



PLANNING COMMISSION

March 7, 2013

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**March 7, 2013
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * February 21, 2013

SITE/FINAL PLANS:

- * 1. Final Plan: Sterling Oaks West (Phase II), 1001 Gulfport Trail

PUBLIC HEARINGS:

- * 1. Special Land Use Permit: Lakeview Animal Hospital, 8818 Portage Road

NEW BUSINESS:

1. 2012 Major Thoroughfare Plan Status Update Report
2. 2013-2023 Capital Improvement Program
 - provided as separate documents
 - adjourn meeting to Conference Room No. 2

OLD BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

February 12, 2013 City Council meeting minutes

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

DRAFT

PLANNING COMMISSION

February 21, 2013

The City of Portage Planning Commission meeting of February 21, 2013 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

MEMBERS PRESENT:

Miko Dargitz, Bill Patterson, Dave Felicijan, James Cheesebro, Paul Welch and Wayne Stoffer.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Allan Reiff, Rick Bosch and Dave Artley.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Christopher Barnes, Director of Transportation and Utilities; Michael West, Assistant City Planner; and Randy 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 January 17, 2013 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Welch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Main Street Properties, 7509 and 7545 South Westnedge Avenue. Mr. West summarized the staff report dated February 15, 2013 regarding the request from Main Street Properties IV LLC to construct a 4,950 square foot restaurant/office building along the northern portion of the zoning lot. Mr. West stated the original site plan for Main Street Properties was approved February 2007 and included retention of the 8,240 square foot Sauder Furniture building (formerly Furniture Now), construction of a new 5,624 square foot Main Street Pub building, construction of a future 8,960 square foot retail building and associated site improvements. Mr. West stated the applicant is now proposing to replace the 8,960 square foot future retail building with a 4,950 square foot restaurant/office building.

As part of the February 2007 site plan approval, Mr. West indicated the applicant agreed to close the existing full-service driveway located along the southern portion of the zoning lot and install a 10-foot greenstrip area "within 24 months of site plan approval or upon a change in occupancy or redevelopment of the Furniture Now building, whichever comes first." In August 2009, Mr. West stated the Planning Commission subsequently approved a two-year extension to close the southern driveway and install the 10-foot greenstrip area until September 15, 2011 or until redevelopment of the south building, whichever occurs first. In conjunction with the site plan, Mr. West indicated the applicant is also requesting another extension to close the southern driveway and install the greenstrip until redevelopment of the furniture store building occurs. Based on information provided by the applicant, Mr. West indicated that closure of the southern

driveway and installation of the 10-foot greenstrip may adversely impact operations at the existing furniture store. Mr. West stated the loading/unloading area for the furniture store is located along the southeast corner of the building and truck deliveries (incoming and outgoing) currently utilize the southern driveway, which minimizes maneuvering conflicts with Main Street Pub and future restaurant/office tenants to the north. Mr. West also indicated that closure of the southern driveway and restoration of the 10-foot greenstrip area would result in the loss of seven existing parking spaces in front of the furniture store building. Based on these existing conditions and given the minimal traffic generation associated with the furniture store use, Mr. West indicated staff believes the applicant's request is reasonable. Although the applicant indicates the driveway will be closed upon redevelopment of the furniture store, Mr. West indicated staff is recommending that continuation of this driveway be evaluated upon submittal of a site plan.

Mr. Jeff Maddox (representing Main Street Properties) was present to support the site plan and driveway closure extension request. Mr. Maddox stated the southern driveway was important to the furniture store tenant for truck deliveries and customer parking and agreed with the staff position that it should be evaluated with redevelopment of the building. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Stoffer, to approve the Site Plan for Main Street Properties, 7509 and 7545 South Westnedge Avenue, with the continuation of the southern driveway and installation of the 10-foot greenstrip to be evaluated upon submittal of a site plan for redevelopment of the furniture store building. The motion was unanimously approved.

PUBLIC HEARINGS:

None.

OLD BUSINESS:

None.

7:20pm - The Commission convened the meeting to City Hall Conference Room No. 1

NEW BUSINESS:

1. Planning Commission Training – Site Plan Review, Access Management & Storm Water Management and Groundwater Protection. Mr. Forth distributed handout materials and proceeded with the Site Plan Review & Access Management portion of the Powerpoint presentation. Mr. Forth discussed the purpose of a site plan, legal authority to require submission of a site plan, site plan review standards, internal review process and important site plan components. Mr. Forth also discussed the purpose of access management, basic principles and benefits of access management, effective access management techniques and common tools used to implement access management. The Commission and staff engaged in various questions/answers and discussion.

Mr. Barnes presented the Storm Water Management and Groundwater Protection portion of the presentation. Mr. Barnes provided general storm sewer statistics for the City of Portage, discussed the differences between storm water and drainage, provided an overview of the City of Portage Storm Water Design Criteria Manual including risk assessment, storm water treatment criteria and strategies, and best management practices and techniques. The Commission and staff engaged in various questions/answers and discussion.

 DRAFT

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 9:20 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: February 28, 2013

FROM: Vicki Georgeau, ^{MS} Director of Community Development

SUBJECT: Final Plan for Sterling Oaks West Planned Development (Phase II), 1001 Gulfport Trail.

I. INTRODUCTION/BACKGROUND:

A final plan has been submitted by Sterling Oaks Development Company for construction of Phase II of the Sterling Oaks West Planned Development (PD). The development project is generally located south of West Lake and west of Portage Road, zoned PD, planned development and encompasses approximately 20 acres.

Phase I of the Sterling Oaks West PD was approved in March 2008 and included the extension Gabardine Avenue and Gulfport Trail (public streets) and Coral Springs Drive and Tarpon Springs Drive (private streets), development of 23 residential condominium units (21 detached dwellings and one 2-unit attached dwelling) and three unplatted parcels. Infrastructure associated with Phase I has been installed and construction of the condominium units is nearing completion. Phase II of the Sterling Oaks West PD involves the extension of Gulfport Trail, construction of the remaining private streets (Gulf Breeze Road and Gulf Breeze Court), construction of 20 residential condominium units (12 detached dwellings and four 2-unit attached dwellings) and three unplatted parcels. When complete, Sterling Oaks West will consist of 49 total residential units.

II. CONSISTENCY WITH TENTATIVE PLAN/FINAL PLAN REVIEW:

The final plan for the Sterling Oaks West (Phase II) has been designed in substantial compliance with the with the PD rezoning and tentative plan/narrative that received City Council approval on March 27, 2007. Other features of the planned development project include:

Vehicular Access/Pedestrian Walkways: Access to Phase II will be provided through an extension of Gulfport Trail and construction of two private streets (Gulf Breeze Road and Gulf Breeze Court). The private streets will be owned and maintained by the condominium association. Four-foot wide concrete sidewalks will be provided along both sides of the public street extension and along one side of all private streets.

During the PD rezoning in 2007, the applicant stated in the approved tentative plan narrative that he would "...work diligently to provide a pedestrian walkway connection between the proposed Sterling Oaks West condominium and the existing Sterling Oaks condominiums to the east". However, the applicant also indicated the prospective walkway would be dependent upon the approval of the Sterling Oaks and/or Sterling Oaks South condominium associations. As part of the plan review for Phase II of the Sterling Oaks West project, the applicant again contacted the Sterling Oaks South condominium association to further discuss the proposed walkway. After further consideration, the association has decided not to support the proposed pedestrian walkway for the reasons mentioned in the attached letter dated February 12, 2013 from by Mr. Brian Blair, Mutual Resource Management, Inc., on behalf of the Sterling Oaks South Board of Directors.

Storm Water Management: Storm water runoff from the public and private street extensions in Phase II of the development will be collected and conveyed to an existing private retention basin located along the northeastern portion of the property. A storm water drainage easement and maintenance agreement between the City of Portage and the developer was executed in 2008 as part of the Phase I that allows the storm water from the public streets to discharge into a privately owned and maintained retention basin.

Setbacks/Unit Size – The condominium units will maintain the following minimum setback distances:

- 40-feet around the perimeter of the site.
- 25-feet from all interior property lines.
- 20-feet between dwelling units.

Consistent with the approved tentative plan, single-family residential condominium units will be two and three bedroom, one-story ranch style homes approximately 1,400-1,800 square feet with attached two or three car garages. Single-family residential homes associated with the three unplatted parcels created through the public street extension and situated outside of the condominium will comply with applicable setbacks for the R-1C zoning district: 30-foot (front yard), 40-foot (rear yard) and 12-foot (side yard). Minimum dwelling unit sizes will also comply with applicable requirements for the R-1C zoning district.

Maximum Number of Residential Units: Currently, there is only a single point of ingress and egress to Sterling Oaks West from Gabardine Avenue. As a result of this single point of ingress and egress, the International Fire Code limits the maximum number of dwellings units at 30. Currently, there are 19 residential units either existing or under construction. Until a second means of access is provided through Adkins Court to South Shore Drive to the north or to The Pines subdivision to the south, the applicant is aware and agrees that no more than 30 residential units can be constructed. Condominium Unit #43 will not be constructed opposite Adkins Court unless and until the location of the second means of ingress/egress has been finalized. A note is on the plan that addresses this issue. For Commission information, the developer of The Pines subdivision to the south has submitted correspondence that indicates he is planning to begin construction of The Pines (Phase III) in the Summer 2013.

II. RECOMMENDATION:

The final plan has been reviewed by the City Administrative departments. Staff advises that the Planning Commission recommend to City Council that the Final Plan for Sterling Oaks West Planned Development (Phase II), 1001 Gulfport Trail, be approved subject to the maximum number of residential units be limited to 30 in accordance with the International Fire Code until a second means of ingress and egress is provided. The layout of the Final Plan is consistent with the Tentative Plan which received City Council approval in March 2007.

Attachment: Aerial Photo/Vicinity Map
February 12, 2013 letter from Mr. Brian Blair (Mutual Resource Management)
Sterling Oaks West (Phase II) – Final Plan Sheets
Approved Tentative Plan/Narrative for Sterling Oaks West Planned Development (March 2007)

s:\commdev\2012-2013 department files\board files\planning commission\pc reports\site plans\sterling oaks west(phase ii), 1001 gulfport - fp.doc



Mutual Resource Management Inc.

7069 Stadium Drive • Kalamazoo, MI 49009
Phone (269) 353-5732 • Fax (269) 353-5816

February 12, 2013

RECEIVED
FEB 21 2013
COMMUNITY DEVELOPMENT

Mark Scott
P.O. Box 701
Schoolcraft, MI 49087

Dear Mark:

This letter is being written on behalf of the Sterling Oaks South Board of Directors in regard to the proposed walking trail connecting Sterling Oaks South with Sterling Oaks West. As we have discussed, the Board is very concerned that the traffic between the homes will be disruptive to the adjacent owners. The Board is asking that the plan for the path be abandoned.

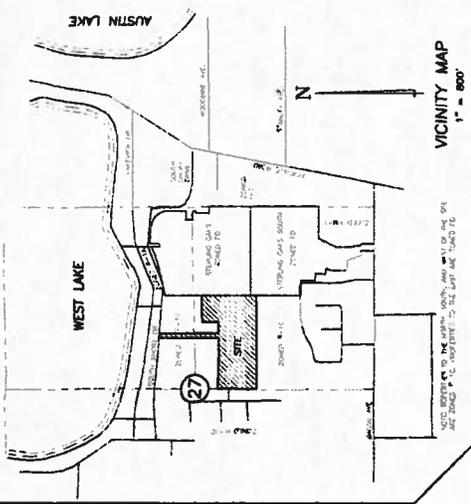
Thank you for your consideration in this important matter.

Sincerely,

Brian E. Blair, Property Manager
MUTUAL RESOURCE MANAGEMENT INC. for
Sterling Oaks South Condominium Association

FINAL PLAN for PHASE TWO of STERLING OAKS WEST PLANNED DEVELOPMENT

RECEIVED
FEB 27 2003
COMMUNITY DEVELOPMENT



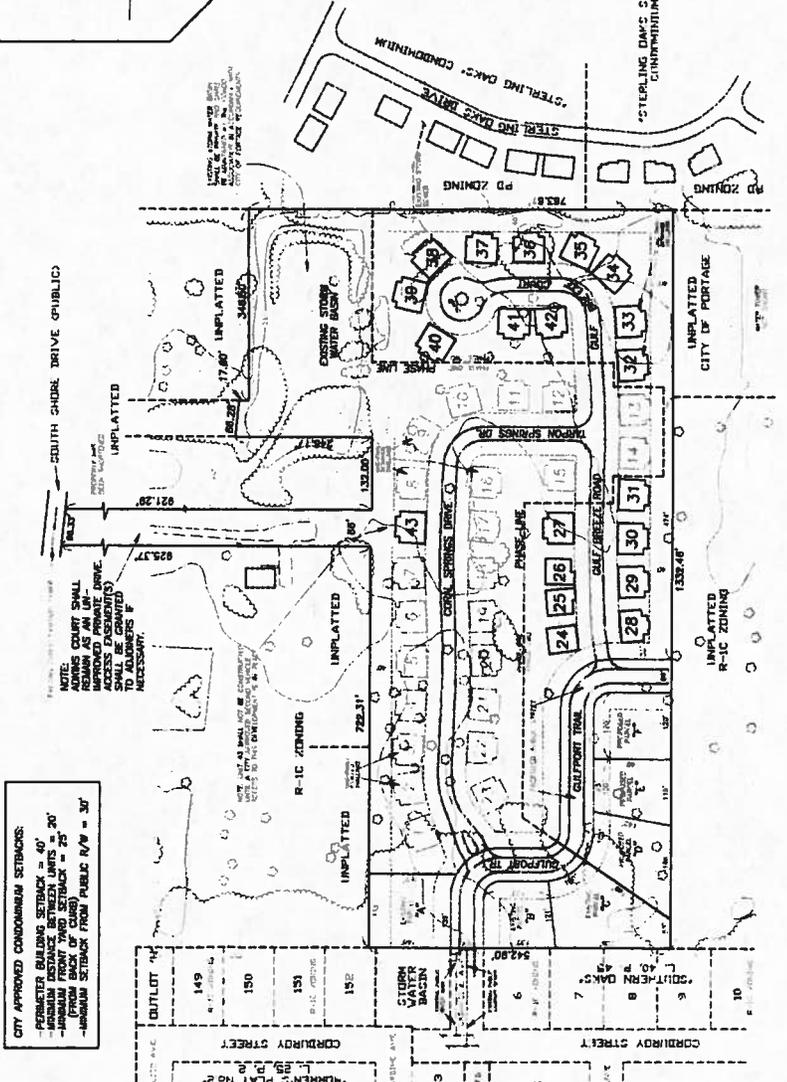
GENERAL NOTES

1. THIS PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO THE REVIEW AND APPROVAL OF THE CITY ENGINEER AND THE CITY COMMISSIONERS.
2. THE TOTAL NUMBER OF DWELLING UNITS SHOWN ON THIS PLAN ARE BEING SUBMITTED FOR REVIEW AND APPROVAL BY THE CITY ENGINEER AND THE CITY COMMISSIONERS. APPROVAL IS OTHERWISE OBTAINED BY THE CITY ENGINEER AND THE CITY COMMISSIONERS.
3. SECOND ACCEPTABLE ACCESS IS IN PLACE. ALL DWELLINGS MAY BE CONSTRUCTED.
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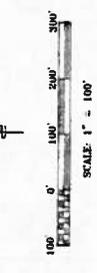
OWNER/APPLICANT:
STERLING OAKS
DEVELOPMENT CO.
P.O. BOX 701
SCHOOLCRAFT, MI 49087

Phase Two of STERLING OAKS WEST
1/8/2003
1 of 3
22291W

Huggenstall, Watson & McEachern, Inc.
1100 East Willow Road - Anglen, Michigan 48106-1000
Tel: 313-341-5500



CITY APPROVED CONDOMINIUM SETBACKS:
-PERIMETER BUILDING SETBACK = 40'
-FRONT YARD SETBACK = 20'
-REAR YARD SETBACK = 20'
-SIDE YARD SETBACK = 20'
-REAR YARD SETBACK FROM PUBLIC R/W = 30'



FIRE DEPT. NOTES

1. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT IT COMPLIES WITH THE CITY ENGINEERING DEPARTMENT'S REQUIREMENTS FOR A PRELIMINARY PLAN.
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NOTE: GARDNER AVENUE EAST OF CORDBURY STREET WAS GRADUALLY CLOSED TO TRAFFIC AS A CITY OF PORTAGE PUBLIC STREET PROJECT AND SOUTHERLY SIDE OF GARDNER AVENUE EAST OF CORDBURY STREET WAS TO BE OPENED TO TRAFFIC. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT IT COMPLIES WITH THE CITY ENGINEERING DEPARTMENT'S REQUIREMENTS FOR A PRELIMINARY PLAN.

PHASING:
PHASE 1:
PARCELS A, B & C
UNITS 1 - 23
PHASE 2:
PARCELS D, E & F
UNITS 24-43

NOTE: PARCELS "A" - "F" SHALL COMPLY WITH CITY OF PORTAGE R-1C ZONING REQUIREMENTS.

R-1C ZONING INFORMATION:
-MINIMUM LOT WIDTH WITH SEWER & WATER
-MINIMUM 30' FRONT YARD SETBACK
-MINIMUM 10' SIDE YARD SETBACK
-MINIMUM 10' REAR YARD SETBACK
-MINIMUM BUILDING COVERAGE OF LOT = 25%
(ALSO SEE SEC. 48-351 & 48-352 OF CITY OF PORTAGE LAND DEVELOPMENT REGULATIONS)

SITE DATA:

- AREA ENTIRE PARCEL = 20.12 ACRES
- AREA PROPOSED CONDO = 16.45 ACRES
- AREA PROPOSED PUBLIC ROAD = 1.07 ACRES
- AREA PROPOSED PARCELS = 2.50 ACRES
- TOTAL DENSITY = 49 UNITS/20.12 ACRES = 2.44 UNITS/ACRE
- TOTAL DENSITY = 8 PARCELS/2.50 ACRES = 3.20 PARCELS/ACRE

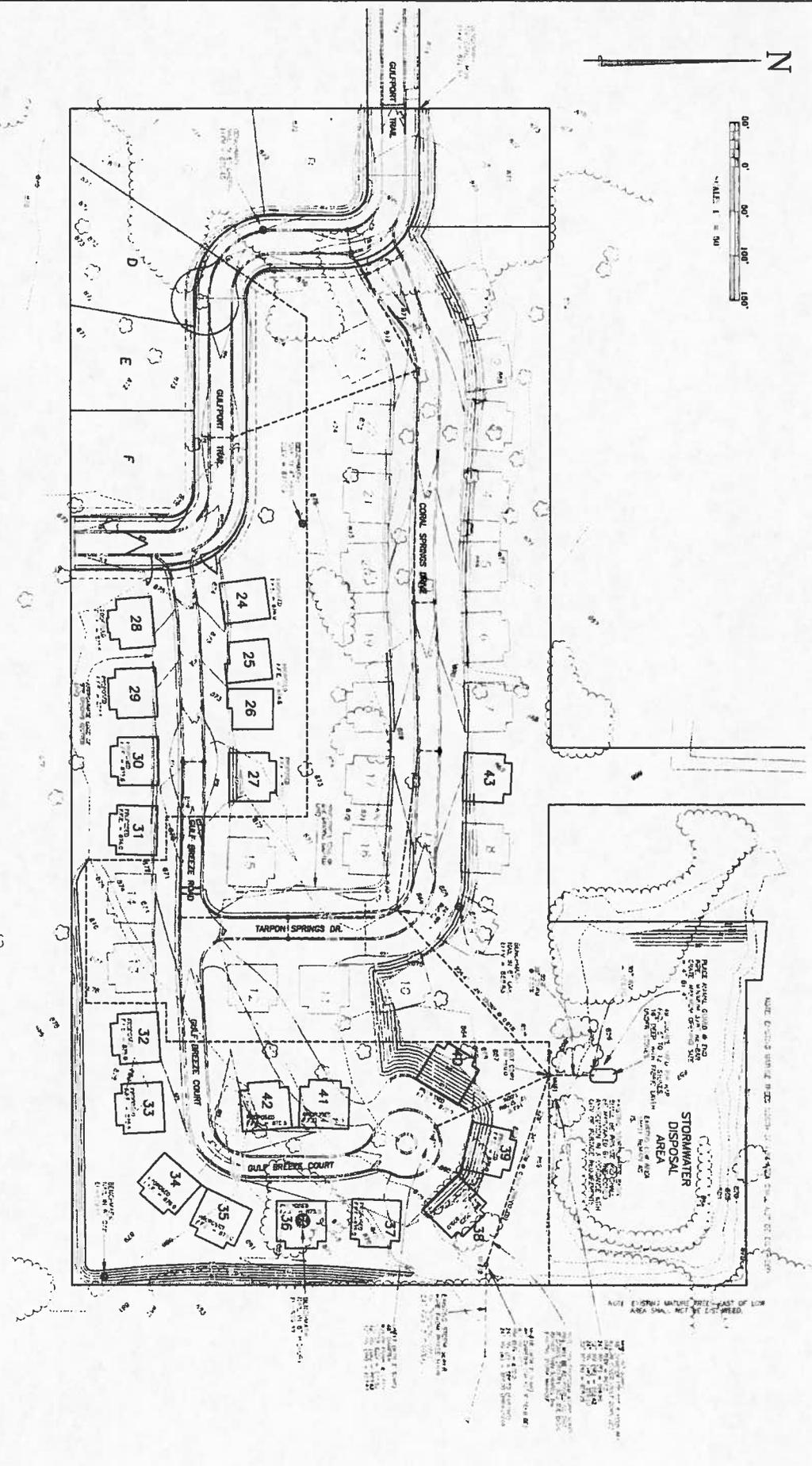
SHEET INDEX:
1) COVER SHEET
2) LAYOUT & UTILITY PLAN
3) SITE GRADING PLAN

NOTE: EXISTING EASEMENT COVERS A TOPOGRAPHICAL FEATURES TAKEN FROM A MAP PREPARED BY OTHERS (BEFORE ANY SITE DISTURBANCE).

SEE SHEETS 2 & 3 FOR LOCATIONS OF EXISTING UTILITIES & STREET (CONSTRUCTED DURING PHASE ONE).

EXISTING TRAIL (PUBLIC ROAD) SHALL HAVE A WIDTH OF 20' BETWEEN BACKS OF CURB (27' BETWEEN FACES OF CURB). GULL/BREEZE ROAD, COURTY (PRIVATE) SHALL HAVE CONCRETE RAIL AND A PREVENT WIDTH OF 22.0'.





GENERAL SOIL EROSION CONTROL NOTES

1. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
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43. EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.

NOTE: ALL STORM SEWER INTERSECTIONS SHALL HAVE GRATE WRAPPED IN FILTER FABRIC. FABRIC SHALL REMAIN IN PLACE UNTIL DESTROYED OR DROPPED TO SURFACE. SCHEDULED.

ESTIMATED CONSTRUCTION SCHEDULE FOR PHASE 2

ACTIVITY	START DATE	END DATE
PERMITS	12/15/11	12/15/11
UTILITY LOCATIONS	12/15/11	12/15/11
UTILITY RELOCATION	12/15/11	12/15/11
UTILITY PROTECTION	12/15/11	12/15/11
UTILITY REPAIR	12/15/11	12/15/11
UTILITY INSTALLATION	12/15/11	12/15/11
UTILITY TESTING	12/15/11	12/15/11
UTILITY COMPLETION	12/15/11	12/15/11
UTILITY MAINTENANCE	12/15/11	12/15/11
UTILITY DEMOLITION	12/15/11	12/15/11
UTILITY RECONSTRUCTION	12/15/11	12/15/11
UTILITY REPAIR	12/15/11	12/15/11
UTILITY INSTALLATION	12/15/11	12/15/11
UTILITY TESTING	12/15/11	12/15/11
UTILITY COMPLETION	12/15/11	12/15/11
UTILITY MAINTENANCE	12/15/11	12/15/11
UTILITY DEMOLITION	12/15/11	12/15/11
UTILITY RECONSTRUCTION	12/15/11	12/15/11

NOTE: REFER TO SHEET 2 FOR ADDITIONAL PHASE DELINEATION

LEGEND

- EXISTING UTILITY CONDUIT
- PROPOSED UTILITY CONDUIT
- EXISTING UTILITY TRENCH
- PROPOSED UTILITY TRENCH
- EXISTING UTILITY PIPE
- PROPOSED UTILITY PIPE
- EXISTING UTILITY MANHOLE
- PROPOSED UTILITY MANHOLE
- EXISTING UTILITY VALVE
- PROPOSED UTILITY VALVE
- EXISTING UTILITY FITTING
- PROPOSED UTILITY FITTING
- EXISTING UTILITY ACCESSORY
- PROPOSED UTILITY ACCESSORY

PHASE TWO OF STERLING OAKS WEST
Ingersoll, Watson & McEachern, Inc.
 1201 West Lakes Blvd., Suite 200, Tampa, FL 33607
 Phone: 813.281.1111 Fax: 813.281.1112
 Website: www.iwm.com

DATE: 1/8/2013
3 of 3
22281W

"STERLING OAKS WEST"

PLANNED DEVELOPMENT

DEVELOPER :

STERLING OAKS DEVELOPMENT COMPANY

(MARK C. SCOTT, PRESIDENT)

RECEIVED
JAN 23 2007
COMMUNITY DEVELOPMENT

Revised January 23, 2007

PURPOSE AND OBJECTIVES

1. Create an attractive and affordable neighborhood of attached and detached single-family homes.
2. Through innovative design features, provide many of the advantages of conventional single family subdivisions while reducing costs and other problems inherent to standard single family subdivisions.
3. Provide increased open space while maintaining density only slightly higher than that customary in single family neighborhoods.
4. Offer quality homes of moderate size designed primarily for retirees or adults who no longer have children at home.

THE SITE

The development consists of 20.15 acres located west of "Sterling Oaks" and "Sterling Oaks South" condominiums and east of "Southern Oaks" single family subdivision, approximately 1/4 mile south of South Shore Drive. The parcel and the vacant land lying to the north and south are zoned R-1C, as is the "Southern Oaks" subdivision; the condominiums to the east are zoned PD. Access to the parcel would be by a public road extension of Gabardine Avenue east from Corduroy Street. The public road would extend to the south line of the parcel to allow for future extension and development of the vacant land to the south.

The parcel is generally open to partially wooded with rolling topography. Soils are Oshtemo sandy loam and are ideal for drainage and development of buildings, streets and other improvements.

DEVELOPMENT PLAN - GENERAL CONCEPTS

The overall plan includes six individual parcels to be created through land division and a condominium project including a mixture of single-family attached and single-family detached homes. The parcels will have public road frontage and access via an extension of Gabardine Avenue and will meet size and width requirements as required by the City for R-1C parcels.

Regarding the condominium portion of the project, each homeowner will have title to a specific home along with limited adjacent patio or garden areas. Open space, private drives, pedestrian walkways and similar improvements will be commonly owned and maintained by all homeowners through a condominium association.

As noted previously, the project is intended as an adult community designed specifically for the needs of middle income persons from the following groups:

1. Middle aged couples whose children have grown and who no longer want the upkeep of a large home.
2. Persons who have or are contemplating retirement.
3. Young adults, single or married, who do not plan families and who wish the advantages of home ownership.

The plan incorporates the desirable features that are wanted and expected in conventional single family subdivisions. Among these are:

1. Home ownership
2. Attached garage
3. Private entry and patio or garden space
4. Quality construction with ample space and convenience in the three important rooms: Kitchen, living room and master bedroom
5. Low density with spacious open areas and well planned and maintained landscaping

The problems of normal subdivisions that are reduced or eliminated include:

1. Maintenance of yards and grounds including snow removal
2. Maintenance of building exteriors
3. Security during short or extended absence
4. Control over appearance, maintenance and management of the entire neighborhood

The sense of neighborliness found in some single family developments will be enhanced and promoted with the tendency to attract owners of similar interests and lifestyles. The condominium association, through its facilities and activities, will also create a desirable social atmosphere and feeling of belonging.

SCHEDULE AND PHASING

It is anticipated that installation of the roadways, drives and utilities will begin in the spring of 2007 with commencement of building construction starting in early summer of the same year. The project will be developed in two phases with Gabardine Avenue being extended from Corduroy Street to the south property line of the parcel in the first phase of the project. This will afford adequate access for emergency vehicles, service vehicles and condominium owners. It is expected that the second phase will commence within the next three years.

BUILDINGS

Each home will be modest in size, approximately 1,400 to 1,800 square feet, but will demonstrate quality materials and craftsmanship. Long term cost reductions will be assured through full insulation and maintenance free materials wherever possible.

A mixture of three basic building types, including both single-family attached and single-family detached homes, will be utilized. Homes will have basements and are designed as two and three bedroom one-story ranch type with an attached garage for two or three cars.

STREETS, DRIVES AND WALKWAYS

The extension of Gabardine Avenue will be a public street and will be constructed to City of Portage standards. A four-foot wide sidewalk will be installed on both sides of the proposed public streets. All other streets and drives will be private and will be maintained by the Condominium Association. Private streets will have a pavement width of 22 feet which will be adequate to provide "backing out" movements and access for emergency and service vehicles. Private roads will include concrete curbing, and a sidewalk will be installed on at least one side of all private streets. Driveways will be a minimum of 17 feet wide and 25 feet long for added parking for guests. The developer will also work diligently to provide a pedestrian walkway connection between the proposed "Sterling Oaks West" condominium and the existing "Sterling Oaks" condominiums to the east. However, the prospective walkway connection is dependent upon the granting of necessary approvals and easements by the "Sterling Oaks" condominium association or the "Sterling Oaks South" condominium association.

Turning radii of private streets and at all intersections will be sufficient to permit access by emergency vehicles and service vehicles.

DRAINAGE

Public streets shall have concrete curb and gutter and private streets will likely have concrete roll curb, enabling a storm sewer system that collects and directs storm runoff to a storm water retention area as is provided for in a standard residential subdivision.

SANITARY SEWERS

The subject property shall be served from existing public sanitary sewer located adjacent to the site. Easements will be provided as needed and all sewer construction will conform to City construction requirements and specifications.

WATER SYSTEM

There will be an 8" public water main run throughout the project. All water main construction within the project will be installed by the developer in a manner similar to sanitary sewers, and will meet all City requirements.

SETBACKS, TRANSITION AREAS AND BUILDING SPACING

Building setback and spacing shall generally conform to requirements established for residential districts.

Side yard spacing has been designed in keeping with the function and view requirements of the interior space adjacent to the particular outside wall being considered.

The minimum spacing between single family buildings shall be 20 feet. The minimum spacing between the edge of pavement and the front of each building shall be 25 feet. There will be a minimum of 40 feet setback for all rear yards to perimeter property lines.

LIGHTING

Street lighting shall be provided along all public and private streets.

RECREATION/OPEN SPACE

Open space areas connected by pedestrian areas will be provided for residents' use.

DENSITY

The development parcel has a total area of 20.15 acres. The western 3.47 acres consists of the proposed public road and the six single family parcels with a resulting density of 1.73 units per acre. The remaining 16.68 acres will consist of the condominium portion of the development with construction of private streets and 40 condominium homes with a resulting density of 2.40 units per acre. The overall development density of the Sterling Oaks West planned development will be 2.28 units per acre (46 units on 20.15 total acres)

The development project is planned in two phases. The first phase of the project involves 15.91 acres, including construction of the public road, the six residential parcels, private streets, 26 condominium units (includes two prospective future units) and the storm water basin. The first phase of the project will have a density of 2.01 units per acre. The second phase of the project involves 4.24 acres, construction of the remaining private streets and 14 condominium units. The second phase of the project will have a density of 3.30 units per acre.

The maximum allowable density for a planned development is 7 units per acre with no single phase exceeding 12 units per acre.

CONDOMINIUM MASTER DEED

The Master Deed will be similar to the document prepared for the existing "Sterling Oaks South" condominium project. Within the Master Deed, it shall be specified that all roadway and utility improvements "must be built", while the actual units (or dwellings) "need not be built". Municipal sanitary sewer, municipal water main, and the public portions of Gabardine Avenue and associated storm sewer will be maintained by the City. All other storm sewers, storm water retention areas, and private roadways are private and will be maintained by the condominium association. Within the Master Deed, a restrictive covenant shall be incorporated prohibiting a communal boat storage and/or parking area for use by the condominium owners for the parking and/or storage of boats or boat trailers.

TO: Planning Commission **DATE:** February 28, 2013

FROM: Vicki Georgeau, ^{VG} Director of Community Development

SUBJECT: Special Land Use Permit: Lakeview Animal Hospital, 8818 Portage Road.

I. INTRODUCTION:

A Special Land Use Permit application has been submitted by Lakeview Animal Hospital requesting approval to establish a veterinary hospital/clinic at 8818 Portage Road. The request will facilitate the relocation of the Lakeview Animal Hospital from its current location at 10336 Portage Road, to 8818 Portage Road. According to the applicant, the veterinary hospital/clinic use will be conducted completely within the existing building and no site improvements are proposed; however, building modifications will occur to accommodate the use. The 0.64 acre parcel is zoned B-3, general business and improved with an existing 3,750 square foot building and associated parking lot previously occupied by Movie Stars video rental store.

II. BACKGROUND INFORMATION:

The following background information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> • <u>Site</u>: The subject parcel is occupied by a 3,750 square foot building and associated 21 vehicle parking lot (previously occupied by Movie Stars) and is zoned B-3, general business. • Various commercial businesses zoned B-3 border the subject site to the north, south and east (across Portage Road) • Single family residences zoned R-1B, one family residential border the site to the west.
Comprehensive Plan	<ul style="list-style-type: none"> • Future Land Use Map component of the Comprehensive Plan identifies the subject parcel and adjacent properties to the north, south, west and east (across Portage Road) as appropriate for general business land use. The Future Land Use Map further designates Portage Road as a designated commercial corridor and a commercial revitalization area.
Access	<ul style="list-style-type: none"> • Existing full service driveway from Portage Road that is also shared with adjacent commercial property to the north. No new driveways are proposed with the veterinary hospital/clinic use. • Portage Road is designated as a 4-5 lane minor arterial with approximately 22,307 vehicles per day (2010); capacity of 34,400 vehicles per day (level of service "D").
Environmental Issues	<ul style="list-style-type: none"> • Review of the Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) at the subject site.
Historic District/Structure	<ul style="list-style-type: none"> • The subject site is not located within a historic district and does not contain any historic structures.
Land Development Regulations	<ul style="list-style-type: none"> • The application has been submitted under Section 42-262.C.3, <i>Special Land Use</i> in the B-3 zoning district: "<i>Veterinary hospitals or clinics</i>" subject to conditions. • Section 42-462, <i>General Standards for Review of Special Land Uses</i>, sets forth additional criteria for evaluating a special land use and allows conditions to be established.

On February 11, 2013, the Zoning Board of Appeals (ZBA) granted Lakeview Animal Hospital a variance to allow operation of a veterinary hospital at 8818 Portage Road where adjacent to property zoned R-1B, one family residential subject to the following conditions: 1) A six-foot privacy fence along the west property line be maintained to protect adjacent residential properties; 2) No outdoor kennels or runs are provided on site; 3) The hospital/clinic be limited to the treatment of small animals (i.e. domesticated pets); and 4) No animal crematory facilities shall be provided on site. While the 1990 site plan attached to this report identifies a 4-foot fence and 2-foot berm along the west property line, staff did confirm the existing fence is 6-feet tall. A copy of the draft February 11, 2013 ZBA minutes are attached for Commission reference.

III. ANALYSIS:

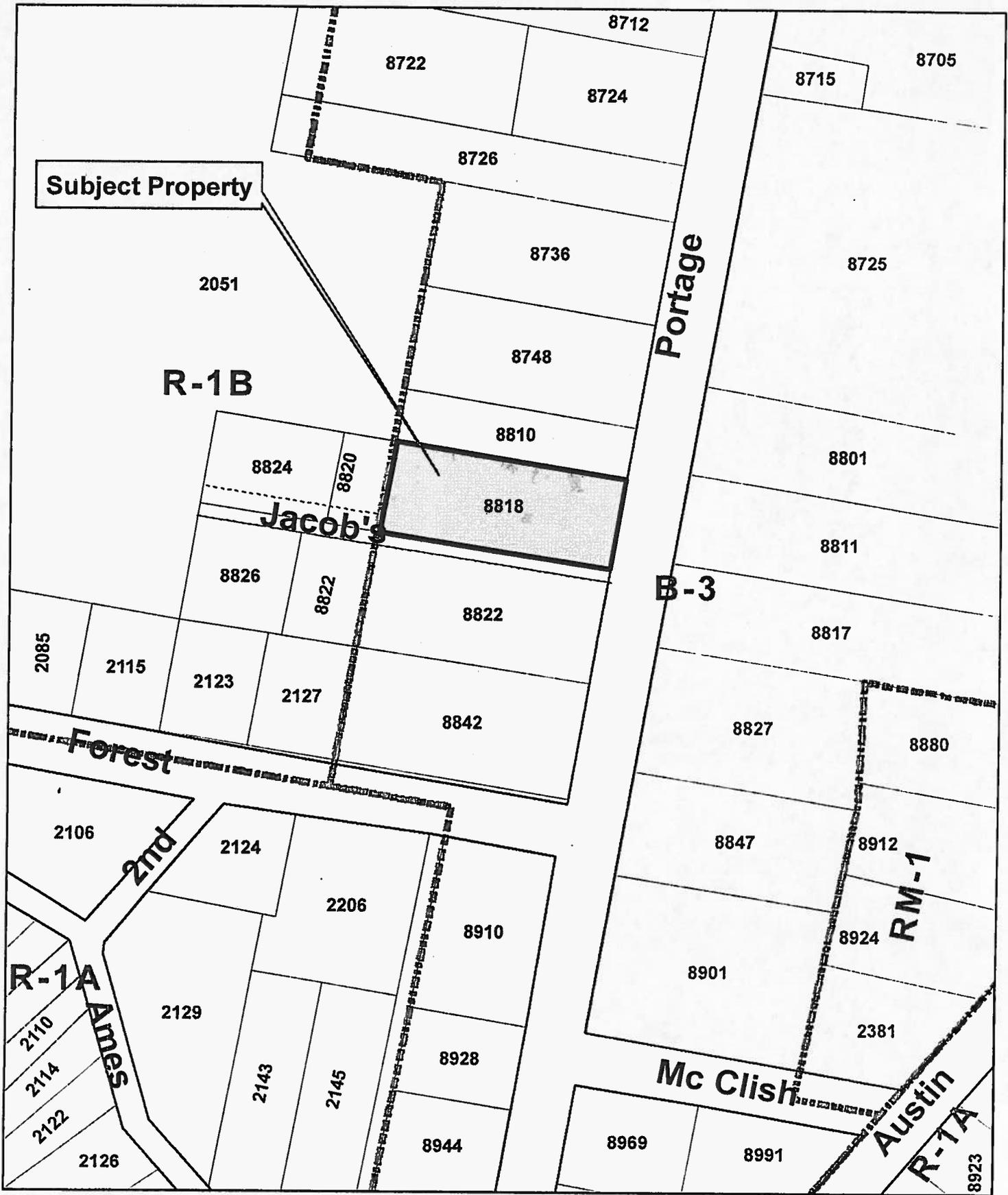
Subsequent to the Zoning Board of Appeals approval of the variance, the proposal to establish a veterinary hospital/clinic at 8818 Portage Road is consistent with the standards of review and fulfills the requirements for issuance of a Special Land Use Permit. Consistent with the ZBA variance approval and ordinance requirements, all activities associated with veterinary hospital/clinic will be conducted in the totally enclosed main building. No outdoor kennels/runs will be installed and the existing six-foot privacy fence along the west property line will be maintained with the veterinary hospital/clinic use. Additional conditions imposed through the ZBA variance approval will also help ensure the veterinary hospital/clinic use will be compatible with the adjacent single-family residential land uses to the west.

Per statutory requirements, residents/property owners within 300 feet of the zoning lot have been notified in writing of the special land use permit application and Planning Commission meeting. A notice was also published in the local newspaper.

IV. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Special Land Use Permit for Lakeview Animal Hospital, 8818 Portage Road, be approved.

Attachments: Vicinity/Zoning Map
Aerial Photograph
Special Land Use Permit Application and Supporting Letter
Site Plan/Building Elevations and Floor Plan
February 11, 2013 Zoning Board of Appeals draft meeting minutes



SPECIAL LAND USE PERMIT

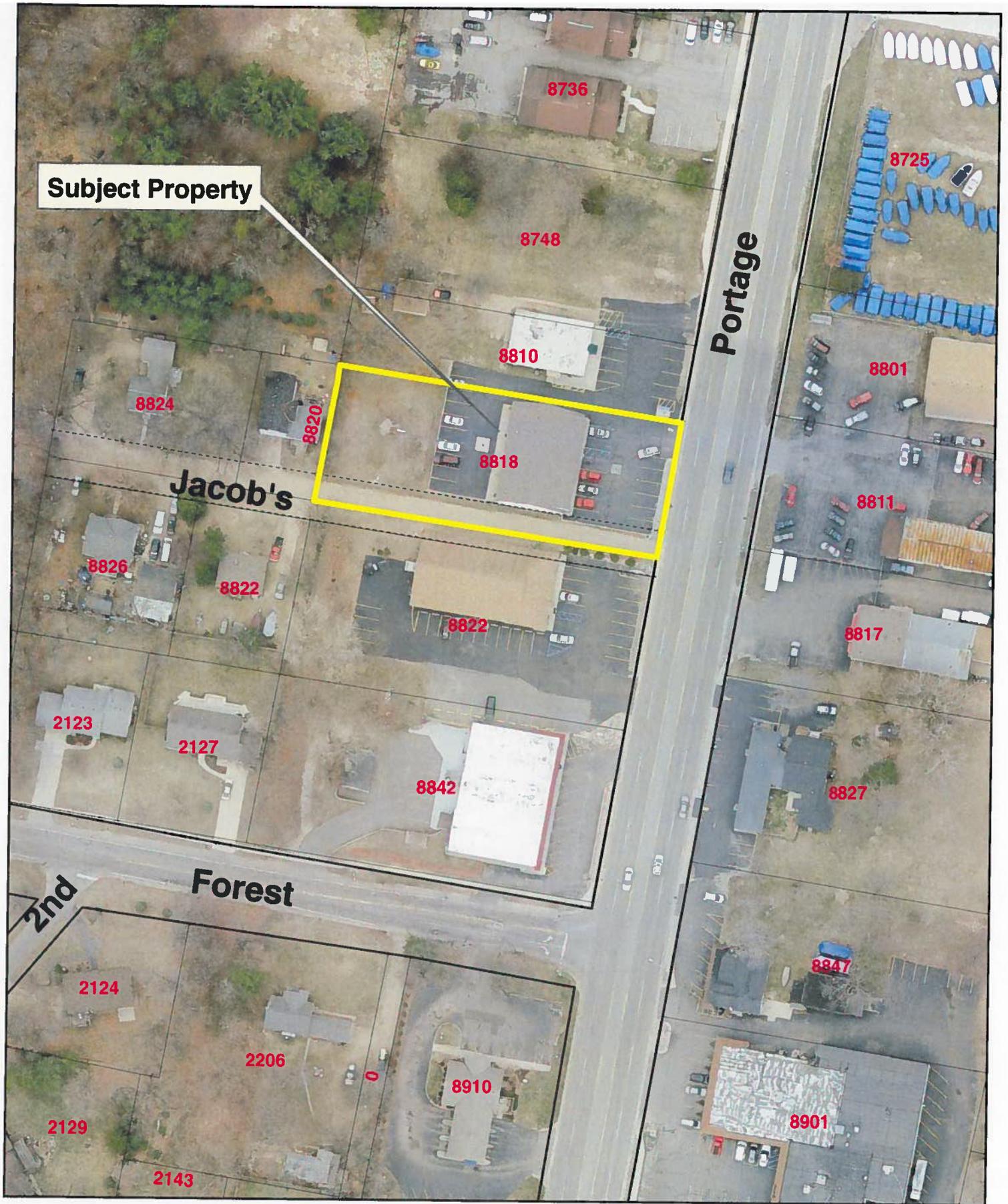
8818 Portage Road



1 inch = 150 feet

Legend

-  Subject Properties
-  Zoning Boundary



Subject Property

SPECIAL LAND USE PERMIT
8818 Portage Road



1 inch = 97 feet

APPLICANT INFORMATION

Name <i>Darrell Groat House</i>		Telephone Number <i>269-330-5301</i>	
Address <i>2574 Portside</i>	City <i>Portage</i>	State <i>Mi</i>	Zip code <i>49002</i>

OWNER INFORMATION (if different)

Name <i>Charles J. Minor</i>		Telephone Number <i>1-269-3754054</i>	
Address <i>8643 S. 6th</i>	City <i>Kalamazoo</i>	State <i>MI</i>	Zip code <i>49009</i>

PROPERTY INFORMATION

Address of property <i>8818 Portage Rd</i>	Zoning District	Land Area (acres)
Legal Description (or attach separate page)		

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FEB 07 2013
COMMUNITY DEVELOPMENT

PROPOSED USE

Description of proposed Special Land Use (attach additional page(s), if necessary)

Renovation / remodel into a veterinary clinic

OWNER CERTIFICATION

I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true and accurate. I further acknowledge that approval of this Special Land Use Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.

Signature: *Charles J. Minor* Date: *1-29-13*

Darrell Groat *1-28-12*

To the Portage Planning Commission

I am hoping to purchase the property at 8818 Portage Rd, the former Movie Stars building and renovate it to become the new home of Lakeview Animal Hospital. The business would be enclosed within the building the remodeling would consist of the building of rooms for examination, treatment, surgery and hospitalization of small animal patients. There may be some change to the facade to render the appearance more welcoming than it's current retail appearance. The renovations and existing business would enhance the business atmosphere on Portage road and rid the city of one vacancy in their business district.

Sincerely

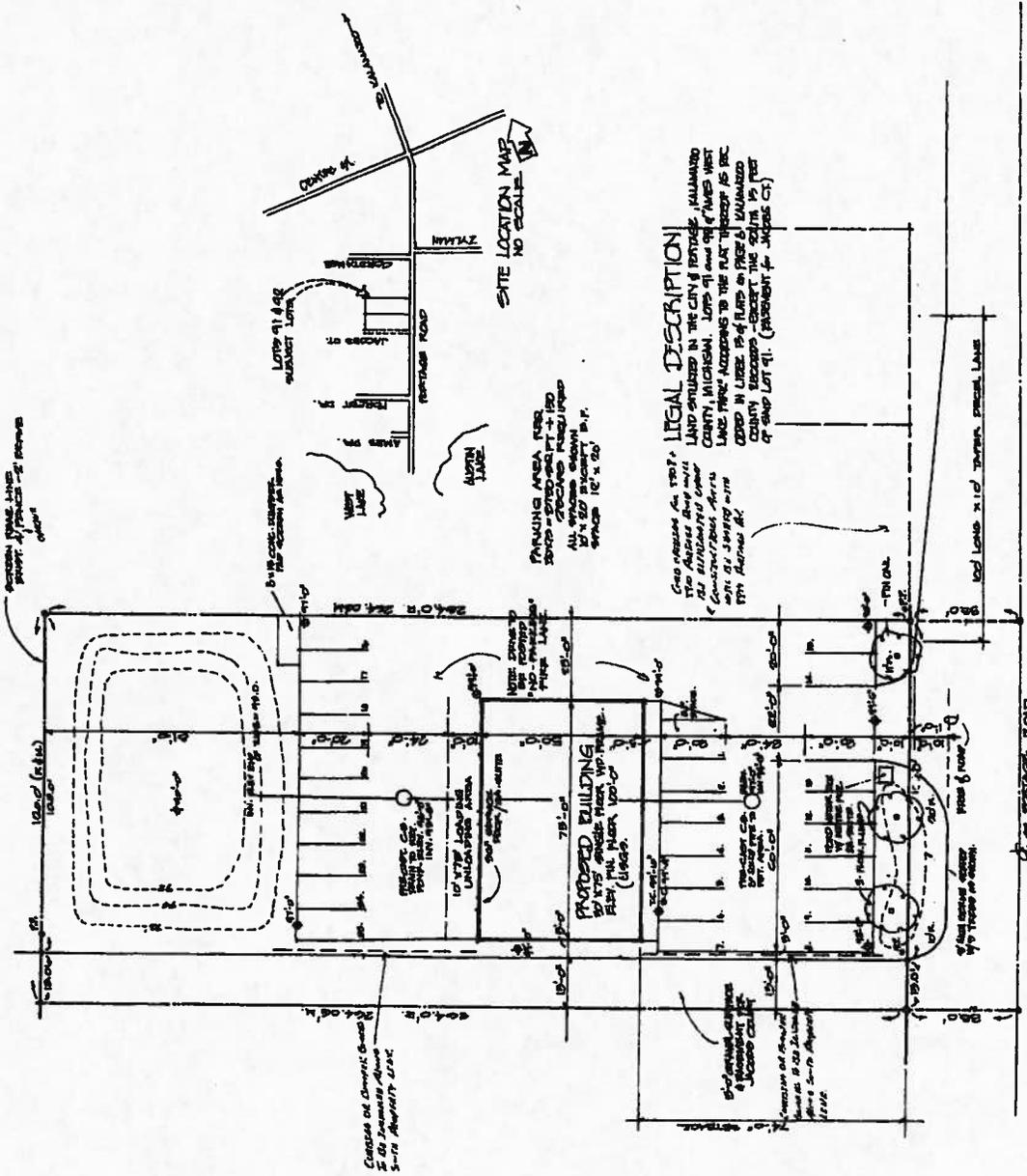
Darrell Greathouse, DVM

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FEB 07 2013
COMMUNITY DEVELOPMENT

Prepared by
JIM EDDES
PLANNING & SURVEYING
1100 S. W. 10th St.
MIAMI, FL 33135
305-358-0000

COMMERCIAL BUILDING & GRANT ELDRED
6614 PORTAGE ROAD - PORTAGE, MI. 49782

APPROVED
CITY PLANNING
COMMISSION
PLANNING COMMISSION
DATE: 1/22/13
BY: [Signature]

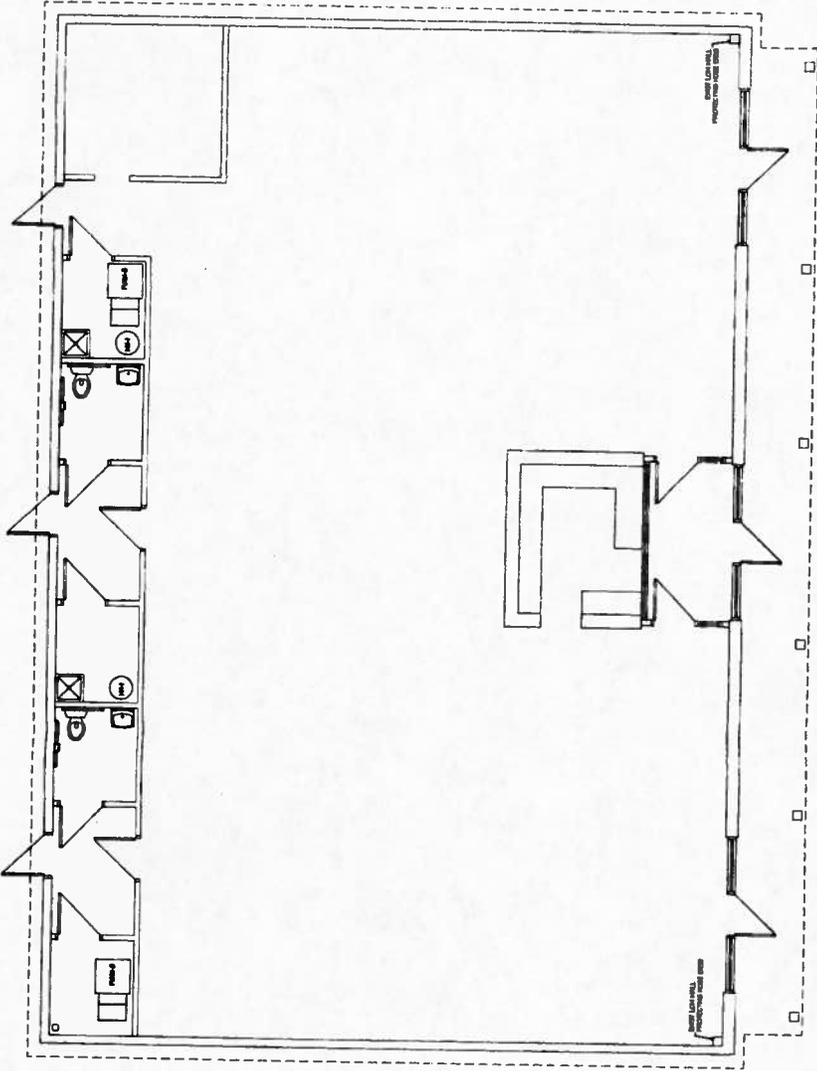
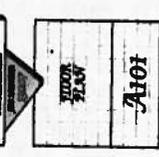


EXISTING
BUILDING
FOOTPRINT
ACCUMULATED PERMITS FROM
1980-1985

RECEIVED
FEB 07 2013
COMMUNITY DEVELOPMENT

Lakeview Animal Hospital
884 Bortage Road
Portage, Michigan

REMAINER
NOT FOR
CONSTRUCTION
2/4/13



FLOOR PLAN
SCALE 1/8" = 1'-0"

RECEIVED

FEB 07 2013

COMMUNITY DEVELOPMENT

Lakeview Animal Hospital

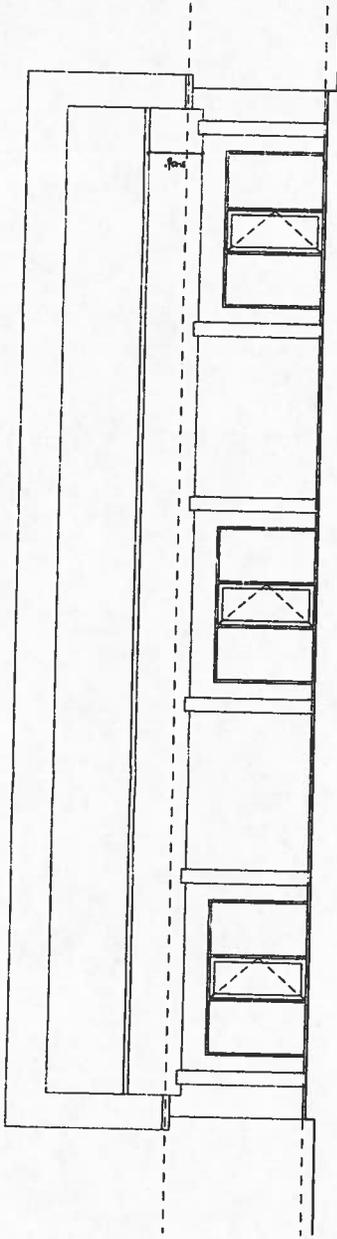
8814 Portage Road
Portage, Michigan

PRELIMINARY
NOT FOR
CONSTRUCTION
2/4/13

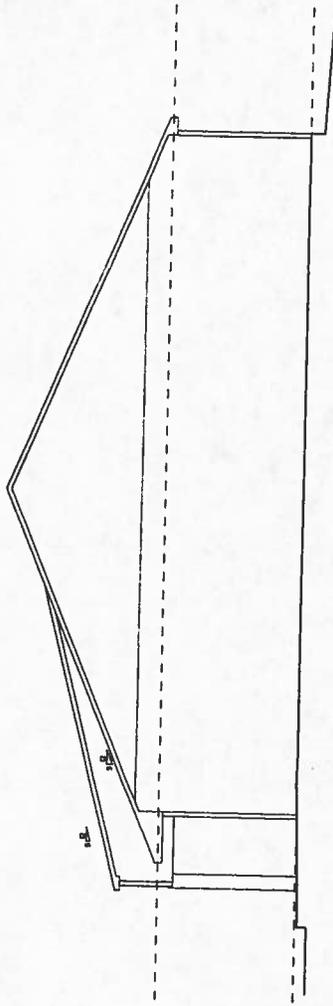


EXTERIOR
ELEVATIONS
A201

1:8/20/13 1:02/24



EAST ELEVATION
SCALE 1/4" = 1'-0"



NORTH ELEVATION
SCALE 1/4" = 1'-0"

Lakeview Animal Hospital

8814 Portage Road
Portage, Michigan

PRELIMINARY
NOT FOR
CONSTRUCTION
2/4/13

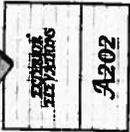
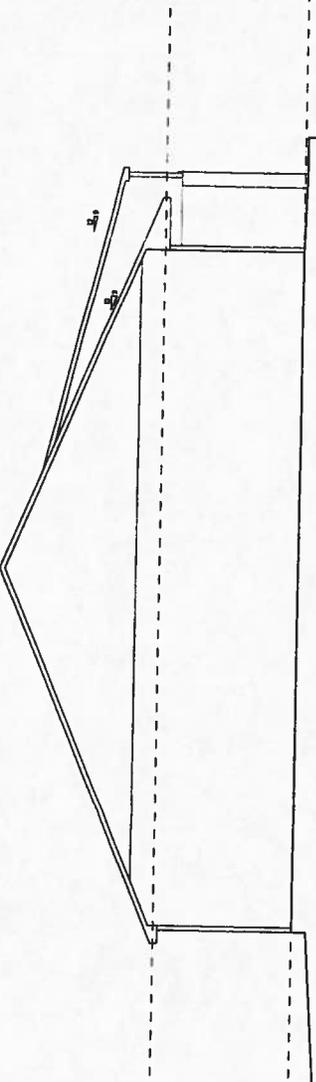


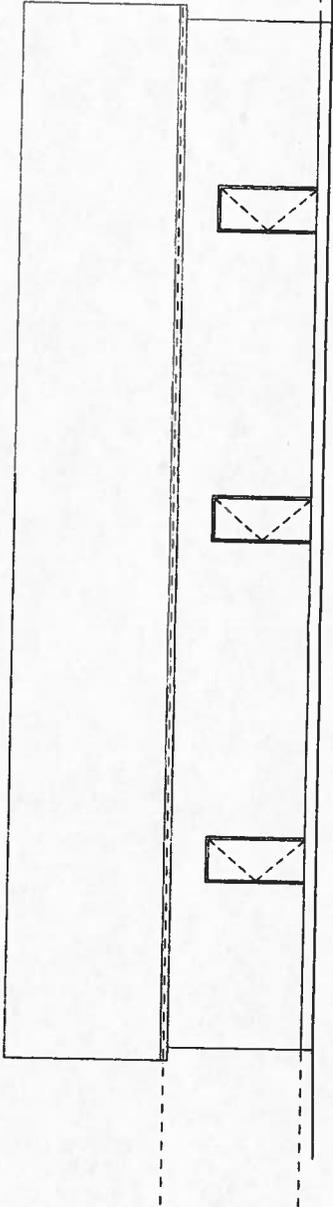
EXHIBIT
127/221010

A202

1/27/2012 2:07:49 PM



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

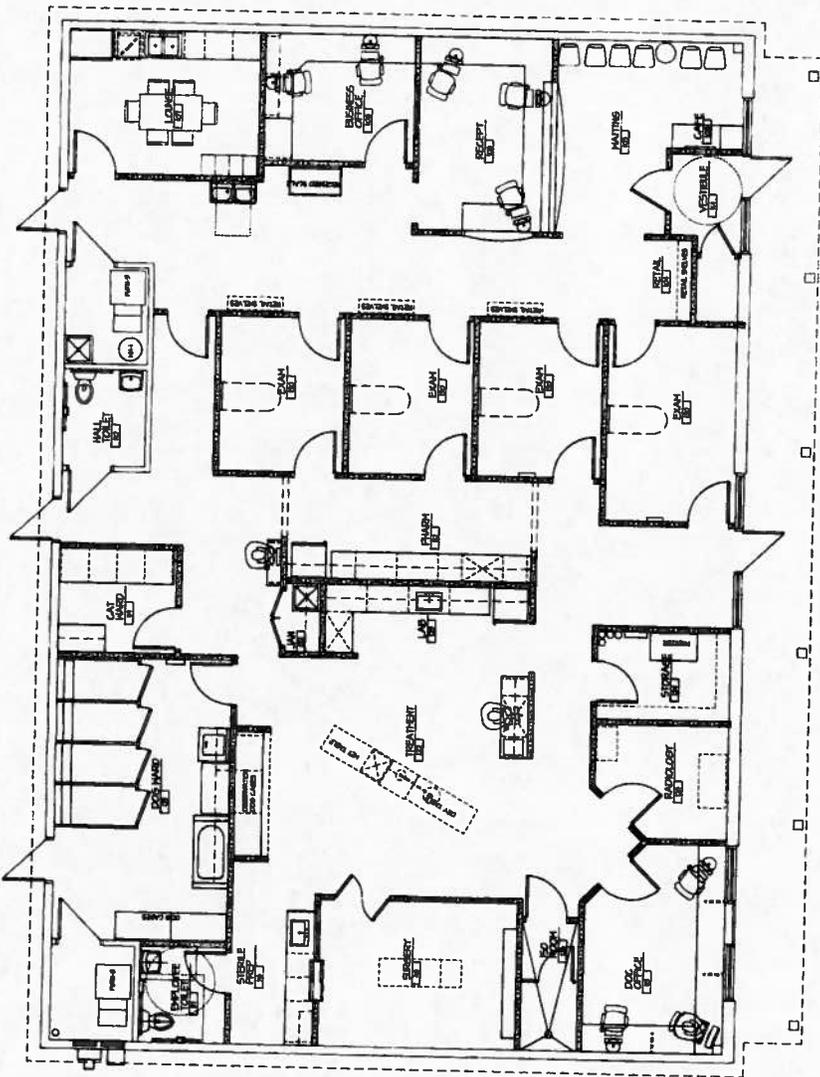
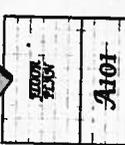


NORTH ELEVATION
SCALE: 1/8" = 1'-0"

Lakeview Animal Hospital

8814 Portage Road
Portage, Michigan

REMAINING
NOT FOR
CONSTRUCTION
8/4/13



FLOOR PLAN
MAY 1974

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extraordinary circumstances applying to the property that do not apply generally to other properties in the same zoning district; the variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as erecting a 300 square-foot sign; the variance would be detrimental to adjacent property and the surrounding neighborhood, and; the variance would materially impair the intent and purpose of the zoning ordinance. Upon roll call vote: Bunch-Yes, Smith-Yes, Schimmel-Yes, Singer-Yes Linenger-Yes, Rhodus-Yes, Seyburn-Yes. Motion passed 7-0.

ZBA #12-21, 6123 South Westnedge Avenue: Mais summarized the request for a variance to replace the sign panels on a nonconforming freestanding sign. James Mikrut of Icon Sign Company was present to answer any questions.

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

A motion was made by Singer, seconded by Schimmel to grant a variance to replace the sign panels on a nonconforming freestanding sign, with the condition that future sign panel replacements may be approved by the city administration, provided no structural changes to the sign are proposed and a sign permit is obtained. There are exceptional circumstances or extraordinary circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include: the small, shallow lot, building setback, location of existing nonconforming sign and landscaping. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify a business; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Smith-Yes, Schimmel-Yes, Singer-Yes Linenger-Yes, Rhodus-Yes, Robbe-Yes. Motion passed 7-0.

ZBA #12-22, 8818 Portage Road: Mais summarized the request for a variance to allow operation of a veterinary hospital adjacent to property zoned R-1B, One Family Residential. Mais stated the request was identical to the variance the Board granted a year ago (ZBA 11-14) but that the variance had expired. Mr. Greathouse stated he agreed with staff's recommendations. Smith noted staff recommended no outdoor kennels. Mr. Greathouse stated he did not intend to have any. Smith inquired if there would be any prospect of the animals creating a disturbance for neighbors. Mr. Greathouse stated most of the animals that would be sick enough to have to stay overnight at his current clinic (10336 Portage Road) are referred to a 24 hour animal hospital, and intends to continue to do so as he does not have overnight staff. Seyburn inquired if there had been any noise complaints at 10336 Portage Road. Mais stated no. Rhodus inquired if a six-foot fence was required at both the edge of the parking lot and the property line. Mais replied just along the property line.

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

A motion was made by Bunch, seconded by Smith, to grant a variance to allow operation of a veterinary hospital adjacent to property zoned R-1B, One Family Residential with the following conditions: 1) a six-foot privacy fence along the west property line be maintained to protect adjacent residential properties; 2) no outdoor kennels or runs are provided on site; 3) the hospital/clinic be limited to the treatment of small animals (i.e. domesticated pets); and 4) no animal crematory facilities shall be provided on site. There are exceptional circumstances or extraordinary circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include: the operational characteristics of the proposed small-scale veterinary hospital/clinic, and location of existing building from adjacent residential dwelling. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to operate a veterinary clinic; the immediate practical difficulty causing the need for the variance request 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

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the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Smith-Yes, Schimmel-Yes, Singer-Yes Linenger-Yes, Rhodus-Yes, Robbe-Yes. Motion passed 7-0.

OTHER BUSINESS:

Seyburn noted Linenger and Schimmel's terms expired this month and thanked them for their years of service on the Board.

STATEMENT OF CITIZENS:

Henry Kerr, 3111 Fleetwood, stated he and other residents in his neighborhood are concerned about the negative impacts the proposed EMD billboard on the school-owned property at Angling Road Elementary will have on the neighborhood. Mr. Kerr said he understands the Board did not have authority on this issue but wanted to take the opportunity to urge city staff to do what it could to stop what already appeared to be a 'done deal' and was concerned that other billboards will be erected on school property at other locations. Seyburn stated he believed there is case law available which would support the city in trying to prevent the sign and urged staff to consult with the city attorney.

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 8:03 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 12, 2013

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

At the request of Mayor Pro Tem Reid, Pastor Aaron Johnson of the Kalamazoo Valley Family Church gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The Deputy City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, and Mayor Pro Tem Claudette S. Reid. Mayor Peter J. Strazdas was absent with notice. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and Deputy City Clerk Adam Herringa.

PROCLAMATION: City Council issued a 50th Anniversary Year of the City of Portage Proclamation. Mr. Paul Troost, on behalf of U.S. Senator Carl Levin, read a statement that was entered into the Congressional Record recognizing the 50th Anniversary of the City of Portage. Mr. Troost also presented a Certificate of Recognition regarding the 50th Anniversary on behalf of U.S. Senator Debbie Stabenow. State Representative Margaret O'Brien presented a copy of the Congressional Record recognizing the 50th Anniversary of the City of Portage on behalf of U.S. Congressman Fred Upton. State Representative O'Brien and State Senator Schuitmaker presented a Special Tribute recognizing the 50th Anniversary of the City of Portage. The Special Tribute was signed by State Representative O'Brien, State Senator Schuitmaker and Governor Snyder.

APPROVAL OF MINUTES: Motion by Urban, seconded by Campbell, to approve the January 22, 2013 Regular Meeting Minutes as presented. Upon a roll call vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Reid asked Councilmember Pearson to read the Consent Agenda. Councilmember Pearson asked that item F.1, Donation Box Ordinance Amendment, be removed from the Consent Agenda. Councilmember Randall asked that item F.4, Board of Review – Information Only, be removed from the Consent Agenda. Motion by Pearson, seconded by Urban, to approve the Consent Agenda motions as read. Upon a voice vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 12, 2013:** Motion by Pearson, seconded by Urban, to approve the Accounts Payable Register of February 12, 2013. Upon a voice vote, motion carried 6 to 0.

PUBLIC HEARINGS:

STRYKER CORPORATION, PA 198 TAX ABATEMENT: Mayor Pro Tem Reid asked City Manager Evans to review the requested abatement. Mr. Evans recognized the representatives from Stryker and Southwest Michigan First present in the audience. He then provided an overview of the project and the requested abatement. Carole Mendez spoke on behalf of Stryker and provided a status update of the project and expressed appreciation for being able to continue to invest in the community.

Mayor Pro Tem Reid opened the public hearing. There being no comments, motion by Campbell, seconded by Urban to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Sackley, seconded by Campbell, to adopt Resolution No. 4-13, approving the Industrial Facilities Exemption Certificate for Stryker Corporation, Instruments Division, at 4100 East Milham Avenue for six years on the real property and three years on the personal property in the total amount of \$5.64 million; and approve the tax abatement agreement and affidavit between the City of Portage and Stryker Corporation, Instruments Division. Councilmember Sackley and Mayor Pro Tem Reid expressed support for the project and the importance of such investment in the community. Upon a

roll call vote, motion carried 6 to 0. Resolution recorded on page 493 of City of Portage Resolution Book No. 44.

REPORTS FROM THE ADMINISTRATION:

DONATION BOX ORDINANCE AMENDMENT: Councilmember Pearson reviewed the rationale behind the ordinance amendment and highlighted specific provisions contained therein. Councilmember Sackley requested that consideration be given to modifying the proposed ordinance by changing the name "Donation Box" to "Collection Box." He then stated that he would like to see a provision added which would prohibit advertising on the boxes. Councilmember Pearson inquired if these changes would need to return to the Planning Commission for consideration. City Attorney Brown opined that these changes would not necessitate a return to Planning Commission and recommended that these changes be made at the public hearing on March 12th. Councilmember Sackley stated that he would like to see a provision to specifically address advertising in order to avoid any interpretation that such advertising is permitted. Discussion followed. Attorney Brown said that he would go ahead with making the changes provided there was a consensus among City Council. Mayor Pro Tem Reid stated that, hearing no dissent, she believed there was consensus and asked Attorney Brown to proceed accordingly.

Councilmember Urban inquired if the proposed fees associated with the ordinance amendment recover the actual cost of the program and opined that the entire cost to the City should be covered by the fees. Councilmember Urban then expressed concern with the "Revocation of permit, removal of donation boxes and liability" provision. He highlighted the section regarding the costs of removal of a box and that those costs would be born by the property owner. He stated that his concern is that a property owner may have difficulty getting an owner of a box to actually remove it and still be held responsible. Councilmember Urban then asked about why a differentiation cannot be made between for-profit and not-for-profit boxes. Attorney Brown provided three reasons. The first, he said, is that the boxes look the same regardless of owner and raise an issue of equal treatment. Second, he said there are some elements related to zoning, and a zoning type ordinance does not differentiate between not-for-profit and for-profit. The final reason provided was that to make such a differentiation would require additional staff resources to determine whether the organization is for profit or not.

Councilmember Sackley asked if a middle-ground could be found to address the issue of liability of the property owner and offered some suggestions. Discussion followed.

Motion by Pearson, seconded by Campbell, to accept the Donation Box Ordinance Amendment for first reading and set a public hearing for March 12, 2013 at 7:30 p.m. or as soon thereafter as may be heard; and, subsequent to the public hearing, consider approving the Donation Box Ordinance Amendment as recommended by the Planning Commission and City Administration. Upon a roll call vote, motion carried 6 to 0.

* **DEVELOPMENT PROJECT AGREEMENT FOR WESTFIELD PARK**

RENOVATIONS: Motion by Pearson, seconded by Urban, to resolve to accept the Development Project Agreement from the Michigan Department of Natural Resources for Westfield Park playground renovations and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a voice vote, motion carried 6 to 0. Resolution recorded on page 497 of City of Portage Resolution Book No. 44.

NEGOTIATING DISTRICT COURT CONSOLIDATION AGREEMENT: City Manager Evans reviewed the status of the efforts related to the court consolidation and highlighted a letter from County Administrator Battani, a meeting with Judge Santoni, Judge Bridenstine and other County officials and an additional meeting with Mr. Battani and County Legal Counsel, Thom Canny. Mr. Evans informed City Council that the court would be moving out of the facility on March 1st and would cease all operations by June 1st. Mr. Evans then highlighted the fiscal impact of the court closing

and that there is still some uncertainty in this regard. Mr. Evans then stated that he would like to continue discussions with the County Administrator and would seek guidance from City Council once positions and options are defined. Following a question from Mayor Pro Tem Reid, Mr. Evans assured City Council that he would be coming back with a report.

Councilmember Urban questioned whether the \$40,500 would no longer be paid to the City because the Agreement will not be going away. He also stated that, until recently, it was understood that the Agreement meant that the court would remain in perpetuity. Councilmember Urban stated that if the Agreement remains in force, the City would be entitled to receive the rent. City Manager Evans agreed with the assessment of Councilmember Urban but stated that negotiations need to continue with County officials.

City Attorney Brown emphasized that his office would support City Administration in negotiations and that it would be best if the City Manager could report back to City Council.

Councilmember Campbell confirmed with the City Manager that the Agreement was in perpetuity, the Court is closing February 28th and the negotiations are to address financial obligations from March onward.

Councilmember Pearson reviewed the history of the Court in Portage. He stated that the City has a lease and the Court is the tenant and continued by pointing out that while the Court may realize a savings, the City stands to take a financial hit. Mr. Pearson concluded by stating that City Council needs to see what the City Manager comes back with following additional negotiations and that, just because negotiations are authorized, does not mean City Council supports breaking the lease.

Motion by Urban, seconded by Sackley, to authorize the City Manager to proceed in negotiating modification terms to the District Court Consolidation Agreement with Kalamazoo County. Upon a roll call vote, motion carried 6 to 0.

BOARD OF REVIEW INFORMATION: Councilmember Randall stated that the Communication on the agenda proves the City is still not meeting the needs of the taxpayer. Councilmember Randall then highlighted areas that she felt the City was doing right and areas where the City is falling short. In particular, she focused on the plan to have legal counsel attend Board of Review sessions and stated that such a presence would be intimidating for a citizen, irregular as compared with other cities, detrimental to the process, and an unnecessary expense at a cost of approximately \$18,000. She then reviewed and summarized the planned "recap and debriefing" outlined in the Communication and that she believed this to be a conflict of interest for Assessing Office staff and provided the reasons why. Councilmember Randall then emphasized the need and value of the Board of Review process.

City Manager Evans responded and stated that the independent legal counsel and recap/debriefing was a result of the direction given by City Council at the January 8th City Council Meeting. He then reviewed the rationale for the planned recap and emphasized it was not meant to intimidate anyone but as a way to identify what was done right and what was done wrong. Mr. Evans continued by stating that an attorney at the Board of Review sessions would serve as a "referee" to identify state guidelines.

Councilmember Pearson said that what has been planned is different than he envisioned, in particular the cost; and, that it will be daunting to have three Board of Review members serving as a type of jury, a representative of the Assessor's Office serving as secretary and an attorney which has been hired by the City to be in the room. He then emphasized the perception associated with having hired legal counsel in the room and suggested that Board of Review members be given access to hired legal counsel when needed.

City Manager Evans provided the rationale for the recommendation and stated that the goal is consistency and continuity between the two boards and would appreciate the direction of City Council on this topic.

Councilmember Campbell stated that some of the problems experienced last year were a result of board composition and expressed her belief that the composition of the boards this year is more balanced and will help promote consistency and continuity. With regard to an attorney being present,

she stated her belief that this would be stifling for a resident and could cause discomfort for Board of Review members. She concluded by stating that she would like to see how the Board of Review does this year.

Councilmember Urban stated that he respectfully disagreed with his colleagues and that the reason to have an attorney present is to put Board of Review members under the microscope. He continued by stating that the attorney is needed to ensure the law is followed. Councilmember Urban then expressed concern that a Board of Review member missed the training on legal issues involved in the Board of Review and questioned whether or not the legal training should be mandatory.

Councilmember Sackley stated that he had a conversation with a member of the Board of Review and that the member expressed support for having additional resources present. Mr. Sackley expressed support for the implementation of the compliance checklist and reviewed the value of having an attorney present. He emphasized that this is a legal process and that attorneys can get involved. He stated that this may not be something done indefinitely and reviewed the steps that have been made to improve and enhance the Board of Review process over the past few years.

Councilmember Randall agreed that resources should be made available but do not have to be on site. She reviewed when decisions are reached by the Board of Review and there are ample opportunities for legal counsel to review a case. Councilmember Randall then reviewed practices of other municipalities and the multiple legal resources available. She then questioned where the support for the citizen comes into play and spoke of her personal experience in going through the Board of Review process. She concluded by stating that the Board of Review process cannot be undermined.

Mayor Pro Tem Reid shared that she is supportive of the increased training and of having legal counsel present at the Board of Review. She continued by stating that she believes attorneys do not have to be intimidating and that an attorney would be able to help give direction when needed. She stated that the discrepancies that have been experienced in past Boards of Review are problematic and need to be addressed. She emphasized that the rules surrounding the Board of Review process come from the State of Michigan and legal counsel can help everyone understand the process.

Councilmember Campbell reiterated her belief that having legal counsel available if needed can accomplish the goal.

Councilmember Urban stated that one of the reasons for the attorney present is to prevent the errors that have been occurring. He reiterated his support for the measures outlined in the Communication from the City Manager. Moved by Urban, seconded by Sackley, to receive the communication from the City Manager regarding the 2013 Board of Review as information only. Motion by Randall, seconded by Pearson to amend the motion "to accept the Communication from the City Manager adopting both the additional training for the Board of Review, the compliance checklist, but not hiring outside legal counsel to oversee the Board of Review on a day-to-day basis but on a call as-needed basis." Discussion followed on the proposed amended motion. Upon a roll call vote, motion to amend the original motion failed 3 to 3. Discussion followed on the original motion.

City Manager Evans interjected and emphasized that this is the City Council's Board of Review and that City Council came up with ideas to address problems with the Board of Review. He continued by stating that he believes with the training, and perhaps legal counsel, the Board of Review will get back on track. He recommended that City Council get together and review this topic at a meeting and that he would prefer not to have City Council split 3 to 3 on this matter. Councilmember Urban withdrew his motion, Councilmember Sackley consented to the withdrawal and asked City Administration to consult Board of Review members to obtain their thoughts. Motion by Sackley, seconded by Pearson, to table any action on the Communication from the City Manager regarding the 2013 Board of Review. Upon a roll call vote, motion carried 6 to 0.

PORTAGE PUBLIC SCHOOLS BILLBOARD PROPOSAL: Mayor Pro Tem Reid asked City Manager Evans to provide an overview. Mr. Evans highlighted various aspects of the Portage Public Schools (PPS) billboard proposal. He also indicated that there are legal arguments that can be made both in support and against the zoning code as it pertains to the proposal but that he would not be

making any legal arguments at the meeting tonight. He emphasized that the City does have an ordinance governing non-accessory signs in one-family residential areas and that such signs as those proposed would be prohibited. Mr. Evans emphasized that the Michigan Department of Transportation (MDOT) has jurisdiction over freeway signs and the signs are subject to the Highway Advertising Act. He continued by saying that he believes these proposed signs would be in violation of this Act.

Mayor Pro Tem Reid read a written statement from Mayor Strazdas in which the Mayor thanked citizens for their interest in the issue, stated that he believes in public dialogue before action by a governing body, that the proposed signs do not meet City zoning requirements and that his opinion is that all properties should be treated fairly and equitably and, as such, the sign ordinance should be followed by all.

State Senator Tonya Schuitmaker and State Representative O'Brien rose to speak on the issue. State Senator Schuitmaker informed the audience that she has been in contact with MDOT about the issue and that a written response to her inquiries had been received. She then read the response. Based on the information provided in the MDOT response, Senator Schuitmaker stated that it is her understanding that MDOT would not grant approval of the billboards.

Mr. Mike Spray, 3517 Wedgewood Drive, spoke in opposition to any of the proposed billboards and highlighted his concern with the light that would be emitted from such billboards.

Mr. Mike Kenny, 3765 Fleetwood Drive, thanked the City Manager for his report. He then stated that he believed the State Superintendent of Schools should focus on educating children and not on commercial enterprise. He inquired how the Agreement between PPS and the City regarding billboards came to be. City Manager Evans responded that the proposed agreement is no longer on the table and that discussions had ceased.

Ms. Teri Novaria, 3489 Whistling Lane, inquired specifically how the proposed Agreement between PPS and the City came about. City Manager Evans stated that, at the time of discussions, the City was trying to protect local streets from having billboards erected while understanding that MDOT would come into play and had authority with the Highway Advertising Act.

Councilmember Pearson corrected some information shared at a recent meeting of the Portage School Board regarding a discussion that occurred on September 21st between City Administration and PPS. He stated that the Portage City Council was not involved in those discussions and had, in fact, only recently been in position to provide the City Manager with feedback.

Councilmember Sackley spoke at length on the topic and stated that he appreciates that the number of proposed billboards has been dwindling but that the correct number is zero. He then expressed his disappointment that the matter has escalated to its current status and that he is hopeful that this matter can be put behind the community. He stated that he hopes the matter won't involve the legal system but that the City has a Code of Ordinances much of which is designed to deal with quality of life issues. He stated that this Code of Ordinances has served the City and its residents well for many years. He then expressed sympathy for the schools and their financial circumstances and asked the community to support the School Board members. He concluded by stating that the Zoning Code of Ordinances must stand for something and that it should apply to everyone fairly and equitably.

Councilmember Urban supported the comments of Councilmember Sackley and expressed a wish that this had happened differently and that the schools would have approached the City much earlier. Had this happened, he stated, perhaps a compromise could have been reached that would not have violated so many facets of the Code of Ordinances. He next pointed out that he learned, based on the information shared by State Senator Schuitmaker, that any part of the National Highway System is subject to the Highway Advertising Act and subsequently reviewed a multitude of streets in Portage that are part of the National Highway System.

Councilmember Pearson stated that when he first read about the matter, he did not think it was a good idea and thanked the community for raising their voices to the School Board and City Council. He concluded that he was pleased with the discussion and with where the matter seems to be headed.

Motion by Sackley, seconded by Randall, to receive the communication from the City Manager regarding the Portage Public Schools billboard proposal as information only. Upon a voice vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

* **ZONING BOARD OF APPEALS APPOINTMENTS:** Motion by Pearson, seconded by Urban, to appoint D. Glenn Smith (current Alternate) and Michael Robbe (current Alternate) to terms ending February 28, 2016, and appoint Robert Soltis as Alternate with unfulfilled term ending February 28, 2014 and James White as Alternate with unfulfilled term ending February 28, 2015, to the Zoning Board of Appeals. Upon a voice vote, motion carried 6 to 0.

BOARD OF REVIEW APPOINTMENTS: Mayor Pro Tem Reid stated that six members have been appointed to the Board of Review but that City Council must appoint three members to one board and three to another. She also stated that the goal of the appointments is to have two boards that are as balanced as possible.

Councilmember Pearson suggested appointments that he believes would help to balance the experience of each of the boards.

Councilmember Urban inquired if it was still appropriate to appoint Bill Fries as he missed the legal training. Councilmember Urban continued by stating that this training is very important and expressed his concern that a member of the Board of Review missed it.

Mayor Pro Tem Reid inquired if this training can yet be obtained and City Manager Evans stated that an inquiry would be made of the State Tax Commission.

Councilmember Sackley shared the concerns of Councilmember Urban but stated that Mr. Fries would be placed on the Board with the most experienced Board of Review member and that, depending on future discussions, legal counsel might be available. Councilmember Sackley expressed support for seeking additional training depending on training availability and the availability of Mr. Fries.

Councilmember Pearson stated his support for those who volunteer their time to serve on the Board of Review. He continued by stating that requiring training for Board of Review members would be a new requirement which was added after the appointments were made. Councilmember Pearson concluded by stating that Mr. Fries is a well-meaning citizen who is willing to serve and thanked him accordingly.

Motion by Pearson, seconded by Randall, to appoint Michael Simon, Bill Fries and Richard Ford to Board of Review No. 1 and Wesley Mazurek, Michael Quinn and William Brandt to Board of Review No. 2 with terms ending January 31, 2014. Upon a roll call vote, motion carried 6 to 0.

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

Portage Public Schools Board of Education Special of December 14, Regular of December 17, Organizational of January 7 and Special of January 14, 2013.

Portage Park Board of January 9, 2013.

Portage Youth Advisory Committee of January 14, 2013.

Portage Human Services Board of January 16, 2013.

AD HOC COMMITTEE REPORTS:

COMMUNICATION FROM COUNCILMEMBER CAMPBELL REGARDING ACTIVITIES AND RECOMMENDATIONS OF THE AD HOC PROPERTY COMMITTEE: Councilmember Campbell, Chair of the Property Committee, reviewed the Property Committee report.

Councilmember Campbell reviewed the status of the property 117 East Centre Avenue and that no final action is recommended at this time.

Councilmember Campbell next reviewed the property located at 10244 Portage Road, Outlot A of Norton's Subdivision. She reviewed the status of the property and stated that no action is necessary.

The third property, 732 East Centre Avenue, was reviewed and Councilmember Campbell stated that the property was offered for sale to the City, a review was conducted by various City departments and that the determination that there was no public use for the property was made. Motion by Campbell, seconded by Randall to respectfully decline the offer to purchase the property located at 732 East Centre. Mayor Pro Tem Reid inquired how the determination was made that there was no public use. Councilmember Campbell replied that a thorough review by various City departments was conducted. Discussion followed. Upon a voice vote, motion carried 6 to 0.

Councilmember Campbell stated that the Committee asked for a review of City-owned residential properties and focused on potentially buildable lots: 7200 Balfour Drive, 7138 Capri Street, and 1600 Friendly Avenue were identified. Councilmember Campbell stated that there is no proof of ownership of the property located at 1600 Friendly and that a title search is necessary prior to commencing an appraisal on that lot. Discussion followed. Motion by Campbell, seconded by Sackley, to order a title search to provide proof of ownership for 1600 Friendly Avenue and, after title search paperwork is received, obtain appraisals on 7200 Balfour Drive, 7138 Capri Street and 1600 Friendly Avenue and that, should the City not own the property, 1600 Friendly Avenue be excluded from the appraisals. Upon a roll call vote, motion carried 6 to 0.

Councilmember Campbell next stated the Property Committee is recommending that, subsequent to the appraisals, the above residential three properties be first offered to the adjacent property owners and that, after a reasonable period of time, if the adjacent property owners do not purchase, the properties will be listed on the open market. Councilmember Campbell informed City Council that the matter will be brought back to City Council following the appraisal with the recommended sale price. Councilmember Campbell emphasized that the Property Committee is looking to get these properties back on the tax rolls. Discussion followed on what might be the best use of the properties.

Councilmember Campbell then reviewed the property located at 10323 Archwood Drive and the rationale for the recommendation of the Property Committee. Discussion followed and Councilmember Campbell clarified that the purchase of the property would require the buyer to, at a minimum, have a building permit within 12 months of purchase. Motion by Campbell, seconded by Urban that City Council accept the recommendations of the Property Committee with regard to the property located at 10323 Archwood Drive. Upon a roll call vote, motion carried 5 to 0 with Councilmember Sackley abstaining.

Motion by Sackley, seconded by Urban to receive the report of the Property Committee for 117 East Centre and 10244 Portage Road, Outlot A of Norton's Subdivision. Upon a roll call vote, motion carried 6 to 0.

PRESENTATION BY COUNCILMEMBER SACKLEY REGARDING ACTIVITIES OF THE SIGN ORDINANCE COMMITTEE: Councilmember Sackley shared that the topic of signs is one that has been discussed at length over the past few years by Portage City Council and complimented Community Development Director Vicki Georgeau, City Manager Evans, the Zoning Board of Appeals and the Planning Commission for supporting the process. Councilmember Sackley then provided a detailed report on the activities of the Sign Ordinance Committee and highlighted a planned public forum which would include a comprehensive discussion on signs in the City of Portage. Councilmember Sackley then reviewed details surrounding the proposed forum such as publicity, who would be invited, how to facilitate the discussion, topics to be discussed, etc. Councilmember Pearson invited the public to come to the event and bring their ideas.

Motion by Pearson, seconded by Campbell, to receive the report by Councilmember Sackley, Chair of the Sign Ordinance Committee, regarding the committee's recent activity. Upon a voice vote, motion carried 6 to 0.

NEW BUSINESS:

PUNCH CARDS AT MILLENIUM PARK ICE RINK: Councilmember Randall introduced the topic of expired punch passes at the City ice rink. Councilmember Randall stated that the issue was raised by former State Senator Tom George and expressed a desire to have the issue of the punch passes addressed immediately and not at a later date by another committee. Councilmember Randall expressed the belief that honoring expired passes is the right thing to do and will garner goodwill from the community. Motion by Randall, seconded by Campbell, to honor all past ice rink passes to the Portage ice rink. Mayor Pro Tem Reid asked if there should be a sunset provision that would cause the card to expire. Discussion followed and City Manager Evans stated that he is supportive of asking the Park Board to review the matter.

Councilmember Sackley stated that he agrees that the expiration date is printed in extremely small font and asked if Councilmember Randall would accept a friendly amendment to her motion. Councilmember Sackley suggested the motion be amended so that expired cards are accepted through the end of this season. The Park Board would then address the matter further. Councilmember Randall and Councilmember Campbell accepted the amendment with the revised motion being "to honor all past ice rink passes to the Portage ice rink through the end of this season." Councilmember Pearson expressed support for the revised motion and asked that the Park Board look into whether expirations at the end of the year are necessary and that a recommendation from the Park Board be obtained. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

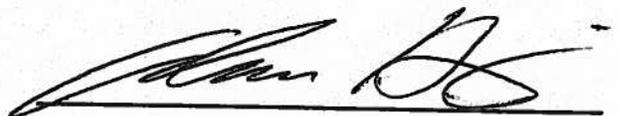
OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Campbell updated the score of the Michigan State v. Michigan basketball game. Spartans were ahead by 14 at halftime.

Councilmember Sackley discussed his appointment on the Kalamazoo County Public Art Commission and an item that was recently discussed by that body. Councilmember Sackley went on to share that the Park Board, under the previous guidance of Mike Zajac, put together a plan for a "Recycled Art in the Park" competition and that the project is coming to fruition. The Park Board, Councilmember Sackley stated, is moving along on the project and the Kalamazoo County Public Art Commission will be working to support the competition.

Mayor Pro Tem Reid shared that February is Healthy Heart Month and the American Heart Association is focused on increasing knowledge of heart disease, especially for women. She encouraged residents to think about their own health and to take steps to be heart healthy.

ADJOURNMENT: Mayor Pro Tem Reid adjourned the meeting at 10:12 p.m.



Adam Herringa, Deputy City Clerk

*Indicates items included on the Consent Agenda.