the Lakeview Drive/Portage Road intersection;
 - c. Traffic signal warrant analysis for the Forest Drive/Portage Road intersection, including modification of the Ames Drive/Portage Road intersection (i.e., right-in/right-out only or eliminating the intersection and constructing a cul-de-sac);
 - d. Finally, as noted previously, an interim measure can also be considered before any physical improvements to the roadway are completed. This interim measure involves installation of a temporary or “pop-up” road diet using special low height traffic barriers to eliminate the outside through lane. Barriers would need to be relatively low as to not impede driveway and side street line of sight. A pop-up road diet would allow stakeholders and the City Administration to evaluate the effectiveness of a road diet in this segment of Portage Road.

The Planning Commission is advised to review the attachments for discussion during the June 2, 2016.

Attachments: Portage Road Diet Study Open House presentation
 Portage Road Diet Open House public comments



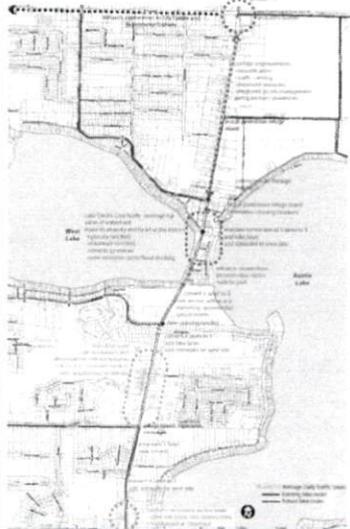
Portage Road Diet Study Open House

May 5, 2016



Agenda

- Lake Center Subarea Plan – June 2014
 - ❖ Implementation strategies
 - Place Making
 - Traffic Calming
- Road Diet proposals
 - ❖ Lakeview Drive to East Osterhout Avenue – 4 to 3 lanes
 - ❖ Ames Drive to Lakeview Drive – 5 to 3 lanes
- Portage Road Improvements



Lake Center Subarea Plan

- Create vibrant commercial corridor
 - ❖ Market study of corridor
 - Create destination development within Lake Center Core Node
 - Reinforce market niches
 - Facilitate redevelopment
- Traffic calming: balance safe travel for pedestrians, bicycles and vehicles
 - ❖ Complete Street improvements
 - ❖ Road Diet proposals



What is a "Road Diet"?

- A roadway reconfiguration that reduces the number and/or width of travel lanes.
- Primary benefits:
 - ❖ enhanced safety, mobility and access for all road users
 - ❖ reduced vehicular speeds result from revised road design
 - ❖ creates a "complete streets" environment, and
 - ❖ promotes more livable spaces.



Where do road diets work best?

- Road diets most feasible with less than 15,000 daily vehicles
 - ❖ Roads with 15,000 – 20,000 ADT require detailed analysis
 - ❖ Roads with over 20,000 ADT are poor candidates
- A change from 4 to 3 lanes is most common since:
 - ❖ Safety can be enhanced with dedicated center turn lane
 - ❖ Reduction in crashes, especially rear-end crashes
 - ❖ Slight, if any reduction in road capacity
 - ❖ Improvements achieved at lower cost
- A change from 5 to 3 lanes is also feasible, provided careful analysis of impact on capacity and safety is completed

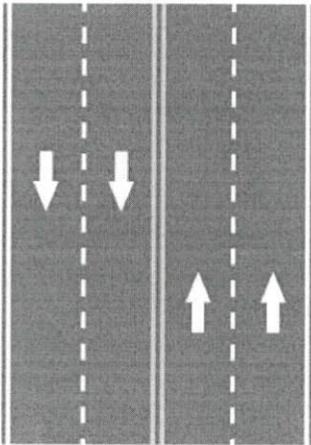


Where are road diets being considered?

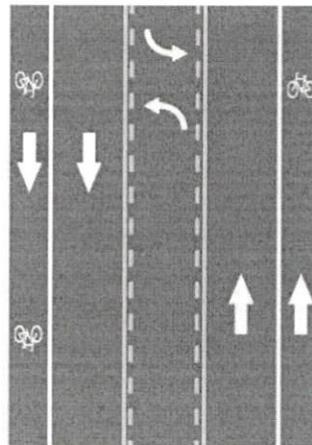
- Portage Road, Lakeview Drive south to East Osterhout Avenue
 - ❖ 4 lanes to 3 lanes
 - ❖ Dedicated center turn lane
 - ❖ Addition of shared-shoulder bike lanes
 - ❖ Portage Road & Bacon Avenue – 5 lane configuration to be maintained near Lake Center Elementary School
 - ❖ Implementation proposed in FY 2017-18
 - Relatively low cost: pavement sealing, re-striping and signage



BEFORE



AFTER



4 to 3
lane
road
diet
concept

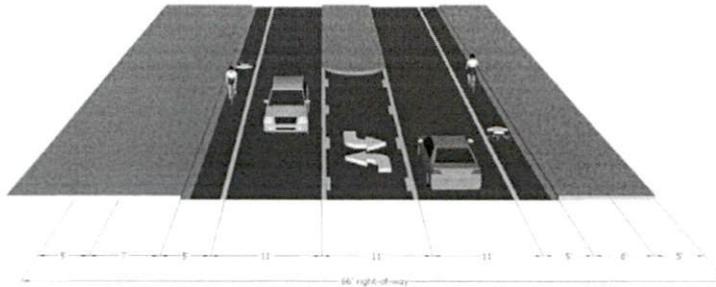
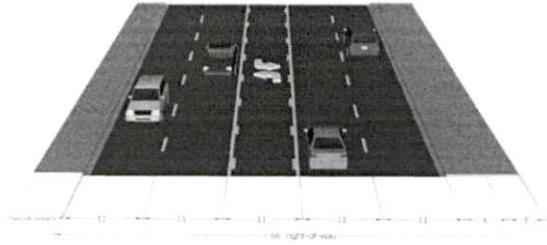


Where are road diets being considered?

- Portage Road, Ames Drive to Lakeview Drive
 - ❖ 5 lanes to 3 lanes
 - ❖ Addition of shared shoulder bike lanes
 - ❖ Increased green strip along roadway
 - ❖ Transition begins at Forest Drive & Portage Road on north
 - ❖ Implementation: **NOT YET DETERMINED**
 - Higher cost in comparison to 4-3 lane conversion



5 to 3 lane road diet concept



www.portagemi.gov



Ames Drive to Lakeview Drive Road Diet

- 17,626 vehicles per day
- 85th Percentile speed: 49.8 mph
- Evaluated two alternatives:
 - ❖ Alternative No. 1:
 - ✓ 5 to 3 lanes with on-street parking & bike lane on west side
 - ❖ Alternative No. 2:
 - ✓ 5 to 3 lanes with bike lanes on both sides, sidewalk on west
 - ❖ Alternative No. 1– on-street parking desired, but posed safety and road capacity concerns. Alternative No. 2 preferred



Road Diet Advantages & Disadvantages: Ames Drive to Lakeview Drive

- Advantages
 - ❖ Traffic calming – lower travel speeds
 - ❖ Complete Street elements (non-motorized facilities)
 - ❖ More livable spaces and place making opportunities

- Disadvantages:
 - ❖ Increased vehicle delay for traffic on Portage Road
 - ❖ Reduced gaps for side street and adjacent parking lots
 - ❖ Potential safety concerns (motorist use center turn lane or bike lane to bypass traffic)



Portage Road Improvements

- 2014 Portage Road repaving: East Centre to Lakeview:
 - ❖ sidewalks and pedestrian refuge islands at Zylman & McClish

- 2017 Portage Road reconstruction: East Osterhout to Mandigo:
 - ❖ includes sidewalk on east side, north of Mandigo

- 2017 East Osterhout & Portage intersection redesign:
 - ❖ enhancement or roundabout

- 2018 Lakeview & Portage intersection redesign:
 - ❖ realignment or roundabout



Road Diet Options: Lakeview to Osterhout & Ames Drive to Lakeview Drive

- Lakeview south to Osterhout
 - ❖ Finalize pavement marking plans
 - ❖ Implement in FY 2017-18 with other Portage Road projects
 - ❖ Additional project specific open house prior to completion
- Ames Drive to Lakeview Drive
 - ❖ Consider temporary road diet implementation
 - ❖ Evaluate impact of temporary road diet
 - ❖ Determine support of pursuing permanent road diet



Next Steps

- Q & A
- 3 stations/tables:
 1. Portage Road corridor improvements
 2. Intersection redesign concepts
 - ✓ Lakeview & Portage
 - ✓ Osterhout & Portage
 3. Road Diet: Ames to Lakeview

Various Comments to me (C.M. Dargitz) by people at the Lake Center / Portage Road – Road Diet Open House

- People are going too fast on Portage Road (nobody is going 45mph or less) – I heard this from everyone I talked to
- There have been so many accidents in this stretch of road
 - Crash into the house just a little south of South Shore and Portage Rd.
 - Crashes into telephone poles at Burt Drive and Clarence
 - Crash into the bridge over the channel
 - Fatal Crash at Lakeview
 - Crash into Docks Unlimited
 - Crashes into Daanes (at least 3 over the past several years)
 - ***This week – crash into the fence at Lakeview Park
- The traffic is going so fast on Portage Rd., it's hard to pull out from your driveway if you live on Portage Rd.
- I've lived on Portage Rd. almost all my life, and it is way too fast
- I like the idea of creating a cul-de-sac/dead end at Ames
- The speed limits at all of the other Portage elementary schools are 25mph – shouldn't Lake Center be the same? Seems unsafe for the Lake Center kids.
- We need a light at Forest Drive.
- People don't know how to use roundabouts – putting roundabouts on Portage Rd. could become a mess
- One lane each direction will create a long line of cars with no space for people to pull out from side streets.
- But, the speeds of those cars will be much slower, making pulling out from the side streets much easier.
- It would be great to have a bike path (not a bike lane) on at least one side of the road, especially to create a safe bikeway separated from traffic by a green strip that kids and bicyclists could ride on.
- Biking on Portage Rd. is very scary as-is – needs to be made safer.
- With a more walkable and bikeable community, many of the businesses in the Lake Center District could become local "destinations" – such as West Lake Drive In, Westlake Drug, Lakeview Park, Nelson Hardware, H&B Market, the new restaurant at the Mavcon site, etc.
- I would be happy to work with my business neighbors to consolidate driveways, if necessary.
- I live just off of Portage Rd., and I have small children, so I'm very interested in reducing the speeds along Portage Rd. for their safety.
- If some vehicles that use Portage Rd. as a thoroughfare to get from Schoolcraft/Vicksburg to Kalamazoo decide to use Sprinkle Rd. or some other route as a result of a reduced speed limit, or reduced number of lanes – "LET 'EM!"
- There are too many cars travelling on Portage Road to be accommodated by 3 lanes.
- If we can slow traffic down, maybe people driving by will actually "see" our businesses. Right now, they're blowing by so fast that many of them don't even notice we're here.
- A roundabout at Lakeview would be a great opportunity for a grand entrance to the park!
- We need 3 lanes south of Lakeview instead of 4 – the intersection of Portage and Stanley is super-dangerous! People waiting to turn left off of Portage onto Stanley come close to getting rear-ended all the time!

6 May 2016

To Whom It Concerns:

I wanted to give a summary of some things I heard at the Road Diet meeting last night:

1. There are a few very vocal people who disagree with the Diet.
2. There are many people who think the traffic on Portage Road is moving too fast.
3. Many of the residents on the west side of Portage Road think it's a great idea.
4. Most agree that a change needs to be made to Lakeview intersection.
5. Many agree that the bulk of the cars travelling down Portage Road during peak times are using it as a transition road and are most likely not patronizing the Portage Road businesses.
6. Many appreciate the efforts being made by the City to improve the area and make it more pedestrian-friendly and safer for all.
7. Some love the refuge islands and some don't.
8. Most concerns about the Road Diet involve the fear that it will be very difficult to exit and enter Portage Road at peak times.
9. Most concern was focused on the area between Lakeview and Forest.
10. There was some discussion in several break-out sessions about the possibility of a change somewhere between doing nothing and a complete Road Diet. My personal thought is that we could consider a couple of roundabouts to slow traffic down; possibly at Forest and Lakeview.

I'm sure there was more discussion that I didn't participate in but these were a few of my impressions. Hope this helps.

Jean Truitt

Nelson Hardware

Lake Center Business Association Secretary

May 5, 2016

✓ Vicki Georgeau, Community Development
Chris Barnes, Transportation and Utilities

RECEIVED

MAY 09 2016

COMMUNITY DEVELOPMENT

RE: Portage Road

Dear Vicki and Chris,

Thank you for the excellent presentation this evening. I also thank you for all you have done and continue to do to make Portage a great place. I arrived to the meeting a bit late and as I sat down was quite taken aback by the negative tone of those interrupting your presentation. At the end when comments were requested, I didn't get a chance to speak, but would have done so if several others had not already spoken up in favor of the plan.

I have lived on the eastern end of Bacon Avenue since 1986. **I am fully in favor of the road diet plan.** My main reason is to slow traffic and increase safety. With an elementary school, a park, two lakes and many residences, we can't have a Sprinkle Road type drag strip. Also, I have a friend who lives on Stanley, and she is fearful when heading south and waiting in the driving lane to make a left turn on to her road. She's had distracted and speeding drivers come up behind her almost slam into her. A turn lane would be so much safer. I also agree that the isthmus between the lakes is a jewel for our community and should be treasured and enhanced. Five lanes of roaring car traffic won't do that. The proposed changes you presented will make it possible for families and children to be able to walk or bike to the park or school, and perhaps some of the residences of places like Sterling Oaks will feel safe to take a walk or bike ride to H&B, Nelsons, and perhaps restaurants/cafes. What a healthy and enjoyable alternative to driving the car everywhere.

I bicycle from my home to work at Bronson hospital at least 150 times per year. On the morning commute I used to ride on Portage road from the Bacon Ave bike lane to Ames or Forest Drive bike lane. However, I was struck from behind by a distracted speeding SUV driver in 2013 near Forest Drive. It's a miracle I was not a fatality.

Investigated at Scene	Reported Date (Time)	1st Investigator Name (Badge)
Yes	05/30/2013 (06:09)	Off. B PIERMAN (23003)

Narrative

Paul Guthrie was legally riding his bicycle NB on Portage Rd in the curb lane when he was struck from behind by Carol McNall. McNall had no explanation for how she hit Guthrie but stated that she did not see him. It should be noted that Guthrie was wearing a highly visible orange t-shirt and a white helmet with a red flashing light fixed to the back of it. Also mounted to Guthrie's bicycle was another red taillight, a headlight, and two flashing lights that were mounted in the spokes of the wheels. Guthrie sustained multiple lacerations and was transported by ambulance to Bronson Hospital to be evaluated for further injury. McNall's vehicle sustained no damage during the incident while Guthrie's bicycle was heavily damaged.

I still bike to work, but I take the sidewalk along Portage (not ideal) because the shoulder disappears in several sections before the curb starts. Once the curbing starts, there is no extra room whatsoever for a bike and the speed of traffic is illegally fast. Aside from texting/distracted drivers, some drivers appear to have trouble negotiating the curve just past the park and maintaining their lane at such high speeds. While biking on the sidewalk, I rarely take a trip in when I don't see the digital speed display showing some drivers going 10mph or more over the 45 mph limit. 68 mph is the fastest I have observed. I've also observed accidents, and the damage from accidents. Earlier this year my bike ride in was blocked at the bridge over the canal near Dixie St. where it appears a car had slammed into the guard rail. Power poles have been smashed into over the years, etc.

From the meeting this evening, I don't believe those who are against slowing the traffic down have a valid complaint. It's good to point out that a car at 55 mph is traveling 81 feet per second. A car at 40 mph is going 58 feet per second. That 23 extra feet in one second can be the difference between life and death for someone trying to cross Portage Rd from Lakeview drive to the park. If people want to drive fast, they can go over to 131 or take Sprinkle. Those fast drivers are not likely to enhance business in the Lake Center district. They are just in a hurry to somewhere else.

I do feel the most legitimate concern raised was from those who feel it will be more difficult to pull out into traffic from places like Lakeview Drive. That may or may not be an issue. If it is, I think one or more sensor activated traffic lights could help with that, perhaps more than a roundabout since I'd think the Lakeview traffic would be relatively low volume. However a roundabout is not to be ruled out if that makes sense.

Please feel free to contact me if you have any comments or questions or if there is anything I can do to be of assistance.

Thank you

A handwritten signature in black ink, appearing to read "Paul Guthrie". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Paul Guthrie
1506 Bacon Ave
Portage MI 49002
pfgu3@aol.com
269 327 1449



3 May 2016

To: City of Portage Planning Commission,

On May 3, 2016, the Lake Center Business Association held a meeting which included discussion about the proposed road diet for Portage Road.

A poll among the voting members present at the meeting reached a unanimous consensus. We concluded that the best course of action would be a three lane roadway from Osterhout Road to Forest Drive. The membership also agreed that a round-about located at Lakeview, incorporating the entrance to Lakeview Park, would be the best option for increasing the safe ingress to Portage Road from the park and Lakeview Drive.

Thank you for taking our opinions into consideration for this venture.

Sincerely,

A handwritten signature in black ink that reads "M. Douglas Lynes, D.C.".

M. Douglas Lynes, D.C.

President LCBA

Victoria Georgeau

From: pselden@aol.com
Sent: Tuesday, May 03, 2016 10:30 AM
To: Victoria Georgeau
Cc: Muhammad Arif; rmittchell@arienne.com; Christopher Barnes
Subject: Public Comment re. Portage Rd. "Road Diet" Study

Dear Ms. Georgeau,

I am emailing these comments about the Portage Rd. "Road Diet" Study since I will not be able to attend the open house on May 5, 2016 in person. Please let me know that you have received them in a manner that they will serve as my public comments about the Study.

As a long-time resident of Portage and as the Director of Road Safety for the Kalamazoo Bicycle Club, I am strongly in favor of making sure any changes in Portage Rd in the study area (between Ames Drive and East Osterhout) include bicycle lanes on both sides of the road on the entire stretch.

Regardless of the specific alternative chosen (on-street parking vs. none, etc.), additional north-south on-road bike lanes will be better than the current configuration.

I only became aware of the open house this past weekend, so I don't have as much time as I would like to consider the differences between the study alternatives (or alternatives not in the study, etc.). My reasons are many but I don't want to go into detail repeating all the reasons for including bike lanes that are already included in the CESO study.

So in a nutshell here they are:

1. The stretch without bike lanes (between Lakeview and Ames) is so short that a road diet here to add bike lanes would not slow traffic on Portage Rd by any significant amount. In other words, there is very little downside to any of the alternatives in the study.

On the other hand, the benefits are great.

2. As relayed in the CESO study, the cost of the current configuration, whether measured in terms of human life or property damage is unacceptable.

3. Bike lanes in the stretch between Ames and Lakeview would help connect a gap in the Portage Bikeway. In general, "gaps" in a bicycling network are often bridged by bicyclists in ways that are less desirable than if the gap were closed. In this case, bicyclists close the gap in ways that increase risk: riding on a sidewalk, cross a wide roadway to find a sidewalk, or riding in the road itself.

4. Having lived in this area for some 25 years, I can say from personal experience that it appears that many people who probably live in the area just south of Mandigo use the current bike lanes and sidewalks to get to and from Hardings grocery store (very close to the intersection of Ames and Portage). They also use the current sidewalks, which are fairly narrow and in most of the study area, are only continuous on the east side of Portage Road. Adding bike lanes would reduce the conflicts between bicyclists and pedestrians on sidewalks in the study area, improving quality of life as well as safety. It is important to be honest about the bicyclists in this area. Many of the bicyclists are neither trained nor especially aware of the rules of the road. Many of the bicyclists ride on the wrong side of the road, wear dark clothing at night, ride without lights, ride while their hands or handlebars are encumbered with packages and grocery bags, etc. Providing more space for such bicyclists should improve safety for motorists and non-motorists alike.

5. I have used this stretch of Portage Rd. as a bicyclist for many years. I ride on the road for most of this stretch for many reasons (danger of riding on sidewalks in areas with many driveways, uneven sidewalk surfaces, presence of snow on sidewalks in the winter, etc.). As experienced a bicyclist as I am, I am always alert when riding, but it always makes me "uncomfortable" to ride on Portage Road where there are no bike lanes, but especially in the stretch between Ames and Lakeview where the current bike lanes "disappear" (say, when turning south off of Forrest onto Portage Road) and bicycle traffic must merge with vehicular traffic. Of course I should be hyper-alert in this area. Everyone should be. But if

Portage is trying to improve its quality of life for all the benefits that brings, I'm only saying that adding bike lanes in this area would probably make bicycling in this area much more accessible and pleasant for everyone.

6. I am also very uncomfortable even on more recreational rides around our beautiful local lakes, when, having hugged West Lake on its south side on Lakeview Drive and heading east toward Lakeview Park, I try trying to cross Portage Road into the park. The little uphill rise at that intersection when heading east makes it harder to gain speed to cross the road. The fact there are so many lanes of traffic to cross and the limited ability to see traffic coming from the north due to the curve in Portage Road just north of the intersection, make crossing the road doubling unnerving for non-motorized users. Drivers coming south around West Lake must also be more uncomfortable whenever they see a bicyclists or pedestrians at this intersection.

7. This is speculative on my part, but I think that making this area more bicycle and pedestrian friendly would increase the value of homes in this area. Right now the relatively high speed of traffic along Portage Rd. reduces the residential "feel" of the area as a neighborhood. This may make homes on Portage Rd. harder to sell. Families with smaller children might not want to live along Portage Road. Older people with grandchildren might not want to play a game of catch with their grandchildren in their front yard, and so on. Any way to make the area feel more livable by slowing traffic, increasing access to the business in the Lakes Center area, making it easier for people to get to and enjoy the lakes and park in the area, would be an improvement.

8. Without regard to the specific alternatives, riding a bicycle next to parked cars is more risky due to the danger of a bicyclist hitting a person getting out of a car, or a door that is thrown open.

In short, I think the reasons for adopting any alternative that increases the number of bike lanes along this stretch of Portage Road would be a great investment on the part of the City of Portage!

Thank you for giving the public a chance to comment on the Portage Road "Road Diet" Study, and for everything the City of Portage is doing to help make our community even more bicycle friendly!

Regards,

Paul Selden
Director of Road Safety
Kalamazoo Bicycle Club
(269) 598-8301 (cell)

Victoria Georgeau

From: Laurence Shaffer
Sent: Wednesday, May 04, 2016 2:09 PM
To: 'Kay Ensfield'
Cc: Victoria Georgeau; Erica Eklov; Christopher Barnes
Subject: RE: Portage Road

Ms. Ensfield,

Thank you for your note. It will be included in the summary of public reaction to the proposed road diet on Portage Road.

Thank you.

Larry

City Manager
Office of the City Manager
City Hall – 7900 South Westnedge Avenue
Portage, Michigan 49002

Phone – 269-329-4400
Cell – 413-658-7089

-----Original Message-----

From: Kay Ensfield [mailto:ensfieldk@hotmail.com]
Sent: Tuesday, May 03, 2016 5:58 PM
To: Laurence Shaffer <shafferl@portagemi.gov>
Subject: Portage Road

I will be unable to attend the open house for changes to Portage Road near the lakes due to a funeral for a friend. However, my husband and I strongly support the suggested road diet plan.

Thank you.

Kay Ensfield
1818 Forest Drive
Portage

Victoria Georgeau

From: Judy Graham
Sent: Thursday, May 05, 2016 4:24 PM
To: Victoria Georgeau
Subject: FW: Portage Road "Diet"

-----Original Message-----

From: Julie L [mailto:crew480@yahoo.com]
Sent: Thursday, May 05, 2016 8:01 AM
To: Judy Graham
Subject: Portage Road "Diet"

I will not be able to make the open forum but wanted to share my voice about your proposal.

Have you considered lowering the posted speed limit between Lakeview and Ames to 35 or 40? I drive this area everyday to work and from 7:00-8:30 am both lanes are full, especially going north; similarly in the evenings going south both lanes are full. If anything, you should have a turn lane into Stanley or Woodbine because more than once I have almost been rear-ended by someone not paying attention and driving way over the posted 45 limit.

Once most of us driving north into Kalamazoo for work and get into the Milwood residential area the speed limit drops to 40 then 35. I feel if you reduce this area to one lane, you will have a huge bottle neck and with over 8,500 vehicles daily driving this section, a "diet" of driving lanes will significantly increase traffic accidents but by lower the posted speed limit will make people aware that they are entering into a congested city area similar to downtown Schoolcraft, Millwood, Galesburg and other communities where a major thoroughfare penetrates.

Why not go this route instead of spending more than \$1M for only doing the minor changes like what you have done near the Kenco project that is under construction now.

Please save our tax dollars and spend it on real problems. A few new lower speed limit signs should do the trick here, not a major construction project.
Thanks for listening.

Unintended Consequences

The changes to Portage Road "Diet" are intended changes and intended consequences. So if the changes move the accidents at Lakeside Drive from 1 in 50,000 there to 1 in 10,000 on Portage Road, that was intended. It is kind of like "Just Transferring the Blame" from one group to another group. FIX THE PROBLEM.

I picture the visits to H & B store or others to be a problem. Traffic will be stacked up and crossing the lane to go left will be bad.

Trucks will block the view of down the road.

Slow driver will just drive slower and stack up traffic.

THE PEDESTRAIN Island by Clarence Street cause me to cut back on going to Daines Store. When I come out of Daines and leave by way of Clarence Street I have to step on the gas to get across the traffic then quickly hit the brakes to stop before the Island, while wait for traffic to clear to enter the southbound lanes.

SO NO, I AM NOT IN FAVOR OF THE PORTAGE ROAD "DIET"

REPOSITION THE LAKESIDE INTERSECTION WITH PORTAGE ROAD FURTHER SOUTH SO LAKESIDE DRIVERS ARE NOT ON THE HILL AND FEEL MORE COFORTABLE WITH THE VIEW.

I have encountered drivers who shoot out fast at that intersection and other intersections. That may not change with road "diet." I was hit by a driver who could not stop for her intersection across from the drive inn restaurant because she was driving too fast and could not stop at the intersection, so she hammered down in front of me , then lost control and hit my car in the rear quarter panel. On the record it looks like she just lost control on icy road but the fact that was not recorded was she was driving too fast when she came to the intersection.

Accident reports do not always tell the whole story of the accident.

The road "diet" is not just tweaking things around and accident it is changing the focus away from the problem to create a new set of road conditions and problems.

If you blow up a building, you must take responsibility for events that happen of the result. So if you change Portage Road you need to take responsibility for the events that happen as the result of those changes. Those are INTENDED CONSEQUENCES.

Portage Road Traffic Study/ Road Diet Feasibility Study/Dec 2015

- 1.1. Let me start by saying I was disappointed with the study. Too much of it was Boiler Plate and not what would be expected on Portage Road.
 - 1.1.1. *cite studies* The studies CESO used to predict the results expected for the Portage Road Diet project have very different situations. Such as here we have 4 lanes on both sides and the road diet is only for a short distance, most of the drivers are using Portage road as a thoroughfare , and this area is mostly residential with more cars turning exiting and entering from private driveways.
 - 1.1.2. The moderated speeds by those going slower will increase tailgating and increase anger.
- 1.2. Portage Road is a main artery between Portage and Kalamazoo with Vicksburg and south.
 - 1.2.1. US 131 is farther to the west
- 1.3. Area in question is a short distance. The change will disrupt traffic as it goes from 4 lanes to 3 lanes in both directions.
 - 1.3.1. More accidents
 - 1.3.2. Traffic back ups/road rage increase
 - 1.3.3. If the speed limit is reduced as suggested, it will become a speed trap.
 - 1.3.3.1. If not reduced, cars leaving and exiting the road will have an increased accident rate.
 - 1.3.4. Lakeview Park entrance is located where the transition between 3 & 4 lanes occurs.
Increased confusion.
- 1.4. I see no reason the believe it will be easier for pedestrians to cross a very busy 3 lane road than a less congested 4 lane road. I would expect drivers on the busy 3 lane road to be more aggressive.
- 1.5. Accident rates should be expected to increase as cars leaving and entering the road would now cause traffic slow downs or stops.
2. I support improved sidewalks.
3. I support bikeways, but not on the side of the road.
 - 3.1. 200 lb bikes going 10 mph and 1,500 lb cars going 45 mph do not play well together and the bikes nearly always lose.
4. The real problem is there is to little space for the road, sidewalks and bike paths.
 - 4.1. Perhaps the city should investigate acquiring the properties by the lake and creating a linear park.

Art
Thompson

Victoria Georgeau

From: David Carvell <dcarvell@charter.net>
Sent: Tuesday, May 03, 2016 10:59 AM
To: Tamara Stephens; Victoria Georgeau
Subject: Portage Road Road Diet

I will be unable to attend the open house Thursday night seeking public comment on this proposal, but will state here I am completely against this proposal. Number one, we have in recent years spent millions of dollars to get this road in its current condition with turn lanes and bike paths on the sides. It makes no sense to undo this. Secondly, I travel this road daily, usually numerous times in all kinds of traffic and conditions, and in my opinion it would be foolish to squeeze this traffic down to one lane in both directions. Very little of this section of road has no turn lane, and I think you will be creating more traffic problems than you would be solving. There are better places in the city to spend road dollars than this project. Thank you.

Dave

ROAD DIET OPEN HOUSE COMMENTS/SUGGESTIONS

COMMENTS/SUGGESTIONS	NAME
Portage Road remain 4-lanes, however, look at other pedestrian improvements for sidewalk, now curbs, etc. to better facilitate non-motorized modes of transportation.	
Stop light at Osterhout and Stop light at Woodbine	Chris Sanborn - 2705 Woodbine
Complete streets better access for all	
Great plan - Good for safe, good for community. The road diet is needed with a school and park we need to make this a place for safe walking, biking and driving.	Paul Guthrie - 1506 Bacon
Look at Kalamazoo's "Road Diet" on Portage, it has caused blocks, long backups during morning rush. Don't believe it is good or proper utilization of tax payer dollars. How about spending road money to correct life safety problems like South Shore and Westnedge, Mandigo and Portage.	
If the diet occurs, the circle at Osterhout is a must. Reason is that putting two southbound lanes of traffic into one essentially doubles the number of vehicles into a single lane. Thus new turning lane will become a positioning lane for cars from west turning north on Portage.	
Lakeview/Portage intersection: Drawing 1 of 3 unacceptable for snow removal problems/responsibility from my south drive to Lakeview access.	Dong/Deb Slager - 9310 Portage Rd
<p>I'm most in favor of add'l stop lights on Portage Rd. Making a Left turn from S Shore to go North is extremely hard at certain times of day. Reducing the lanes ("did") will make it more difficult.</p> <p>If the road diet were to be put in place and the lake center business area "beautified" along the street, will the businesses improve their property? History says "No" they don't seem to want to spend the money to attract new customers. A developer/investor is going to look elsewhere.</p> <p>It is also difficult to make a left turn from the east side (to head south) at certain times, especially near Zylman (due to the light).</p>	
I like the roundabouts, mostly on Osterhout, but both will work.	Jeff Daane
I am opposed to the lane reductions on Portage Road. I live off Osterhout.	Mark Martin - 10519 Dandale St
Please stop this road diet. Please do put up lights instead.	
Portage Road remains 4 lanes with both roundabouts to reduce speed. Bike people that I konw will not ride Portage Road due to inattentive drivers (too dangerous). Single lanes as on Sprinkle cause large lines of cars making it impossible to get out of side roads especially in winter. I recommend meandering sidewalks for bikes, asphalt to reduce bumps. The option that includes parking on the road will result in crashes around West Lake Drive-in due to very limited visibility. Keep looking at additional options.	

Against - Money better spent elsewhere – Road repairs, schools, Police and Fire departments.	
Put a traffic light @ Lakeview and Ames. Reduce the speed to 35mph. Get rid of the brick pedestrian crosswalks. Why spend money after just spending and fixing Portage Road/ merge traffic route when Westnedge is closed. Re-align Lakeview and put in a light.	
Portage Road is a main corridor between the three lakes. Have any of you tried to pull out from South Shore during AM or PM rush hours or on holiday weekends? Traffic is detoured through South Shore when working on Osterhout, Bacon or South Westnedge. Waste of taxpayer dollars to even consider. No To the Road Diet! How about a city Budget Diet?	Dave
Need to look at access from South Shore to Portage Road before you change Lakeview intersection especially to a roundabout. South Shore is adjacent to a much larger population than Lakeview.	
I live on Stanley Avenue. Very concerned about all the accidents from people turning left on our street. Many times I thought I would be killed from people behind me. Can we look at the intersection as a safety issue? Thank you for your time.	
If it goes down to 3 lanes I will have a hard time getting on Portage Road as I live on Austin Drive and I have a long wait now at times.	Joyce Daane
I have serious concerns about a potential bottle neck with traffic. Side question: I live on Osterhout around the corner from Portage Road. Traffic coming and going to Portage Road is way too fast. Can't see this getting any better. How about changing speed limit from 40 to 30 and limiting semi-trucks on Osterhout?	Dave Johnson
I use the intersection of Portage/South Shore and try to left turn to the north. At times, it is now almost impossible with the same traffic and only one lane. I won't get out. We don't have a lot of alternatives of roads because of the lakes on both sides.	
Nothing needs to be done. The key is to be patient when turning onto Portage Road. Look both ways and wait your turn. A bike lane would cause more safety problems than it would solve. Bikes should use sidewalks that are further off the road and safer than bike lanes which are part of the road. Reducing the number of lanes would just back up traffic during peak driving hours which would cause more accidents from people attempting to turn on Portage Road. The problem is not the road it is bad drivers and no matter what you do to the road bad drivers will continue to cause problems.	
Most ill-conceived plan. Roundabouts are great in quaint European towns. Not on a major artery. Have your thinkers try to drive when the majority of the traffic is on the roads.	John Keagle
I think this project is cost-prohibited for the good of the community. Portage Road has always been a heavy thoroughfare and should be left as such. In this day and age it could be an "escape" route in case of a catastrophe.	
Lake Center Elementary School is the only Portage elementary school that isn't protected by a 25mph speed limit a slower portage road in the discussed area would have to be beneficial!	D Dargitz - 9211 Austin Drive
4 to 3 is not a good idea for Portage Road. Reduce speed to 35 from Lakeview to Forest.	
Strongly support the Portage Road "Road Diet" and proposed Lakeview Core Center. I am a millennial mother and homeowner and I frequently need to turn North on Portage from South	Adrian Sorrels Organdy & Calico 269-910-6199

<p>Shore to visit H & B, Nelson's, and Bucky's. Completing this turn in a vehicle is dangerous, it is absolutely treacherous as a pedestrian or cyclist. I live near many young families who would love to walk to Lakeview Park, but the journey is too dangerous due to the lack of crosswalk @ South Shore, the number of lanes to cross the lack of sidewalk on the west side of Portage and the disregard of the speed limit. The proposed road diet will address almost all of these ideas. I beg you consider a traffic light or pedestrian cyclist crosswalk @ Portage and South Shore. We visit Buckys three times a week, H & B twice a week and we frequent Nelson's and Daane's as well. The ability to walk/cycle to those locations safely is my #1 goal for the city. This is the MOST IMPORTANT issue to me and my husband in terms of Community Development.</p> <p>Two more things: the Lake Center core area would attract many more youth and young families if turned into a themed & developed community shopping area. Consider a cute bridge to go over the road for cyclists & pedestrians. The roundabout @ Lakeview & Portage (or turning Lakeview into a cul-de-sac) is an absolute MUST. Drivers are STILL turning North onto Portage from Lakeview. Remove their ability to do this. NO More children should die because of this intersection.</p>	
<p>Love the Road Diet!! The study proves that it may work! Thanks for this open House. Block off Ames! Make it safe! Slow it Down!</p>	<p>Bray 2136 Ames Drive</p>
<p>There is to much traffic on Portage to go to 3 lanes. Fix sidewalks by Stanley to Vickery widen there you have the room. Don't waste money.</p>	
<p>I am a member of Lake Center Business Association and was not contacted to vote for this. I think only a few businesses showed up for the last meeting and they do not have full support.</p>	
<p>In support of the Plan. Turn lane @ Stanley is necessary. Traffic enters school zone is too fast. Traffic enters business district is too fast. Safety is the real issue!</p>	<p>Mick Lynch 10209 Portage Rd</p>
<p>What about something between leaving it like it is and a complete reconstruction? How about a mini round about at Forest and Lakeview?</p>	<p>Jean Truitt - Nelson Hardware</p>
<p>To help bike and pedestrian traffic build a 5' wide path from Lakeview Park to Lake Center School.</p>	
<p>We use this area daily and are avid walkers, Bikers, and food lovers. We love the idea of sidewalks and bike paths to connect the area and make it more of a healthy lifestyle area. We fully support the road diet and making it feel more like connected community with easy access to businesses, grocery store and restaurant etc. Thank you for your work!</p>	<p>Kathy Main 10035 Woodlawn Drive</p>
<p>Good to see Complete streets. It encourages a healthy life style! It is better for all of us.</p>	
<p>I am a frequent driver and biker on Portage Road and the Lake Center Area. I am VERY supportive of the road diet and think if something of this sort isn't done, the speeds and risks will get worse and worse. Support Lake Center! It could be even better.</p>	<p>Bill Main</p>
<p>Support of Road Diet. Corner of Organdy to Calico, Cross @ Portage Road to get to Lakeview Park.</p>	<p>Adriane Ware</p>
<p>Opposed to Road Diet.</p>	<p>Dave DailyGrind</p>

TO: Planning Commission

DATE: May 27, 2016

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Ordinance Amendment 15/16-A, Off-Street Parking and Loading Regulations

I. INTRODUCTION

Consistent with the Planning Commission approved the FY 2015-16 Work Program, which prioritized Comprehensive Plan implementation strategies including select Zoning Code amendments, staff has prepared several proposed amendments to “Off-Street Parking and Loading” for consideration. The intent of the amendments is to achieve better, more sustainable off-street parking facility design. In summary, the amendments are designed to address the following:

- Better utilize off-street parking resources by removing barriers that currently prevent joint use of adjacent or nearby facilities.
- Establish a process that allows a property owner to reduce off-street parking based on unique characteristics of a use and other factors that support a reduction in parking.
- Streamline the approval process by allowing the Director and/or Planning Commission to make decisions concerning off-street parking facilities.
- Promote green and sustainable development practices.
- Encourage more pedestrian and non-motorized amenities consistent with the adopted Complete Streets Policy.
- Shopping habits have been altered as a result of increased internet options and growth in other areas of the county that affect local demand for off-street parking. Existing land use categories have been evaluated and parking requirements adjusted, where appropriate, based on local observations and comparison to regional/national standards.
- Promote economic development opportunities involving underutilized off-street parking lots, where appropriate.

The following sections provide more detailed information concerning the proposed amendments.

II. PROPOSED AMENDMENTS

Section 42-520.C. This section requires that off-street parking for a use be located in the same zone and on the same zoning lot it is intended to serve. Since some non-residentially zoned properties in the city have split zoning and to reduce the need for variance requests, it is proposed the reference to “same zone” and “unless such parking area is within or abutting a P-1, vehicular parking district” be removed. However, a clarifying sentence should be added that states off-street parking for a nonresidential use not be allowed in a residential zoning district.

Related to the above, it is also recommended, subject to Planning Commission review and approval, that off-street parking lots do not have to be on the same zoning lot it is intended to serve. However, any such off-street parking must meet specified criteria such as:

- Be located within 500 feet of the building entrance.
- A defined pedestrian walkway from the parking lot to the business must be available.
- Pedestrians should not have to cross a major or minor arterial roadway (as defined in the Comprehensive Plan) unless convenient access to a signalized intersection or refuge island is available.
- The amount of off-site parking be limited to no more than 25% of the minimum Zoning Code requirement.
- An agreement must be executed between property owners and filed with the Kalamazoo County register of Deeds, and the Department of Community Development before a certificate of occupancy is issued.

It is not anticipated that off-site parking will be highly utilized by businesses since customer parking in close proximity to the entrance is important. However, this provision allows flexibility for business owners concerning overflow parking that may only be needed during the peak holiday period or for employee parking.

Section 42-520.H. This section requires that the Zoning Board of Appeals consider an exception where there is an instance of dual function off-street parking where the hours of operation do not overlap. Similar to a parking deferment or a request to exceed the maximum parking requirement in conjunction with site plan approval, it is proposed that the Zoning Board of Appeals be replaced with the Planning Commission as the body to consider these exceptions.

Section 42-520.J. This section states that for uses not specifically mentioned in the Zoning Code, the requirements for off-street parking shall be in accordance with a use that the Planning Commission considers similar in type. To avoid any delays for site plans that can be otherwise administratively approved, it is proposed that the Director of Community Development make this determination, with provisions that the Director can refer the matter to the Planning Commission, and the applicant reserves the right to appeal a decision of the Director.

Section 42-520.M. This section references how barrier-free parking is to be constructed. Since public acts can change and/or be amended, a simple housekeeping item to remove the reference to “under the authority of Public Act No. 230 of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et. Seq.)” is proposed for this section.

Section 42-520.O.1. This section addresses the maximum parking requirement standard of the Zoning Code and states that no parking lot shall have parking spaces totaling more than 10% of the minimum parking required, unless reviewed and approved by the Planning Commission. Since a 10% difference between the minimum and maximum amount of parking required can often equate to only a few spaces, an increase to 25% is proposed. This change will allow for more flexibility in the range of maximum parking allowed, especially for smaller parking lots, without requiring

Planning Commission review/approval of a request to exceed the maximum parking requirement. As information for the Commission, the City of Wyoming recently adopted a maximum parking requirement with a 20% exceedance above the minimum number of spaces required. Gaines Township also has a maximum parking requirement with a 25% exceedance above the minimum number of spaces required.

Section 42-520.O.3. This section determines when the maximum parking requirement is applicable to a specific use/parking lot. The standard currently establishes the applicability of the maximum parking requirement to "...those parking lots that require a minimum of 50 parking spaces...". While the original intent of the maximum parking requirement was to minimize excessive areas of pavement on larger development projects, the 50 space parking lot threshold has resulted in smaller projects that could otherwise be approved administratively, requiring Planning Commission review/approval to exceed the maximum parking requirement. To address this situation, an increase in the applicability provision of this section from 50 to 100 parking spaces is proposed.

Section 42-520.P (new section): Recognizing that businesses may adjust the methods in which they provide products and services to grow and remain competitive or characteristics unique to a certain location, the parking standard for a particular land use identified in Section 42-523 may be similar but not be entirely applicable to a proposed use and/or location. In light of the above, it is recommended the Planning Commission, during site plan review, be authorized to consider a reduction in the minimum parking requirements based on finding there will be a lower demand for parking due to, but not necessarily limited to, the following:

- The applicant demonstrates the use requires less off-street parking than the minimum required based on the operation of the use, actual number of employees, expected level of customer traffic or actual vehicular counts at the same or similar establishment, or parking is shared by multiple uses and a high proportion of multi-purpose visits or uses will have peak parking demands during different times of the day or days of the week, among other factors.
- The amount of walk-in business due to the density and intensity of adjacent residential areas or employment centers, bicycle accommodation if the facility is located on a designated bike route, and distance from a designated Metro Transit bus stop can also be considered. Connections to public non-motorized facilities must be provided and on-site pedestrian circulation must offer safe and convenient access to building entrances.

In granting relief, the Planning Commission may also require a parking study, conducted by a qualified transportation planner, traffic engineer, or other qualified individual that demonstrates a reduction in the number of parking spaces would be appropriate and not detrimental to the safety and welfare of the subject property or adjacent properties. The "Average Peak Period Parking Demand" for the applicable land use as defined in the latest edition of the Institute of Traffic Engineers Parking Generation handbook should be considered in the review of the study.

Section 42-521.E. This section refers to ingress and egress to off-street parking lots. Modification of this section to include reference to the Access Management Ordinance is appropriate.

Section 42-521.I. This section refers to pavement requirements associated with new parking lot construction. In order to formalize maintenance standards associated with approved parking areas, a clarifying statement is proposed that states the following: “All off-street parking areas shall maintain a safe, clean and durable surface reasonably free of significant holes, upheavals or cracks and shall be repaired in a timely manner upon notification by the Department of Community Development.”

Section 42-521.L.(new) Consistent with the implementation strategies contained in the 2014 Comprehensive Plan and the recently adopted Complete Streets Policy, additional ordinance language regarding design and construction of parking areas is recommended. This new section would include language that encourages, where appropriate, low impact parking lot design such as rain gardens, bio-swales, pervious pavement and other techniques consistent with the City of Portage Storm Water Design Criteria Manual, charging stations for electric vehicles. Also consistent with Complete Streets polices, parking lots should provide the extent feasible, a pedestrian connection from the public sidewalk to the main building entrance and bicycle racks that accommodate a minimum of four bicycles.

Section 42-522.B. This section establishes loading area requirements for uses in “nonresidential” zoning districts with an additional requirement that these loading areas be situated within the “rear yard” of the site. While designated loading areas are commonly needed in conjunction with business/commercial and industrial land uses, these areas are generally not needed for office land uses which typically have smaller truck/van deliveries that can park in standard vehicle parking spaces. Site plans involving office land uses typically identify a deferred loading area, behind the building, often in a location that may not be functional. As such, changing the requirement for loading areas from “nonresidential” to “commercial and industrial” zoning districts is proposed.

This section also requires that loading areas be situated within the rear yard of the site. Often times, a commercial development project abuts a residential zoning district and/or land use in the rear yard. In these situations, the Zoning Code requires that the loading area be located adjacent to the residential zoning district and/or land use, unless a variance from the Zoning Board of Appeals is obtained. In order to provide additional protections to adjacent residential zones/uses, a change is also proposed to this section that would allow a loading area to be situated in the rear “or side yard when adjacent to a residential zoning district and/or land use.”

Section 42-523 (Schedule of Off-Street Parking Requirements). The table contained in this section establishes minimum parking requirements for various land uses. The minimum required parking standards for each use were evaluated based on local observations, compared to other Michigan communities and national standards. The attached table compares the parking standards of several land use categories between the City of Portage, other Michigan communities and national standards. Based on this evaluation, several modifications, where appropriate, are proposed. The modifications are summarized below and shown in a highlight and strike version of the Zoning Code table from Section 42-523 (also attached).

Residential:

Four sub-categories were added to the “Housing for the Elderly” land use and include:

- Senior adult housing – attached (independent living units that include retirement communities and age-restricted housing projects): 1.5 parking spaces per unit.
- Congregate care facility (independent living facility that provides centralized amenities such as dining, housekeeping, transportation and organized social/recreational activities): 1 parking space per 2 units plus 1 per employee in the largest working shift.
- Assisted living (facility that provides general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons): 1 parking space per 2 units plus 1 per employee in the largest working shift.
- Nursing/convalescent facility: 1 parking space per 2 units plus 1 per employee in the largest working shift. This land use was previously listed in the institutional category.

Individual zoning districts where these types of land uses are permitted will also need to be amended and will be included in the ordinance amendment document.

Institutional:

- A sub-category for Health Facilities was added, which includes hospitals (no change from previous parking requirements) and immediate medical care clinic. The minimum parking requirement for an immediate medical care clinic is 2 parking spaces per exam room plus 1 per employee.
- Elementary, junior and senior high schools are shown as private since the State School Superintendent has sole and exclusive jurisdiction over site planning of public school facilities.

Business and Commercial:

- Shopping centers between 100,000 and 600,000 square feet and greater than 600,000 square feet. These two categories are proposed to be combined into one since the current minimum parking requirement for shopping centers with a gross leasable area (GLA) between 100,000 and 600,000 square feet (5.4 parking spaces per 1,000 square feet of GLA) and shopping centers with a gross leasable area (GLA) greater than 600,000 square feet (5 parking spaces per 1,000 square feet of GLA) are both proposed at 4 parking spaces per 1,000 square feet of GLA.
- Retail stores. The minimum parking requirement for retail stores should be reduced from 1 parking space per 150 square feet of usable floor area to 1 parking space per 200 square feet of usable floor.
- Self-service and Coin-operated Carwashes. The parking standard should be changed from 5 spaces per stall plus the stall space to 2 per stall plus one for each vacuum or similar area. The current standard is considered excessive.
- Day spa. This is a new land use category similar to a medical clinic that offers a variety of services for the purpose of improving health, beauty and relaxation through personal care

treatments. Recommended parking requirements are 1 space per 150 square feet of useable floor area, similar to a medical office.

- Restaurants. A review of restaurant projects (sit-down style and fast food style) since the 2002 Zoning Code Update have identified deficiencies in the minimum parking requirements. Specifically, the minimum parking requirement for sit-down style restaurants (1 space for every 75 square feet of useable floor area) has generally been too low for these uses resulting in several requests to exceed the maximum parking requirement under Section 42-520.O. Conversely, the standard for fast-foot style restaurants and similar uses with no waiter/waitress service that provide inside table areas and drive-thru window service has generally been too high. With regard to take-out only restaurants with no or limited inside table area, the parking standard is proposed to remain unchanged since the UFA of take-out only restaurants is minimal. Based on a review of previously approved site plans, ordinances from other comparable communities and recommendations from national publications, the description of restaurants are proposed to be updated and off-street parking requirements revised. The following changes are summarized below:
 - Restaurants that provide waiter/waitress service to the table but no drive-thru or in-car service. Off-street parking requirements are proposed to be increased from 1 space per 75 square feet of usable floor area to 1 space per 60 square feet of usable floor area.
 - Fast food restaurants that provide for table areas inside and drive-thru service but do not provide waiter/waitress service to the table or in-car service. Off-street parking requirements are proposed to decrease from 1 space per 25 square feet of usable floor area to 1 space per 40 square feet of usable floor area plus 3 stacking spaces between the window and menu board and 3 stacking spaces before the menu board.
 - Fast food restaurants that provide in-car service. In addition to the parking space at each menu board, 1 parking space must be provided for each employee in the largest working shift.
- Auto repair facility. Consistent with the recent automotive amendments approved by City Council, “automobile service station” has been changed to reflect the new “auto repair facility” definition. The off-street parking requirements have also been updated to 2 spaces per stall, rack or pit plus 1 space per employee.
- Vehicle fueling station. Also consistent with the recently approved automotive amendments, “vehicle fueling station” has been added. The off-street parking requirements are 1 per fuel nozzle plus 1 per 200 square feet of usable floor area of interior retail space.
- Banks. Off-street parking requirements are proposed to decrease from 1 space per 150 square feet of usable floor area to 1 space per 200 square feet of usable floor area plus 1 per employee. A minimum amount of vehicular stacking space of 3 spaces per drive-thru lane is also proposed. The reduction is based on local observations, national standards and review of other comparable communities.
- Professional office for doctors, dentists and similar professional clinics. Off-street parking requirements are proposed to decrease from 1 space per 100 square feet of usable floor area to 1 space per 150 square feet of usable floor area. The reduction is based on local observations, national standards and review of other comparable communities.
- Business and professional offices. Off-street parking requirements are also proposed to decrease from 1 space per 150 square feet of usable floor area to 1 space per 200 square feet of

usable floor area. The reduction is based on local observations, national standards and review of other comparable communities.

The overall recommended reduction in the minimum amount of parking required for the above commercial land uses is based on 1) local observations and 2) standards promulgated in the Parking Requirements for Shopping Centers, second edition, published by the Urban Land Institute and Parking Generation, fourth edition, published by the Institute of Transportation Engineers and 3) review of ordinance standards from other comparable communities. The reduction in the amount of required off-street parking affords the opportunity for “in-fill” economic development activities using large, underutilized off-street parking lots. Staff has received recent inquiries from developers concerning the development of “pad sites” in front of large, existing commercial sites. The recent construction of Jared Jewelers is an example of this type of pad site development.

In addition, the current Schedule for Off-Street Parking Requirements only specifies a vehicle stacking requirement for automatic car washes (“...stacking space equal to 5 times the maximum capacity of the car wash”). Other uses such as banks/credit unions, fast-food restaurants, ice cream and coffee shops with drive-thru service do not have a minimum stacking requirement listed in the schedule. A minimum amount of stacking space is now proposed.

The table below compares the effect of the modifications between the existing and proposed parking standards for selected land uses.

Impact of Proposed Parking Standards for Selected Uses			
Land Use	Current Ordinance Requirements	Proposed Ordinance Requirements	Change (+/-)
Regional mall (800,000 sq. ft. GLA)	4,000	3,200	-800
Retail store (200,000 sq. ft. GLA))	1,080	800	-200
Retail Store (10,000 sq. ft. UFA ¹)	53	40	-13
Restaurant (7,500 sq. ft. UFA ²)	65	81	+16
Fast food restaurant w/drive-thru (5,000 sq. ft. UFA ³)	80	50	-30
Bank (5,000 sq. ft. ²)	22	16	-6
Professional office (10,000 sq. ft. UFA ²)	43	33	-10
Medical office (10,000 sq. ft. UFA ²)	65	43	-22

¹ UFA is estimated at 80% of the gross floor area

² UFA is estimated at 65% of the gross floor area

³ UFA is estimated at 40% of the gross floor area

III. RECOMMENDATION

The Planning Commission is advised to conduct preliminary discussions on these proposed amendments during the June 2, 2016 meeting. Subsequent to these discussions, the Department of Community Development and the City Attorney will prepare draft ordinance language for further consideration.

Land Use	Novi	Kentwood	Gaines	Wyoming	Grandville	Kalamazoo	Oshtemo	Portage	ITE Avg. peak period:
Housing for the elderly	Independent living - 1/unit +1/employee Assisted, convalescent, nursing home - 1/4 beds + 1/employee	One/each 3 beds or 2 rooms, plus ten spaces signed for visitors	Independent living - 1.5/unit Assisted, convalescent, nursing home - 1/2 beds + 1/employee	Independent living - 1/unit + 1/employee Convalescent, nursing home - 2/3 beds + 1/employee	Senior housing: .5/dwelling + 1/employee	Nursing: 1/10 beds Assisted living: 1/5 beds	Senior housing: 1.5/unit + 1/employee in largest working shift Nursing/assisted living: 1/2 beds + 1/employee	Elderly: 1/2 units + 1/employee Convalescent: 1/2 beds	Independent: .59/unit Assisted: .41/unit COC: 1/unit
Outpatient care facilities	No specific standard	2.5/exam room + 1/lab or recovery room	2/exam room + 1/lab or recovery room + 1/employee	No specific standard	No specific standard	No specific standard	No specific standard	No specific standard	No specific standard
Banks, business & financial services	1/150 GFA + 3 standing spaces/window	1/200 GFA + 4 standing spaces/window	3/1000 GFA (no stacking req.)	1/200 GFA + 4 standing spaces/window + 3/walk-up atm	5/1000 GFA + 4 standing spaces/window + floor area	1/330 GFA + 3 standing spaces/lane	1/150 UFA (minimum number of stacking spaces not specified).	1/150 UFA	Avg. peak period: 4/1000 GFA
General office	<100K - 1/222 GLA >100K - 1/286	1/300 GFA	3/1000 GFA	1/4000 GFA (no less than 5)	4/1000 GFA	1/330 GFA	1/150 UFA	1/150 UFA	Avg. peak period: 2.84/1000 GFA
Medical office	<5K - 1/167 GLA >5K - 1/175	3/exam room + 1/lab or recovery room	4/1000 GFA	1/200 GFA	6/1000 GFA	1/200 GFA	1/150 UFA	1/100 UFA	Avg. peak period: 3.2/1000 GFA
Personal service	No specific standard	1/300 GFA	6/1000 GFA	No specific standard	1/300 UFA + 1/employee	1/400 GFA	1/300 UFA (minimum 4 spaces required)	No specific standard	No specific standard
Salons	3/first 2 chairs + 1.5/each additional chair	3/stylist	See personal service est.	3/chair	See personal service est.	1/200 GFA	1/100 UFA or 3/work station, whichever is greater	3/first 2 chairs + 1.5/each additional chair	No specific standard
Retail	1/200 GLA	Convenience - 1/250 GFA Retail - 1/250 GFA for first 25K, then 1/300 thereafter	Low intensity - 2/1000 GFA Convenience - 4/1000 GFA Other retail - 5/1000 GFA	1/250 GLA Grocery: 1/200 GLA	<25K: 4/1000 GFA >25K: 5/1000 Food stores: 5/1000 GFA	<300K: 1/305 GFA 300-600K: 1/285 GFA >600K: 1/265 GFA	1/150 UFA	1/150 UFA	Avg. peak period: 2.70/1000 GFA ¹
Shopping Center	<400K: 4/1000 GFA 400-600K: 4-4.5/1000 GFA >600K: 4.5/1000 GFA	1/250 GFA for first 25K, then 1/300 thereafter	25K - 400K: 4/1000 GFA 400K - 600K: 4.5/1000 GFA >600K: 5/1000 GFA	Multi-tenant: 1/250 GLA + restaurants	>300K: 4.5/1000 GFA	See above	1/150 UFA	100K - 600K: 5.4/1000 GLA >600K: 5.0/1000 GLA	<400K GLA: 4.0/1000 ² 400K-600K: 4.0-4.5/1000 GLA >600K: 4.5/1000 GLA
Restaurant (no drive-thru)	1/70 GFA OR 1/2 employees + 1/2 customers allowed under max capacity, whichever is greater	1/50 UFA 1/70 UFA within shopping centers	10/1000 GFA	1/100 GFA	1.5/3 seats	1/150 GFA	1/70 UFA + 1/employee in largest shift or 1/3 persons allowed +1/employee in largest shift	1/75 UFA	Avg. peak period: 16.30/1000 GFA ³
Restaurant (fast food with drive thru and sit down)	1/2 employees + 1/2 customers allowed under max capacity + 4 spaces between board & window & 4 before board	1/50 UFA + 4 standing spaces/window	15/1000 GFA	1.25/3 people + 5 stacking spaces/window	1.5/3 seats + 10 stacking spaces	1/150 GFA capacity + 4 spaces between board & window & 4 before board	1/70 UFA + 1/employee in largest shift or 1/3 persons allowed +1/employee in largest shift	1/25 UFA	Avg. peak period: 8.7/1000 GFA ⁴
Restaurant (take out only)	No specific standard	No specific standard	No specific standard	6/counter station + 1/employee	No specific standard	1/100 GFA	1/70 UFA + 1/employee in largest shift or 1/3 persons allowed +1/employee in largest shift	1/25 UFA	No specific standard
Auto Repair	2/service stall + 1/pump stand + 1/each vehicle used as part of the equipment + spaces for accessory uses	2/service stall + 1/employee + 1/each service area	5/1000 GFA + 1/employee	2/stall + 1/employee	1/service stall + 1/200 sq. ft. of retail area + 1/employee.	2/service stall + 1/200 sq. ft. of retail area	3/service stall + 1/300 sq. ft. of retail area + 1/employee.	2/service stall + 1/gas pump.	Avg. peak period: .75/fueling position ⁵
Drive thru vehicle maintenance	2.5/stall	No specific standard	1/1000 GFA + 1/employee	2/stall + 1/employee	No specific standard	No specific standard	No specific standard	No specific standard	No specific standard
Gas stations/convenience	1/fuel nozzle + 1/200 UFA	2/service stall + 1/employee + 1/each service area		1/employee + other uses. Each fueling space counts as ½ space for other uses	1/service stall + 1/200 sq. ft. of retail area + 1/employee.	1/200 GFA	3/service stall + 1/300 sq. ft. of retail area + 1/employee.	No specific standard	Avg. peak period: .75/fueling position ⁶
5,000 sq. ft. bank	33	25	15	25	25	15	22	22 @65%	20
10,000 sq. ft. office	45	33	30	25	40	30	43	43 @ 65% UFA	28.4
10,000 sq. ft. medical office	57		40	50	60	50	43	65 @ 65% UFA	32
20,000 sq. ft. retail	100	80	100 (used "other")	80	80	66	107	107	54
200,000 sq. ft. Meijer	800 @ 4/1000	667	800 @ 4/1000	800	1000	656	1,067	1080	660 @ 3.3/1000 ⁷
800K sq. ft. mall	3600	2667	4000	3200	3600	3,019	4,267	4000	3600
8,000 sq. ft. restaurant	114 @ 1/70 GFA	104 @ 65% UFA	80	80	N/A	53	74 @ 1/70 UFA (no employees)	69	130
5000 sq. ft. fast food		65 @ 65% UFA	75	N/A	N/A	33	46 @ 1/70 UFA (no employees)	130	44

¹ Land Use Code 815 (Saturday-non-December)

² Urban Land Institute recommendation

³ Land Use Code 932 (p. 322). Saturday count with a bar.

⁴ Land Use Code 934 (p. 337). Saturday count.

⁵ Land Use Code 945 (p. 349). Includes convenience market

⁶ Land Use Code 945 (p. 349). Includes vehicle service

⁷ Used Land Use Code 813 (Discount Superstore) and used the median between the supply ratio and peak demand ratio

Sec. 42-523. - Schedule of off-street parking requirements.

SECTION 42-523
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

	Use	Minimum # of Spaces	Remarks
Residential	One-family and two-family residences	2/dwelling unit	—
	Residential and multi-family residences	2/dwelling unit	—
	Housing for the elderly <ul style="list-style-type: none"> • <u>Senior adult housing</u> • <u>Congregate care facility; Independent living units Assisted living; and Convalescent/nursing home</u> 	1.5/dwelling unit plus 1/employee 1/2 units plus 1/employee in the largest working shift	If units revert to general occupancy, then 2 spaces/unit shall be provided
	Manufactured Home Community	2/site plus 1/employee	—
Institutional	Churches and Temples Religious institutions	1/3 seats or 6 ft. of pews in main unit of worship	—
	Health facilities <ul style="list-style-type: none"> • Hospitals • Immediate medical care clinic 	2 spaces per bed 2/exam room plus 1/employee	—
	Private Elementary and junior high schools	1/teacher, employee or administrator plus requirements for auditorium, <u>whichever is greater</u>	—
	Private Senior high schools	1/teacher, employee or administrator and 1/10 students, plus requirements for auditorium, <u>whichever is greater</u>	—
	Private clubs and lodge halls	1/3 persons allowed within the maximum occupancy load	Maximum occupancy load established by local, county or state fire, building or health codes
	Swimming pool clubs, tennis clubs and other similar uses	1/2 member families or individuals	—
	Public and private golf courses, except miniature or par 3 course	6/hole plus 1/employee	—

	Fraternities and sororities	1/5 permitted active members, or 1/2 beds (whichever is greater)	—
	Stadiums, sports arenas or similar places or outdoor assembly	1/3 seats or 6 ft. of benches	—
	Theaters and auditoriums	1/3 seats plus 1/2 employees	—
Business and Commercial	Planned commercial shopping centers in a business district with a GLA greater than 1600,000 sq. ft.	45/1000 sq. ft. of GLA	—
	Planned commercial shopping centers in a business district with a GLA greater than 100,000 sq. ft. but less than 600,000 sq. ft.	5.4/1000 sq. ft. of GLA	—
	Car washes (automatic)	1/employee plus stacking spaces equal to 5 times the maximum capacity of the car wash	Maximum capacity of the wash means the greatest number of vehicles possible undergoing some phase of washing at the same time. Determined by length of wash line (ft.)/20 ft.
	Carwashes (self-service self-service and/or coin-operated)	5 spaces per stall + stall space 2 plus 1 for each employee and 1 for each vacuum station or similar area	—
	Beauty parlors or barbershops	3/first 2 chairs, plus 1½ for each additional chair	—
	Day spa	1/100 sq. ft. of UFA	—
	Bed and breakfasts	2 plus 1/guest room	—
	Bowling alleys	5/lane	—
	Dancehalls, pool or billiard parlors, roller or skating rinks, exhibition halls and assembly halls without fixed seats	1/3 persons allowed within the maximum occupancy load	Maximum occupancy load established by local, county or state fire, building or health codes
Business and Commercial	Restaurants that provide waiter/waitress service to the table but no drive-thru or in-car service. Establishments for sale and consumption, on premises, of beverages, food or refreshments (Restaurants)	1/6075 sq. ft. of UFA	—
	Fast food restaurants that provide for table areas inside and drive-thru service but do not provide waiter/waitress service to the table or in-car service. Establishments that sell hard or soft ice cream and sundry items to their patrons from an external window with no in-building service	1/40 sq. ft. of UFA plus 3 stacking spaces between the window and menu board and 3 stacking before the menu board 1/25 sq. ft. of UFS	—

	<u>Fast food restaurants that provide take-out service (walk-up window or drive-thru service) with no or limited inside table area. Establishments that sell hard or soft ice cream and sundry items to their patrons cafeteria-style primarily for takeout, with no table service</u>	<u>1/25 sq. ft. of UFA plus 3 stacking spaces between the window and menu board and 3 stacking spaces before the menu board.</u>	
	<u>Fast food restaurants that provide in-car service. Fast food restaurants that provide for both takeout and table areas but do not provide waiter/waitress service to the table or in-car service</u>	<u>In addition to the parking space at each menu board, 1/each employee in the largest working shift, 1/25 sq. ft. of UFA</u>	—
	Furniture, appliance and household equipment repair shops; showrooms of plumbers, decorators, electricians or similar tradesman; shoe repair; and other similar uses	1/800 sq. ft. of UFA; Floor area used in processing 1 additional/2 employees	—
	<u>Automobile service stations</u> <u>Auto repair facility</u>	<u>2/lubrication stall, rack or pit plus 1/gasoline pump</u> <u>employee</u>	—
	<u>Vehicle fueling station</u>	<u>1/fuel nozzle plus 1/200 UFA of retail floor area</u>	—
	Laundromats and coin-operated dry cleaners	1/2 machines	—
	Miniature and par 3 golf courses	3/hole plus 1/employee	—
	Mortuary establishments	1/50 sq. ft. of UFA	—
	Motels, hotels and other commercial lodging establishments	1/occupancy unit plus 1/employee	—
	Motor vehicle sales and service establishments	1/200 sq. ft. of UFA or sales room plus 1/auto service stall in service room.	—
	Retail stores, except as otherwise specified earlier	1/ 50 <u>200</u> sq. ft. of UFA	—
Offices	Banks	1/ 200 <u>150</u> sq. ft. of UFA <u>plus 1/employee and 3 stacking spaces per drive-thru facility</u>	—
	Professional offices of doctors, dentists and similar professionals, clinics	1/ 150 <u>100</u> sq. ft. of UFA	—
	Business and professional offices, except as indicated in the previous use	1/ 200 <u>150</u> sq. ft. of UFA	—
Industrial Agricultural	Industrial and research establishments and related accessory offices	5 plus 1½ per employee in largest work shift	<u>Parking on site must be provided for all construction workers during plant construction</u> —

Wholesale establishments and related accessory offices	5 plus 1/employee in largest work shift, or 1/1700 sq. ft. of UFA (whichever is greater)	—
General or specialized agriculture	2 plus 1 per 1½ employees in largest work shift	Excludes seasonal workers
Industrial agriculture	5 plus 1 per 1½ employees in largest work shift	Excludes seasonal workers

(Ord. No. 03-01 (Exh. A, § 42-613), 2-18-2003; Ord. No. 08-05, 7-22-2008)

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – April 11, 2016

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

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

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

APPROVAL OF THE MINUTES: Learned moved and Schau seconded a motion to approve the March 28, 2016 minutes with corrections recommended by staff. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #15-11, Christine Pelletier, 4415 Raborn Court: Bright noted the applicant submitted a request to postpone the item until the May 9, 2016 meeting. Mais stated the applicant reportedly encountered difficulties getting structural engineers to evaluate the barn's foundation and lumber.

A motion was made by Schaeffer, seconded by Seyburn to postpone the item until the May 9, 2016 meeting. Upon voice vote, motion passed 7-0.

ZBA #15-17, Bickford Cottage Assisted Living and Memory Care, 4707 West Milham Avenue: Bright inquired of staff if there were any updates since the item got tabled at the March 28, 2016 meeting. Mais reported the property owner of 4707 West Milham Avenue (Richard Eby) and 4721 West Milham (Michael Busche) had come to an agreement whereby some additional landscaping would be provided by the applicant, and Mr. Busche was now in support of the variance. Learned inquired if the support was due to the supplemental landscaping. Mr. Busche responded yes.

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

A motion was made by Learned, seconded by Schau to approve a variance to retain an approximate 8,400 square-foot building addition along the west side of the existing Bickford Cottage facility to within 10-feet of the west property line where a 30-foot setback is required conditioned upon the applicant completing the supplemental landscaping as shown in plans included in the supplemental agenda, for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include the significant grade differences along the southern portion of the site and the surrounding zoning/land use pattern; the 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 in the vicinity; the right to develop a property with setbacks similar to other uses in the district; the immediate practical difficulty causing the need for the variance request was not created by the applicant; and the variance would not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and action of the Board be final and effective immediately. Upon roll call vote: Philipp-Yes, Learned-Yes, Seyburn-Yes, Bright-Yes, Robbe-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-15; Ol' Moose BBQ, 7540 South Westnedge Avenue: Mais summarized the request for a Temporary Use Permit to operate a mobile food truck at 7540 South Westnedge Avenue from April 12 – June 5, 2016 and July 7 – October 12, 2016. Bright inquired if the applicant had anything to add. Chris Slocum responded no, except he wondered if it was possible to get a Temporary Use Permit for next year as well. Bright inquired if the Board could do that. Mais stated the Board can grant Temporary Uses for 12 month periods with up to one additional 12 month extension, and the Board could if they wanted approve the Temporary Use permit for the same date range in 2017 subject to city staff review. Seyburn inquired if portable bathrooms would be provided. Mais responded none were proposed. Learned inquired if food trucks

were subject to health inspections like brick and mortar restaurants. Mr. Slocum stated yes. Schau inquired why a Temporary Use permit was needed. Mais stated Temporary use permits are needed for uses not otherwise permitted in the district, and that food trucks were not permitted to operate in the same location for six months at a time.

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

A motion was made by Learned, seconded by Robbe, to approve a Temporary Use Permit to operate a mobile food truck at 7540 South Westnedge Avenue from April 12 – June 5, 2016 and July 7 – October 12, 2016 subject to the following conditions: 1) The operation of the Ol' Moose BBQ be limited to April 12 – June 5, 2016 and July 7 – October 12, 2016 and for the same date ranges in 2017 subject to city staff review; 2) the food trailer be licensed by the Kalamazoo County Department of Health and Community Services; 3) food trailer tables and off-street parking set-up be consistent with the submitted site sketch; 4) hours of operation be limited to 11:00 a.m. to 8:00 p.m. Monday through Sunday; 5) the site be kept free from trash and refuse; 7) temporary signage be limited to one sign not exceeding 40 square feet; and 8) there be no sound amplifying equipment with the exception of a portable generator which must meet the requirements of Chapter 24, Article 4 (Noise). Upon roll call vote: Philipp-Yes, Learned-Yes, Seyburn-Yes, Bright-Yes, Robbe-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-16, Meyer Wood Products, 7518 South Westnedge Avenue: Mais summarized the request for a Temporary Use Permit to allow outdoor wood product and accessory building sales from April 29 – October 29, 2016 and April 29 – October 29, 2017. Roy Meyer was present to answer questions. Bright stated he thought it was better the property be used to sell wood products than let it sit vacant while the property was for sale. Seyburn inquired if there had been any problems connected with operation of the Temporary Use during the last two years. Mais stated no.

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

A motion was made by Seyburn, seconded by Learned to grant a Temporary Use Permit to allow outdoor wood product and accessory building sales from April 29 – October 29, 2016 and April 29 – October 29, 2017 with the following conditions: 1) placement of all inventory meet minimum B-3 district setback (30-foot front, 10-foot side, 20-foot rear) 2) that the permit be subject to administrative review and approval in 2017, and 3) the site must be regularly monitored and maintained by the applicant. Upon roll call vote: Philipp-Yes, Learned-Yes, Seyburn-Yes, Bright-Yes, Robbe-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-19, Lynn Van Pelt, 4580 Caribou Street: Mais summarized the request to construct a 12-foot by 14-foot three season porch 28 feet from the south (rear) property line where a minimum 40-foot setback is required. Lynn Van Pelt admitted she did not consider construction of a three season porch when the house was originally constructed but when the idea arose recently, she did not think it would be an issue as there were other houses in the neighborhood that had three season rear porches. Schau inquired if the applicant had considered conforming alternatives. Ms. Van Pelt stated she had, but putting the porch on the north side of the house was undesirable as it would get no sun, and a retractable awning in the rear yard would not protect lawn furniture very well. Robbe noted the Board has fairly consistently denied variance requests for accessory buildings simply because applicants wanted to build them and had run out of space to do so. Learned stated he struggled with how to get around this not being a self-created hardship, as there appeared to be adequate space on the lot to accommodate a three season porch if they had pursued a different house design in 2007 when it was originally constructed. Ms. Van Pelt stated the hardship was being on a corner lot, and that was not her fault. Ms. Van Pelt stated they also had mature vegetation along their south property line which should help minimize impacts on the neighbors to the south. Seyburn stated with regard to conforming original designs, garages are not usually placed behind the dwelling on corner lots, and that the larger dimensions required of corner lots place an additional burden on their owners.

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

Seyburn stated he was sympathetic to people with corner lots, and thought placing a garage in the rear yard so as to leave adequate space for a three season porch, while perhaps conforming, would impact the neighbors more than the proposed three season porch. Learned stated he was concerned with creating an undesirable precedent, as buyers should know the drawbacks associated with corner lots when they purchase them. Robbe stated the house was functional without a three season porch and noted they had conforming alternatives. A motion was made by Seyburn, seconded by Bright to grant a variance to construct a 12-foot by 14-foot three season porch 28 feet from the south (rear) property line where a minimum 40-foot setback is required for the following reasons: there are exceptional circumstances which include that the property is a corner lot and the only reasonable place to located a screened in porch is on the south side of the dwelling; the variance is necessary for the preservation of a substantial property right, the right to develop the property in manner similar to other properties in the vicinity; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the zoning ordinance. Upon roll call vote: Philipp-No, Learned-No, Seyburn-Yes, Bright-Yes, Robbe-No, Schau-No, Schaefer-Yes. The motion failed 3-4.

ZBA #15-20, Matt Nieuwenhuis, 3221 West Milham Avenue: Mais summarized the request to reconstruct a historic accessory building that is: a) 27.5 feet in height where a maximum 14-foot building height is permitted; b) is 2,600 square feet in area and exceeds the ground floor living area by 1,456 square feet; and c) exceeds 20 percent of the required rear yard by 600 square feet. Mr. Nieuwenhuis stated the barn design had already been approved by the Historic District Commission (HDC) and that the large structure was needed to store cars, contractor equipment, tools, and scaffolding. Robbe inquired how long the applicant had owned the property and noted it was currently in disrepair. Mr. Nieuwenhuis responded he has owned it for 13 years and the barn was already in disrepair when he purchased the property. Learned inquired if the applicant thought 60 days was a reasonable time to deconstruct the barn. The applicant stated 120 days was more realistic. Seyburn noted storage of contractor's equipment is not permitted in residential accessory buildings. The Board discussed various sizes of barns that might be functional and still maintain consistency with the HDC's approval. Learned stated he thought the barn should be reconstructed to conforming dimensions. Schau inquired what the smallest barn the applicant could get by with. Mr. Nieuwenhuis stated 24-foot by 50-foot (1,200 square feet). Schau inquired how tall would that make the barn (from grade to mid-roof). Mr. Nieuwenhuis stated 18 feet.

A public hearing was opened. A letter of opposition from Ellen Holt, 3310 West Milham Avenue was read. There being no further comment, the public hearing was closed.

A motion was made by Schau, seconded by Robbe, to grant a variance to reconstruct a historic accessory building that is a) up to 1,200 square feet in area, which will accommodate a 24-foot by 50-foot building, and b) up to 18 feet in height where a maximum 14-foot building height is permitted, conditioned upon completing deconstruction of the barn within 120 days, for the following reasons: there are exceptional circumstances which include the size being the minimum necessary to address the lack of accessory storage space, the historic character and size of the existing barn; the variance is necessary for the preservation of a substantial property right, the right replace the historic barn that will be dismantled; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and action of the Board be final and effective immediately Upon roll call vote: Philipp-Yes, Learned-Yes, Seyburn-Yes, Bright-Yes, Robbe-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-22, Jimmie's BBQ, 5331 South Sprinkle Road: Mais summarized the request for a Temporary Use Permit to operate an outdoor barbecue grill at 5331 South Sprinkle Road from April 25 – October 25, 2016.

Jimmie Harvey was present to answer questions. Bright inquired if Perry Harley Davidson was okay with his customers using their bathroom. Mr. Harvey stated yes. Robbe inquired if the area where the proposed Temporary Use would be setting up would be using required parking spaces for Perry Harley Davidson. Mais stated no, surplus parking was available even with the Temporary Use in place.

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

A motion was made by Schau, seconded by Robbe, to grant a Temporary Use Permit to operate an outdoor barbecue grill at 5331 South Sprinkle Road from April 25 – October 25, 2016 with the following conditions: 1) the Temporary use be permitted from April 25 – October, 25, 2017 subject to city staff review; 2) the outdoor barbeque be licensed by the Kalamazoo County Department of Health and Community Services; 3) table (under tent), pedestrian barrier, and tent set-up be consistent with the submitted site sketch; 4) hours of operation be limited to 10:00 a.m. to 8:00 p.m. Tuesday through Saturday; 5) the site be kept free from trash and refuse; 6) temporary signage be limited to one sign not exceeding 40 square feet (and not the two non-permitted flags shown in the application); 7) no sound amplifying equipment be permitted. Upon roll call vote: Philipp-Yes, Learned-Yes, Seyburn-Yes, Bright-Yes, Robbe-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-23, John Krasinkiewicz, on behalf of Comerica Bank, 7941 South Westnedge Avenue: Mais summarized the request to construct a vestibule 25 feet from the west (front) property line where a minimum 30-foot setback is required. John Krasinkiewicz and Leonard Murz were available to answer questions. Learned noted the applicant did not have to construct the tower/vestibule and could simply leave the building like it is. Mr. Krasinkiewicz stated they propose to do both interior and exterior modifications and the interior layout could not be made any tighter while maintaining both visual lines for security and ADA compliance. Seyburn inquired if the building was currently in full compliance with ADA requirements. Mr. Krasinkiewicz said no.

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

Learned stated wanting the tower branding did not constitute a practical difficulty. Robbe noted the Board had approved a similar request for Moe's Grill. Mr. Murz stated the proposed changes are not just for branding and cosmetic reasons. The ATM will be removed from its current location in the lobby for security reasons and relocated to a drive-thru lane, also the grade change near the existing entrance presents additional challenges with regard to providing access from the parking lot that is ADA compliant, which the proposed design will address. A motion was made by Robbe, seconded by Learned, to grant a variance to construct a vestibule 25 feet from the west (front) property line where a minimum 30-foot setback is required for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include the security and regulatory requirements; 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 in the vicinity; the right to develop a property in compliance with ADA requirements; the immediate practical difficulty causing the need for the variance request was not created by the applicant; and the variance would not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and action of the Board be final and effective immediately. Upon roll call vote: Philipp-Yes, Learned-Yes, Seyburn-Yes, Bright-Yes, Robbe-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-14, Jevin Weyenberg, 8314 Portage Road: Mais summarized the request for: a) a favorable interpretation that a medical marijuana patient-caregiver exchange is permitted at 8314 Portage Road; or b) a use variance to operate a medical marijuana patient-caregiver exchange at 8314 Portage Road. Mr. Weyenberg stated that when the state passed the Michigan Medical Marijuana Act (MMMA) in 2008 he assumed citizens would have reasonable means to obtain it and doing so through a Home Occupation was not in his opinion reasonable. Mr. Weyenberg shared a video promoting the purported benefits of medical marijuana. Following the video, Learned stated he appreciated the sentiments expressed but wanted to give

the applicant the opportunity to address deficiencies in the application with specific regard to matters the Zoning Board rules on, as the Board only has authority to interpret the Zoning Ordinance, not re-write it. Mr. Weyenberg stated they have prepared an ordinance amendment and will provide it to City Council tomorrow. Seyburn stated he hoped the applicant understood that because a use variance was being requested they had to demonstrate the property could not otherwise be reasonably used for any other permitted use in the B-3 zoning district. Attorney Travis Copenhaver, speaking on behalf of Mr. Weyenberg said they understood this and while the property might be suitable for other permitted uses the reasons they were present were primarily for the purpose of the public hearing and to preserve their right of appeal. It was his client's position that the city's medical marijuana ordinance violates state statute. Seyburn stated the Board had no authority to determine whether or not the zoning code complies with state statute. Mr. Copenhaver said he understood that and the applicant's goal is to cooperate with the city in devising a new ordinance that complies with state statute, and to that end wanted the Board to table the request to allow them reasonable time to work with City Council. Robbe stated the time for doing that should have been before opening the business. Mr. Copenhaver responded their position is the city's ordinance is invalid and they are not required to obtain permission to operate. Schau stated that even if the Board agreed with the applicant's position, the Board is bound to act upon the ordinances as currently written, not how they might be re-written. Mr. Copenhaver responded if that was the case, the Board should table the item. Mr. Weyenberg was sworn in as a witness. Attorney Bear inquired if Mr. Weyenberg had employees and if so how many. Mr. Weyenberg responded he has five employees. Bear asked at any given time how many are working. Mr. Weyenberg responded approximately four. Bear asked if his employees were qualifying patients under the MMMA. Mr. Weyenberg responded yes, all have cards. Bear asked if they were also registered caregivers. Mr. Weyenberg responded yes. Bear inquired how many customers/patients they sold marijuana to on an average day. Mr. Weyenberg responded he did not know. Steve Bliss was sworn in and responded they consult with 30 to 40 patients a day. Bear inquired how they respond if someone comes in without a card. Mr. Bliss responded they set up a consultation with a caregiver and what transpires between the caregiver and patient is private. Bear inquired if there is marijuana on premises that can be transferred from caregivers to patients. Mr. Bliss stated yes and clarified the marijuana belongs to the caregiver, not the company. Bear inquired how much marijuana does a caregiver have at any given time. Mr. Bliss stated that depends on the individual caregiver and how many patients they have. Bear asked how the marijuana is stored. Mr. Bliss responded in airtight jars. Mr. Copenhaver interjected he did not understand the purpose of attorney Bear's questions. Bear stated to determine if the applicant was operating in compliance with the MMMA. Learned stated he did not think the Board was to determine whether or not they were in compliance with the MMMA. Bear responded the city is being asked by the applicant to approve a use, but the city cannot approve an illegal use, and it was therefore appropriate to ask questions to determine if the applicant is in compliance with the MMMA. Learned stated the Board should limit itself to determining whether or not the applicant meets the criteria for a use variance and that it sounded like the applicant has already conceded they do not, so the specifics of the business operations were not relevant.

A public hearing was opened. Brianna Hill stated the building at 8314 Portage Road incurs a hardship as it has attracted few tenants over the years. Mike Sims, Eric Johnson, Steve Bliss, Erin Hugett, Mark McMartin, Jacob Parker, John Rockwood and Scott Healy spoke in favor of allowing the applicant to operate at 8314 Portage Road. Minnie Tai spoke in opposition to the request. Attorney Glen Smith stated he was recently hired to represent Ms. Hill (ZBA #15-21) and while that is a separate case, the two cases were very similar in character. Mr. Smith stated Council would be considering a moratorium on the medical marijuana ordinance in the near future. Attorney Bear stated while nothing has yet been officially placed before Council, he was aware of the possibility and Council may consider this matter as soon as April 26th and could possibly impose a moratorium as soon as May 10th. Mr. Smith stated he thought ZBA #15-14 and ZBA #15-21 should both be tabled. There being no further comments the public hearing was closed.

A motion was made by Robbe, seconded by Learned, to deny a) a favorable interpretation that a medical marijuana patient-caregiver exchange is permitted at 8314 Portage Road; and b) a use variance to operate a medical marijuana patient-caregiver exchange at 8314 Portage Road for the following reasons: the condition, location or situation of the specific piece of property is not unique to that property and the zoning

district in which it is located; the building, structure or land can be reasonably used in a manner consistent with the uses allowed in the zoning district in which it is located; the use variance may alter the character of the neighborhood or the intent of the comprehensive plan, and may be a detriment to adjacent properties; the variance will materially impair the intent and purpose of this article or the district in which it is located; the immediate unnecessary hardship causing the need for the variance was created by the applicant when they opened their business at this location without permission. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and action of the Board be final and effective immediately. The Board discussed the option of tabling the item but decided to call the question. Upon roll call vote: Philipp-Yes, Learned-Yes, Seyburn-Yes, Bright-Yes, Robbe-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-21, Brianna Hill/Jonathan Rockwood, 5090 (5092) South Sprinkle Road: Mais summarized the requests for: a) a favorable interpretation that a medical marihuana patient-caregiver exchange is permitted at 5090 Sprinkle Road; or b) an appeal of the administrative decision not to permit a medical marihuana patient-caregiver exchange at 5090 Sprinkle Road; or c) a use variance to operate a medical marihuana patient-caregiver exchange at 5090 Sprinkle Road; or d) a Temporary Use Permit to operate a medical marihuana patient-caregiver exchange at 5090 Sprinkle Road. Attorney Glen Smith requested his April 11, 2016 letter to Vicki Georgeau requesting ZBA #15-21 be postponed be read into the record. The letter was read into the record. The applicant also provided Board members copies of a September 10, 2012 Michigan v Brandon McQueen, and Matthew Taylor, d/b/a/ compassionate apothecary, LLC amicus brief, a LARA Medical Marihuana Act statistical report for fiscal year 2015, and a paper titled "Health Effects Associated with Indoor Marijuana Grow Operations." Mr. Smith stated the reason he was requesting a postponement was because he had been hired only 10 days earlier and needed an opportunity to research the law concerning this case. Schau inquired if the applicant could withdraw the request and resubmit later. Bear stated if the Board made a decision to deny the request the applicant could re-apply after a year. Learned inquired if it would be possible for an applicant to file an appeal and at the time of the meeting withdraw the request and re-file and withdraw repeatedly so one could effectively stay enforcement indefinitely. After some discussion, the Board determined that would be contrary to Section 42-622(A). Mr. Smith reiterated the applicant was requesting the item be postponed to give him time to research the issue, and he could not recall any instances of the Board not postponing a request during the time he served on the Board. Robbe stated most times the Board has postponed an item it had been because the Board wanted additional information. Mr Smith stated he was requesting postponement to the next regularly scheduled meeting to fully research all issues surrounding the request.

A public hearing was opened. Mike Sims spoke in favor of postponing the item. Steve Bliss stated the Board felt they had adequate information to act on the nearly identical request, ZBA #15-14, and saw no reason why this application should get a stay of enforcement when they did not. The public hearing was then closed.

The Board discussed postponement or possibly re-opening ZBA #15-14. A motion was made by Schaefer, seconded by Learned to table ZBA #15-21. Upon roll call vote: Robbe-No, Schaefer-Yes, Phillip-No, Schau-No, Seyburn-No, Learned-Yes, Bright-Yes. The motion failed 3-4. A motion was made by Schau, seconded by Robbe to deny a) a favorable interpretation that a medical marihuana patient-caregiver exchange is permitted at 5090 Sprinkle Road, as the text was quite clear that it is only permitted as a home occupation; b) uphold the administrative decision not to permit a medical marihuana patient-caregiver exchange at 5090 Sprinkle Road; c) deny a use variance to operate a medical marihuana patient-caregiver exchange at 5090 Sprinkle Road, as the property can reasonably be used by other uses permitted in the district; and d) a Temporary Use Permit to operate a medical marihuana patient-caregiver exchange at 5090 Sprinkle Road, as the property can reasonably be used by other uses permitted in the district. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and action of the Board be final and effective immediately. Upon roll call vote: Philipp-Yes, Learned-Yes, Seyburn-Yes, Bright-Yes, Robbe-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

OTHER BUSINESS: A handout from the Michigan Association of Planning containing information about how Boards should handle potential conflicts of interest was provided by staff.

STATEMENT OF CITIZENS: John Cavanaugh, friend of Jonathan Rockwood, stated he thought the medical marijuana items should have been postponed. Seyburn stated he hoped everyone understood that the Board acted in accordance with the scope of its authority in rendering its decisions, and the previous two applicants may find relief from City Council, who does have authority to change the ordinances. Robbe stated as a developer he must thoroughly investigate whether a proposal complies with all local ordinances and if not then first working with the community to change those ordinances or getting variances before opening for business, and takes exception to times when applicants do not do the same. Brianna Hill stated she had worked hand in hand with city officials such as the City Manager and the Director of Community Development who personally came on site, walked them through the process and advised them to handle things exactly the way they did.

ADJOURNMENT: There being no further business, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

**MINUTES OF THE SPECIAL PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF MAY 9, 2016**

Mayor Peter Strazdas called the meeting to order at 9:00 a.m. The following were present: Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. At 9:08 a.m. Councilmember Claudette Reid joined Councilmembers Patricia M. Randall and Jim Pearson, who were present via the conference phone line. Those not present were: Councilmembers Richard Ford and Terry Urban. Also in attendance were City Manager Larry Shaffer and City Clerk James Hudson.

Mayor Strazdas asked if there were any questions for the Administration regarding items on the Agenda.

1. Councilmember Pearson asked for a correction of Item F.3, Medical Marihuana, of the April 26, 2016 Minutes to read that the vote "Upon a roll call vote, motion to call the question failed 3 to 3. Yeas: Councilmembers Reid and Urban and Mayor Pro Tem Nasim Ansari. No: Councilmembers Ford, Pearson and Randall." He also asked that the comments at the end of the May 3, 2016 Budget Session read, "Councilmember Pearson indicated that he mentioned Branding of Portage all together to the Portage Public Schools Superintendent Mark Bielang and Library Director Christy Klien. Both indicated it is a good idea for City/School/Library Committee discussion."
2. Councilmember Randall asked what the limit is for membership on the Youth Advisory Council (YAC). City Clerk Hudson indicated that the limit is 30, but Council has exceeded that number by a vote, and the optimum number is 26 for discussion and collaboration purposes, but usually 20 or so show up for the meeting, so it has not been an issue, and the Mayor recalled that the last time this came up, Council basically said whoever is here, whoever wants to participate, we will adjust the number by Council vote.
3. Councilmember Reid asked if the proposed Budget is on line – Yes, it has been there since City Council received theirs.
4. Councilmember Reid asked whether it would be necessary to have a millage increase to cover the cost of expanding the Spring Clean-up with a Fall Clean-up, making it two Clean-ups per year, asked what would the increase be, and asked for a bid let again and some competition to shave costs. City Manager Shaffer answered that he is working with Bill Furry on this and will have that answer before tomorrow night. She asked whether Council can act on that as a part of the budget or as a separate issue, and Mr. Shaffer indicated that Council can act on it as a separate issue. Mr. Shafer indicated that the Administration would like to bid the contract again, although care has to be given not to disrupt what is in place, and the Administration continues to have the conversation

regarding this. She advocated going out for a bid to allow for competition and, with two clean-ups there would be less material so, in theory, less expensive. Mayor Pro Tem Ansari reflected that there would still be the cost of the trucks traversing the City and the cost of the drivers. Mr. Shaffer offered that the reason the City wants to go to bid is because the price given at the Budget Session was a "back of the envelope" and is as high as it is going to be to make sure there is enough funds to do the job. Mayor Strazdas expressed his preference to work within the budget and not go through the long process of *Truth in Taxation* in order to adjust the millage rate. Mr. Shaffer indicated that the Council could make the decision at the Regular City Council Meeting, on Tuesday, May 10, 2016, if they have the information, and offered to provide options in order for Council to pick a course of action that is best suited for our situation. Mayor Pro Tem Ansari concurred.

5. Councilmember Randall asked if the \$40,000 savings from the Recycling Millage could be allocated to the cost? Mr. Shaffer indicated that you could, but it is a matter of being comfortable with where the number should be. He indicated Council could approve the program and look at ways to fund it afterwards, especially since we do not know what the cost is for this service.
6. Mayor Pro Tem Ansari asked whether the tax rate would be reduced and wasn't Council talking about reducing the tax rate? Mayor Strazdas referred to the three million dollar carryover which Council decided to use for debt reduction and suggested that this arguably goes back to the citizens by lowering the payments on bond debt; how to handle the potential windfall in the budget with the implementation of 911 Dispatch is to be decided at a later time. Mr. Shaffer also mentioned the Act 51 money that will be given to the City in 2017 in the neighborhood of \$834,000 and ranges up to \$2.5 million, and the talk there was to use these funds to reduce the street millage for the citizens.
7. Mayor Strazdas recused himself from discussion of Item D.2, Medical Marihuana, and Councilmember Reid asked that Section 2-231(b)(2) which states that the moratorium would not be applicable to "a building or structure (as defined by the zoning ordinance) other than a dwelling unit where no more than one qualifying patient is cultivating up to the maximum number of marihuana plants as permitted by the MMMA for personal use or possesses up to the maximum amount of marihuana permitted by the MMMA for personal use" be distinguished with the current Portage Ordinance which reads a person cannot use an outbuilding under Section 42-129. Home occupations. Subsection C (5). Mr. Shaffer indicated that he preferred responding to this question in writing to allow the City Attorney a chance to review it.
8. Under F.2, Milham #1 Pump Replacement and Motor Rehabilitation, Councilmember Reid asked about the indication that Suez had gone through a

bid process, then was referred to as a sole source provider, and how can that happen? She asked for more information on the process.

9. Under F.3, Amendment to the Code of Ordinances, Chapter 34, Councilmember Pearson asked whether the inspection system online saves time and cost, and for whom? What is the cost to implement an inspection online for the average business person and what is the cost to the City of Portage? Councilmember Reid asked who is inputting the data into the system because there would be an additional cost beyond the \$10 filing fee; also, in reference to the groups listed on page 221, are these groups who are certified, or are they the groups who were invited to the meeting? And, do we have local listed providers and who are they? Councilmember Pearson asked, are all businesses notified; or, only businesses tied to the UL Process? Mayor Strazdas indicated that because this is a first reading, there would be an opportunity to address this on May 24, 2016, also. Councilmember Pearson asked if all businesses are notified of this option, and Mr. Shaffer responded that only businesses that are tied to the UL Process are notified.
10. Under F.4, SAFARI Montage Purchase, Councilmember Reid asked is there is a way to be more transparent concerning the decision-making process or bid process, or a more comprehensive explanation of the selection process?
11. Councilmember Reid asked could G.1, Communication from PMN Executive Director Harry S. Haasch, be placed on Consent? Mr. Hudson indicated that in the past, communications from Boards and/or Commissions are never placed on Consent. Mayor Strazdas suggested staying with past practice on this.
12. Under L.1, Councilmember Reid asked why was Mike's Cleaning Service not able to fulfill the terms of the contract? Mr. Shaffer indicated that the Administration was very happy with Mike, who did a nice job, very inexpensive, but he got sick this year, could not do the work and had to turn down the offer.

ADJOURN: Mayor Strazdas adjourned the meeting at 9:30 a.m.

James Hudson, City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF MAY 10, 2016 - BOARDS AND COMMISSIONS APPLICANTS**

Mayor Peter Strazdas called the meeting to order at 5:15 p.m. The following Councilmembers were present: Councilmembers Richard Ford, Jim Pearson and Patricia Randall, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Councilmembers Richard Ford and Claudette Reid arrived at 5:28 p.m. Also present were City Manager Larry Shaffer and City Clerk James Hudson.

City Councilmembers introduced themselves and interviewed the following applicants who were present for the Youth Advisory Committee (YAC) and Youth Participants on various Boards and Commissions.

* 5:20-5:45 p.m., Aiyla Arif, Riya Chaudhary, Cortney Chow, Megan Chow, William Chung, Casey Flanagan, Vishnu Ghantasala, Alena Gleason, Sara Gleason, Anna Heystek, Enrique Infante, Sheila Mwanda, Lindy Nebiolo, Arya Shembekar, Tanvi Shembekar, Samhita Sunkara and Omar Thaj. Staff Liaison Adam Herringa, Deputy City Clerk, provided a review of the YAC activities throughout the year, and was present for questions. Discussion followed.

Mayor Strazdas also asked each of them to express a Board, Commission or Committee preference, if they wished and discussion followed.

City Council continued to interview applicants for the following City Council Advisory Boards and Commissions:

* 5:45- 5:51 p.m., No applicants were present and Councilmember Reid informed Council that the Public Media Network Board is considering establishing a cap of three members for any municipality. Discussion followed.

* 5:52 - 6:27 p.m., Sarah Joshi and Raymond Shoup, III, for the Planning Commission. Discussion followed.

* 6:28 - 6:47 p.m., Barney Martlew, Larry Schmidt and George Theodoru for the Construction Board of Appeals. Mr. Larry Schmidt indicated that the Board received updated Code Books in the past and would like to see that practice continued. Discussion followed.

ADJOURN: Mayor Strazdas adjourned the meeting at 6:48 p.m.

James R. Hudson, City Clerk

CITY COUNCIL MEETING MINUTES FROM MAY 10, 2016

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

At the request of Mayor Strazdas, Pastor Craig Glass of Portage Free Methodist 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 Richard Ford, Patricia M. Randall, Claudette Reid, Terry Urban and Jim Pearson, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATIONS: Mayor Strazdas issued a Days of Remembrance Proclamation and a Young Men's Christian Association 150th Anniversary Proclamation.

APPROVAL OF MINUTES: Motion by Reid, seconded by Ford, to approve the Committee of the Whole Meeting Minutes of April 26, 2016, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Ford, seconded by Reid, to approve the Regular Meeting Minutes of April 26, 2016, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Ford, seconded by Reid, to approve the Budget Meeting Minutes of May 3, 2016, as presented. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Randall, to approve the Pre-Council Meeting Minutes of May 9, 2016, as presented. Upon a voice vote, motion carried 5 to 2 with Councilmembers Urban and Ford abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Ford to read the Consent Agenda, who removed Item H.1, Right-of-way Encroachments for Private Parking, from the Consent Agenda. Motion by Ford, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0 with Mayor Pro Tem Ansari abstaining from Item F.1, Community Development Block Grant (CDBG) Program.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MAY 10, 2016:** Motion by Ford, seconded by Reid, to approve the Accounts Payable Register of May 10, 2016. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

PUBLIC HEARING ON FISCAL YEAR 2016-2017 BUDGET: Mayor Strazdas introduced this item and asked City Manager Larry Shaffer to comment on the Fiscal Year 2016-2017 Budget as presented. Mr. Shaffer thanked City Council for managing two budget sessions of approximately four hours each to go over in detail the \$68 million Proposed Fiscal Year 2016-2017 Budget. He indicated that the budget represents a 1.3% increase in expenditures over last year's budget. It includes 22 different funds with six different categories: the General Fund at approximately \$25 million, of a reduction of one-half of 1%, and the Capital Improvement Plan with \$14.8 million, or a 6% increase. He reviewed some of the highlights of the Proposed Budget including: funding for three additional police officers and three firefighters to address the increase in the number and severity of the calls; a number of efficiencies especially with the use of technology; consolidation of Administrative activities; a commitment to the Parks Department with a new Farmer's Market and a renewal of entertainment activities; and a commitment to do public works in house at the Department of Public Services.

Mayor Strazdas reflected on the improvements being brought by this budget and asked, how does the City bring back six public safety officers, not raise the millage rate, and still accommodate the loss of the Personal Property tax along with the unknowns in the economy. He concluded by thanking the Administration and the City Council for their work and collaboration. Discussion followed.

Mayor Pro Tem Ansari concurred and added the extra benefit of paying down the debt. Mayor Strazdas concurred and Mr. Shaffer explained debt reduction and refinancing that has taken place. Discussion followed.

Councilmember Randall acknowledged the efforts of Mr. Shaffer and his influence on the Budget. She explained that the police and fire increases are a part of the Budget to assure that the ratio of police and fire personnel to the number of citizens is optimum. She also mentioned the feasibility of a Fall Clean-up in addition to the Spring Clean-up without the need to increase the millage.

Councilmember Reid indicated that besides reducing the debt, this Budget puts more cash toward some of the projects, and mentioned the water tower at Haverhill Park as an example where half of the cost will be paid with cash and half with bonding. She mentioned that she brought the Fall Clean-up to light, and asked for an explanation from Mr. Shaffer of how he plans to fund the extra pick-up. Mr. Shaffer indicated that Finance Director Bill Furry shows \$150,000 surplus in this Fund this year, plus the projection is to be able to add \$25,000 to that Fund partially due to lower gasoline costs, or a total of \$125,000 in the account. He mentioned that Waste Management has quoted a price of \$147,000, so a difference remains. He offered to propose supplementing this need with a General Fund appropriation at a later date when there is a better idea of the surplus for Fiscal Year 2015-2016. He said there is approximately \$450,000 at the present time and it keeps getting better, so no millage increase is necessary and explained. Discussion followed.

Councilmember Ford expressed his appreciation that the City is spending \$133,000 less than last year and hiring six new employees in the Public Safety Department. Councilmember Pearson concurred by saying the City has less people working in offices and more people working in the streets and the parks helping people in our community and thanked the City Manager.

Mayor Strazdas opened the public hearing; seeing no one come forward, motion by Reid, seconded by Ford, to close the Public Hearing on the Fiscal Year 2016-2017 proposed Budget and the tax rate of 10.9256 mills required to support the proposed budget. Upon a voice vote, motion carried 7 to 0.

MEDICAL MARIHUANA: Mayor Strazdas recused himself from the discussion of this item and left the room. Mayor Pro Tem Ansari took this item regarding the Michigan Medical Marihuana Act (MMMA) off of the table from April 26, 2016, and opened discussion from City Council. Councilmember Reid asked that the City Attorney explain what the moratorium does that would not be addressed if the moratorium was not in place. City Attorney Randy Brown responded that the moratorium would provide the Administration and his Office the time necessary to look at the issues that are pending with regard to Home Occupation, the use of marihuana, the issue of "dispensaries" which are not permitted in the City of Portage at the present time, pending Bills at the State level; so, there is the need for time to evaluate and investigate those issues, and perhaps propose an ordinance to Council that will change the status of the law in Portage with regard to those issues. He indicated that the second reason is that while we are doing that, we certainly do not want more "dispensaries" to open in the City of Portage and further complicate the issue, so the moratorium prohibits the establishment or extension of such a business.

Mr. Brown acknowledged that Councilmember Urban's contention at the April 26th Meeting that the dispensaries are already illegal (so why do we need a moratorium to stop them) as being very true. He said that the reason for the moratorium is that there are arguments that they may be legal, but our position is that they are not legal, so we would rather have a moratorium than get into that issue at all. We would rather have a moratorium declare "dispensaries" not permitted, making it easier to enforce than to have to get into issues, discussions and even court proceedings as to whether those issues are or are not legal.

Councilmember Reid asked what happens to the two existing “dispensaries” that are active in Portage, functioning illegally and have been cited. Mr. Brown noted that the moratorium does not apply to the Home Occupations which are legal in Portage, nor does it disallow a patient or caregiver to grow the number of plants for himself or herself for personal use. So for the two businesses operating illegally in our community, he said that enforcement proceedings will ensue against them; there was a Zoning Board of Appeals decision that was denied, which did not go in their favor and, if they appeal then the City will defend that appeal and possibly take other enforcement action against them. He also responded that if there are other “dispensaries” of which we are unaware, they will be treated the same because they are not protected, just as the pending two are not protected. Moreover, he said if the City becomes aware of other “dispensaries” that are operating, then the City will take enforcement action there as well because the moratorium does not protect any kind of “dispensary” whether it is in business now, or goes into business after it is passed; in fact, it prohibits “dispensaries.” He pointed out that the only thing the moratorium is protecting is the Home Occupations presently existing in Portage or future Home Occupations that may be established.

Councilmember Pearson asked City Attorney Brown whether there is any big difference between the 2011 Moratorium and the 2016 Moratorium, and Mr. Brown answered that the language is very similar, that he used the 2011 version as a model and what is different is what is happening in the field. He said at that time, the City was not aware of any business in operation that we believed violated the MMMA whereas now we know of at least two that do.

Councilmember Urban asked for a better understanding of what the moratorium does because their position is a “dispensary” allowed under State Law, and the City of Portage cannot preempt State Law; neither the current ordinance, nor the moratorium allows a “dispensary” so what protection does the moratorium give to the City? Mr. Brown explained that if a “dispensary” opens, and the City does not have a moratorium, the City then has to take enforcement action in Court and go through this argument - this disagreement - that they believe they are operating in compliance with the MMMA, and the City believes they are not. He pointed out that the moratorium would prevent this from happening because the moratorium would state they are prohibited, so the first step in defending enforcement action would be to tell the Court that the City has a moratorium and this particular use falls under the prohibitions of the moratorium, and the matter should be settled at that point even though other arguments may surface, but it is a much better argument for the City to have a moratorium where “dispensaries” are a prohibited use than if the City did not have this prohibition. Discussion followed.

Mr. Brown indicated that the whole purpose of the moratorium is to stop uses from establishing, even if they are legal, because we do not want to continue those uses during the six month evaluation period.

Councilmember Randall asked if there have been any votes by the public, any court cases, or any decisions made in Lansing that has rendered our 2011 Ordinance outdated or obsolete in part or in full protecting some uses under State Law? Mr. Brown pointed out that the Law has been in flux and has been changing for years, in case after case. He agreed that there has been a trend, though not a total trend, as there are cases trending toward expanding the MMMA, which explains why there are bills pending in the Legislature and why other cities are looking at allowing “dispensaries.” He emphasized that this is why there is a need for some time to look into that in order to be able to advise Council with an opinion, and perhaps propose an Ordinance. He restated that the moratorium puts a stop to the establishment of these uses to give time to “analyze and determine that.”

Councilmember Pearson asked if staff is considering moving marihuana from just a neighborhood situation to a business district because there are a lot more patients who are being prescribed marihuana and because it could be an overburden for neighborhoods to accommodate these patients? City Attorney Brown answered he does not have an opinion today, so he needs the time to evaluate this matter. He concurred that there is a movement in the direction proposed by Councilmember Pearson, so he will be evaluating whether the City would want to expand these uses, not restrict them to Home Occupations, but to include them in the business district in one way or another. He said this is what will be analyzed, but there may be regulations attached to that, so it is important to have a moratorium, so there are no uses established during that period, and then present an ordinance

that makes them illegal or nonconforming uses. He noted that back in 2011, the Model Ordinance was the Home Occupation Ordinance; that was the Grand Rapids Ordinance and many other communities, and pointed out that yet today there is still that 5:1 ratio, close relationship under MMMA, and some may argue that that is what is intended and explained.

Councilmember Ford confirmed with City Attorney Brown that any type of "dispensary" occupation would be prohibited in the City of Portage, except the Home Occupation. Mr. Brown did explain that the City would have to look at businesses that do establish, and his guess was that they would violate the moratorium; however, there may be a business out there that may establish that somehow falls under the Home Occupation type of use. In answer to Councilmember Ford, City Attorney Brown responded the timeline for an appeal to the Circuit Court is 30 days from the date of the decision of the Zoning Board of Appeals (ZBA); he said the Circuit Court could uphold the decision, reverse the decision, or send it back to the ZBA to do it again. He indicated that briefs would be filed by each party, perhaps supplemental briefs, and oral arguments, and concluded it would take many months. As far as costs, Mr. Brown indicated that there would be a significant amount of staff time invested to provide factual background information for the briefs, but no testimony, and his office would handle the matter under the retainer contract, so no additional cost. If the City decided to handle it outside his office, he said it would cost many, many thousands of dollars.

Mayor Pro Tem Ansari asked the audience to maintain the decency and decorum of this Chamber before opening the public hearing. He opened the public hearing for comments from the audience and said the audience has four minutes to speak, and asked them to limit their discussion to moratorium.

Those who spoke in opposition to the moratorium were: Blake Sims, 1307 Wayside Road, Kalamazoo Township; Jevin Weyenberg, 5817 Cheshire Street; Attorney D. Glen Smith, 10143 Portage Road; Susan Dishette (sp and no address); Eric Johnson, 6109 Milham Woods Court; Attorney Scott Wagenaar, 2534 Cumberland Street, Kalamazoo Township; Private Investigator Tim Gilbert, 34435 Nancy Street, Westland; Dean Marks, 1711 Forest Drive; David Westman, 2720 Woodhams Avenue; Shaun Barsic, 1602 Cedar Point Drive, Niles Charter Township; Michael Brandt, 2724 Beethoven Avenue; Mary Underwood, 2727 E 7 Mile Road, Sault St. Marie; Joey Cernick (sp), 2926 South 9th Street, Oshtemo Township; Victoria Patterson, 227 North State Street, Kalamazoo; Arnie Demand (sp and no address); Jeff Binghaman, 2301 Fairfield Avenue; and Garrick Ehrnstrom, 530 Minor Avenue, Kalamazoo. Discussion followed.

Those who spoke in favor of the moratorium were: Mindy Tai, 1620 Romence Road; Tim Earl, 6862 Shallowford Way. Discussion followed.

Motion by Pearson, seconded by Randall, to close the public hearing. Upon a roll call vote, motion carried 6 to 0. Discussion followed. City Attorney Brown advised Councilmember Randall that if she makes a motion, she cannot vote against it, and if she speaks, she cannot speak against it.

Motion by Urban, seconded by Reid, to approve an ordinance to amend the Code of Ordinances of the City of Portage, Michigan, by adding Article 9, Temporary Moratorium on the Use of Property and Structures for Dispensing and Cultivating Marihuana of Chapter 2, Administration.

When Councilmember Pearson asked that Councilmember Randall elaborate on her question to the City Attorney, she indicated that it was her understanding that the six month moratorium allowed the City to really look at the situation, let Lansing make its decisions, court cases be settled and the vote in November take place before the end of it. She understood the two businesses already in business in the City would be somehow be protected by a stay of enforcement by City Council, or a decision with the City Manager to not instruct the Police to actively close these places down. She noted there is a divided Council and a full audience; laws are changed all of the time through social pressure and grass roots effort; and, she expressed her preference that Portage become a leader in this area and explained there are no protections for these people with this moratorium. Mr. Brown explained it is up to City Council to do that and the Ordinance can state that if Council so desires, and he pointed out that this is not an unusual moratorium ordinance and again explained the purpose of the moratorium and the duty of the City Manager with regard to ordinance enforcement. He pointed out there are only a handful of

dispensary ordinances because the State Law does not address this and Portage is not late; hence, there is hesitation to move forward with “dispensaries” in the State. Discussion followed.

Councilmember Ford agreed that the moratorium is desirable since it gives Council time to make sure we are doing the right thing early on, and the State level is important rather than have the municipality spend a lot of time only to have the State change it and take away all of our hard work. He also expressed his trust that the City Manager will enforce ordinances for the health and safety of our community and take into consideration the comments made by these patients this evening. He said enforcement of ordinances is an Administrative matter and that he had an interest in the City Manager to stay the enforcement of this ordinance.

Councilmember Pearson indicated that he has a Phd. In Biochemistry, 29 years in the Pharmaceutical industry; was in the development of addictive opioids; knows of the literature on Medical Marijuana; knows that the State of Michigan legally qualifies marijuana treatment; knows of the alternatives to glaucoma and that marijuana works very well; knows of it as an indication for chronic pain; and knows that THC works very well when compared with the opioids. He indicated his reluctance to see people going into a back alley to obtain marijuana not knowing what it will do and advocated testing as the safe thing to do and pointed out that the City Council is divided and explained. He spoke in favor of the motion.

Councilmember Reid thanked everyone for their comments regarding the benefits of marijuana and recognized that the State Regulation was set up a long time ago with a caregiver and five patients and the current Portage ordinance was set up by this standard. She objected to the requirement that the City of Portage to set up regulations to control “dispensaries” and sees it as a State responsibility and cited House Bill 4209 and 4210 and explained. Nevertheless, she indicated that the Council cannot ignore businesses that are operating illegally, and advocated continued enforcement action in this matter. She reviewed the options of going to Court by the businesses and disagreed with Councilmember Pearson that there would be an extra cost in real dollars. She expressed her preference for the need for the moratorium for more time to consider what to do.

Mayor Pro Tem Ansari expressed his empathy for those who are suffering and cited the MMMA which enabled the City of Portage Home Occupation Ordinance as an alternative. He objected to the shops being set up in the business district, and said he is not free to pick and choose which ordinances to enforce and which ones to ignore. He disagreed with micro managing the City Manager, and left it up to the Administration as to how when and where to enforce the ordinance. He concurred with the moratorium and the time needed to consider this issue and noted the State and referendum options available and pending and explained there are other issues and listed some of them. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

Motion by Pearson, seconded by Randall, to request the City Manager to temporarily refrain from issuing citations or enforcing any currently issued citation(s) for a business operation on April 26, 2016, which is engaged in registered qualifying patient/registered caregiver exchanges or dispensing of medical marijuana to registered qualifying patients until such time as a Moratorium Ordinance has expired or an ordinance is adopted by Council addressing issues concerning the medical use of marijuana under the Michigan Medical Marijuana Act, whichever occurs first. This applies only to a business which has exhausted its administrative remedies under the Portage Zoning Ordinance through the Zoning Board of Appeals. This does not apply to building, plumbing, electrical, or non-zoning code violations, nor does it give any rights as a non-conforming use of otherwise. If an ordinance is adopted as described above, such businesses shall conform to the ordinance or cease its operations. Discussion followed.

Upon a roll call vote, motion failed: Upon a roll call vote, motion to call the question failed 3 to 3. No: Councilmembers Reid and Urban and Mayor Pro Tem Nasim Ansari. Yeas: Councilmembers Ford, Pearson and Randall. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM:** Motion by Ford, seconded by Reid, to approve the Community Development Block Grant (CDBG) Program 2016-2020 Consolidated Plan and FY 2016-2017 Annual Action Plan element of the Consolidated Plan and authorize the City Manager to submit the application to the U.S. Department of Housing and Urban Development. Upon a roll call vote, motion carried 6 to 0 with Mayor Pro Tem Ansari abstaining.

* **MILHAM #1 PUMP REPLACEMENT AND MOTOR REHABILITATION:** Motion by Ford, seconded by Reid, to award a sole-source contract for the Milham #1 pump replacement and motor rehabilitation to Peerless-Midwest, Incorporated, in an amount not to exceed \$25,436.78 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 7 to 0.

* **AMENDMENT TO THE CODE OF ORDINANCES:** Motion by Ford, seconded by Reid, to accept for first reading the proposed amendments to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, and consider final adoption no later than May 24, 2016. Upon a roll call vote, motion carried 7 to 0.

* **SAFARI MONTAGE PURCHASE:** Motion by Ford, seconded by Reid, to approve the purchase, professional installation and training services of the SAFARI Montage digital learning platform through the local authorized SAFARI Montage dealer, Secant Technologies at a cost of \$28,317 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

HARRY HAASCH, EXECUTIVE DIRECTOR OF PUBLIC MEDIA NETWORK (PMN): Since there was no discussion, motion by Randall, seconded by Urban, to receive the communication from Harry Haasch, Executive Director of Public Media Network. Upon a roll call vote, motion carried 6 to 0 with Councilmember Ford abstaining.

UNFINISHED BUSINESS:

RIGHT-OF-WAY ENCROACHMENTS FOR PRIVATE PARKING: City Manager Shaffer referred to the communication to him from T&U Director Chris Barnes dated May 3, 2016, enclosed in the City Council Agenda Packet dated May 10, 2016. He indicated that the City of Portage enacted an Ordinance that prohibited parking places in the City right-of-way. He explained the process of the removal of pavement where there is the paving of parking spaces in the public right-of-ways as a part of road reconstruction. He reviewed the optional compromise measures as solutions for the affected property owners and discussion followed.

Judy Anderson, 5737 Bratcher Street, asked when did the Ordinance become effective, how does her paved parking space in the public right-of-way deteriorate the neighborhood, and is it alright for people to park on their lawns. Mr. Barnes responded that the Ordinance became effective in the year 2000 in response to an investigation by the City and was based upon a complaint from a neighborhood which resulted in finding out that there were a number of these illegal parking areas throughout the City. With regard to the deterioration effect on the neighborhood, he said there is a constructability and a maintenance issue, and there is an aesthetic issue. He noted that this neighborhood has the highest density of these structures in the City so far; they are not built to a particular standard; there is no particular size or location for the structures; some obstruct drainage; some are constructed on streets with no curbing; they are haphazard and there is no uniformity of materials utilized for the construction; there are various methods utilized; sometimes the City is unsure whether it is our responsibility to

maintain them; and there is even a question of ownership and exclusivity – can a neighbor park there, for example. Discussion followed

Mr. Shaffer explained that this is a zoning violation; people are constructing parking on spots they do not own; terraces are owned by the taxpayers, not by one individual; so, the City turns a “blind eye” to them until it is time to reconstruct the streets. He said this is not an idiosyncratic issue with one

individual; the problem is the lack of a policy on how to deal with it; and, if the Council is predisposed to approve and allow these structures and change the Ordinance, he asked, “What would your policy be?” He asked rhetorically, “Would all of the public right-of-ways to be subject to private ownership and use?” He expressed empathy for Ms. Anderson saying it has gone on for a long time, but it is not their land and it is a Zoning violation. Discussion followed.

Ms. Anderson asked for something to be done about parking on the front lawns. At the request of Mayor Strazdas, Mr. Shaffer informed her that she may anonymously call the Community Development Department at 329-4477 or go to the City website and the portal, *SeeClickFix on Report It!* when there is a problem or concern and track the progress. Discussion followed.

Councilmember Urban provided his assurances that a contractor did not obtain a permit to put one of these parking spaces in as indicated at the last Council Meeting and Mr. Barnes said any construction within the public right-of-way with the exception of trees and shrubs is subject to Council approval and gave examples of the extent of the agreement necessary. Discussion followed.

Simone Heller, 6846 Cornell Street, spoke in favor of the parking spots.

Motion by Randall, seconded by Pearson, to receive the communication from the City Manager regarding right-of-way encroachments for private parking. Discussion followed regarding street configuration and widening where possible. Upon a roll call vote, motion carried 6 to 0 with Councilmember Ford abstaining. Discussion followed.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of:

Portage Public Schools Board of Education Regular of March 28, 2016.

Portage Human Services Board of April 7, 2016.

Portage Planning Commission of April 21, 2016.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Ford, seconded by Reid, to appoint Aiyla Arif, Amanda Boelman, Eli Cartier, Riya Chaudhary, Cortney Chow, Megan Chow, William Chung, Shayaan Dar, Casey Flanagan, Vishnu Ghantasala, Alena Gleason, Sara Gleason, Lauren Hart, Anna Heystek, Enrique Infante, Maham Khanum, Tanvi Khurmi, Lily Kitagawa, Anjana Krishnan, Benjamin Miller, Sheila Mwanda, Lindy Nebiolo, Nicole Prihoda, Arya Shembekar, Tanvi Shembekar, Samhita Sunkara, Sana Syed and Omar Thaj to the Youth Advisory Committee with terms ending June 30, 2017; appoint Tanvi Shembekar as Youth Participant on the Environmental Board, Lindy Nebiolo as Youth Participant on the Human Services Board, Anna Heystek as Youth Participant on the Park Board, and Cortney Chow as Youth Participant on the Senior Citizens Advisory Board with terms ending June 30, 2017; reappoint Don Ramlow with term ending May 31, 2019, to the Public Media Network Board; reappoint Betty Schimmel and appoint Sarah Joshi and Raymond Shoup III with terms ending May 31, 2019, to the Planning Commission; and reappoint Barney Martlew, George Theodoru and Larry Schmidt with terms ending June 1, 2019, to the Construction Board of Appeals. Upon a roll call vote, motion carried 7 to 0.

BID TABULATION:

* **CLEANING MAINTENANCE CONTRACT FOR PARK FACILITIES – BID**

TABULATION: Motion by Ford, seconded by Reid, to approve the bid from Too Clean, Incorporated, for cleaning maintenance of park facilities in the amount of \$30,160 with the option of four one year renewals, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Arnie Demand, who admitted he was “hard of hearing,” indicated the need to accommodate the hearing impaired in City Council Chambers.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Ford indicated that he enjoyed a visit to Greenfield Village with his son.

Councilmember Pearson spoke of the Road Diet Study Meeting, May 5, 2016, which reflected the need to reduce the number of driving lanes on Portage Road, and complimented City Attorney Brown and his preparedness regarding the Marihuana Moratorium Ordinance with the audience this evening.

Councilmember Reid expressed her appreciation for the Boards and Commissions applicants who interviewed at the earlier meeting and her appreciation for the spirited discussion of the Medical Marihuana Ordinance.

Councilmember Randall concurred and thanked the public for passionately speaking about Medical Marihuana; she also congratulated Till Longjohn, Portage Central High School Chamber Singers, for winning a Michigan Arts Scholarship where the top 1,000 students were picked from 250,000 students.

Mayor Pro Tem Ansari addressed the Marihuana Moratorium and asked for the patience of the public as the City Council takes the time to review Portage Ordinances as the law and regulations in this area develop statewide.

Mayor Strazdas recognized Cindy Huntington of Portage who won the Women’s Division of the Borgess Run, a Kalamazoo Marathon, and reflected on the passion of the youth in our community as observed at the earlier Youth Advisory Committee interviews.

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED OF APRIL 22, 2016:** Motion by Ford, seconded by Reid, to receive the Materials Transmitted of April 22, 2016.

* **MATERIALS TRANSMITTED OF APRIL 26, 2016:** Motion by Ford, seconded by Reid, to receive the Materials Transmitted of April 26, 2016.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:34 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES OF THE SPECIAL PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF MAY 23, 2016**

Mayor Peter Strazdas called the meeting to order at 9:00 a.m. The following were present: Councilmember Jim Pearson, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Councilmember Patricia M. Randall was present via the cell phone of Councilmember Pearson. Those not present were: Councilmembers Richard Ford, Claudette Reid and Terry Urban. Also in attendance were City Manager Larry Shaffer, Deputy City Manager Rob Boulis and City Clerk James Hudson.

Mayor Strazdas asked if there were any questions for the Administration regarding items on the Agenda.

1. Councilmember Pearson asked about the Salary and Wage Resolution attached to Item F.1, where it speaks of 2% for non-union employees and lists the PPOA, the PPCOA, IAFF and UAW that in July when all of the negotiations are complete, that City Council receive an update on the increases. Mr. Boulis noted that the IAFF and UAW are not in negotiations; the UAW contract is valid through 2018 and the IAFF is valid through 2020; so, the police contract is all that is still to be done and the goal is to complete those by the end of June at which point City Council will hopefully approve the contract.
2. Councilmember Pearson asked whether the City is using On Staff USA, and about Item L.2, Temporary/Seasonal Employment Services Contract – Bid Tabulation, and Mr. Boulis pointed out that the City is currently using On Staff USA, but went out for a Request for Proposals to around fourteen vendors and received two packages back. Mr. Boulis indicated that there were no problems with On Staff USA; that the contract with them was in place three to four years; and that the change was based solely on AccessPoint being the low bidder. He indicated that there were a few other incremental costs, and gave the example that currently the City performs the drug screening, whereas AccessPoint will pay for the drug screening under the new contract. He also confirmed that there is nothing to prevent On Staff USA from bidding next time.
3. Mayor Strazdas indicated that he would be adding an item under New Business since Dave Felicijan, Vice Chairman of the Planning Commission, resigned. He mentioned this in conjunction with the fact that Planning Commission Chair Paul Welch was term-limited out, that there are no applicants for the Planning Commission at this time, and that Council filled his upcoming vacancy at the May 10, 2016 Regular City Council Meeting. He indicated that Mr. Welch was amenable to serving one more year, so he would be asking Mr. Shaffer to provide a communication to City Council asking to approve the appointment of Paul Welch to one year of the unfulfilled term vacated by Dave Felicijan ending May 31, 2018. Councilmember Pearson offered his support for Paul Welch as a Planning Commissioner and Mayor Strazdas concurred. Mayor Strazdas indicated that Ms. Georgeau said that there is a need for the ninth person since

they are busy, and she has the meeting minutes that reflect that Mr. Felicijan is resigning. City Clerk James Hudson assured Councilmember Pearson that the City would advertise for applicants to fill the vacancy (by next May 31, 2017). Mayor Strazdas indicated that Mr. Felicijan is not upset; instead, he is extremely busy with his new position as President of ACCU-MOLD LLC, and cannot put the necessary time into the Advisory Board position.

ADJOURN: Mayor Strazdas adjourned the meeting at 9:10 a.m.

James Hudson, City Clerk