



# PLANNING COMMISSION

October 17, 2013

**CITY OF PORTAGE PLANNING COMMISSION**

**A G E N D A**

**October 17, 2013  
(7:00 p.m.)**

**Portage City Hall Council Chambers**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:**

- \* October 3, 2013

**SITE/FINAL PLANS:**

**PUBLIC HEARINGS:**

- \* 1. Special Land Use Permit: Car Zone, 8232 and 8302 Portage Road

**NEW BUSINESS:**

**OLD BUSINESS:**

- \* 1. Comprehensive Plan, Public Involvement Plan – Information Only

**STATEMENT OF CITIZENS:**

**ADJOURNMENT:**

**MATERIALS TRANSMITTED**

September 24, 2013 City Council meeting minutes

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

**DRAFT**

**PLANNING COMMISSION**

**October 3, 2013**

The City of Portage Planning Commission meeting of October 3, 2013 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seven citizens were in attendance.

**MEMBERS PRESENT:**

Dave Felicijan, Bill Patterson, Miko Dargitz, Wayne Stoffer, Betty Schimmel and Paul Welch.

**MEMBERS ABSENT:**

None.

**MEMBERS EXCUSED:**

Allan Reiff and Rick Bosch.

**IN ATTENDANCE:**

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

**PLEDGE OF ALLEGIANCE:**

Chairman Welch led the Commission in the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the September 19, 2013 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved.

**SITE/FINAL PLANS:**

1. Cronenwett Hair Salon, 1106 West Centre Avenue. Mr. West summarized the staff report dated September 27, 2013 regarding the request by Mr. Nathan Cronenwett to demolish an existing nonconforming single family residence and construct a new approximate 1,200 square foot hair salon building and associated site improvements at 1106 West Centre Avenue.

Mr. Nathan Cronenwett was present to support the site plan. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the Site Plan for Cronenwett Hair Salon, 1106 West Centre Avenue. The motion was unanimously approved 5-0.

**PUBLIC HEARINGS:**

1. Final Report: Rezoning Application #13-02, Harbors West Planned Development, 5710 Angling Road and 3730, 3734 and 3800 West Milham Avenue. Mr. Forth summarized the final staff report dated September 27, 2013 regarding the request by Harbors West, LLC to rezone an approximate 74 acre tract of land from R-1B, one family residential to PD, planned development to accommodate the Harbors West PD. Mr. Forth also discussed the proposed tentative plan for the development and the three requested modifications from the Subdivision and Land Division Regulations. Mr. Forth indicated staff was supportive of the PD rezoning and the tentative plan/narrative for the Harbors West PD.

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Tom Larabel and Scott Sanderson of Harbors West, LLC were present to support the application and explain the development project. Mr. Larabel discussed proposed lot widths and the proposed location for the 4-foot wide sidewalks and 8-foot wide paths. Mr. Larabel stated the sidewalk located in front of the lots would be maintained by the individual property owners, while the proposed paths would be owned and maintained by the association and would be plowed during the winter months. The Commission, staff, Mr. Larabel and Mr. Sanderson next discussed various aspects of the project including the number of lots proposed on a cul-de-sac street in Phase 1, Zoning Code and Fire Code differences in the number of lots/dwelling units on a cul-de-sac street, emergency vehicle access and maneuvering, project phasing and details regarding the proposed public street construction from West Milham Avenue.

The public hearing was reconvened by Chairman Welch. No citizens spoke regarding the proposed PD rezoning and tentative plan for the development project. A motion was made by Commissioner Stoffer, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved. Mr. Forth then referred the Commission to a letter received from Mary Ann Redmond (3922 West Milham Avenue) contained in the final agenda packet. The Commission and Mr. Forth discussed installation of screening between the proposed new street and Ms. Redmond's property. Mr. Forth indicated this detail could be reviewed with the final plan for Phase 1 of the development project which will include a public hearing and review/approval by the Planning Commission and City Council. After additional discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Patterson, to recommend to City Council that Rezoning Application #13-02 be approved and 5710 Angling Road and 3800, 3730 and 3734 West Milham Avenue be rezoned to PD, planned development consistent with the tentative plan, narrative and supporting materials submitted for the Harbors West PD and with approval of the three requested modifications involving: sidewalks on both sides of all streets; maximum block length; and maximum number of lots on a cul-de-sac street. The motion included a finding that the proposed PD zone and associated development plan is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern and will provide the applicant development flexibility while ensuring a unique and compatible residential community with enhanced open space areas, integrated pedestrian pathways and landscaping features. Additionally and consistent with Section 42-375.L of the PD ordinance, the three requested modifications are in the best interests of the residents of the planned development and are not inconsistent with the interests of the entire city. The motion was unanimously approved.

#### **NEW BUSINESS:**

1. FY 2012-2013 Final Work Program Update and proposed FY 2013-2014 Work Program. Mr. Forth summarized the staff report dated September 27, 2013 that included a final update of the FY 2012-2013 Work Program and a copy of the proposed FY 2013-2014 Work Program. The Commission and Mr. Forth discussed ways to engage the Youth Advisory Committee in the upcoming fiscal year including participation in the Comprehensive Plan Update. Mr. Forth stated he would discuss this matter further with Deputy Director Adam Herringa who is the staff liaison to the Youth Advisory Committee. Commissioner Dargitz next discussed her attendance at the Michigan Association of Planning (MAP) Annual Conference in downtown Kalamazoo and indicated her handout materials and notes were available to any Commissioner that was interested. Mr. Forth discussed a Mobile Bike Tour along the Northwest Portage Bikeway and Bicentennial Park Trail that he and Director Chris Barnes led as part of the MAP Conference and complimentary comments provided by the participants regarding the quality of the Portage trail system. After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to adopt the 2013-2014 Work Program, as presented. The motion was unanimously approved.

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**OLD BUSINESS:**

1. City of Portage 50<sup>th</sup> Anniversary Celebration – September Passbook Drawing. Commissioners Felicijan and Dargitz conducted the September Passbook drawing and Ron Prang was selected as the winner of a \$50.00 gift card from Barrett's Smokehouse. Commissioner Felicijan stated eight completed passbooks were received for the month of September and discussed how businesses and citizens could participate in the Passbook program.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

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

**TO:** Planning Commission

**DATE:** October 11, 2013

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

**SUBJECT:** Special Land Use Permit: Car Zone, 8232 and 8302 Portage Road

## I. INTRODUCTION:

A Special Land Use Permit application has been submitted by Mr. Eddy Ghazal, on behalf of Car Zone, Inc., requesting approval to establish an automobile dealership at 8232 and 8302 Portage Road. The approximate 3.0 acre zoning lot is zoned B-3, general business (with the exception of the unimproved western portion which is zoned R-1B, one family residential) and occupied by a 4,800 square foot building, parking lot, miniature golf course and related site improvements previously constructed as part of the former Laser Land use of the property. The applicant proposes to reuse the existing building/site with interior renovations planned within the south and east portions of the building to accommodate a vehicle service/repair area and office space. No exterior site improvements or modifications are proposed. The applicant has also indicated no immediate plans for the former miniature golf course, however, has indicated the area would continue to be properly maintained.

## II. BACKGROUND INFORMATION:

The following background information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> <li>• <u>Site</u>: Former Laser Land amusement center with 4,800 square foot building and associated site improvements zoned B-3, general business with exception of western portion of subject property that is zoned R-1B, one family residential.</li> <li>• <u>South</u>: Various commercial properties zoned B-3.</li> <li>• <u>East</u>: Across Portage Road, commercial properties zoned B-3.</li> <li>• <u>West</u>: Single family residential properties zoned R-1B.</li> <li>• <u>North</u>: Vacant property zoned B-3 and single family residential properties zoned R-1B.</li> </ul>
Comprehensive Plan	<ul style="list-style-type: none"> <li>• Future Land Use Map component of the Comprehensive Plan identifies the subject property, along with adjacent properties to the north and south, as appropriate for general business land use. This section of the Portage Road Commercial Corridor is also designated as a commercial revitalization area where commercial rezonings of contiguous properties would be entertained and public infrastructure improvements could be initiated to stimulate private reinvestment and (re)development.</li> </ul>
Access	<ul style="list-style-type: none"> <li>• Existing full service driveway from Portage Road.</li> <li>• Portage Road is designated as a 5 lane minor arterial with approximately 22,307 vehicles per day (2010); capacity of 32,500 vehicles per day (level of service "D").</li> </ul>
Historic District/Structure	<ul style="list-style-type: none"> <li>• The subject site is not located within a historic district and does not contain any historic structures.</li> </ul>
Land Development Regulations	<ul style="list-style-type: none"> <li>• The application has been submitted under Section 42-262.C.1, <i>Special Land Use</i> in the B-3 zoning district: "Vehicle dealerships, licensed by the state, for the sale and rental of and/or recreational vehicles, including accessory uses when related and incidental thereto" subject to conditions.</li> <li>• 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.</li> </ul>

### III. ANALYSIS:

The proposal to establish a vehicle dealership at the subject site fulfills the requirements for issuance of a Special Land Use Permit. The vehicle dealership will be licensed by the State of Michigan and all vehicle sales/display areas and related customer and employee parking will occur on the existing paved parking lot. Ingress and egress to the site will be provided through the existing full service driveway from Portage Road that is situated at least 60 feet from the intersection of any two streets. No major vehicle repair or refinishing will be conducted on site: The southern portion of the existing building will be renovated to accommodate an indoor area for minor vehicle servicing, repair and detailing. Existing mature trees and associated vegetation located along the west and northwest portions of the site, where adjacent single family residential zoning/land use, will be maintained with the proposed reuse of the site by Car Zone. As information for the Commission, this conflicting land use screening arrangement was previously reviewed and approved by the Planning Commission as part in 1999 site plan for the Laser Land development. Additionally, the applicant has indicated that previously approved landscaping (trees and shrubs) along the Portage Road frontage and within interior landscape islands that has died and recently been removed will be reinstalled consistent with ordinance requirements. Finally, the proposed automobile dealership will be operated and maintained in compliance with all applicable Code of Ordinance requirements including outdoor lighting, noise, parking and property maintenance related provisions.

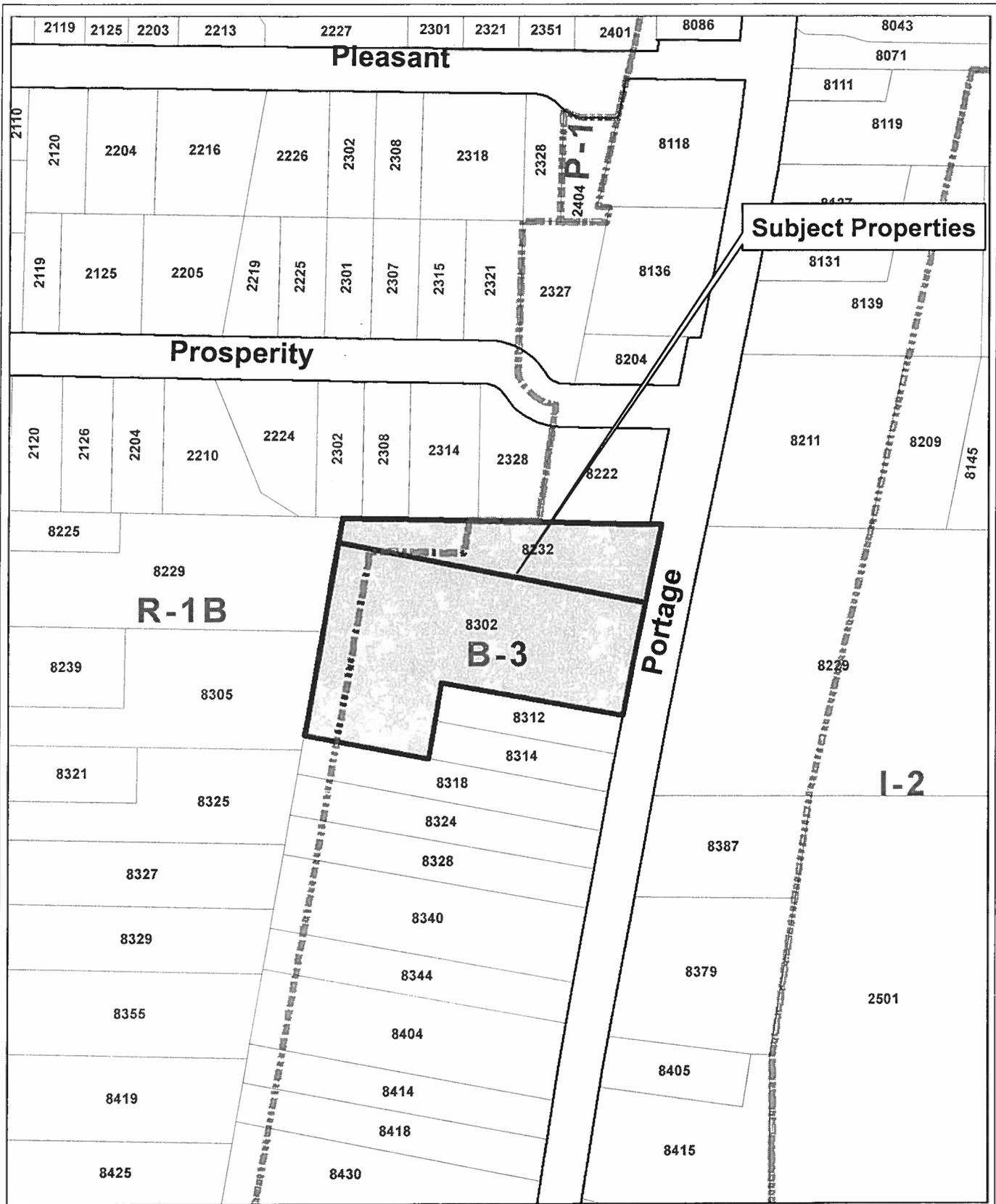
As part of the initial application review, staff discussed with the applicant possible removal of the miniature golf course located along the northern portion of the zoning lot since this feature is not a typical accessory use for vehicle sales. While the supporting letter provided by Car Zone states the miniature golf course "...is not planned for any immediate use..", the applicant has indicated in conversations with staff that removal is not desired at this time and that the golf course may be used seasonally and occasionally by customers of the Car Zone. However, the applicant has stated the miniature golf course would not be re-opened to the public as a separate miniature golf business, and, regardless of its use or non-use, would be properly maintained. As information for the Commission and consistent with Section 42-461.E.3, failure to comply with applicable ordinance requirements and sections of the Zoning Code could result in Planning Commission revocation of the special land use permit.

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 Car Zone, 8232 and 8302 Portage Road, be approved.

Attachments: Vicinity/Zoning Map  
Aerial Photograph  
Special Land Use Permit Application  
Site Plan

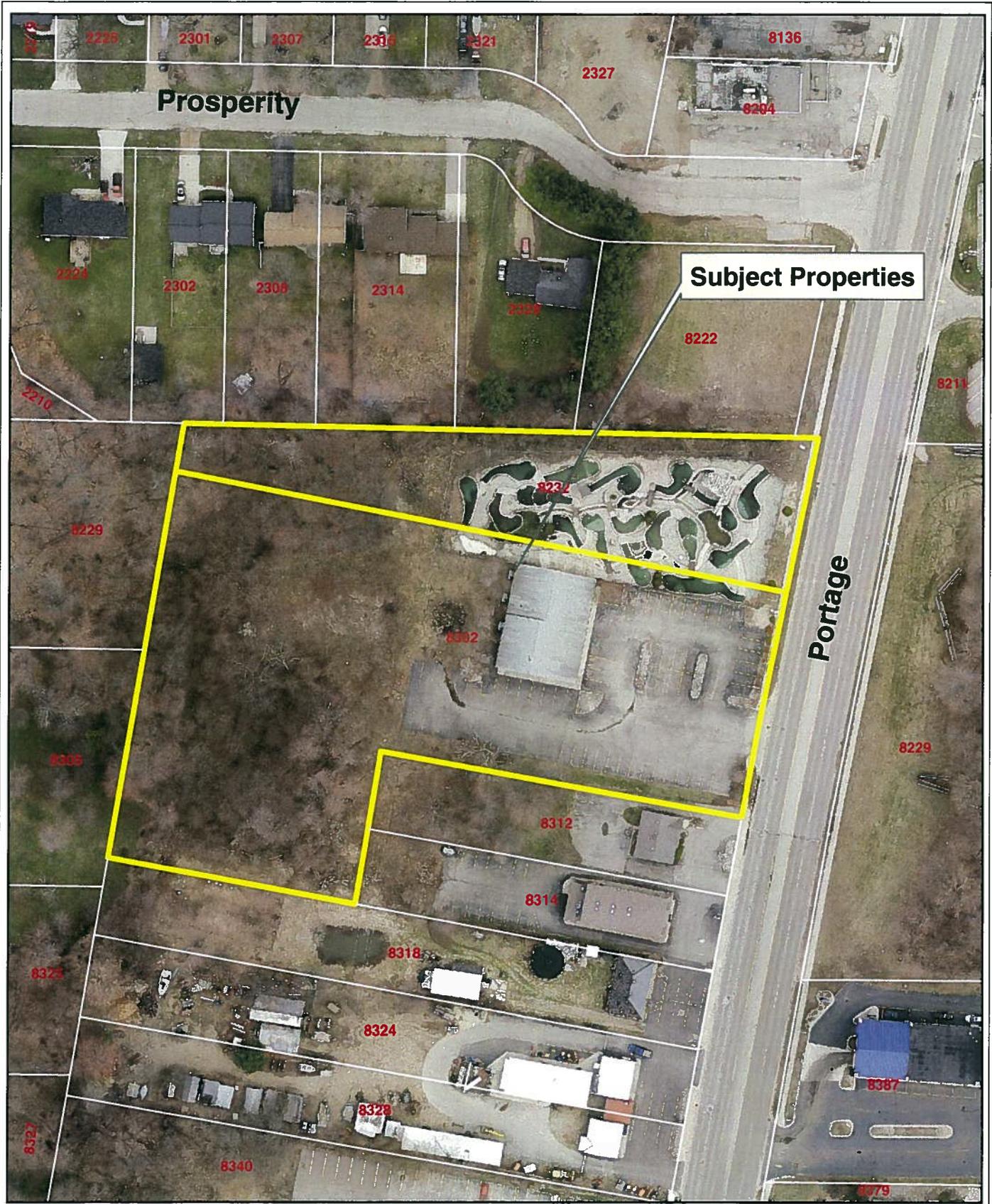


1 inch = 200 feet

# Special Land Use Permit 8232 & 8302 Portage Road

### Legend

-  Subject Properties
-  Zoning Boundary



1 inch = 100 feet

# Special Land Use Permit 8232 & 8302 Portage Road

### Legend

 Subject Properties

**APPLICANT INFORMATION**

Name <b>CAR ZONE INC.</b>		Telephone Number <b>269-692-6000</b>	
Address <b>1370 E. M89</b>	City <b>Oshtemo</b>	State <b>MI</b>	Zip code <b>49078</b>

**OWNER INFORMATION (if different)**

Name <b>FADI GHAZAL</b>		Telephone Number <b>269-207050</b>	
Address <b>8860 E. Shore Dr</b>	City <b>Portage</b>	State <b>MI</b>	Zip code <b>49002</b>

**PROPERTY INFORMATION**

Address of property <b>8302 Portage Rd</b>	Zoning District	Land Area (acres)
Legal Description (or attach separate page) <b>Famer Laser Land</b>		

**RECEIVED**  
SEP 25 2013  
COMMUNITY DEVELOPMENT

**PROPOSED USE**

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

**Vehicle Dealerships. (Description Attached)**

**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 **FADI GHAZAL** Date **9-25-13**



## Car Zone, Inc.

1370 E M89 • Otsego, MI 49078 • (269) 692-6000

Fax (269) 692-6100

RECEIVED  
SEP 3 5 2013  
COMMUNITY DEVELOPMENT

September 25<sup>th</sup>, 2013

To whom it may concern:

RE: PROPOSED PURPOSE OF COMMERCIAL USE AT 8302 PORTAGE RD. PORTAGE, MI 49002

### COMPANY BACKGROUND

The ownership of Car Zone, Inc. has been in the automotive sales and service industry for more than twenty-five years. Car Zone, Inc. itself has been at its existing location for the last seven years and has experienced year after year of steady growth. We are proud to expand our business into this new market and have hopeful expectations of the continued growth and community involvement that has made us successful in nearby Otsego, MI. We are a family that has lived in Portage for the last ten years and are proud of our family oriented company and values. Below you will find our proposed purpose and written explanation of our site plan. Also, if there are any questions or concerns, please do not hesitate to contact us with the information provided.

### PROPOSED PURPOSE

With the municipality's approval, the location above will serve as a state licensed used car dealership.

**\*\*No vehicle shall be displayed for sale until the state licensing is complete (municipal approval is a prerequisite), a copy approved licensing shall be provided to the municipality upon completion\*\***

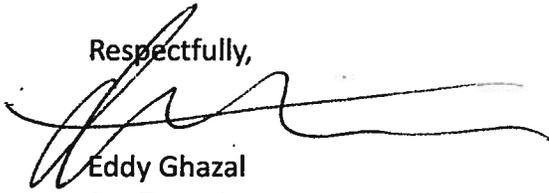
Specifically operations will consist of selling previously owned personal use light vehicles such as cars, vans, trucks and sport utility vehicles. These vehicles will be purchased then inspected and repaired for resale at retail. Service and repair will be limited to light work, no engine or transmission overhauls etc. Automobile service will be conducted by state certified technicians and a master certified technician will be on staff at all times for safety and supervision.

### SITE PLANNING

The existing structures will remain and building improvements will consist of additional windows on the eastern side of the building and refitting of the southern end of the building to serve as an appropriate on-site location for service and repair. The remaining existing layout of the property will remain unchanged. The existing miniature golf course is not planned for any immediate use; however the grounds shall be properly maintained. Vehicles available for sale will all be displayed in the

existing parking lot. Ten vehicles may be displayed along the north edge of the parking lot along the existing fence line. Six vehicles available for sale will be displayed along the eastern edge of the property adjacent to Portage Road. Fifteen vehicles available for sale will be displayed along the most eastern southern edge of the property, and eight vehicles may be displayed between the existing parking lot islands. This will accommodate approximately 40 vehicles at any given time that will be displayed for sale. Customer parking shall remain at the front (east) edge of the building and will accommodate for handicap parking. Employee parking, vehicles entering service, and customer overflow parking will be along the western southern edge of the property, as well as southern edge of the property parallel to it. This will accommodate an additional twenty flexible parking places.

Respectfully,

A handwritten signature in black ink, appearing to read 'Eddy Ghazal', with a long horizontal flourish extending to the right.

Eddy Ghazal

Car Zone, Inc.

President

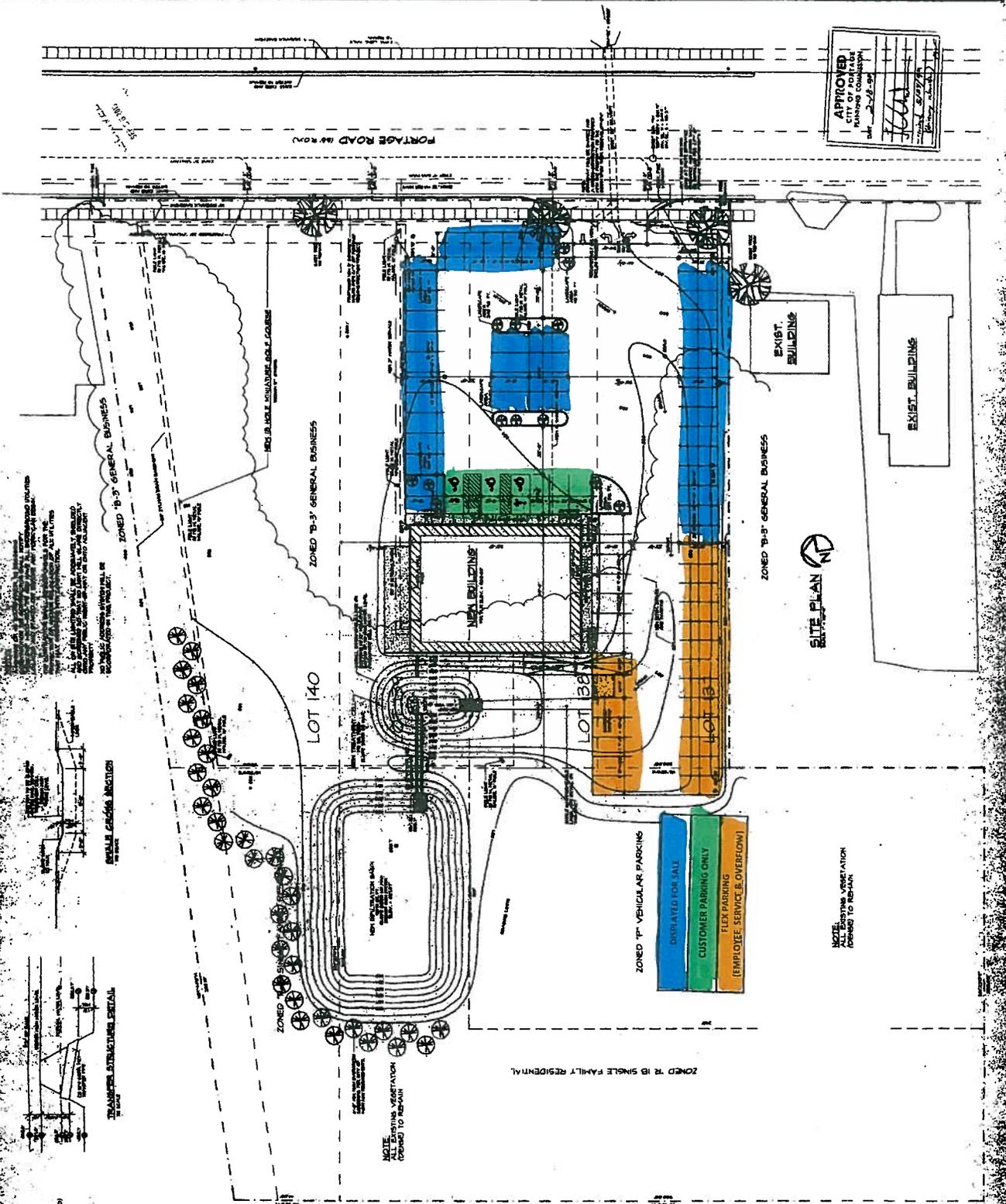
(269) 692-6000 office

(269) 692-6100 fax

(269) 207-0501 cell

[eghazal@carzonesales.com](mailto:eghazal@carzonesales.com)

APPROVED  
 COUNTY OF ALLEN  
 PLANNING COMMISSION  
 DATE: 2-23-00  
 [Signature]

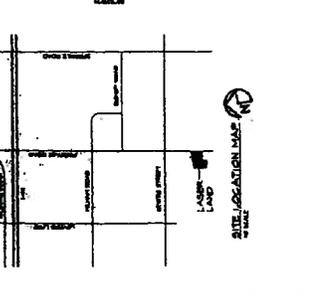


TRANSFORMER SUBSTATION DETAIL  
 BEARER GENERAL DETAIL  
 [Technical drawings and notes for utility and structural details]

NOTE: ALL EXISTING VEGETATION  
 CROPPED TO REMAIN

NOTE: EXISTING VEGETATION  
 CROPPED TO REMAIN

LEGEND  
 [Symbol for Laser Land]  
 [Symbol for Existing Building]  
 [Symbol for Proposed Building]  
 [Symbol for Parking Area]  
 [Symbol for Roadway]  
 [Symbol for Utility Line]



STANDARD SYMBOLS  
 TREATMENT CELL  
 1. 10' x 10' x 10' x 10'  
 2. 10' x 10' x 10' x 10'  
 3. 10' x 10' x 10' x 10'  
 4. 10' x 10' x 10' x 10'  
 5. 10' x 10' x 10' x 10'  
 6. 10' x 10' x 10' x 10'  
 7. 10' x 10' x 10' x 10'  
 8. 10' x 10' x 10' x 10'  
 9. 10' x 10' x 10' x 10'  
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## Department of Community Development

**TO:** Planning Commission **DATE:** October 11, 2013  
**FROM:** Vicki Georgeau <sup>WJ</sup> Director of Community Development  
**SUBJECT:** Comprehensive Plan, Public Information Plan – Information Only

Attached for Planning Commission information is the Public Involvement Plan prepared LSL Planning. The Plan explains the efforts to engage the public throughout the Comprehensive Plan update process. The document is dynamic and, as a result, is subject to change as the update process moves forward in response to public input or other related issues.

If the Commission has any questions regarding the Public Information Plan, staff will be available during the October 17<sup>th</sup> meeting to further discuss the Plan.

S:\2013-2014 Department Files\Planning Files\2013-14 Master Plan\PC Communications\2013 10 11 PC Public Involvement Plan.doc

## Public Involvement Plan

The goal of the Comprehensive Plan update is to address the community’s challenges, preserve its assets, plan for future changes in the economy and population, create a more sustainable city, and enhance the quality of life for current and future residents. It is essential that the Comprehensive Plan update process maximize citizens’ involvement in order to gain public consensus on the plan recommendations.

The Comprehensive Plan update blends professional technical evaluation and input from city officials, stakeholders, and the public. This document describes the process and techniques that will be used. It is anticipated this document may be revised through the process in response to input and public involvement methods utilized. This document may also be updated to reflect progress at key points in the process, such as following public meetings.

The work plan engages the public at key stages in the process. The public involvement program includes a public awareness campaign so that “if they choose to” they are welcome to participate in the process. A publicized timeline and clearly established milestones help ensure transparency (refer to Table 1 below). Events will be hosted in easily accessible locations and providing a welcoming atmosphere for all of the community’s diverse populations to encourage participation and broaden the array of voices that are heard.

- Community Engagement Activities:**
- Public Open House
  - Website/Twitter
  - Lake Center Focus Group
  - Briefings by city staff to elected/appointed officials and other staff
  - Public Hearing

**Table 1**

Phase	Month	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
1 Meeting with Staff		▽				▽			▽	
Public Participation Plan			▲							
Open House/Community Workshop				◆						
2 Existing Conditions Report					▲					
3 Lake Center subarea plan							▲			
Lake Center focus group						◆				
4 Draft Plan Text							▲			
Planning Commission Draft Meeting							☒			
Distribute Plan for 63-day Agency Review										
5 Final Edits										▲
Public Hearing										◆
6 Adoption										☒
▽ Meeting with Staff										
▲ Deliverable										
◆ Public Meeting										
☒ Planning Commission Meeting										

The following pages detail the various elements of the public involvement process which includes four key meetings: a Public Open House, Lake Center Focus Group meeting, an informal presentation before the Public Hearing, and the public hearing prior to adoption of the Plan. In addition, the format and/or agenda for these key meetings are provided at the end of this document for additional information.

## Public Meeting Notices

All meetings will be posted in accordance with the Michigan Planning Act, the Open Meetings Act, and City protocol. The following are examples of outreach methods to be used:

- Post reminders on City's website and project website and Twitter, along with questions to spark discussion
- Press releases
- Emails to neighborhood organizations, advisory boards, commissions, business associations and other email lists on file
- Public access TV
- Portager newsletter

## Project Website

The project website will be used to explain key milestones, communicate the schedule, post drafts of the plan excerpts, and to provide opportunity for additional input. The website will have a brief survey tool to ask questions such as:

- What makes Portage a great place to live?
- If you could change one thing in Portage what would it be?
- What will encourage children in Portage today to want to return or remain in their hometown as adults?
- Where is your favorite place to ride your bike in Portage?
- What is your favorite thing about your neighborhood in Portage?

## Continued Engagement Efforts

Following the open house, exhibits will be posted on the project website. The questions asked on the comment cards will be formatted into SurveyMonkey for those who could not attend the workshop to provide their feedback. Additional efforts to gain input will include notices via Twitter and e-mail, and attendance at the Youth Advisory Board meeting to gain input and engage the youth in the community.

As deliverables are completed, such documents will be uploaded to the project website with an announcement on Twitter as well. The City will set-up, monitor, and update the website and Twitter through the course of the project.

Throughout the process, if any hot topic issues arise, these issues can be discussed/considered during regularly scheduled monthly Planning Commission meetings, or additional special meetings, as may be necessary.

### Lake Center Area Focus Group

LSL will summarize findings from the April meeting and October Open House in an informal presentation. Sharon Woods, from LandUse | USA, will present her market findings and opportunities and help lead a discussion of redevelopment opportunities. LSL will present corridor design guidelines, intended to serve as a pattern book for building, site, and streetscape design. Upon completion of the meeting, Sharon will provide a succinct report that LSL will incorporate into the Lake Center Area chapter in the Comprehensive Plan. We will refine our design recommendations based on the discussion.

### Public Hearing

Prior to the Public Hearing at a Planning Commission meeting, an informal presentation of the plan will be held. The public can hear a short presentation on key plan recommendations, peruse copies of the plan, and ask City Staff and LSL questions prior to the formal public hearing. This approach helps the Public Hearing meeting run more smoothly by giving the public a more informal way to ask questions.

## October 2, 2013 Open House Format 4-7 pm at City Hall

**Purpose:** For the public to review goals from the previous plan, learn about current trends and best practices, and provide feedback on existing conditions and what they would like to see in the future.

**Format:** Stations will be set up in the lobby and Council Chambers for participants to peruse at their own pace. Each station will be staffed by a project team member who will answer questions, guide interactive feedback exercises, and listen to ideas. A brief introductory presentation will be given twice during the evening summarizing the planning process and evening's activities.

### Presentation

10-15 Minute Intro Presentation

In Council Chambers, same presentation given twice at 4pm and 6pm

### Welcome Station

- What is a Comprehensive Plan?
- Previous plans
- Project timeline
- Did you know? (population data)
- List goals from previous plan
- Recent accomplishments
- Information from other city departments
- Map to identify where participants live or work

### Community Identity Station

- City services/facilities
- Sustainability
- Culture/history
- City Center Area

### Land Use and Development Station

- Ingredients to great neighborhoods
- Mixture of housing types/aging in place
- Existing land use map

### Transportation Station

- Complete Streets: Automobiles/Pedestrians/Bicyclists
- Transit
- Infrastructure

### Each Topic Station will have

- **interactive map** (stickies and dots to identify strengths/weaknesses)
- **overview board**
  - challenges
  - did you know?
  - Best Practices
- **comment card with 2 questions**

# **MATERIALS TRANSMITTED**

## CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 24, 2013

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

At the request of Mayor Strazdas, Panditji Prasad Thirumaleshwara of the Indo American Cultural Center and Temple gave 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, Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

**APPROVAL OF MINUTES:** Motion by Urban, seconded by Reid, to approve the September 10, 2013 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmembers Randall and Sackley abstaining.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Sackley to read the Consent Agenda. Motion by Sackley, seconded by Urban, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE OF SEPTEMBER 24, 2013:** Motion by Sackley, seconded by Urban, to approve the Check Register of September 24, 2013, as presented. Upon a roll call vote, motion carried 7 to 0.

### REPORTS FROM THE ADMINISTRATION:

\* **RECOMMENDED BUDGET AMENDMENTS – END OF FISCAL YEAR HOUSEKEEPING:** Motion by Sackley, seconded by Urban, to amend the General Appropriations Act (budget) for the fiscal year ending June 30, 2014. Upon a roll call vote, motion carried 7 to 0.

\* **REZONING APPLICATION #13-01 - 120 AND 126 EAST VAN HOESEN BOULEVARD:** Motion by Sackley, seconded by Urban, to accept Rezoning Application #13-01 for first reading and set a public hearing for October 22, 2013; and subsequent to the public hearing, consider approving Rezoning Application #13-01 and rezone 120 East Van Hoesen Boulevard from R-1A, one-family residential, to B-3, general business, and rezone 126 East Van Hoesen Boulevard from R-1A, one-family residential, to P-1, vehicular parking. Upon a roll call vote, motion carried 7 to 0.

\* **FINAL PLAN FOR OAKLAND HILLS PHASE IV:** Motion by Sackley, seconded by Urban, to approve the Final Plan for Oakland Hills Phase IV, 8716 Oakland Drive, subject to no construction activities occurring within the 100-year floodplain and/or realignment of the Portage Creek until all required approvals/permits have been obtained. Upon a roll call vote, motion carried 7 to 0.

\* **CONSTRUCTION BOARD OF APPEALS RAZE ORDER:** Motion by Sackley, seconded by Urban, to accept the order of the Construction Board of Appeals to raze and remove the fire damaged house at 5527 Meredith Street; and authorize the City Administration to take the necessary action to raze and remove the house and place a lien and assess the property to recover the costs associated with the raze order consistent with the ordinance. Upon a roll call vote, motion carried 7 to 0.

- \* **ANNUAL SUNGARD ENTERPRISE SOFTWARE LICENSING AND MAINTENANCE FEE:** Motion by Sackley, seconded by Urban, to approve an annual licensing and software maintenance services agreement with SunGard, Incorporated, at a total cost of \$67,507.66 and authorize the City Manager to execute all related documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.
  
- \* **TELEPHONE SERVICES AGREEMENT EXTENSION:** Motion by Sackley, seconded by Urban, to approve the 24-month extension of the TDS, Metrocom Telecommunications Services Agreement for the provision of telephone services at an approximate annual cost of \$51,637 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.
  
- \* **SUMMIT POLYMERS, INC. – PA 198 TAX ABATEMENT:** Motion by Sackley, seconded by Urban, to adopt Resolution No. 3-13 setting a public hearing on the issuance of the Industrial Facilities Exemption Certificate for Summit Polymers, Inc., for real and personal property in the estimated amount of \$5.69 million located at 4750 Executive Drive, Industrial District No. 72, for October 8, 2013, at 7:30 pm. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 133 of City of Portage Resolution Book No. 45.
  
- \* **SOUTH WESTNEDGE AVENUE WATER MAIN PROJECT #315-W:** Motion by Sackley, seconded by Urban, to adopt Resolution No. 2 for the South Westnedge Avenue Water Main Project #315-W, setting a public hearing of necessity on October 8, 2013, at 7:30 pm. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 127 of City of Portage Resolution Book No. 45.
  
- \* **METSA COURT WATER MAIN PROJECT #314-W:** Motion by Sackley, seconded by Urban, to adopt Resolution No. 2 for the Metsa Court Water Main Project #314-W, setting a public hearing of necessity on October 8, 2013, at 7:30 pm. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 129 of City of Portage Resolution Book No. 45.
  
- \* **AUGUST 2013 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Sackley, seconded by Urban, to receive the communication from the City Manager regarding the August 2013 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.
  
- \* **DEPARTMENT MONTHLY REPORTS:** Motion by Sackley, seconded by Urban, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 7 to 0.

**UNFINISHED BUSINESS:**

**CENSUS (QUOTA) LIQUOR LICENSE:** At the request of Mayor Strazdas, City Attorney Brown reviewed the history of this request since consideration of the application submitted by The Repertoire Coffee House and Theatre on May 4, 2012. He pointed out that the Resolution does not have to read, “above all others” as this is not part of the statute, but a long held Policy of the Liquor Control Commission; therefore, based on the law as it is today, the LCC had the authority to grant the City Census Liquor License to C.Y. of Portage (The Marriot Hotel) as the New Hotel B Liquor License.

Discussion followed and City Attorney Brown noted that the decision of the City Council should be based on the lack of compliance with the conditions imposed by City Council.

Discussion followed and Councilmember Pearson noted that he moved to table the matter at the last City Council Meeting in order to obtain more background and information. He expressed his appreciation for the information provided and said he is now more comfortable making a motion to rescind the Conditional Approval granted to The Repertoire Coffee House and Theatre, unless there is a desire for further discussion.

City Manager Maurice Evans referenced the report to City Council contained in the Agenda Packet which disclosed that the LCC indicated a recent cancellation of an on-premise Resort C Liquor License that provides the opportunity for The Repertoire Coffee House and Theatre, Inc., to secure an on-premise license if they can meet the requirements for issuance as outlined by the LCC, and he referenced a letter received from Attorney Owen Ramey of Lewis, Reed & Allen, P.C., that the applicants are appealing to the Liquor Control Commission. Discussion followed.

City Attorney Brown offered an amendment to the suggested motion from the City Clerk. Discussion followed. In answer to Councilmember Urban, City Clerk Hudson indicated that in the past, the City forwarded the Resolution and all application materials and approvals to the LCC, but it is now the responsibility of the applicant; also, that the Resolution of Approval "above all others" for The Repertoire Coffee House and Theatre, Inc., was not sent because of the Conditional Approval imposed by City Council. He also referenced the May 21, 2013 Notice of Deficiency form letter sent to The Repertoire Coffee House and Theatre, Inc., obtained recently indicating that there are no new licenses available under the quota for the City of Portage which is contra to information City Council received at the last City Council Meeting. Discussion followed.

Mayor Pro Tem Reid pointed out that the fact that The Repertoire Coffee House and Theatre, Inc., did not receive this liquor license does not stop this business from going forward with their plans since they can still go before the LCC, and get the liquor license cited in the September 20, 2013 letter from Sharon Martin, Director of the Licensing Division of the LCC. She also pointed out that the Census License has already been given to the Marriot, so it is no longer available, and that City Council is rescinding the Conditional Approval for the 2010 Census Liquor License granted to The Repertoire Coffee House and Theatre, Inc., of that license. Discussion followed.

Mayor Strazdas asked for any comments from the applicants or their representative. Seeing none, he entertained a motion.

Motion by Pearson, seconded by Randall, regrettably to rescind the Conditional Approval for the 2010 Census Liquor License granted to The Repertoire Coffee House and Theatre, Inc., based solely on Repertoire Coffee House and Theatre, Inc., not obtaining building permits, licenses or approvals within six months of the date of conditional approval, nor did they start, let alone complete, the construction of a new building, nor obtain any building permit within the time required; therefore, they have not met the conditions imposed, that the motion is based on the facts before City Council at the September 10, 2013 Regular City Council Meeting, and there has been nothing new added to show that there is any change. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

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

Portage Senior Citizen Advisory Board of July 17, 2013.  
Portage Environmental Board of August 14, 2013.

#### **COUNCIL COMMITTEE REPORTS:**

**JOINT CITY/SCHOOL/LIBRARY COMMITTEE PRESENTATION FROM MAYOR STRAZDAS:** Mayor Strazdas reviewed the meeting notes of the September 12, 2013 Joint City of Portage, Portage Public Schools and District Library regarding past collaborations among the three

groups, the 2014 Kalamazoo Poetry Festival hosted by the Library in May; the "Top 4 Services" video promotions via Public Media Network; a review and update of the "Top Ten" list that is on each entity's website; all community visioning gathering; consideration of a community Sports Authority for athletic and recreation areas between the City of Portage and Portage Public Schools; and a consideration of relationships between the City of Portage and Portage Public Schools for the business community to contribute back. Discussion followed.

Motion by Pearson, seconded by Urban, to receive the Presentation from Mayor Strazdas regarding an update on the recent activity of the City/School/Library Committee. Upon a voice vote, motion carried 7 to 0.

**SENIOR CITIZEN ADVISORY BOARD PRESENTATION FROM LAWRENCE SMITH, CHAIRPERSON:** At the request of Mayor Strazdas, Larry Smith, Chair of the Senior Citizens Advisory Board recognized Parks, Recreation and Public Services Director Bill Deming and Senior Citizens Advisory Board Members Art Roberts, Ann Perkins, Mary Lou Petrulio and Trudy Riker. He provided a written report to City Council on all of the Goals and Objectives of the Senior Citizens Advisory Board and read from the report in some detail. Mayor Strazdas challenged the Senior Citizens Advisory Board to grow Goal #5, Help Senior Center management to increase the number of volunteer leaders to build current and future programs, and Goal #6, Continue to explore opportunities for interaction and partnering with the Portage Community Center, the Portage District Library, Portage Public Elementary Schools and the Parks & Recreation Department. He emphasized the need for more volunteers and collaboration as essential for the health of the city.

Mayor Pro Tem Reid asked about the status of the facility, recognizing some of the creative ways they have been able to go offsite to increase their virtual space. Mr. Smith cited some of the efforts to increase efficient use of the room rental options within the facility to outside organizations, the remodeled lobby that provides extra meeting space and is very inviting and warm, the kitchen that has been remodeled and mentioned that there are other ideas that will be dealt with on an issue by issue basis with no downsize use of the facility. Mayor Pro Tem Reid expressed her appreciation for the efforts of the Senior Center and was impressed by their use of technology to improve programs and to improve utilization of the facility and noted that it was very "telling" that Portage Public Schools reached out to the Senior Center as one of the focus groups in the search for a new Superintendent. Discussion followed.

Councilmember Pearson expressed his appreciation for the many hours spent by Senior Center volunteers and mentioned that he attended their appreciation breakfast at Michelle's Restaurant with Mayor Strazdas. Discussion followed.

In response to Councilmember Sackley, Mr. Smith responded that the new bus is so new that the Senior Center is still adjusting to it. Discussion followed regarding intergenerational collaboration and Mr. Smith indicated that the Youth Advisory Committee representation is working very well. Discussion followed.

Motion by Sackley, seconded by Reid, to receive the Annual presentation by the Senior Citizen Advisory Board, Lawrence Smith, Chairperson. Upon a voice vote, motion carried 7 to 0.

#### **BID TABULATIONS:**

\* **PURCHASE OF 20 NEW FR3 AUTOMATED EXTERNAL DEFIBRILLATORS FOR PUBLIC SAFETY VEHICLES:** Motion by Sackley, seconded by Urban, to approve the purchase of 20 New FR3 Automated External Defibrillators (AEDs) for \$43,999 from CPR Connection of North America, Inc. Upon a roll call vote, motion carried 7 to 0.

## **OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL:** Councilmember Sackley recognized Mayor Pro Tem Reid, Don Ramlow and Ayesha Mangla as Portage Representatives on the Public Media Network (PMN) and indicated that the construction project and expansion at the Epic Center, Kalamazoo, is well underway. He extended kudos to the Arts Council, the Irving S. Gilmore Foundation and the Kalamazoo Foundation for their support of PMN, and recognized the contributions of the subscribers who are paying the franchise fees and the six governmental partners with channels on PMN. He also mentioned that on September 27, 2013, Cinema 2880 begins. He mentioned that this is an opportunity for all community producers of all ages and levels of expertise to take a weekend to make a movie. He said it is called 2880 since the producers are given a theme, a genre and characters and have 48 hours, or 2880 minutes, to complete a video production of 5 to 7 minutes. Mayor Pro Tem Reid encouraged everyone to attend the screening of the films at the State Theatre downtown during Art Hop on Friday, October 4, 2013.

Councilmember Randall indicated she made a trip to Grand Rapids to review ArtPrize 2013 where she encountered a large, blue igloo, *Hllo-Sacred Geometry*, submitted by a Portage resident, Kimberly Toogood. She also put out a request for volunteers for the 2013 Portage Cross Country Invite at Portage West Middle School, 7145 Moors Bridge Road, October 5, 2013, and Mayor Strazdas asked for patience from the public owing to parking issues and the increase in traffic.

Councilmember Pearson cited the success of the Portage Rotary Golf Outing for scholarships that went very well this year.

Mayor Pro Tem Reid congratulated retired Finance Director Foecking and thanked him for his years of conscientious service to the community, especially in the area of budget preparation and advice. She also cited the Comprehensive Plan Update Public Input Session on Wednesday, October 2, 2013, from 4 to 7 p.m. in City Council Chambers as an opportunity for the public to influence how the city should look and be going forward stressing the need for citizen input in this process.

Mayor Strazdas indicated that he attended a special gathering of present and past Public and District Library Board Members of Portage and present and past Librarians of Portage to celebrate the 50<sup>th</sup> Anniversary of the Library. He read a letter of Appreciation from the Portage District Library Board Members for the longtime support by the City of Portage of the Portage Library from its beginning as a City Public Library through its independence as a District Library.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:52 p.m.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.