

**CITY OF**  
**PORTAGE**  
*A Place for Opportunities to Grow*

# **PLANNING COMMISSION**

**October 20, 2011**

# **CITY OF PORTAGE PLANNING COMMISSION**

## **A G E N D A**

**October 20, 2011  
(7:00 p.m.)**

**Portage City Hall Council Chambers**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES:**

- \* October 6, 2011

### **SITE/FINAL PLANS:**

### **PUBLIC HEARINGS:**

- \* 1. Height Modification: Celebration Cinemas (IMAX expansion), 6600 Ring Road
- \* 2. Final Report: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof)

### **OLD BUSINESS:**

### **NEW BUSINESS:**

- \* 1. 2011 -2012 City Council Assigned Goals and Objectives Update

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

September 12, 2011 Zoning Board of Appeals meeting minutes  
September 20, 2011 City Council meeting minutes

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

## PLANNING COMMISSION

October 6, 2011

**DRAFT**

The City of Portage Planning Commission meeting of October 6, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seven citizens were in attendance.

### **MEMBERS PRESENT:**

Bill Patterson, Mark Siegfried, Miko Dargitz, Jim Pearson, Paul Welch, Rick Bosch, Allan Reiff and Chairman James Cheesebro.

### **MEMBERS ABSENT:**

Wayne Stoffer.

### **MEMBERS EXCUSED:**

None.

### **IN ATTENDANCE:**

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

### **PLEDGE OF ALLEGIANCE:**

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

Chairman Cheesebro referred the Commission to the September 15, 2011 meeting minutes. Commissioner Dargitz stated she was not in attendance for this meeting and would be abstaining. A motion was offered by Commissioner Bosch, seconded by Commissioner Welch, to approve the minutes as submitted. The motion was approved 7-0-1 with Commissioner Dargitz abstaining.

### **SITE/FINAL PLANS:**

1. Site Plan (re-approval): Fifth-Third Bank, 2610 East Centre Avenue. Mr. West summarized the staff report dated September 30, 2011 involving a site plan to construct an approximate 3,300 square foot bank building and associated site improvements. Mr. West indicated the site plan had been previously reviewed and approved by the Planning Commission in November 2009, May and November 2010 and then again in April 2011, however, construction had not yet commenced and the approval was scheduled to expire on October 21, 2011. Mr. West stated the site plan is being resubmitted for approval with an approximate 1,000 square foot reduction in the building size and no other significant changes from the April 2011 approval.

Mr. Craig Hondorp, Progressive AE, was present to support the plan. Mr. Hondorp stated that Fifth-Third Bank prefers to keep site plan approval. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to re-approve the Site Plan for Fifth-Third Bank, 2610 East Centre Avenue. The motion was unanimously approved.

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**PUBLIC HEARINGS:**

1. Special Land Use Permit: Group Child Care Home (Takace), 7185 Venice Drive. Mr. West summarized the staff report dated September 30, 2011 regarding the request by Ms. Ashley Takace to establish a group child care home for up to 12 children. Mr. West stated the applicant is currently operating a family child care home (up to six children) from her residence and would like to expand to a group child care home. Mr. West also discussed the nature of the backyard fencing and referred the Commission to a letter of support from the owners of 7199 Venice Drive, immediately to the south. Ms. Ashley Takace was present to support and explain the application. Ms. Takace stated she has been operating a family child care home for the past year and currently has six children in her care. Ms. Takace indicated the group child care home license would allow her to accept additional children with her mother serving as a second caregiver. Chairman Cheesebro opened the public hearing. No citizens spoke regarding the proposed group child care home. A motion was made by Commissioner Patterson, seconded by Commissioner Reiff, to close the public hearing. The motion was unanimously approved.

After a brief discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Bosch, to approve the Special Land Use Permit for Ms. Ashley Takace (group child care home), 7185 Venice Drive. The motion was unanimously approved.

2. Preliminary Report: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof). Mr. Forth summarized the preliminary staff report dated September 30, 2011 and the request to rezone an approximate 1.3 acre portion of 1901 Romence Road Parkway from R-1B, one family residential to I-2, heavy industry. Mr. Forth provided a brief history of the property including vacation of the southern portion of Gertrude Drive in 1975 and 1985, residential house removal in the 1970s, previous rezonings and property acquisition and construction of the Quad Building by the former Upjohn Company which helped to explain why this 1.3 acre "island" of R-1B zoning remained. Mr. Forth stated the applicant/property owner was currently in the process of renovating a portion of the Quad Building for the Stryker Corporation and desired a consistent zoning pattern across the property that would facilitate future development activity. Commissioner Welch explained his employment with Stryker Corporation and stated he has no involvement with site operations and can be impartial in the rezoning consideration.

Mr. Stewart Mills, representing 1901 Romence, LLC (applicant/property owner) was present to support the rezoning request. Mr. Mills stated his company purchased the property in 2001 and Pharmacia occupied the Quad Building for a period of time. Mr. Mills indicated the building/site remained vacant for a number of years until recently when Stryker Corporation signed a long-term lease with an option to possibly occupy additional portions of the building. Mr. Mills stated the rezoning request would eliminate the "island" of R-1B zoning that was a remnant from past activities and allow for possible future parking lot expansion to the west. Mr. Mills stated there were currently no plans for construction of an additional building on-site since approximately 300,000 square feet of vacant office space was still available. Commissioner Dargitz asked whether Mr. Mills would consider rezoning the entire property to OTR, office, technology and research since that is what the Future Land Use Plan designates for the area. Mr. Mills stated he hasn't studied the OTR district, but would support a future zoning change of the entire property if office and technology related uses were permitted.

The public hearing was convened by Chairman Cheesebro. Three citizens spoke regarding the proposed rezoning: Diana Fuller (6909 Lovers Lane), Frank Peterman (7521 Curry Drive) and Antoinette Morrison (6901 Lovers Lane). Mr. Peterman spoke in support of the proposed rezoning stating it would "clean-up" the island of R-1B zoning that is surrounded by industrial zoning. Ms. Fuller expressed concerns about future heavy industrial development, traffic, loss of woodland and disruption of wildlife. Ms. Morrison spoke in opposition to the proposed rezoning stating she did not want any parking lot, driveway or industrial building next to her property. Ms. Morrison also stated the written notice she received was confusing and asked for an explanation. Mr. Forth explained the nature of the rezoning request and that only the R-1B zoned "island" of

**DRAFT**

property that was currently surrounded by industrial zoning was the subject of the request. Mr. Forth indicated the R-1B zoned strip of property located along the northwest portion of the parcel, adjacent Mr. Morrison's property, was not the subject of the rezoning request. Discussion ensued. Mr. Forth indicated he would be glad to meet with Ms. Morrison after the meeting to further explain the request.

There being no further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to adjourn Rezoning Application#11-01, 1901 Romence Road Parkway (portion thereof), to the October 20, 2011 meeting. The motion was unanimously approved.

**PLATS/RESIDENTIAL CONDOS:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**STATEMENT OF CITIZENS:**

None

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

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

**TO:** Planning Commission **DATE:** October 14, 2011  
**FROM:** Vicki Georgeau,  Director of Community Development  
**SUBJECT:** Height Modification: Celebration! Cinema (IMAX expansion), 6600 Ring Road

### **I. INTRODUCTION/BACKGROUND:**

An application has been submitted by Jackson Entertainment, LLC requesting a height modification to expand and increase the height of the northeast portion of the Celebration! Cinema building from 30-feet up to a height of 43-feet. The height modification involves one movie theatre (approximately 5,300 square feet) that will be reconstructed to accommodate a new IMAX theatre. As information for the Commission, the entire Celebration! Cinema facility includes 15 theatres and approximately 61,500 square feet. The building is located within the B-2, community business zoning district.

In 2004, the Planning Commission and City Council approved a height modification for a renovation/expansion project for Celebration! Cinema that allowed the building to range in height from 28-32 feet with an architectural feature (beacon) over the entrance/lobby portion of a building that extended to a height of 58-feet.

### **II. ZONING CODE REQUIREMENTS:**

Section 42-350(B)(6) of the Land Development Regulations establishes a building height standard of 25-feet and one-story when the zoning lot abuts a single family residential zoning district, which can be increased to 35-feet with Planning Commission approval. Increases in height beyond 35-feet must be approved by the Planning Commission and City Council. In granting building height modifications, the Commission/Council "*...shall require that all yards shall be at least equal in their depth to the height of the structure.*" Furthermore, the Commission/Council must determine that the "*...topography, natural features or other land use characteristics, including the distance of the proposed structure from other uses, adequately mitigate adverse impacts on any adjoining or surrounding uses.*"

### **III. ANALYSIS:**

The site is bordered to the south by property owned by Consumers Energy and occupied by approximately 100-foot high transmission towers and power lines. Further to the south are single family residences located in the Ringdale plat zoned R-1A, one family residential. While the project proposes to enlarge and raise the height of one movie theatre located near the northeast corner of the building approximately 13-feet (from 30-feet up to 43-feet), the project area involves less than 10% of the total building footprint. Furthermore, and with regard to potential impacts on the adjacent residential neighborhood to the south, this portion of the Celebration! Cinema building is located approximately:

- 270-feet north of the existing 10 foot tall masonry screening wall;
- 350-feet from the nearest residential property line; and
- 400-feet from the nearest single family residential dwelling.

In addition to substantial setback distances, mature (large) trees consisting of both deciduous and coniferous varieties and other vegetative growth exists south of the masonry screening wall on the Consumers Energy property and adjacent residential properties that creates an effective, natural screen supplementing the existing screening wall. Also, the Consumers Energy property to the south provides an additional buffer area physically separating the nearby residential neighborhood from Celebration! Cinema.

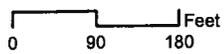
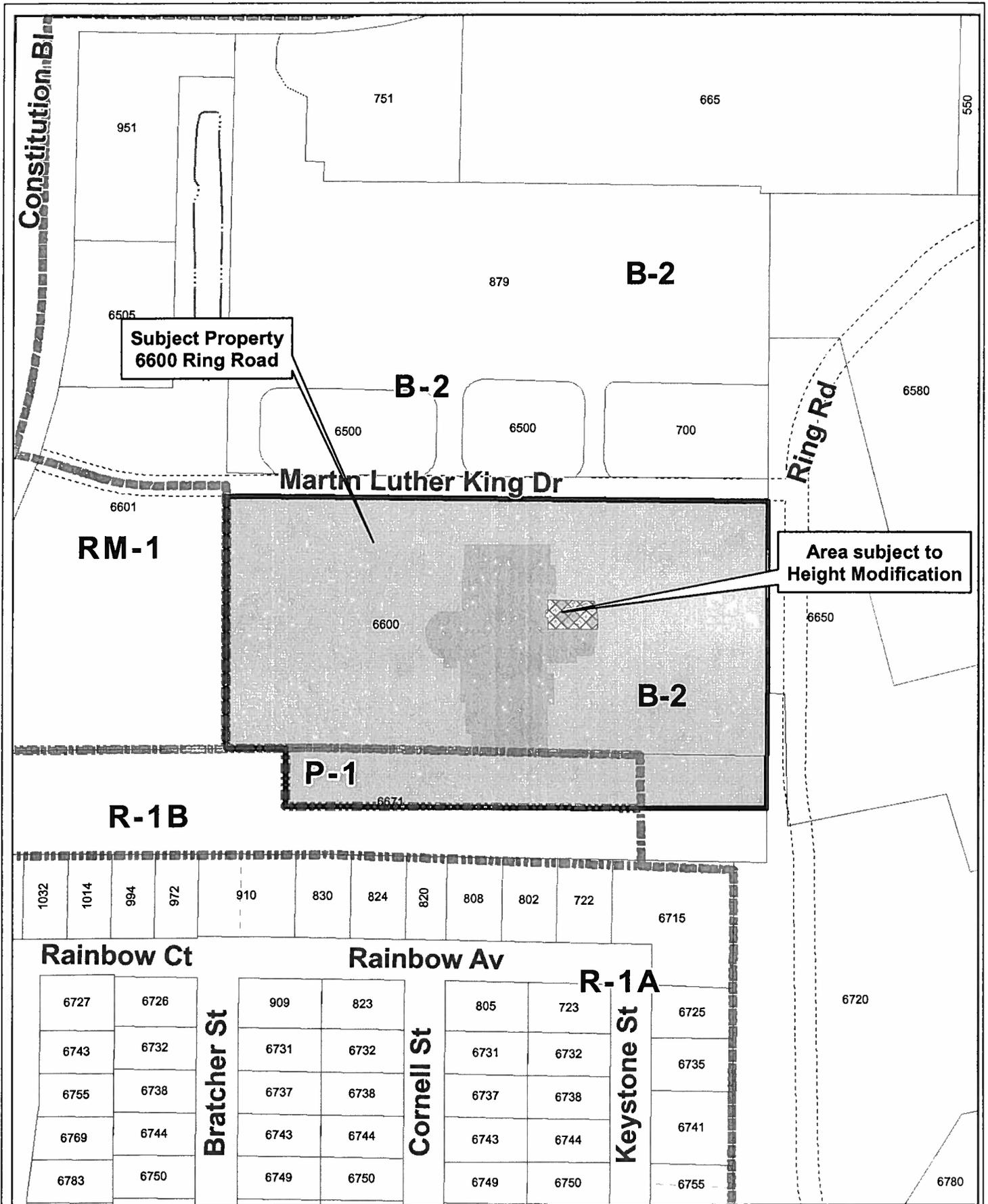
Impacts on the adjacent residences located immediately south are anticipated to be minimal, if any, due to the location and size of the proposed building addition in conjunction with the substantial setback distances and existing screening. It is likely that most, if not all residences will not be able to see increased building height based on the site conditions described above. As a final comment, and for comparison purposes, the existing 58-foot tall beacon will remain approximately 15 feet higher than the proposed IMAX building height.

Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. A notice was also placed in the local newspaper. Two letters (attached) from adjacent business owners supporting the project and increase in height have been received.

#### **IV. RECOMMENDATION:**

Based upon the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, the Planning Commission is advised to recommend to City Council that the Height Modification for Celebration! Cinema (IMAX expansion), 6600 Ring Road, be approved to permit a building height up to 43-feet as the requirements of Section 42-350(B)(6) of the Land Development Regulations have been fulfilled.

Attachments: Vicinity/Zoning Map  
Aerial Photo Map  
Communication from Mr. Roger Lubs dated September 30, 2011  
Site Plan/Building Elevation Sheets  
Letter of support from Mr. Tommy Brann received on October 12, 2011  
Letter of support from Meyer C. Weiner Company received on October 12, 2011



# HEIGHT MODIFICATION

## 6600 Ring Road





Area subject to height modification

MLK Drive

Rainbow Ave

Pictometry Image  
Portion of 6600 Ring Road





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

RECEIVED  
SEP 30 2011  
COMMUNITY DEVELOPMENT

September 30<sup>th</sup>, 2011

To: City of Portage Planning Commission:

We are so very pleased to be a part of the community of the City of Portage. We are excited to propose bringing the best in movie presentation to Portage in an IMAX auditorium. The IMAX brand provides the best in Hollywood entertainment presentation but also IMAX documentary and educational presentations.

We are asking for a building height modification in order to raise the roof at the screen end of **one** of our existing fifteen auditoriums. We will raise the roof from the existing 30 feet to just under 43 feet. The highest will be at the screen end of the building over theatre number 6 as shown on our drawings.

This raised roof section faces east toward the mall and is more than half the distance of the length of the building to the north, away from the residential neighborhood.

Thank you for your consideration in this matter and we look forward to presenting this to you at your next meeting.

Sincerely,

Roger C. Lubs  
Celebration! Cinema

IMAX Addition  
 Celebration Cinema at Cosroads  
 6800 Ring Road  
 Portage, Michigan

1/20/11	SITE PLAN REVIEW

1" = 100'-0"

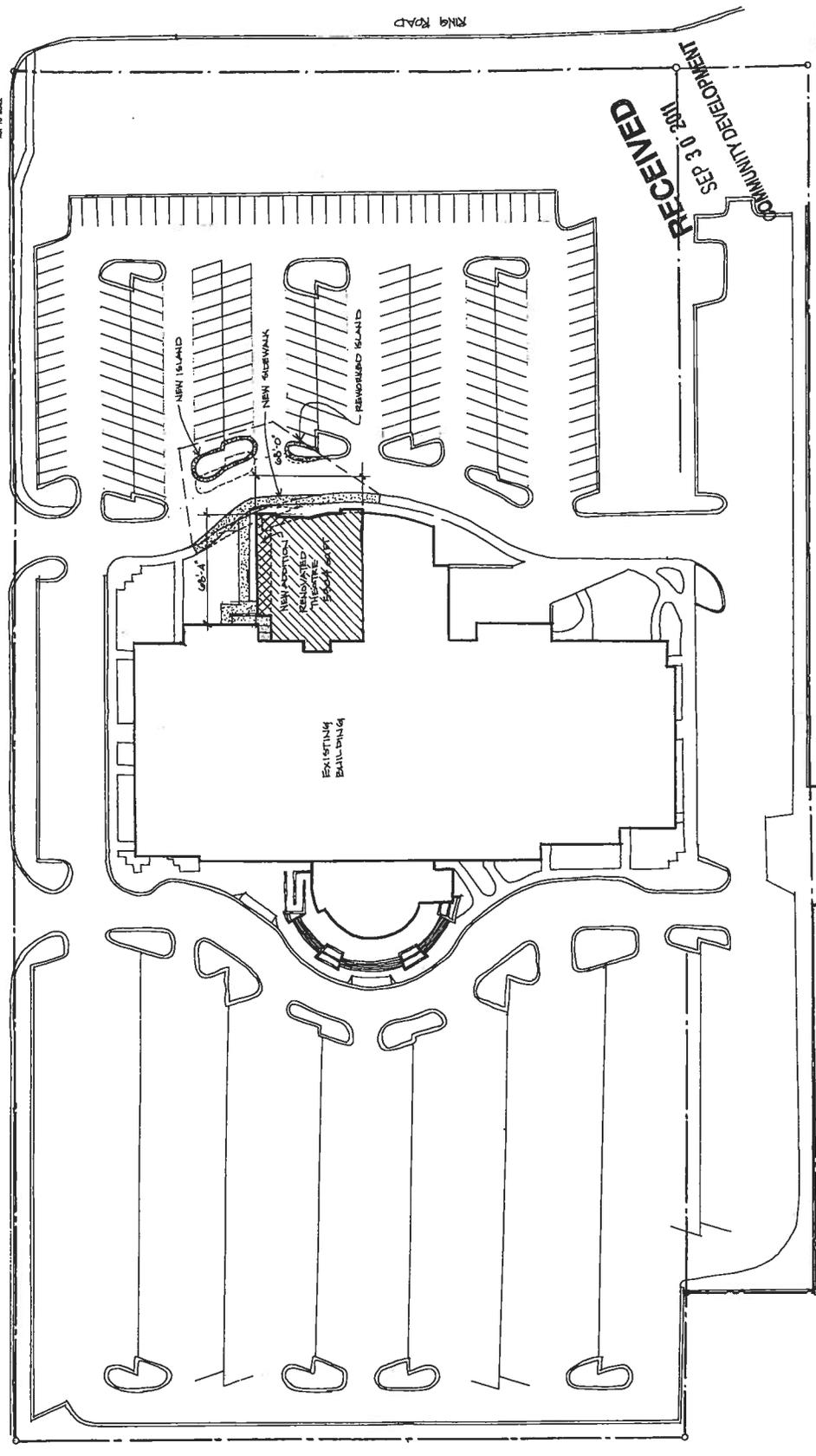
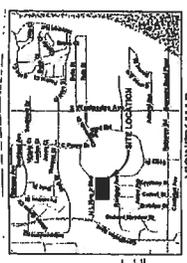
DATE: 11-15-11

PROJECT NO. 11-15

CLIENT: JACKSON ENTERTAINMENT, LLC  
 2121 Celebration Dr., NE  
 Grand Rapids, Michigan 49515

DESIGNER: J.P. ROSE ASSOCIATES  
 1000 1st Ave. S.E.  
 Grand Rapids, MI 49508  
 (616) 471-4713

C1



RECEIVED  
 SEP 30 2011  
 COMMUNITY DEVELOPMENT

PROPOSED RENOVATION  
 SITE PLAN  
 SCALE: 1" = 80'-0"

MARTIN LUTHER KING BLVD.

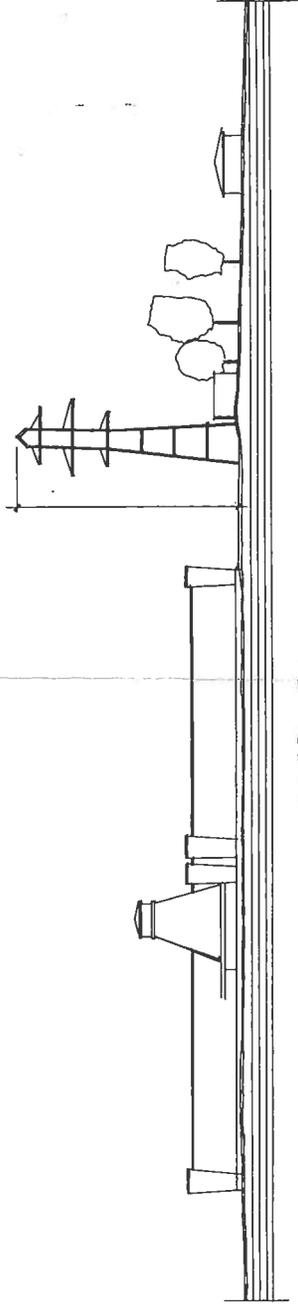
RING ROAD



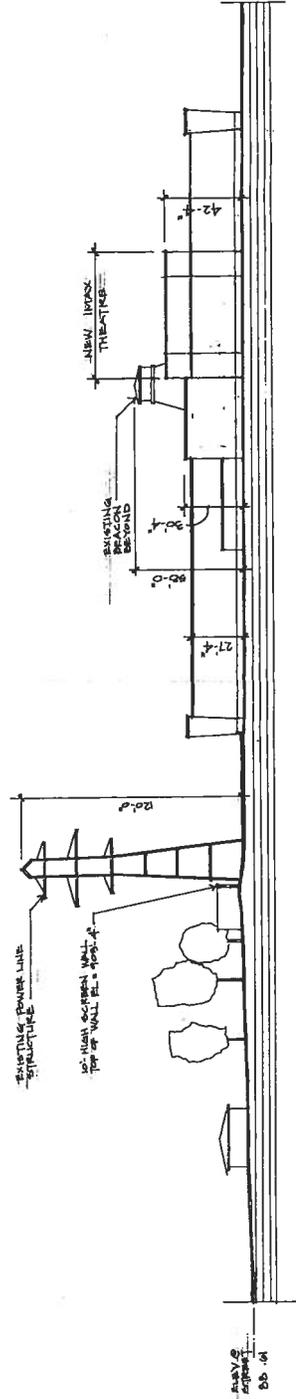
**Celebration Cinema at Cossroads**  
 IMAX Addition

6500 Ring Road

Portage, Michigan



WEST ELEVATION



EAST ELEVATION

NEIGHBORHOOD SECTION  
 SCALE 1/8"=1'-0"

RECEIVED

OCT 12 2011

COMMUNITY DEVELOPMENT

Planning Commissioners,

I support Jackson Entertainment  
requesting a height modification to  
expand and increase their facility.

They are good neighbors and  
we support their work to make  
their small business better.

Branns  
steakhouse

Thanks,

Tommy Brann

616 690 7928



RECEIVED

OCT 17 2011

COMMUNITY DEVELOPMENT

October 10, 2011

Ms. Vicki Georgeau  
Director of Community Development  
7900 South Westnedge Avenue  
Portage, MI 49002

Re: Height Modification to Celebration Cinema

Dear Ms. Georgeau,

Please be advised that we are in support of the height modification request by Celebration Cinema. We are a neighboring property owner and believe the cinema's improvements are good for the community. The location of the theatre on Ring Road can benefit from all of the advantages available in this economic climate. We support the Planning Commission in approving this height modification.

Sincerely,

Timothy A. Timmons  
Meyer C. Weiner Company

**TO:** Planning Commission

**DATE:** October 14, 2011

**FROM:** Vicki Georgeau,  Director of Community Development

**SUBJECT:** Final Report: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof)

**I. INTRODUCTION:**

An application has been received from Mr. Stewart Mills, on behalf of 1901 Romence LLC, requesting that a portion of 1901 Romence Road Parkway be rezoned from R-1B, one family residential to I-2, heavy industry. The rezoning site represents an approximate 1.3 acre “island” of property that is located within the interior portion of the larger (34-acre) 1901 Romence Road Parkway parcel and is surrounded by I-2 zoning. As information for the Commission, 1901 Romence LLC, purchased the subject property in 2001 and is currently renovating the northwest portion of the former Upjohn “Quad” building/site for reuse by Stryker Corporation. According to the applicant, the rezoning is requested to obtain a consistent I-2 zoning pattern across the parcel that will facilitate future development activity.

Applicant	Property Address	Description	Zoning	
			Existing	Proposed
1901 Romence, LLC	1901 Romence Road Parkway (portion thereof)	Parcel 06480-085-E	R-1B	I-2
<b>1.3 acres contained in a larger 34-acre parcel</b>				

**II. EXISTING CONDITIONS:**

Land Use/Zoning	<p><u>Rezoning Site (1.3 acre):</u> Vacant land zoned R-1B, one family residential. The remaining portion of this larger 34 acre parcel (with the exception of the northwest portion of the property which is also zoned R-1B) is zoned I-2, heavy industry. The approximate eastern ½ of this parcel is occupied by the former Upjohn “Quad” building and associated parking areas.</p> <p><u>West:</u> Single family residences located along the east side of Lovers Lane and zoned R-1B, one family residential.</p> <p><u>North:</u> Across Kromdyke Avenue and adjacent Gertrude Drive/Linneman Avenue, vacant land and single family residences zoned R-1B, one family residential. Vacant land zoned I-1, light industry is also north of the northwest portion of the 1901 Romence Road Parkway, along the east side of Lovers Lane.</p> <p><u>South:</u> Across Romence Road Parkway, vacant land zoned I-2, heavy industry and vacant land and single family residences zoned R-1B, one family residential.</p>
Zoning/Development History	No rezoning of properties in the surrounding area since adoption of the 2008 Comprehensive Plan.
Historic District/Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	Romence Road Parkway is designated as a four-lane minor arterial with 10,600 vehicles per day (2008); capacity of 32,500 vehicles per day (level of service “D”).
Public Utilities	Municipal water and sewer are available.
Environmental	While the Sensitive Land Use Inventory Map does not identify any wetlands and/or floodplains near the rezoning site, a small area of potential wetland area is identified along the extreme northwest corner of the 1901 Romence Road Parkway parcel

### III. PUBLIC REVIEW/COMMENT:

The Planning Commission convened a public hearing during the October 6, 2011 meeting. Mr. Stewart Mills, was present to support the rezoning request. Mr. Mills stated the rezoning request would eliminate the remnant or “island” of R-1B zoning and allow for possible future parking lot expansion. Three additional citizens spoke regarding the proposed rezoning: Diana Fuller (6909 Lovers Lane), Frank Peterman (7521 Curry Drive) and Antoinette Morrison (6901 Lovers Lane). Mr. Peterman spoke in support of the rezoning while Ms. Fuller and Ms. Morrison expressed concerns about future industrial development, increased traffic, loss of woodland and disruption of wildlife.

### IV. FINAL ANALYSIS:

For Commission information, this R-1B zoning has existed since the comprehensive zoning of the city in 1965, and Gertrude Drive previously extended south of Kromdyke Avenue with single-family residences located on either side. In 1975, the south 269-feet of Gertrude Drive was vacated. In 1985, an additional 306-foot of Gertrude Drive was also vacated. In the 1970s, property was rezoned and single-family residences were removed to accommodate construction of the Upjohn “Quad” building. However, the R-1B zoned “island” of property located within the interior of this larger parcel was retained.

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use Plan Map and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification.

Comprehensive Plan/Future Land Use Plan Consistency. The Future Land Use Plan Map component of the Comprehensive Plan designates the rezoning site and adjacent properties as appropriate for research, development and technology land use. The Comprehensive Plan envisions uses such as research facilities and centers; pharmaceutical research and production facilities; microelectronics and biotechnology uses; technology or pilot testing facilities; research, design and product development uses; large-scale corporate or professional offices and certain industrial operations within the research, development and technology designation. This plan designation corresponds more directly with the OTR, office, technology and research zoning district. The I-2 district is somewhat consistent with the research, development and technology designation since some, but not all I-2 land uses are permitted in the OTR district. Currently, none of the properties in this area of the city are zoned OTR.

Staff has discussed with the applicant changing the zoning of the larger 1901 Romence Road Parkway parcel from I-2 to OTR. At this time the applicant wishes to proceed with rezoning this small “island” of the parcel to I-2 in the event more parking is needed in the near future to accommodate additional Quad building tenant needs. An off-street parking lot associated with a non-residential use cannot be constructed in a R-1B zoning district. An evaluation of the OTR zoning district can occur as additional development activities are considered or as determined appropriate.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and adjustments to other policies that

influence the use of land for consistency with community development objectives. The proposed I-2 zoning is somewhat consistent with applicable development guidelines (see attached).

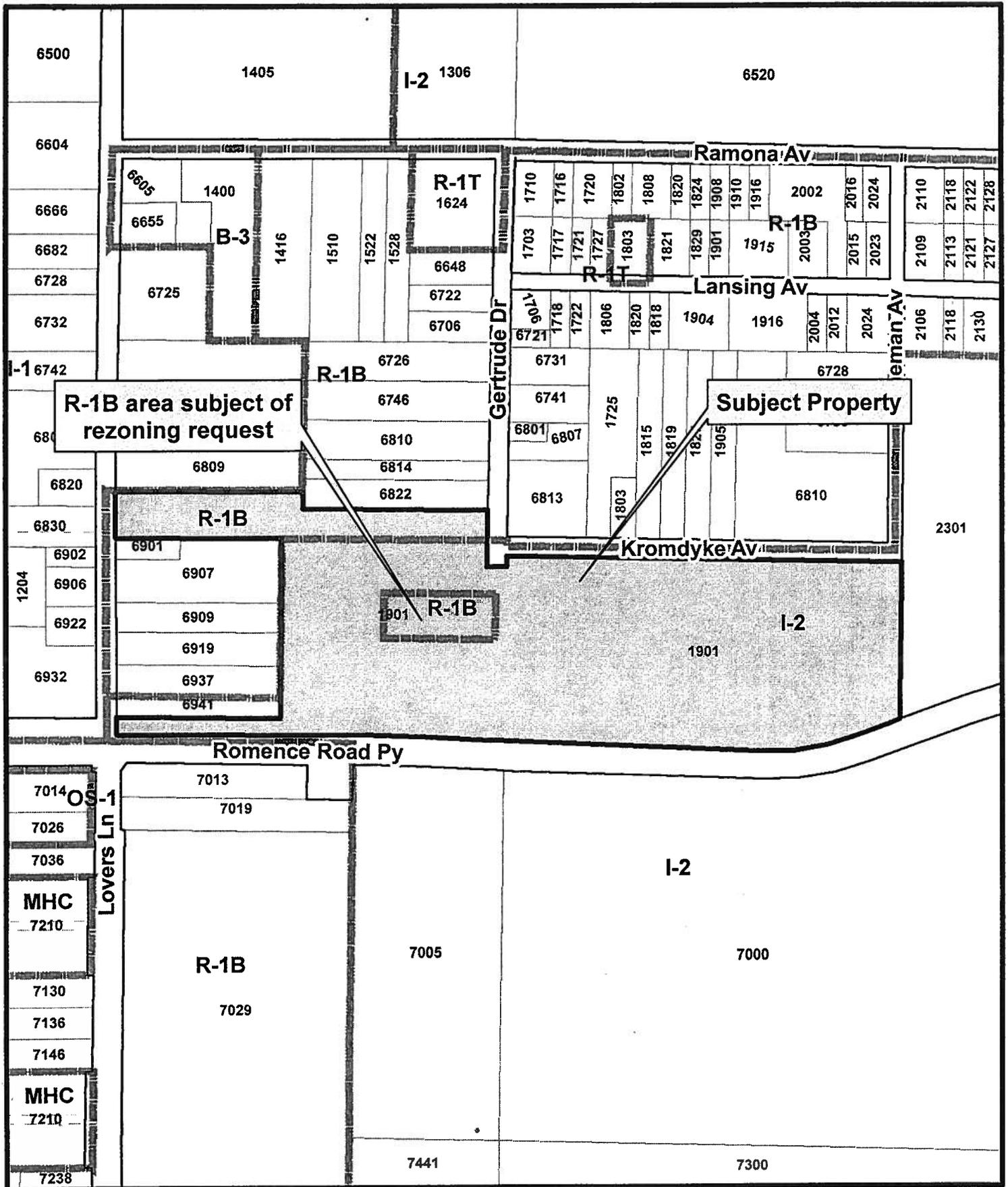
Suitability of Existing R-1B Zone/Impacts of Proposed I-2 Zone. While the larger, surrounding 34-acre portion of this parcel can be further developed as currently zoned (I-2), maintaining a small 1.3 acre vacant "island" of R-1B zoned property slightly offset from the center of 1901 Romence Road Parkway may present future development restrictions and limitations. The zoning change will result in a consistent I-2 zoning pattern for the parcel and will facilitate future development without impacting single family residences located to the west and north. The nearest conforming single-family residential dwelling to the west is approximately 680 feet from the rezoning site and as measured from the nearest property line, the distance is approximately 340 feet. To the north, nearest single-family residential dwelling is approximately 300 feet away from the rezoning site. In addition to the setback distances, the entire area is heavily wooded. Finally, existing R-1B zoning located near the northwest corner of the property and adjacent to the existing single-family residential dwellings will be maintained.

Traffic Considerations. Rezoning this approximate 1.3 acre property will not impact the surrounding roadway network.

## **V. RECOMMENDATION:**

The Planning Commission is advised to recommend to City Council that Rezoning Application #11-01 be approved and the 1.3 acre portion of 1901 Romence Road Parkway be rezoned from R-1B, one family residential to I-2, heavy industry consistent with the surrounding zoning pattern.

Attachments: Zoning/Vicinity Map  
Future Land Use Map  
Aerial photograph  
Development Guidelines Table (I-2 zone)  
Rezoning Application

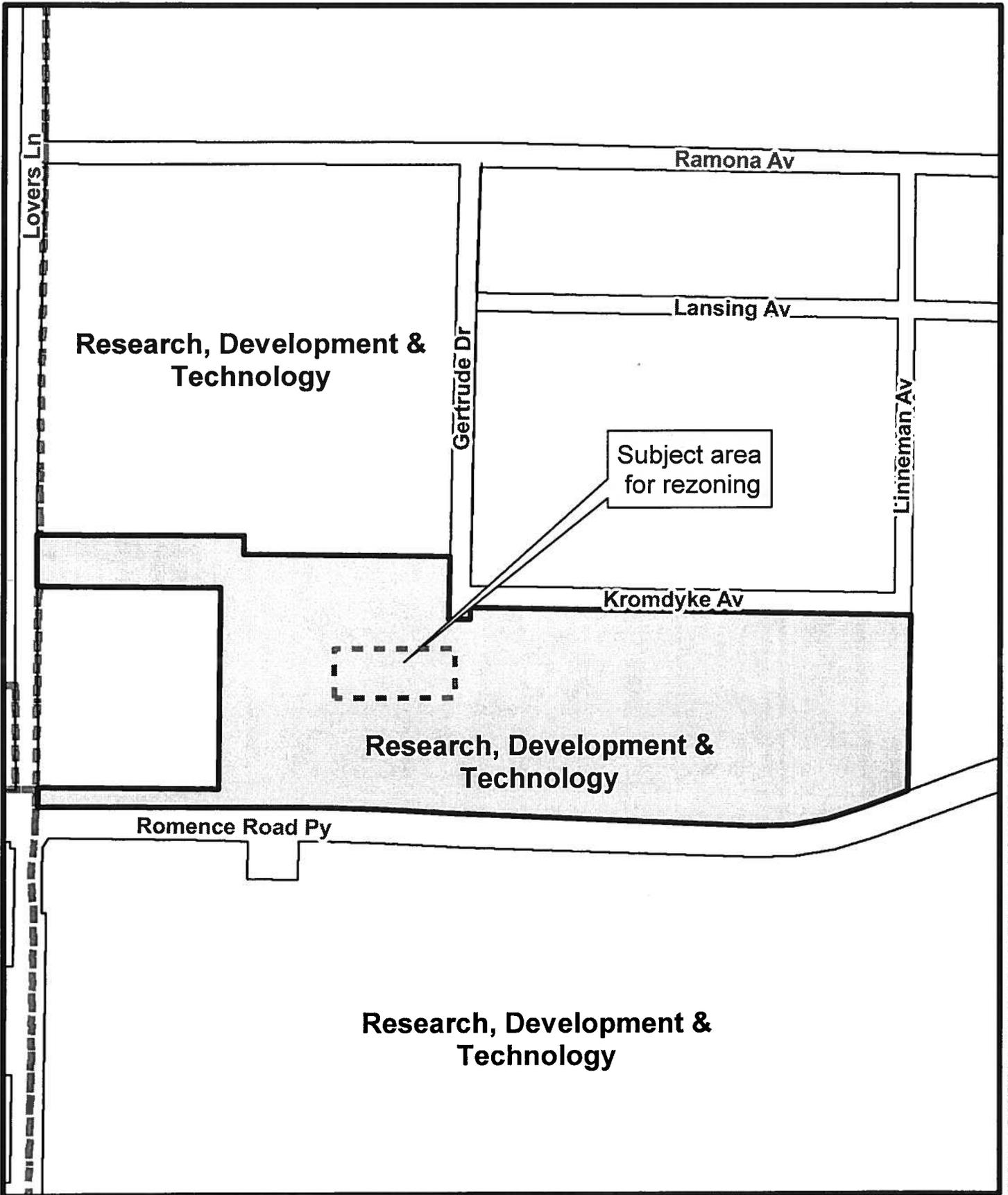


# Rezoning #11-01 1901 Romence Road Parkway

 Zoning Boundary  
 Subject Property



1 inch = 433 feet



Map Document: I:\GIS\Projects\1901 Romence Road Parkway\1901 Romence Road Parkway\_Future Land Use Map.mxd 2/5/2010 10:10:28 AM



0 150 300 Feet

# Future Land Use Map 1901 Romence Road Parkway

	Future Land Use
	Subject Property



# Aerial Photography 1901 Romence Road Parkway



1 inch = 266 feet

**DEVELOPMENT GUIDELINES**  
**Rezoning Application #11-01 (I-2, Heavy Industry)**

<b>Guideline</b>	<b>Description</b>	<b>Consistent</b>	<b>Comments</b>
Rezoning Request – Z-1	Consistency with Future Land Use Plan	<b>See comment</b>	Future Land Use Map designates the rezoning site and adjacent properties as appropriate for research, development and technology land use. While this plan designation corresponds with the OTR, office, technology and research zoning district, many of the uses allowed in the I-2 zone are also allowed in the OTR zone. Currently, none of the properties in this area of the city are zoned OTR.
Industrial – 1	Industrial Uses in General	<b>Yes</b>	Rezoning site is surrounded by I-2 zoning, with additional I-2 zoning located to the east, along Romence Road Parkway, and along Portage Road.
Industrial – 2	Environmental Standards	<b>Yes</b>	Rezoning site is not situated adjacent to residential areas, population concentrations and is outside of wellhead protection zones.
Industrial – 3	Industrial Expansion	<b>Yes</b>	Proposed rezoning would result in a consistent zoning pattern on the parcel and facilitate future development activities and/or expansion.
Natural & Historic Resources - 1	Environmental Protection	<b>Yes</b>	Rezoning site is not characterized by environmentally sensitive areas (wetlands, floodplain, etc).
Natural & Historic Resources - 2	Floodplain	<b>Yes</b>	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	<b>Yes</b>	Rezoning site is currently vacant land and any proposed changes would be reviewed as part of a site plan submittal.
Natural & Historic Resources – 4	Noise	<b>Yes</b>	Rezoning site is currently vacant land and any proposed changes would be reviewed as part of a site plan submittal.
Natural & Historic Resources – 5	Historic Resource Preservation	<b>N/A</b>	Historic buildings are not present at the rezoning site.
Transportation – 1	Transportation Systems	<b>Yes</b>	Romence Road Parkway is a 4-lane minor arterial with 10,600 vehicles per day (2008); and a capacity of 32,500 vehicles per day (level of service “D”). Rezoning of this approximate 1.3 acre property will not impact the surrounding roadway network.
Transportation – 2	Street Design	<b>Yes</b>	Overall parcel has frontage and existing access from Romence Road Parkway (minor arterial). Any proposed changes would be reviewed as part of a site plan submittal.
Transportation – 3	Access Management	<b>Yes</b>	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	<b>Yes</b>	Specifics associated with the inclusion of walkways and pathways will be reviewed at the site plan stage of development.
Transportation – 5	Right-of-Way Preservation	<b>Yes</b>	Rezoning site is currently vacant land and any proposed changes would be reviewed as part of a site plan submittal.
Transportation – 6	Parking	<b>Yes</b>	Rezoning site is currently vacant land and any proposed changes would be reviewed as part of a site plan submittal
Municipal Facilities & Services – 1	Sound Fiscal Growth	<b>Yes</b>	Existing public infrastructure is adequate to accommodate any future development or expansion project.
Municipal Facilities & Services – 2	Sanitary Service	<b>Yes</b>	Sanitary sewer is available.
Municipal Facilities & Services – 3	Underground Utilities	<b>Yes</b>	Existing facility. Any proposed changes would be reviewed as part of a site plan submittal.

**APPLICATION FOR ZONING AMENDMENT**

Application number # 11-01

Date August 19, 2011

APPLICATION INFORMATION:

Meetings of the Portage Planning Commission are held on the first and third Thursday of each month at 7:00 p.m. in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. All zoning amendment applications must be properly filled out and submitted to the Department of Community Development and the zoning amendment fee paid at least 15 working days prior to the meeting at which the public hearing is held. The applicant will be notified in writing of all such public hearing/meetings.

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 2, Subdivision 2.

TO THE PLANNING COMMISSION:

I (WE), the undersigned, do hereby respectfully make application and petition the Portage Planning Commission to amend the Zoning Ordinance and/or change the Zoning Map as hereinafter requested. In support of this application, the following is submitted:

**ZONING MAP AMENDMENT**

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at \_\_\_\_\_ between \_\_\_\_\_ Street and \_\_\_\_\_ Street on the \_\_\_\_\_ side of the street, and is known as Lot Number(s) \_\_\_\_\_ of \_\_\_\_\_ Plat (Subdivision). It has a frontage of \_\_\_\_\_ feet and a depth of \_\_\_\_\_ feet.

b. Unplatted Land:

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number).

PLAT OF PORTAGE HEIGHTS  
PART OF LOT 87A CONSISTING OF APPROX. 1.29 AC - SEE ATTACHED

2. a. Do you own the property to be rezoned? Yes X No \_\_\_\_\_

b. Name of the owner of the property to be rezoned: 1901 ROMANCE LLC

Address 2500 S. HIGHLAND AVE. #103 LOMBARD, IL 60148

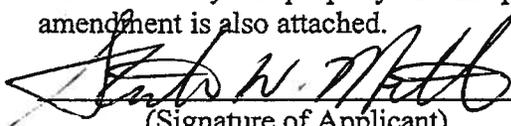
3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: ISLAND OF R. 1B WITHIN OUR INDUSTRIAL ZONING. THIS ZONING AMENDMENT WILL MAKE ALL OF OUR PROPERTY THE SAME ZONING AND FACILITATE DEVELOPMENT ACTIVITY

4. CURRENT ZONING: R-1B PROPOSED ZONING: I-2

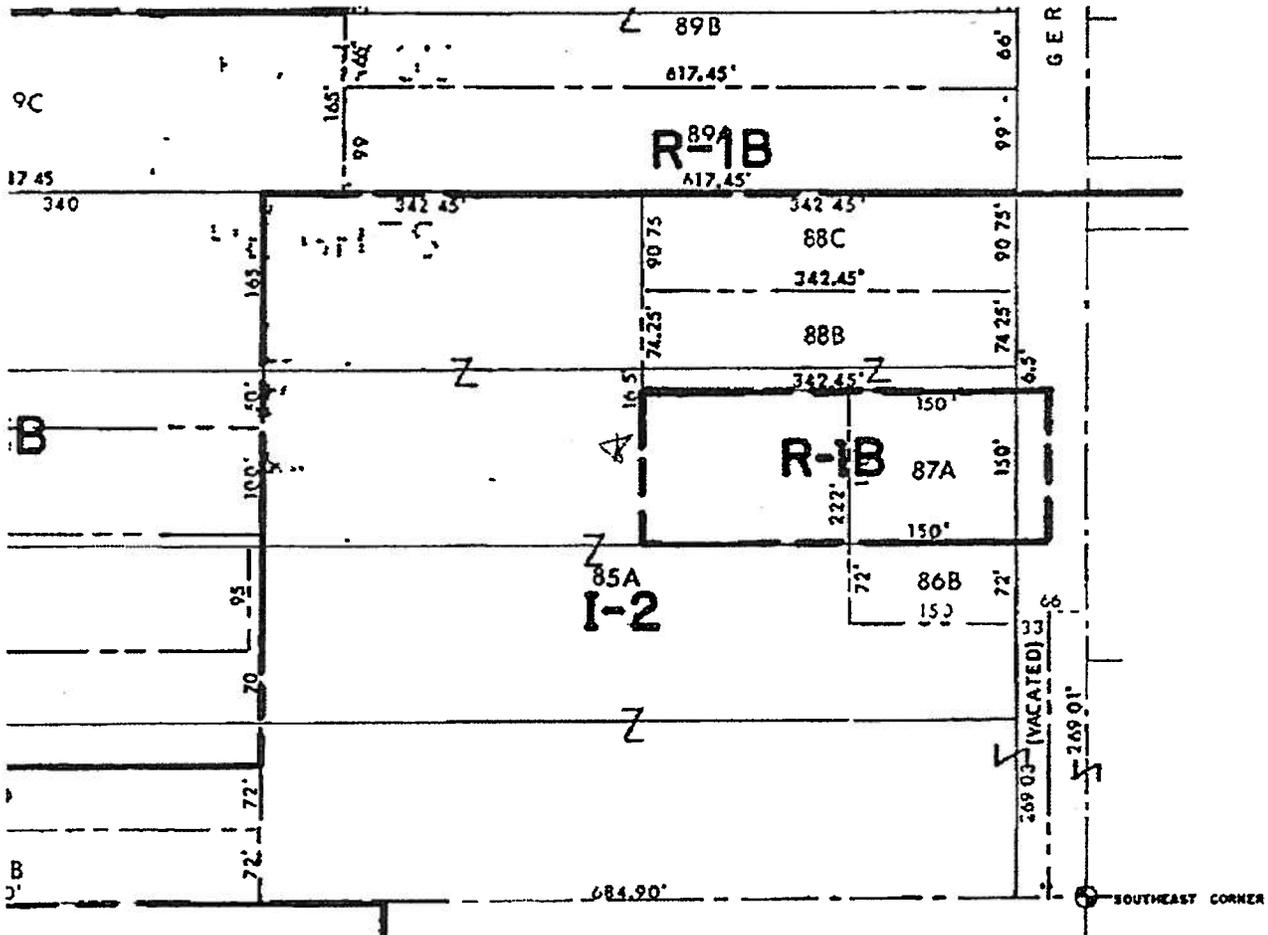
**ZONING TEXT AMENDMENT**

1. The proposed language to be considered is (attach additional sheets as necessary):  
\_\_\_\_\_  
\_\_\_\_\_
2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.  
\_\_\_\_\_
3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.  
\_\_\_\_\_  
\_\_\_\_\_

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.

	<u>MANAGER 1901 ROMENCE LLC</u>
(Signature of Applicant)	(Signature of Applicant)
<u>2500 S. HIGHLAND AVE #103 LOMBARD, IL 60148</u>	
(Address)	(Address)
<u>630.620.8684</u>	
(Phone)	(Phone)

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.



⊗ Plat of Portage Heights,  
 The S 150' of the E 342.45' of Lot 87. Also  
 the W 33' of Vacated Gertrude Drive, adjacent  
 to Lot 87 of said Plat.

**TO:** Planning Commission **DATE:** October 14, 2011  
**FROM:** Vicki Georgeau, <sup>VG</sup> Director of Community Development  
**SUBJECT:** 2011-2012 City Council Assigned Goals and Objectives Update (November 2011)

In November and April of every year, updates on progress made by the respective advisory boards/commissions on the City Council-assigned activities are requested. Attached is a copy of the City Council assigned Advisory Boards and Commissions 2011-2012 Goals and Objectives (activities) that have been approved.

The Commission is advised to review the attached materials and draft transmittal to City Council for discussion during the October 20, 2011 meeting. The information must be submitted to the Office of the City Clerk by November 15, 2011. Once finalized, the transmittal can then be forwarded to the City Council.

**Attachments:** Advisory Board communication from Deputy City Clerk dated September 30, 2011  
DRAFT Planning Commission transmittal to City Council dated October 14, 2011  
Advisory Boards and Commissions Approved FY 2011-2012 Goals and Objectives

S:\2011-2012 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Work Program\PC G&O's 2011-12 Update (Nov 2011).doc

**DRAFT**

**TO:** Honorable Mayor and City Council  
**FROM:** Planning Commission  
**DATE:** October 20, 2011  
**SUBJECT:** 2011-2012 Planning Commission Goals and Objectives Update (November 2011)

Consistent with the request of City Council, this communication represents an update on the progress made on assigned Goals and Objectives.

**2011-2012 Planning Commission Goals and Objectives Update**

1. *Continue to guide development to appropriately planned areas of the community and consider the protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water.*

The Planning Commission continues to guide development consistent with the 2008 Comprehensive Plan Update/Future Land Use Map and remains cognizant of the impacts development may have on environmentally sensitive land areas. Additionally, the Planning Commission also continues to ensure new development projects are designed consistent with applicable ordinances through review of site plans, plats and other development proposals.

2. *During project plan review, consider the following:*
  - a) *Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.*
  - b) *Adjacent residential protection measures.*
  - c) *Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water.*

Since the last update provided to City Council (April 2011), the Planning Commission has reviewed/approved the following private development projects: Fifth-Third Bank, 2610 East Centre Avenue; Group Child Care Home, 3125 Coachlite Avenue; Parking Plan for Valley Family Church, 2500 Vincent Avenue; special land use permit and site plan for Great Lakes Center for Autism Treatment and Research, 9616 Portage Road; special land use permit and site plan for Graham's Towing & Service, 6230 Lovers Lane; Preliminary Plat for Oakland Farms North, 9810 Oakland Drive; Group Child Care Home, 7185 Venice Drive and a height modification request for Celebration Cinema, 6600 Ring Road.

Several of the projects listed above included shared access arrangements and measures to protect adjacent residential uses including Fifth-Third Bank, group child care homes, Valley Family Church, Great Lakes Center for Autism Treatment and Research and Celebration Cinema. Environmental issues were considered as part of the special land use permit and site plan for Graham's Towing & Service due to the close proximity of wetlands, floodplain and Portage Creek.

3. *Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.*

**DRAFT**

Two rezoning applications were received and acted upon by the Planning Commission since the start of FY2011-2012: Rezoning Application #10-03, 1302, 1306, 1316 and 1330 East Centre Avenue and Rezoning Application Rezoning Application #11-01, 1901 Romence Road Parkway.

4. *Review/recommend Zoning Code text amendments including, but not limited to, the City Council referred mixed-use ordinances and the Landscaping and Screening ordinance.*

The Commission completed the review and public hearing process involving Ordinance Amendment #10-E, Mixed Use Zoning Ordinances and recommended to City Council that the new zoning districts be approved. City Council subsequently adopted the ordinance amendments. Review of the Landscape and Screening Ordinance will begin later this year.

5. *When appropriate, engage the Youth Advisory Committee in the planning process.*

Since approval of the Goals and Objectives opportunities to engage the Youth Advisory Committee have not arisen.

6. *Prepare the 2012 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update.*

Preparation of the 2012 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update will be completed in conjunction with the FY2012-13 Capital Improvement Program.

7. *Review and recommend the annual Capital Improvement Program.*

Review of the FY2012-13 Capital Improvement Program will begin February/March 2012.

8. *Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).*

November 2011 status update complete.

If Council needs any further information, please advise.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION

James Cheesebro  
Chairman

## **ADVISORY BOARDS AND COMMISSIONS APPROVED 2011-2012 GOALS AND OBJECTIVES**

### **ENVIRONMENTAL BOARD**

1. Continue to implement the City Council approved Purple Loosestrife bio-control plan:
  - a. Release additional beetles at appropriate surveyed sites as beetle supplies are available.
  - b. Provide oversight to the work group.
  - c. Submit an annual progress report to the City Council.
2. Enhance environmental quality and protect natural resources:
  - a. Continue to promote effective recycling plans, the use of recycled/recyclable products and responsible disposal of hazardous and solid waste.
  - b. Protect water quality through the continued implementation of water management principles, including surface water, groundwater and storm water programs.
  - c. Promote environmental protection, planning, monitoring and educational programs.
3. Continue working with the City Administration to determine if Single-Stream Recycling is a viable and practical program for the City of Portage.
4. Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Youth Advisory Committee and Parks Board.
5. Advise the City Council in areas / subjects under the purview of the Environmental Board.
6. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).
7. Present an annual verbal report to the City Council.

### **HISTORIC DISTRICT COMMISSION**

1. Safeguard the heritage of the city through the exterior preservation of the historic district by evaluating and considering applications for Certificates of Appropriateness. Identify and evaluate historically significant structures in the City of Portage.
2. Increase visibility and public awareness of the Portage Historic District.
  - a. Continue to interview and transcribe select interviews with historic homeowners and other people knowledgeable about Portage's history.
  - b. Continue with book sales of *Where the Trails Crossed*.
  - c. Continue to support the historic educational programs in the Portage Schools.
  - d. Continue to have communication and cooperation with similar organizations in the local community.
3. Maintain a Library exhibit wall of framed photos representing the history of Portage. Continue to add new material throughout the year. This exhibit will be on display at the Portage District Library.

4. Present a Preservation Award to a citizen who has met the criteria as established by the Portage Historic Commission.
5. Continue the biannual newsletter called *Picket Fences* to be distributed to homeowners of Portage historic homes, councilmembers and other supporters.
6. Observe National Preservation Week in May by presenting a special event in the community.
7. Advise the City Council in areas / subjects under the purview of the Historic District Commission
8. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).
9. Present an annual verbal report to the City Council.

#### HUMAN SERVICES BOARD

1. Fulfill advisory role requirements for CDBG program and human/public service funding requests.
  - a. Make recommendations regarding the Community Development Block Grant (CDBG) Program.
  - b. Make recommendations regarding human/public service funding from the CDBG Program and General Fund to the City Council
    - Convene public hearings for the CDBG Program Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance Evaluation Report.
    - Hear appeals from the CDBG Housing Program Guidelines.
    - Review fair housing activities.
    - Review applications and presentations from agencies for human/public services and recommend funding levels to City Council.
2. Serve as a resource and provide information to City Council regarding public transportation in the City of Portage.
  - a. Advise City Council on matters pertaining to public transportation in the City of Portage and make recommendations as appropriate.
    - Review public transportation needs within the City of Portage.
    - Review countywide demand/response of transportation services.
3. Serve as a resource to City Council for special projects.
  - a. Take appropriate action on projects as assigned by City Council
  - b. Review mechanisms for identifying human service needs in the community.
  - c. Identify and educate City Council on emerging human service issues in Portage.
    - Continue to serve on Metro Transit ADA Advisory Committee.
    - Assist City Council with Red Ribbon Week activities.
4. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).
5. Present an annual verbal report to the City Council.

## **PARKS BOARD**

1. Continue to participate in Portage cultural and special events as event volunteers and fundraising for marketing efforts. Possible venues include:
  - a. Concerts
  - b. Festivals
  - c. Recreation programs special events
2. Continue implementation of the expanded "Get Active Portage" day at Ramona Park, to include a youth triathlon, health fair and Paddle Fest kayak races.
3. Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Youth Advisory Committee and Environmental Board.
4. Implement a new "Landmark Sculpture" activity for the community to promote recycling. This event would engage participants in creating Kalamazoo County landmarks out of discarded goods and objects.
5. Investigate opportunities to expand the effectiveness and ability to increase park events and activities through volunteer development.
6. Work together with the City Administration to facilitate the development of a Park Master Plan for the Eliason property on Shaver Road.
7. Advise the City Council in areas / subjects under the purview of the Parks Board.
8. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).
9. Present an annual verbal report to the City Council.

## **PLANNING COMMISSION**

1. Continue to guide development to appropriately planned area of the community.
2. During project plan review, consider the following:
  - a. Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
  - b. Adjacent residential neighborhood protection measures.
  - c. Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water.
3. Consider and act appropriately upon site-specific re-zonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.

4. Review / recommend Zoning Code text amendments including, but not limited to, the City Council referred mixed-use ordinances and the Landscaping and Screening ordinance.
5. When appropriate, engage the Youth Advisory Committee in the planning process.
6. Prepare the 2012 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update.
7. Review and recommend the annual Capital Improvement Program.
8. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).

#### **SENIOR CITIZEN ADVISORY BOARD**

1. Help to increase new and renewal membership to 2,000 or more.
2. Help to increase funding for operational support: investigate new ideas and sources of funding in cooperation with the Friends of the Portage Senior Center.
3. Continue development of innovative programming to reach the population of seniors 50 years of age and older.
4. Conduct discussions on specific senior center topics in cooperation with the Friends of the Portage Senior Center and the City Council on the results of the Portage Visioning Project.
5. Advise the City Council and the Portage Senior Center management on issues or projects pertaining to seniors and the Portage Senior Center.
6. Assist with plans to implement suggestions from the accreditation report such as updating technology use and developing plans for expansion of services.
7. Continue to explore opportunities for interaction and partnering with the Portage Community Center.
8. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).
9. Present an annual verbal report to the City Council.

## YOUTH ADVISORY COMMITTEE

1. Continue to support educating members of the Youth Advisory committee on the roles and functions of City of Portage Government.
2. Continue a commitment to community service by volunteering time at organizations such as the Portage Community Center. In addition, take the initiative to volunteer in support of other causes as the need may arise.
3. Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Environmental Board and Parks Board.
4. Participate in and support community efforts – specifically those of the Kalamazoo County Substance Abuse Task Force – related to addressing substance abuse in the community.
  - a. Provide teens an opportunity to socialize without the use of drugs and alcohol, including hosting activities such as the Snow Party and Teen Movie Night.
5. Advise the City Council in areas / subjects under the purview of the Youth Advisory Committee.
6. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).
6. Present an annual verbal report to the City Council.



**CITY OF PORTAGE  
2011-2012 COUNCIL MISSION STATEMENT and GOALS & OBJECTIVES**

**Mission Statement of the Portage City Council**

To function as the elected body serving the shareholders (all citizens) of the city:

- (1) to ensure the long-term financial health of the city;
- (2) to promote the highest level of quality of life in all aspects for all residents;
- (3) to provide positive leadership for the entire county-wide community in all areas of municipal governance; and
- (4) to encourage effective long-term planning in all considerations within Council purview.
- (5) to ensure transparency and access to information.

## 2011-2012 GOALS & OBJECTIVES

### COMMUNITY DEVELOPMENT

**Goal:** Promote quality of life in Portage.

**Objectives:**

- Continue prevention and enforcement efforts concerning substance abuse.
- Continue effective community safety programs through prevention, enforcement, and education.
- Ensure decent and safe housing and the livability of community neighborhoods.
- Maintain effective planning and development programs to promote orderly, attractive, and environmentally sound growth.
- Continue a commitment to human services to enhance the desirability of the community.
- Continue to encourage citizen involvement in crime prevention measures – business and residential.
- Maintain a coordinated and innovative approach toward developing park land and providing recreational opportunities.
- Continue planning and implementing programs and projects to enhance the City Centre area.
- Promote aesthetic and cultural enhancement.

### ECONOMIC DEVELOPMENT

**Goal:** Demonstrate a commitment to quality economic growth and development.

**Objectives:**

- Develop an improvement strategy to ensure the continued strength of the city.
- Promote business diversification.

## **TRANSPORTATION**

**Goal:** Continue to plan and implement improvements to move people and commerce safely and effectively through the community.

### **Objectives:**

- Implement projects proposed within the major thoroughfare plan.
- Continue to implement operational and functional improvements to improve traffic safety and movement.
- Evaluate and promote alternate modes of transportation.
- Continue appropriate improvement of the local street system.
- Continue to seek alternative approaches and methods to enhance preventive maintenance programs.

## **CUSTOMER RELATIONS**

**Goal:** Promote excellent customer relations.

### **Objectives:**

- Continue emphasis on courteous public service.
- Continue efforts to enhance communication between local government, citizens, the business community and the local educational institutions on city projects and services.

## **PUBLIC IMPROVEMENTS**

**Goal:** Continue to improve the infrastructure to meet demonstrated needs.

### **Objectives:**

- Continue to improve the wastewater and stormwater systems.
- Continue to improve the water system.
- Promote underground utilities within the city.
- Continue to expand, update and maintain equipment and facilities to provide for the effective operation of city departments.
- Maintain a systematic preventative maintenance program for city-owned buildings.

## QUALITY OF ENVIRONMENT

**Goal:** Enhance environmental quality and protect natural resources.

### **Objectives:**

- Continue to promote effective recycling plans, the use of recycled/recyclable products, and the responsible disposal of hazardous and solid waste.
- Protect water quality through the continued implementation of water management principles, including surface water, groundwater, and stormwater programs.
- Promote environmental protection, planning, monitoring, and educational programs.

## SERVICE DELIVERY

**Goal:** Continue to provide high quality, effective and cost efficient municipal services.

### **Objectives:**

- Continue to evaluate alternatives to meet increased service demands.
- Promote teamwork and unity of purpose between the public and private sectors.
- Continue to increase efficiency by applying new technology.
- Continue to prioritize existing services--including the elimination of low-priority services.
- Monitor, evaluate, and communicate service delivery options.
- Continue to pursue mutually beneficial intergovernmental ventures.
- Expand employee training and wellness programs and opportunities to ensure a well trained, healthy and motivated work force.
- Improve the utility of citizen advisory boards.
- Evaluate and propose possible Charter and ordinance revisions.
- Continue to evaluate contracting or privatizing city services and programs.

## **FINANCE AND BUDGETING**

**Goal:** Maintain the financial health of the city.

### **Objectives:**

- Continue to pursue revenue enhancement through alternate funding opportunities.
- Assess financing methods for future capital improvement needs.
- Continue to evaluate expenditures to provide for the most effective and efficient use of city resources.
- Promote volunteerism to assist in providing important services.
- Promote safety and minimize risk exposure by continuing to identify and prevent accident/ liability exposure.
- Consider and implement alternative means of addressing city insurance needs to further enhance financial health of the city.

# **MATERIALS TRANSMITTED**

## CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – September 12, 2011

The City of Portage Zoning Board of Appeals meeting was called to order by Lowell Seyburn at 7:05 p.m. in the Council Chambers. Two people were in the audience.

**MEMBERS PRESENT:** Timothy Bunch, Lowell Seyburn, Daniel Rhodus and Jeff Bright.

**MEMBERS EXCUSED:** Mariana Singer, Betty Schimmel and Rob Linnenger

**MEMBERS ABSENT:** David Felicijan, Donald Mordas

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

**APPROVAL OF THE MINUTES:** Bright moved and Bunch seconded a motion to approve the June 27, 2011 minutes as submitted. Upon voice vote, motion was approved 4-0.

### **NEW BUSINESS:**

**ZBA #11-1, 5900 Portage Road.** Staff summarized the request for a variance to modify a nonconforming freestanding sign at 5900 Portage Road. Gary Goidosik was present to answer questions.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Bright, supported by Bunch, to grant a variance to 1) modify a nonconforming freestanding sign at 5900 Portage Road on the condition the sign be moved to a conforming location should the additional right-of-way be utilized for roadway purposes in the future or if the vegetation is cleared on the adjacent property to the north; and 2) allow the property owner to change the multi-tenant sign panels without additional review and approval from the Zoning Board of Appeals. The Board cited the following reasons to grant the variance: 1) There are exceptional circumstances applying to the property that do not generally apply to others in the same zoning district; 2) mature vegetation located on the property to the north limiting visibility to southbound traffic; 3) expanded public street right-of-way; 4) immediate need for the practical difficulty was not caused by the applicant; 5) the variance will not be detrimental to adjacent property; and 6) will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and related materials, staff report and all discussion and additional materials presented at this hearing shall be incorporated into the record of this hearing and the findings of the Board, and action of the Board shall be final and effective immediately. Upon roll call vote: Seyburn-Yes, Rhodus - Yes, Bunch-Yes, Bright-Yes, the motion carried 4-0.

**ZBA #11-3, 5220 South Westnedge Avenue.** Staff summarized the request for a variance to erect a freestanding sign at the front property line, where a minimum ten-foot setback is required. Mr. Andy Wenzel was present on behalf of the applicant, Hinman Company, to answer questions. Mr. Rhodus requested clarification as to whether both the northern and southern signs would need to be removed when the South Westnedge Enhancement Project is completed in ten years. Staff stated both signs would likely need to be relocated if and when the SWEPs project is completed, but clarified that only the northern sign was the subject of this request since the proposed southern sign would be placed in a conforming location. Mr. Wenzel stated the northern sign would be secured by bolts to facilitate ease of removal/relocation, similar to the Trade Center sign. Mr. Wenzel added the proposal was a win-win scenario as it entailed the removal of the significantly nonconforming existing sign.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Bunch, seconded by Rhodus to grant a 10-foot variance to erect a freestanding sign at the front property line since there are exceptional circumstances applying to the property that do not generally apply to other properties in the same zoning district and include 1) the northern portion of the north building is setback only 40 feet from the front (east) property line and the northern portion of the

north parking lot has a nonconforming 15-foot wide maneuvering lane; 2) if the sign were to be moved further south to a location where the setback is in compliance, a separation distance variance between the two proposed freestanding signs would be needed; 3) the immediate practical difficulty causing the need for the variance was not created by the applicant; 4) replacement of the existing nonconforming sign with two smaller signs that conform to height and area requirements represents a reduction in the degree of nonconformity; 5) the variance will not be detrimental to adjacent property and the surrounding area and will not materially impair the intent and purpose of the Zoning Ordinance. Due to the aforementioned conditions, placement of a sign in front of the north building that meets the minimum ten foot setback is not feasible. The motion also included a provision to allow the property owner to change the multi-tenant sign panels without additional review and approval from the Zoning Board of Appeals provided the sign is not structurally altered, and sign permits are obtained for sign panel changes. In addition, the application and related materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated into the record of this hearing and the findings of the Board, and that action of the Board shall be final and effective immediately. Upon roll call vote: Seyburn-Yes, Rhodus - Yes, Bunch-Yes, Bright-Yes, the motion carried 4-0.

Election of officers: A motion was made by Bunch, seconded by Bright to postpone the election of officers until the October meeting. Upon voice vote, motion was approved 4-0.

**STATEMENT OF CITIZENS:**

**ADJOURNMENT:** There being no further business, the meeting was adjourned at approximately 7:35 p.m.

Respectfully submitted,

Jeff Mais  
Zoning & Codes Administrator

## CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 20, 2011

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

At the request of Mayor Strazdas, Pastor Daniel Teerman of The Bridge of Portage provided the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Cory A. Bailes, Elizabeth A. Campbell and Claudette S. Reid, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmembers Patricia M. Randall and Terry R. Urban were absent with excuse. Also in attendance were Deputy City Manager Brian J. Bowling, City Attorney Randy L. Brown and City Clerk James R. Hudson.

**APPROVAL OF MINUTES:** Motion by Sackley, seconded by Reid, to approve the September 6, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Motion by Reid, seconded by Campbell, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 5 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF SEPTEMBER 20, 2011:** Motion by Reid, seconded by Campbell, to approve the Accounts Payable Register of September 20, 2011. Upon a roll call vote, motion carried 5 to 0.

### REPORTS FROM THE ADMINISTRATION:

\* **REZONING APPLICATION #10-03 (1302, 1306 AND 1316 EAST CENTRE AVENUE):** Motion by Reid, seconded by Campbell, to accept Rezoning Application #10-03 for first reading and set a public hearing for October 18, 2011, at 7:30 p.m. or as soon thereafter as may be heard; and, subsequent to the public hearing, consider approving Rezoning Application #10-03 and rezone 1302, 1306 and 1316 East Centre Avenue from OS-1, office service and R-1B, one-family residential to B-1, local business, and rezone 1330 East Centre Avenue from R-1B, one-family residential to OS-1, office service. Upon a roll call vote, motion carried 5 to 0.

\* **AMENDMENT TO CODE OF ORDINANCES – HISTORIC DISTRICTS:** Motion by Reid, seconded by Campbell, to accept for first reading the proposed amendment to Section 38-38 of Chapter 38, Historical Preservation, of the City of Portage Code of Ordinances, and consider final adoption on October 18, 2011. Upon a roll call vote, motion carried 5 to 0.

\* **ELECTION POLLING PLACES AND RATE OF COMPENSATION RESOLUTION:** Motion by Reid, seconded by Campbell, to adopt the Resolution Designating Polling Places and Rate of Compensation for the November 8, 2011 City General Election. Upon a roll call vote, motion carried 5 to 0. Resolution recorded on page 281 of City of Portage Resolution Book No. 44.

\* **AUGUST 2011 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Reid, seconded by Campbell, to receive the communication from the City Manager regarding the August 2011 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 5 to 0.

\* **DEPARTMENT MONTHLY REPORTS:** Motion by Reid, seconded by Campbell, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 5 to 0.

## COMMUNICATION:

**SHARON CARLISLE, 6316 OAKLAND DRIVE:** Ms. Sharon Carlisle was present and Mayor Strazdas asked her if she would like to comment. She came forward and indicated that she was proud of her community (Portage), needed a water hookUP, wanted no surprises and was given the wrong information by the Community Development Department staff. At the time, she explained that she was a recent widow, on fixed income and, when her plumber tried to do an in-house hookup, he discovered that there was no hookup in the well area. She said she paid the contractor, but found herself doing things she did not want to do, such as selling her husband's gold band. Discussion followed.

With having a failed well, Mayor Pro Tem Sackley asked her if she would have done anything differently had she understood the full scope and cost of the project upon her first visit to City Hall. He also asked her if she paid "thousands of dollars" more because she did not have all of the information. She responded that she would still have chosen to go with the project, that she did not spend any extra money as a result of her conversation with city staff, but that she found the process inconvenient, frustration and embarrassing. Discussion followed regarding the lateral lead to the property line, the option of fixing the pump instead of obtaining city water and the nature and scope of the misunderstanding.

Deputy City Manager Bowling apologized to Ms. Carlisle for the misunderstanding and any harm she felt done as a result. He indicated that Ms. Carlisle at one time worked for the City of Portage, acknowledged that she had no "ax to grind" and expressed his confusion regarding staff communicating the existence of a line to her house since the city does not put in a line to the house because of the potential of an illegal hookup, as there is no way to control the use of that line. He pointed out that it is an opportunity to improve, so the Administration is taking steps to make corrections to the process.

Community Development Director Vicki Georgeau expressed her regret and disappointment for the situation and that Ms. Carlisle did not obtain sufficient information. She then indicated that the Community Development Department is developing brochures to assist in installations. In response to Mayor Strazdas, Ms. Georgeau indicated that staff does not allow water lines to go in without going through the permitting process and that terminology is the source of the confusion: water main vs. water service vs. water service connection. In response to Mayor Pro Tem Sackley, she distinguished the role of the plumber from the role of the excavator. In response to Councilmember Campbell, she indicated that the preference for a Community Development Block Grant (CDGB) Program application is to talk to the applicant before sending them a CDBG packet, so he or she doES not become frustrated after filling out an application only to discover he or she does not qualify under the guidelines. Also, she said that it is not possible to provide assistance after the work is done. Discussion followed.

At the request of Mayor Strazdas, City Attorney Brown indicated that the two legal questions that arise are whether City Council has the authority to provide refunds, and they do; and is this authority discretionary, and it is. He explained that a Resolution of City Council is all that is necessary, but it would set a precedent and a question of unfairness to other city water users who did pay the fee for hookup would result. Discussion followed.

Mayor Pro Tem Sackley summarized the matter. Motion by Sackley, seconded by Reid, to receive the letter from Sharon Carlisle, 6316 Oakland Drive, dated September 14, 2011. Discussion followed. Upon a roll call vote, motion carried 5 to 0. Discussion followed.

**\* MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Park Board of August 3, 2011.

Kalamazoo County Board of Commissioners Committee of the Whole and Regular of August 16, 2011.

Portage Planning Commission of September 1, 2011.

**BID TABULATIONS:**

- \* **ANNUAL SUNGUARD ENTERPRISE SOFTWARE LICENSING AND MAINTENANCE FEE:** Motion by Reid, seconded by Campbell, to approve an annual licensing and software maintenance services agreement with SunGard, Incorporated, at a total cost of \$66,276 and authorize the City Manager to execute all related documents on behalf of the city. Upon a roll call vote, motion carried 5 to 0.
- \* **FIRE DEPARTMENT PERSONAL PROTECTIVE CLOTHING:** Motion by Reid, seconded by Campbell, to approve the purchase of personal protective clothing from First Due Fire Supply of Leslie, Michigan, in the amount of \$48,784 for replacement of 25 sets of Fire Division personal protective clothing and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 5 to 0.
- \* **CONTRACT FOR REPLACEMENT OF WORN POLICE UNIFORMS:** Motion by Reid, seconded by Campbell, to approve a two-year contract with Nye Uniform of Grand Rapids, Michigan, for replacement of police uniforms in the amount of \$22,107.20 for the first year and \$22,749.20 for the second year with the option for three one-year renewals, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

**OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Campbell expressed her condolences to the family of Shawn Brown, who passed away during the Peacock Strut event and Councilmember Bailes expressed his condolences, also. She also expressed heartfelt sorrow for the passing of a dear friend, Bob Overlander.

Councilmember Reid expressed her concern, thoughts and regards for Tokyo, Japan, where a typhoon is due to strike tonight.

Mayor Pro Tem Sackley rented the facility at Schrier Park expressed his pride for the facility and the people of Portage for having such a nice facility and its amenities available.

Mayor Strazdas indicated that he and Representative of the State House Margaret O'Brien attended a recent Eagle Scout Court of Honor that proved to be a very positive experience. He pointed out that Troop 244 has 103 teenaged boys, even though scouting is down 67% nationwide, and reflected how good he feels about our community and cited another very positive experience he had at a Boy Scout cookout with the many families and youth in attendance along with representatives of the Fire and Police Departments.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:34 p.m.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.