



PLANNING COMMISSION

April 17, 2014

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**April 17, 2014
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * April 3, 2014

PUBLIC HEARINGS:

- * 1. Special Land Use Permit (reapproval): Cristin's Creative Corner, 9416 Shaver Road
- * 2. Special Land Use Permit (reapproval): Indoor Dog Day Care, 129 West Centre Avenue
- * 3. Conceptual Plan Amendment: Sam's Club Fueling Station, 7021 South Westnedge Avenue

SITE/FINAL PLANS:

- * 1. Specific (Site) Plan: Sam's Club Fueling Station, 7021 South Westnedge Avenue

OLD BUSINESS:

NEW BUSINESS:

- * 1. 2014 Comprehensive Plan Update, City Centre Subarea and Implementation chapters
- 2. 2014 Comprehensive Plan Update, Presentation of Draft Plan by LSL Planning, Inc.
-- Complete Plan document forthcoming

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

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

PLANNING COMMISSION

April 3, 2014

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The City of Portage Planning Commission meeting of April 3, 2014 was called to order by Vice-Chairman Felicijan at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Eight citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Vice-Chairman Felicijan led the Commission in the Pledge of Allegiance.

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Somers, Schimmel, Dargitz, Bosch, Felicijan and Patterson.

A motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to approve the roll and excuse Commissioners Welch, Reiff and Stoffer. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Vice-Chairman Felicijan referred the Commission to the March 20, 2014 meeting minutes contained in the agenda packet. Commissioner Bosch stated he was not present at the meeting, therefore, would be abstaining. A motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 5-0-1.

SITE/FINAL PLANS:

1. Site Plan Re-approval for Osterhout Condos, 2300 West Osterhout Avenue. Mr. West summarized the staff report dated March 28, 2014 regarding the site plan submitted by Morningstar Development to construct six duplex dwellings (12 units total), a private street and associated site improvements. Mr. West stated the Planning Commission previously approved this site plan on June 7, 2007, however, the applicant only constructed one duplex dwelling along the southeast portion of the site. Since approximately six years have passed with no construction activities, Mr. West stated the applicant is resubmitting the site plan requesting re-approval. Mr. West indicated the site plan for Osterhout Condos has been resubmitted with no substantial changes since the original 2007 approval.

Mr. Rick Eshlaman (applicant's engineer) was present to support the development project. The Commission, staff and the applicant briefly discussed site related issues including the 2007 sidewalk waiver and site improvements constructed to date. A motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to reapprove the Site Plan for Osterhout Condos, 2300 West Osterhout Avenue. The motion was unanimously approved 6-0.

2. Specific (Site) Plan for Earth Fare, 605 and 531 West Kilgore Road. Mr. West summarized the staff report dated March 28, 2014 regarding the final plan to construct a 23,775 square foot Earth Fare organic food store and attached 3,200 square foot retail building and associated site improvements. Mr. West stated the Earth Fare building represents the first phase of the development project under the conceptual plan submitted by Jereco LLC and 5024 South Westnedge LLC for the 5.3 acre tract of land located near the southwest corner

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of South Westnedge Avenue and West Kilgore Road. Mr. West indicated the Planning Commission concluded its review and recommendation of the proposed CPD, commercial planned development rezoning application and associated conceptual plan/narrative on February 20, 2014 and City Council would be conducting a public hearing to consider these applications on April 15, 2014. In an effort to expedite the Earth Fare project, Mr. West stated the applicant has requested Planning Commission review and conditional approval of the specific (site) plan. Mr. West indicated the development project has been designed in substantial conformance with the proposed conceptual plan.

Mr. Andy Wenzel of The Hinman Company (applicant representative) was present to support the development project. Mr. Wenzel presented a revised building elevation and discussed site related issues including access, loading/unloading area, internal landscape islands and sidewalk installation along West Kilgore Road and South Westnedge Avenue and within the site. After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the Specific (Site) Plan for Earth Fare, 605 and 531 West Kilgore Road, subject to City Council approval of the Conceptual Plan submitted by Jereco LLC and 5024 South Westnedge LLC for the 5.3 acre tract of land located near the southwest corner of South Westnedge Avenue and West Kilgore Road. Attorney Brown suggested the motion include a statement that any condition placed on the conceptual plan approval by City Council would also apply to the site plan approval by the Planning Commission. Commissioners Bosch and Patterson concurred. The motion was unanimously approved 6-0.

PUBLIC HEARINGS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. East Centre Avenue Rezoning Consideration. Mr. Forth summarized the staff report dated March 28, 2014 regarding the staff recommendation to initiate a rezoning consideration of several properties located along the south side of East Centre Avenue, east of Lakewood Drive. Mr. Forth reviewed the properties involved in the recommended rezoning area, existing land use and ownership information. Mr. Forth also provided background information regarding the surrounding zoning/land use pattern and the Future Land Use Map designation of this area. Mr. Forth discussed the nonconforming use regulations of the Zoning Code and the impacts an OS-1 rezoning would have on existing land uses. Mr. Forth then discussed the staff recommendation to initiate the process to consider rezoning 732, 810, 830, 906, 912, 916 and 918 East Centre Avenue from B-3, general business to OS-1, office service, 710 East Centre Avenue from P-1, vehicular parking to OS-1, office service (excepting the west 5-feet) and the northern approximate 50-feet of 907, 913 and 923 Pasma Avenue from B-3, general business to R-1A, one family residential.

Vice-Chairman Felicijan stated he believes a rezoning is appropriate, however, some B-1, local business zoning should be considered. Vice-Chairman Felicijan also indicated he believes there is an over capacity of office zoned property in the city and asked whether Great Lakes Convenience alternative proposal for a retail strip center and restaurant would be allowed in the OS-1 district. Mr. Forth stated the retail/restaurant use would not be allowed in the OS-1 district. Commissioner Patterson stated Great Lakes Convenience purchased 710 and 732 East Centre Avenue for commercial purposes and believes the alternative proposal should be considered by the Planning Commission before initiating any rezoning consideration of the property. Commissioner Dargitz indicated she prefers smaller commercial nodes and the B-1 zone to help facilitate more walkable and neighborhood friendly commercial uses. Commissioner Patterson concurred but stated he still believes it is premature to consider a rezoning until Great Lakes Convenience comes forward with alternative

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development plan for retail strip center and restaurant. Mr. Forth indicated there have been no discussions or contact with Great Lakes Convenience since the March 20, 2014 Planning Commission meeting. Mr. Forth stated the appropriate approach to soliciting public comment regarding any rezoning is through the formal public hearing process.

Vice-Chairman Felicijan asked if any person in the audience would like to comment on the consideration to initiate a rezoning consideration of these several properties. Mr. Craig Binder (743 East Centre Avenue) stated he was in favor with the rezoning, however, was not familiar with the B-1 zoning district. Ms. Brittany Hall (8108 Kingston) stated she would be supportive of a lower intensity commercial zoning that limited uses and hours of operation to minimize impacts on the adjacent residential neighborhood. Attorney Brown stated the hours of operation for a principal permitted use could not be restricted.

After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Bosch, to initiate the process to consider rezoning 732, 810, 830, 906, 912, 916 and 918 East Centre Avenue from B-3, general business to OS-1, office service, 710 East Centre Avenue from P-1, vehicular parking to OS-1, office service (excepting the west 5-feet) and the northern approximate 50-feet of 907, 913 and 923 Pasma Avenue from B-3, general business to R-1A, one family residential. The motion was unanimously approved 6-0.

2. Comstock Township Master Plan Amendments. Vice-Chairman Felicijan referred the Commission to the communication received from Comstock Township regarding proposed amendments to the Master Plan. Proposed amendments involve several properties located along River Street, north of the I-94 Business Loop, approximately two miles from the City of Portage corporate boundary. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to receive the Comstock Township Master Plan Amendments with no specific comments offered. The motion was unanimously approved 6-0.

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

8:10 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

3. 2014 Comprehensive Plan Update, Transportation and Land Use + Character. Mr. Forth referred the Commission to the draft Transportation chapter of the 2014 Comprehensive Plan Update. Mr. Forth summarized the Introduction, Complete Streets, Context Sensitive Streets, Corridor Management and Street Capacity and Operations sections and asked if the Commission had any comments. Commissioner Dargitz asked if non-paved pathways can be an alternative where sidewalks along streets are not provided or planned. Mr. Forth stated they are an option in certain locations. Commissioner Dargitz also asked where the roadway capacity tables were and how roadway projects were presented to KATS for funding. Mr. Forth stated roadway capacity tables were being finalized and were being added to the Community Snapshot report. Mr. Forth also explained how roadway projects were presented to KATS by the local agencies and prioritized for funding purposes.

Mr. Forth then referred the Commission to the draft Land Use + Character chapter of the 2014 Comprehensive Plan Update. Mr. Forth summarized the various sections of the chapter and asked if the Commission had any comments. Vice-Chairman Felicijan stated on page 43 there is a reference to "see table at right", however, there is no table. Mr. Forth stated that reference was a carry-over from a previous section and would be removed. Commissioner Dargitz asked how "transitions" between land uses were being proposed with changes to the Future Land Use Map. Mr. Forth stated the Future Land Use Map was intended to identify general land use patterns across the city and more specific area reviews could be performed after adoption of the plan. Commissioner Somers asked whether language could be added to Page 48 (Lakefront Residential) that would reference a goal of establishing a more consistent lakefront setback to preserve the viewshed for all lakefront residents (i.e., 45 degree viewshed). Mr. Forth indicated this suggestion is probably best included in the Implementation Strategies section of the plan.

Mr. Forth reviewed the March 28, 2014 staff report and Future Land Use Map that identifies 19 proposed changes and asked if the Commission had any comments. Commissioner Dargitz suggested reordering the

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business designations on the map from least intensive to most intensive (local business, regional business, general business). Commissioner Dargitz also suggested modifying the office land use designation boundary at 732 East Centre Avenue to follow the property line and not split the parcel in half. Commissioner Dargitz stated the potential overlay zoning district for the Lake Centre Business Area was not referenced on the Future Land Use Map. Mr. Forth indicated the overlay zoning district was referenced in the Lake Centre Sub-Area Plan. Commissioner Dargitz also stated there was no reference to preserving the natural environment in the Land Use Chapter. Mr. Forth indicated that reference was included in other sections of the Plan including the Implementation Strategies.

The Commission did not have any further comments regarding the draft chapters and Future Land Use Map changes. Mr. Forth stated the full draft document of the Comprehensive Plan Update would be presented to the Commission by LSL Planning at the April 17th meeting.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

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

TO: Planning Commission **DATE:** April 11, 2014
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: Special Land Use Permit (reapproval): Cristin's Creative Corner, 9416 Shaver Road.

I. INTRODUCTION:

On November 16, 2006, the Planning Commission reviewed and approved a special land use permit and site plan for Cristin's Creative Corner to establish a child daycare center at 9416 Shaver Road. The approvals allowed establishment of the child daycare center within the existing 1,860 square foot building and also included a small parking lot expansion to accommodate the use (see attached Planning Commission meeting minutes). The applicant completed required interior building and site improvements and operated the child daycare center from 2006 to 2012. In 2012, the applicant downsized the child daycare center to a group child care home and relocated the business to her residence at 2528 Vanderbilt Avenue. Section 42-461.E.4 of the Zoning Code states, in part, that any approval given by the Commission "...where the use or work has been abandoned for a period of within six months, shall lapse and cease to be in effect". Since the use has not been in operation at the site for more than six months, the November 2006 approval has expired. The applicant has submitted a special land use permit application to reestablish the child daycare center at the site, consistent with the November 2006 approval.

II. BACKGROUND:

The following information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> • <u>Subject Site:</u> The approximate 2.6 acre site is zoned I-1, light industry and occupied by an approximate 1,860 square foot building and associated parking lot. • Vacant land zoned I-1, light industry borders the site to the south, while vacant land zoned I-2, heavy industry borders the site to the east, across Shaver Road. • Industrial uses zoned I-1, light industry border the site to the north and west.
Comprehensive Plan	<ul style="list-style-type: none"> • Future Land Use Map component of the Comprehensive Plan identifies the subject site along with adjacent properties as being situated within the Shaver Road Business Corridor. The Shaver Road Business Corridor is described as a developing corridor with a mixture of land uses, which serve as an employment generator and the production of a variety of products and is a location of a variety of consumer goods and services.
Access	<ul style="list-style-type: none"> • Existing full service driveway from Shaver Road: No new access drives are proposed.
Environmental Issues	<ul style="list-style-type: none"> • A review of the City of Portage Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) on or near the subject property.

Land Development Regulations	<ul style="list-style-type: none"> • Application has been submitted under Section 42-280.C.10, Special Land Uses in the I-1 district. Subject to review and approval by the Planning Commission, this section permits "Other uses similar to, and not more objectionable than, the uses permitted in this section, which will not be injurious or have an adverse effect on adjacent areas, and may, therefore, be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare." • Additional criteria for evaluating a special land use is set forth in Section 42-462, <i>General Standards for Review of Special Land Uses</i>.
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.

III. ANALYSIS:

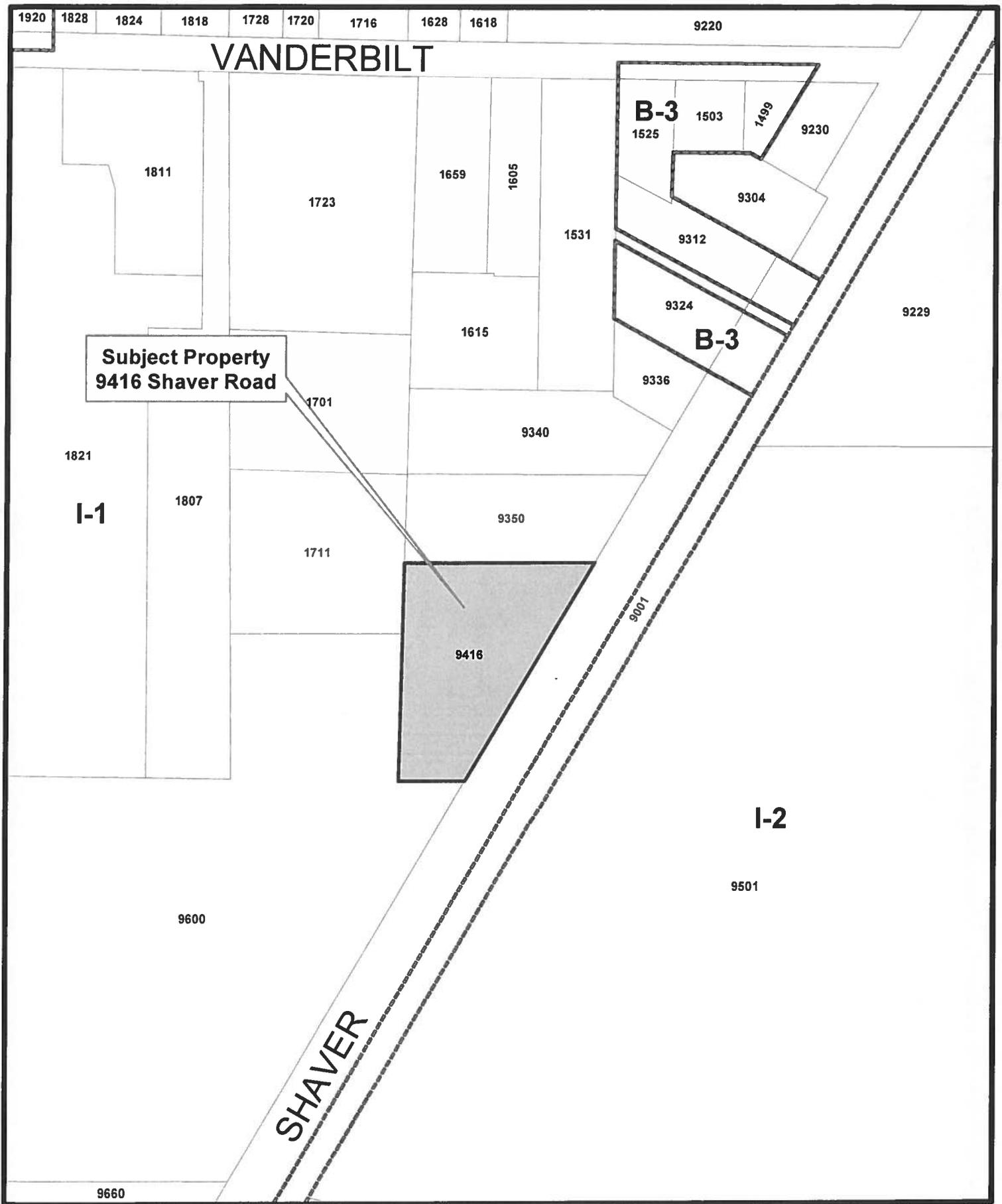
Based on information provided by the applicant and as previously concluded during the original 2006 approval, the proposal to reestablish the child daycare center at the site fulfills the requirements for issuance of a special land use permit. The child daycare center will provide needed and convenient child care options for the industrial and commercial employees within the Shaver Road Business Corridor, for nearby single family residential neighborhoods and is similar to and not more objectionable than the other uses in the surrounding area. The existing outdoor play area is fenced and will be utilized by the daycare center and previously approved landscaping enhancements along Shaver Road will be maintained. The child daycare center will be licensed and regulated by the State of Michigan.

Although the property is located in an area zoned for industrial use, the impacts associated with the day-to-day operations of existing or future industrial uses on the child daycare use are expected to be minimal, if any. The property is 2.6 acres in size and mostly wooded with the exception of the northeast corner where the building, outdoor play area and off-street parking area are located. The building and outdoor play area are located more than 200 feet from the west property line and more than 300 feet from the south property line resulting in significant buffer areas. There is a building near the north property line but no outdoor activities are conducted between the building and the common property line (refer to the attached aerial photograph). The property to the east, across Shaver Road, is part of the City of Portage Eliason Nature Reserve.

IV. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends that the Special Land Use Permit for Cristin's Creative Corner, 9416 Shaver Road, be reapproved.

- Attachments:
- Zoning/Vicinity Map
 - Aerial Photograph
 - November 16, 2006 Planning Commission meeting minutes
 - Special Land Use Permit Application and supporting materials



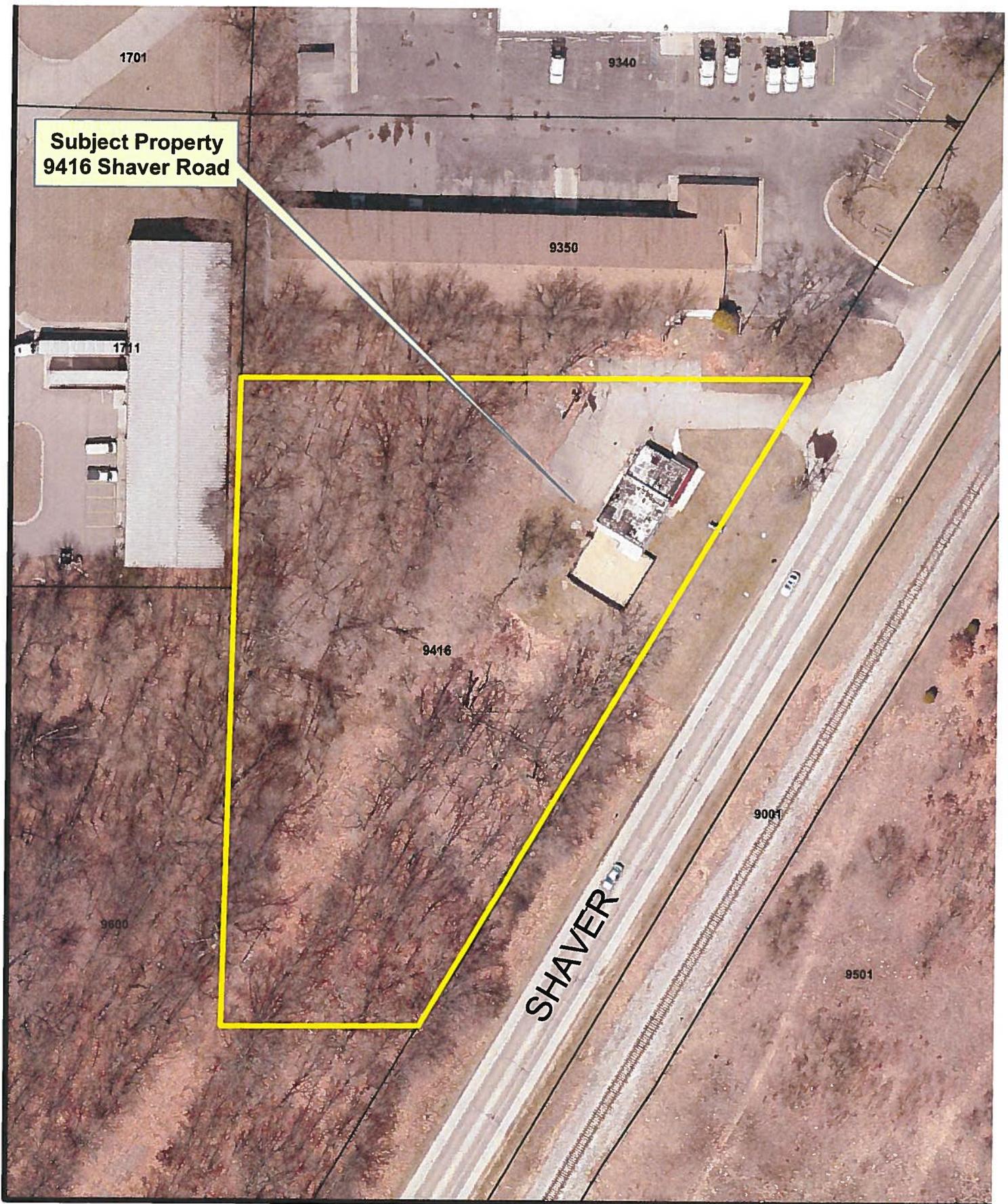
Legend

-  Zoning Boundary
-  Subject Property

SPECIAL LAND USE PERMIT
9416 Shaver Road



1 inch = 233 feet



Legend

 Subject Property

**Aerial Photography
9416 Shaver Road**



1 inch = 80 feet

PLANNING COMMISSION

November 16, 2006

The City of Portage Planning Commission meeting of November 16, 2006 was called to order by Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westmedge Avenue. Four people were in attendance.

MEMBERS PRESENT:

James Hoppe, Elizabeth Campbell, Richard Yonke, James Cheesebro, Nancy Martin, Kerry Hettinger, Bruce Dean and Chairman Thomas Fox.

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

Richard Chard.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services and Randy Brown, City Attorney.

PLEDGE OF ALLEGIANCE:

Chairman Fox led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Fox referred the Commission to the November 2, 2006 meeting minutes. A motion was offered by Commissioner Hoppe, seconded by Commissioner Cheesebro, to approve the minutes as submitted. The motion was unanimously approved.

PUBLIC HEARINGS:

1. **Special Land Use Permit, Cristin's Creative Corner, 9416 Shaver Road.** Mr. Forth summarized the report dated November 10, 2006 regarding the request by Ms. Cristin Vandermolen to establish a child day care center and associated site improvements. The approximate 2.6 acre site is zoned I-1, light industry and is situated along the west side of Shaver Road, south of Vanderbilt Avenue. The applicant is proposing to utilize the existing building with minor interior modifications and expand the parking lot to accommodate the planned child day care center. Commissioner Hoppe asked about on-site contamination that could be related to previous uses. Mr. Forth was unaware of any environmental uses. The applicant, Ms. Cristin Vandermolen, was present to speak in support of the proposed day care center. Ms. Vandermolen stated there is an old spray booth in the existing building that must be removed. Chairman Fox opened the public hearing. No citizens were present to comment on the proposed project. The public hearing was closed. There being no further discussion, a motion was made by Commissioner Yonke, seconded by Commissioner Campbell, to approve the Special Land Use Permit for Cristin's Creative Corner, 9416 Shaver Road. The motion was unanimously approved.

SITE/FINAL PLANS:

1. **Site Plan: Cristin's Creative Corner, 9416 Shaver Road.** Mr. Forth summarized the report dated November 16, 2006 regarding the request by Ms. Cristin Vandermolen to establish a child day care center and associated site improvements. The site is zoned I-1, light industry and the applicant is proposing to use the existing building with minor interior modifications and expand the parking lot. Commissioner Yonke asked if a 1,860 square foot building is large enough to accommodate up to 40 children. Ms. Vandermolen stated the State of Michigan has reviewed the site and determined this location is sufficient for 38-40 children. There being no further discussion, a motion was made by Commissioner Campbell, seconded by Commissioner Yonke, to approve the site plan for Cristin's Creative Corner, 9416 Shaver Road. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. **2007 Comprehensive Plan Update Schedule.** Mr. Forth summarized the staff report dated November 16, 2006 regarding the preliminary Comprehensive Plan Update schedule. Mr. Forth noted the update is scheduled to begin in May 2007 after the Portage 2025 Visioning project has concluded. The draft Plan is expected to be completed by mid-November 2007 and the required public hearing before the Planning Commission to adopt the Plan is also scheduled for December.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

APPLICANT INFORMATION

Name Cristin Muni2 (owner of business)		Telephone Number 269-350-5113	
Address 2528 Vanderbilt Ave	City Portage	State MI	Zip code 49024

OWNER INFORMATION (if different)

Name Joe Giannora (owner of building)		Telephone Number 269-982-1553	
Address 515 Ship St.	City St. Joseph	State MI	Zip code 49085

PROPERTY INFORMATION

Address of property 9416 Shaver Rd.	Zoning District Portage	Land Area (acres) 1.06 acres
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Legal Description (or attach separate page)
 Please see attached

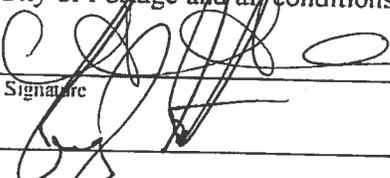
PROPOSED USE

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

RECEIVED
 MAR 18 2014
 COMMUNITY DEVELOPMENT

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  -business
 _____ -property

03/10/14
 Date

March 2014

Mike West
Assistant City Planner
Portage Community Development
7900 S Westnedge Ave
Portage, MI 49024

RE: Site plan review for a daycare center at 9416 Shaver Rd.

Dear Mr. West,

I am submitting a site plan application in hopes to obtain approval for a child daycare center located at 9416 Shaver Rd in Portage. In 2006, The City of Portage planning commission approved a special land use permit to allow me to run a child care center at this exact location. After five years in the building and after my lease had expired, I decided to downsize to a home daycare located at 2528 Vanderbilt Ave.

After one and a half years at the home, the daycare has once again grown and obtained a waiting list. I contacted Joe Giannola, the owner of 9416 Shaver Rd, to see if it was possible to move my business back into that location since the building has remained vacant. He has agreed to allow me to lease the building for the use of a child care center.

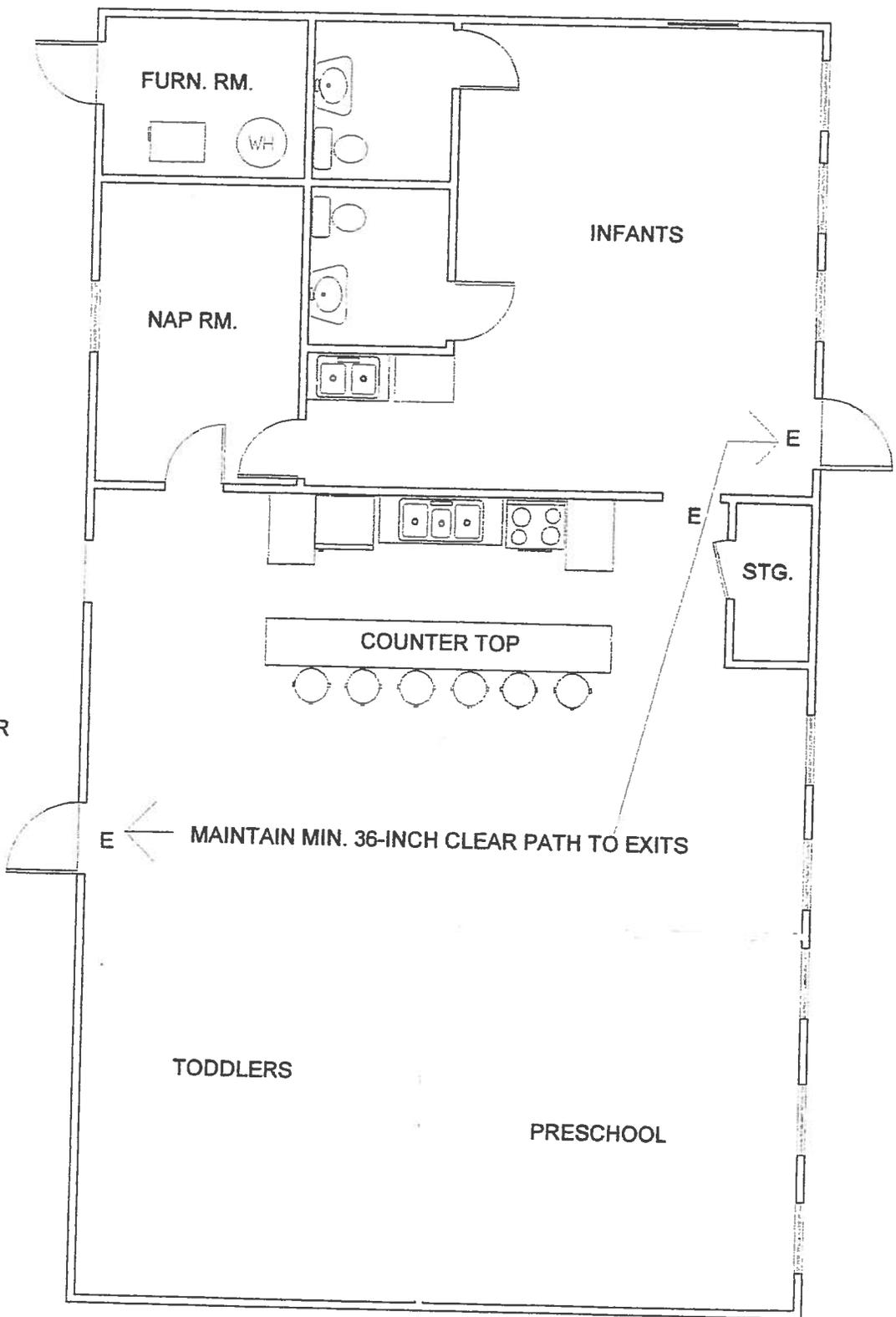
In 2006-2007 there were multiple renovations made to the existing building at 9416 Shaver Rd. These renovations were specifically geared towards a child care business. Since the building has remained vacant and no other businesses have moved into the building, the building will not need any renovations prior to moving the child care back into that location.

I would like to thank all of you for reviewing the site plan application and look forward to meeting with you in the near future.

Sincerely,

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

Cristin Muniz



PROPOSED SITE FOR:

CRISTIN'S CREATIVE CORNER
9416 SHAVER RD.
PORTAGE, MI 49024

SKETCH ONLY - NTS

MAINTAIN MIN. 36-INCH CLEAR PATH TO EXITS

TO: Planning Commission

DATE: April 11, 2014

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Special Land Use Permit (reapproval): Indoor Dog Daycare, 129 West Centre Avenue.

I. INTRODUCTION:

During the June 20, 2013 meeting, the Planning Commission reviewed and approved a special land use permit for Portage Centre Plaza, LLC to establish an indoor dog daycare center within a portion of a building located at 129 West Centre Avenue. Specifically, the indoor dog daycare facility was proposed to occupy two vacant tenant spaces (297 and 299 West Centre Avenue) within the southwestern most building of the Portage Centre Plaza shopping center. The June 20, 2013 approval included several conditions regarding the operation of the indoor dog daycare center (see attached Planning Commission meeting minutes). Section 42-461.E.4 of the Zoning Code states, in part, that any approval given by the Commission "...under which the premises are not used or work is not started within six months.....shall lapse and cease to be in effect". Since more than six months have elapsed without any activity, the June 2013 approval has expired. The applicant has resubmitted the special land use permit application requesting reapproval with no changes from the June 2013 approval.

As previously indicated and consistent with Section 42-652 of the Zoning Code, an administrative determination was made by the Community Development Director that the indoor dog daycare facility is a use not specifically referenced in the Zoning Code. The indoor dog daycare use is also not a commercial kennel, as defined, since the facility and operational aspects are different (i.e. no overnight boarding, breeding activities, dog kennels/runs located within or partially outside a building, etc.). However, uses permitted in the B-3 zone do include, in addition to commercial kennels, veterinary clinics/hospitals, animal grooming services and pet stores that have similar characteristics to the indoor dog daycare proposal. Pursuant to Section 42-652, the dog daycare center was determined to be a use not specifically addressed in the Zoning Code and a use that may be allowed in the B-3 zone as a special land use subject to Planning Commission review and consideration, public comment and conditions to mitigate potential adverse impacts on adjacent tenants and properties.

II. BACKGROUND:

The following information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> • <u>Subject Site:</u> The approximate 9.3 acre zoning lot is zoned B-3, general business and occupied by four commercial buildings and associated parking and storm water related facilities. • Portage Public Schools property zoned R-1B, one family residential borders the site to the south, and is utilized for athletic fields and associated off-street parking. • Various commercial uses and a nonconforming apartment complex zoned B-3 border the site to the east. • West Centre Avenue and Portage City Hall zoned OS-1, office service borders the site to the north, while Grand Elk Railroad and Shaver Road borders the site to the west.
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Comprehensive Plan	<ul style="list-style-type: none"> • Future Land Use Map of the Comprehensive Plan identifies the subject site along with adjacent properties as appropriate for City Centre Area land uses (mixed land use: local/specialty retail and eateries, single and/or multiple family residential).
Access	<ul style="list-style-type: none"> • Existing full service driveways from West Centre Avenue and South Westnedge Avenue: No new access drives are proposed.
Environmental Issues	<ul style="list-style-type: none"> • A review of the City of Portage Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) on or near the subject property.
Land Development Regulations	<ul style="list-style-type: none"> • Section 42-652, <i>Uses not addressed.</i> • Additional criteria for evaluating a special land use is set forth in Section 42-462, <i>General Standards for Review of Special Land Uses.</i>
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.

III. APPLICATION/PROPOSAL:

According to the application materials, the proposed dog daycare facility will be conducted fully indoors and occupy the southern portion (4,053 square feet) of the southwest building within the Portage Centre Plaza. Other tenants in this building include Pak Mail, Great Harvest Bread, Anytime Fitness and Health Care Midwest. The dog daycare use will be divided into three sections for large, small and mature dogs with the remaining space to be utilized for a small retail/office area, dog bathing/grooming area and waste disposal/storage area. The dog daycare business would have a maximum capacity for 60 dogs (40 dogs is the projected average) and would be open from 7am-7pm, Monday through Saturday. No outdoor runs/exercise areas or overnight boarding of dogs is proposed.

During administrative review, staff expressed to the applicant potential concerns regarding noise, odors and water management practices associated with the proposed indoor dog daycare center. As proposed, the dog daycare center will be located on the southern end of the existing building with only one interior wall shared with a future tenant (existing tenant space to north is currently vacant). In an effort to minimize potential noise impacts on future adjacent tenants, the applicant will construct an additional demising wall with an air space between the walls. This enhanced interior building construction will increase the sound transfer coefficient (STC) rating to above 60, which will exceed the noise attenuation rating of an 8-inch thick concrete wall. The applicant will also construct an enclosed five-foot wide corridor to separate the large dog area of the use from the demising walls, and install closed cell rubber flooring throughout the indoor dog care center to reduce barking and associated noise.

To address potential odors from the indoor dog daycare center, the applicant has stated that make-up air units will be added to the existing HVAC system, which is also a separated system from the rest of the building and tenant spaces. As indicated in the supporting letter, the applicant intends to facilitate up to five total air changes per hour that will eliminate odor transmission. Finally, and in regard to waste storage/disposal, the applicant has indicated that liquid waste will drain through layers of the artificial turf and chemically treated granular material (that will remove odors) and will be collected in floor drains that will connect to the sanitary sewer system. Solid waste will be collected by indoor dog daycare staff and disposed in a waste container (within the building) that will grind, rinse and deposit the waste directly to the sanitary sewer system.

IV. ANALYSIS:

As described in the application materials, the proposed dog daycare is a use that is not specifically addressed in the Zoning Code. However, the dog daycare proposal does have some characteristics that are similar to commercial kennels, animal grooming services, animal sales activities, veterinary clinics and incidental facilities, which are allowed in the B-3 zone. The land area, frontage/access on a major thoroughfare, adjacent land uses, existing building setbacks from property lines and applicant's proactive efforts to address noise and odors and properly collect and dispose of dog waste generated from the use appear appropriate to mitigate potential adverse impacts on tenants within the building and adjacent land uses. In the context of the general standards of review in Section 42-462, the proposal represents an appropriate, compatible use consistent with the Comprehensive Plan and Zoning Code/Map. No environmental issues are evident and public facilities (water, sewer and street infrastructure) can accommodate the planned use.

As information for the Commission, compliance with all applicable Code of Ordinance requirements including Community Quality (Chapter 24) for the operation of this proposed use, and specifically related to noise, odors, sanitation and health, and so forth is required. The daily waste removal and sanitation procedures and related operational activities planned by the applicant, are necessary and appropriate to ensure conformance and should preclude any need to consider administrative and enforcement actions.

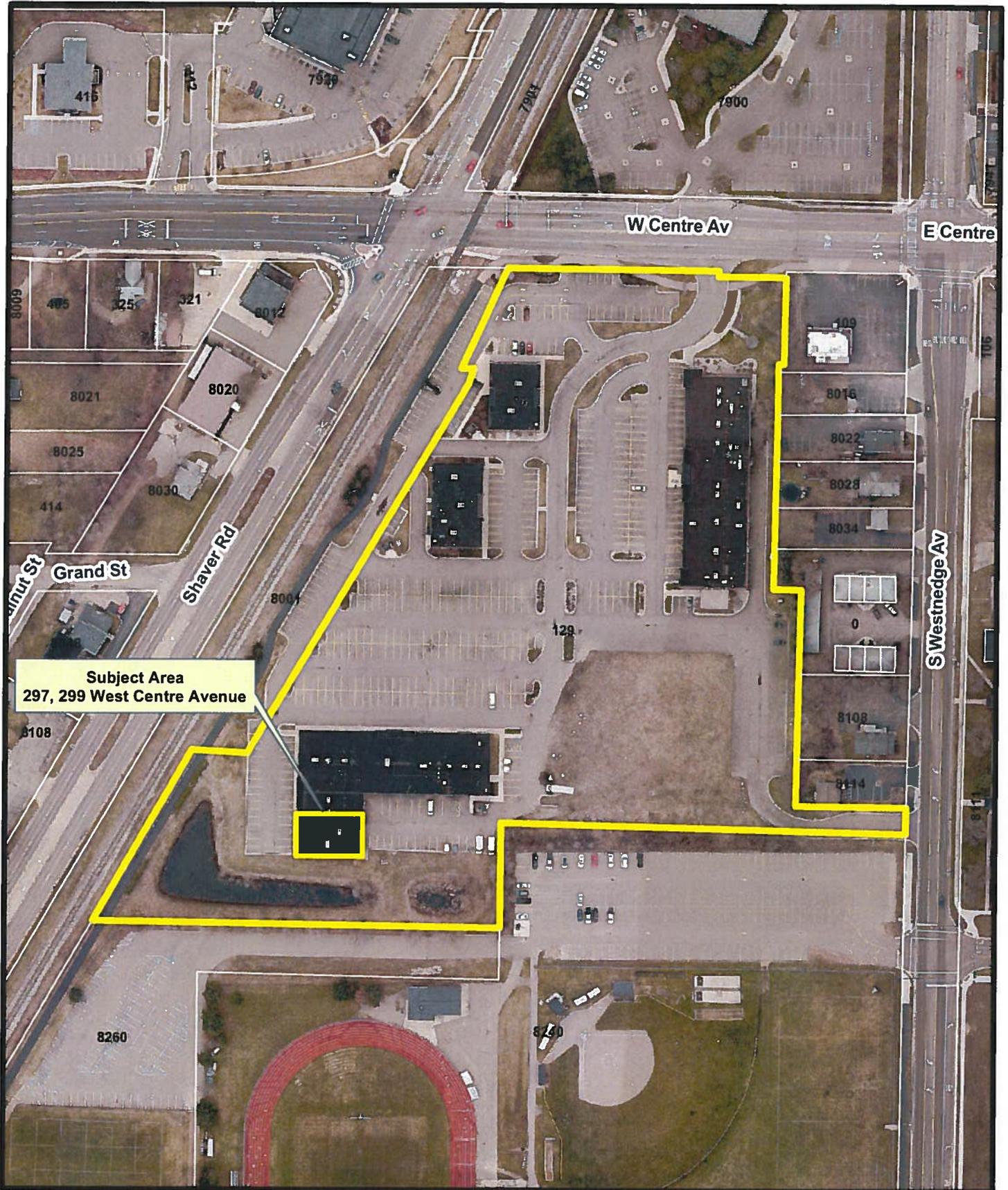
Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. Additionally, existing tenants located within the subject building including Great Harvest Bread, Pak Mail, Anytime Fitness and Health Care Midwest have also been provided written notice. Finally, a notice was also placed in the local newspaper.

V. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends that the Special Land Use Permit for Portage Centre Plaza, LLC (indoor dog daycare center), 129 West Centre Avenue, be reapproved as proposed by the applicant and subject to the following conditions:

1. No outdoor exercise areas, kennels/runs or other activities;
2. No overnight boarding, breeding or selling of dogs;
3. Hours of operation be restricted to 7am-7pm, Monday through Saturday (as proposed by the applicant);
4. Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health.

Attachments: Zoning/Vicinity Map
Aerial Photograph
June 20, 2013 Planning Commission meeting minutes
Special Land Use Permit Application and supporting materials



Aerial Photo
129 West Centre Avenue (portion thereof)



1 inch = 150 feet
2013 Pictometry Imagery

PLANNING COMMISSION

June 20, 2013

The City of Portage Planning Commission meeting of June 20, 2013 was called to order by Vice-Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

MEMBERS PRESENT:

Bill Patterson, Rick Bosch, Miko Dargitz, Allan Reiff, Wayne Stoffer, Dave Felicijan, Paul Welch, Betty Schimmel and Henry Kerr.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

Vice-Chairman Welch led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Vice-Chairman Welch referred the Commission to the May 30, 2013 special meeting minutes contained in the agenda packet. Commissioner Dargitz asked that the minutes be amended at the bottom of page 2 (beginning of second complete paragraph) to include the following: "which included the subcommittee intent that the other Planning Commission members would not be required to visit 10-20 businesses as suggested by staff and the desire to launch the passbook program in July and not September due to the start of the Comprehensive Plan update". After a brief discussion, a motion was then offered by Commissioner Dargitz, seconded by Commissioner Felicijan, to approve the minutes as amended. The motion was unanimously approved.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. **Special Land Use Permit: Indoor Dog Day Care, 129 West Centre Avenue.** Mr. West summarized the staff report dated June 13, 2013 regarding the request by Portage Centre Plaza LLC to establish an indoor dog day care center is a Portage Centre Plaza shopping center tenant suite. Consistent with Section 42-652 of the Zoning Code, Mr. West indicated the dog day care center was determined to be a use not specifically addressed

in the Zoning Code and a use that may be allowed in the B-3 zone as a special land use subject to Planning Commission review and consideration. Mr. West described the proposed indoor dog day care use that was proposed to be located in the southwestern building and the building construction measures the applicant would complete to address potential noise and odors. Mr. West stated staff was supportive of the indoor dog day care use, as proposed by the applicant, subject to the four conditions identified in the staff report.

The Commission and staff discussed the differences between the proposed indoor dog day care and a commercial kennel, standards regarding minimum square footage per dog and previous dog day care approvals in the city. Mr. Mike Kreps (applicant's representative) and Mr. Tanner Nicholson (Portage Centre Plaza LLC) were present to support the application and explain the indoor dog day care use. Commissioner Felicijan asked if the applicant had an evacuation plan for the dogs in the event of a fire or other emergency. Mr. Kreps indicated the building was protected by a fire sprinkler system, however, additional consideration would need to be given to a building evacuation plan for the dogs. Vice-Chairman Welch opened the public hearing. No citizens spoke regarding the proposed indoor dog day care center. A motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to approve the Special Land Use Permit for Portage Centre Plaza LLC (indoor dog day care), 129 West Centre Avenue, subject to the following conditions: 1) No outdoor exercise areas, kennels/runs or other activities; 2) No overnight boarding, breeding or selling of dogs; 3) Hours of operation be restricted to 7am-7pm, Monday through Saturday (as proposed by the applicant) and 4) Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health. The motion also included the applicant's commitments to install additional building walls, air exchange units and waste collection and disposal devices as indicated in the application materials and June 13, 2013 staff report. The motion was unanimously approved.

NEW BUSINESS:

1. Election of Officers. Vice-Chairman Welch discussed the recent vacancy of the Chairman position and asked if there were any nominations or Commissioners interested in the position of Chairman. Commissioner Reiff nominated Paul Welch for the position of Chairman. There being no additional nominations or interested Commissioners, by unanimous consent Paul Welch was elected as Chairman. Commissioner Dargitz nominated Dave Felicijan for the position of Vice-Chairman. There being no additional nominations or interested Commissioners, by unanimous consent Dave Felicijan was elected as Vice-Chairman. Commissioner Reiff nominated Wayne Stoffer for the position of Secretary. There being no additional nominations or interested Commissioners, by unanimous consent Wayne Stoffer was elected as Secretary.

STATEMENT OF CITIZENS:

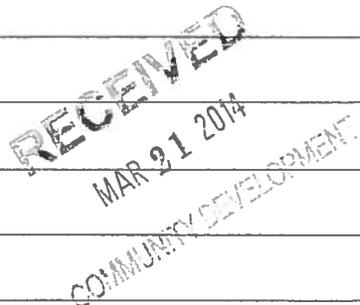
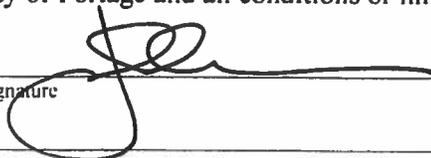
None.

7:30pm - The Commission took a short recess.

7:35pm - The Commission reconvened the meeting in City Hall Conference Room No. 1

OLD BUSINESS:

1. City of Portage 50th Anniversary Celebration – Recognition of Portage Businesses. Mr. Forth summarized the June 14, 2013 staff report that included suggestions for consideration of the Passbook program and also referred the Commission to highlight-strike versions of the various Passbook documents, as proposed by Attorney Brown and staff. Commissioners Felicijan and Dargitz expressed concern regarding the

APPLICANT INFORMATION			
Name MICHAEL AKREPS		Telephone Number 269-217-3323	
Address 1849 Cambridge St	City Kalamazoo	State MI	Zip code 49006
OWNER INFORMATION (if different)			
Name Portage Centre Plaza LLC		Telephone Number 269 3825775	
Address 21 E WALKER ST SUITE 201E	City Kalamazoo	State MI	Zip code 49007
PROPERTY INFORMATION			
Address of property 297 E 299 W Centre Ave	Zoning District D-3	Land Area (acres)	
Legal Description (or attach separate page) part of Portage Centre Plaza			
PROPOSED USE			
Description of proposed Special Land Use (attach additional page(s), if necessary) See letter 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 		Date 3/21/14	

March 21, 2014
City of Portage
Portage Planning Commission &
Department of Community Development
7900 South Westnedge Ave
Portage, MI



RECEIVED
MAR 31 2014
COMMUNITY DEVELOPMENT

To: Staff and Planning Board Members,
Re: Proposed Dog Day Care, 297 & 299 West Centre Ave, Portage, MI

My client is preparing to lease tenant space in Portage Center Plaza for a proposed dog day care center, the specific location is known as 297 & 299 West Centre Ave. These are currently two un-leased spaces in the southern most portion of the southwest building of that development. This building currently houses Pak Mail, Great Harvest Bread, Anytime Fitness and Health Care Midwest. This 9.34 acre parcel is zoned B-3, general business and is occupied by four buildings and associated improvements.

The Portage Zoning Code does not specifically reference a dog day center use; section 42-652 of the Zoning Code establishes a procedure to address land uses not specifically addressed, therefore we have met with Department staff for their opinion and to send it to Planning Commission for a Special Land Use Permit in a B-3 district.

B-3 allows for veterinary clinic/hospitals, pet store, dog grooming business and kennel/animal shelter, the Community Development Director has determined that an indoor dog day care use may be allowed in the B-3 district as a Special Land Use, subject to Planning Commission review.

Our proposal calls for a 4,053 square foot facility for a dog day care operation that would be operated fully indoors. The space would be divided into a small retail/office space, separated by full height walls, the day care area which would be divided into three sections for large, small and mature dogs, and areas for dog bathing, grooming, waste disposal and storage, again separated by full height walls. The proposed dog day care facility would have a maximum capacity of 60 dogs; we project to have an average of 40 dogs per day. The hours of business are Monday through Saturday 7AM to 7PM; there is no overnight boarding and no exterior areas for the dogs.

Concerns from staff were; noise to other tenant spaces, odor attenuation and the disposal of waste products. Re: noise, the space we are leasing is located on the southernmost part of the southernmost building in the development, having one outside wall along the southern property line and one interior demising wall to a future tenant, currently that space is vacant.

To reduce the potential noise to the other tenants we need maximize the STC (sound transfer coefficient) rating between lease spaces. We plan to construct an additional demising wall with an air space between the walls. The existing demising wall has a STC rating of 48; the new wall along with the airspace will have a STC rating of 54, together the total STC rating will exceed 60, which exceeds an eight inch thick concrete wall rating of 54.

Dog Day Care Proposal
297 & 299 West Centre Ave.
Page 2

In addition to the new wall, we will construct an enclosed corridor five feet wide to separate the large dog portion of the center from the demising walls. Additionally the floor of the play areas are finished with a closed cell rubber flooring that helps reduce noise from barking, and nails on the floor. This also provides comfort for the dogs.

Re: odors: To remove the potential odor problem, we plan to add make-up air units to the existing two HVAC units in the space, the plan is to facilitate up to five total air changes per hour, thus eliminating odor transmission.

Re: waste; the facility has waste areas for each dog area, these areas are constructed to let liquid waste drain through layers of artificial turf and granular materials that are chemically treated to remove odors. The liquid waste will be directed to a drain and onto the sanitary sewer system. For solid waste removal, the staff cleans up the solids and transfers it to another location within the building into a waste container that will grind, rinse and send the waste directly to the sewer system. Staff will be on hand to rinse and sanitize waste areas regularly and to care for any accidents that may occur in the remainder of the play areas.

Obviously, sanitary conditions are a major requirement to the owners, staff and to the clients. This particular Dog Day Care has been designed to be used as a prototype for potential franchise sales, therefore great care and considerations have been applied to this design of this facility to eliminate potential problems.

We ask that the Planning Commission approve a Special Land Use Permit for this business in this location.

Sincerely,



Michael A. Kreps
MA Kreps Designs LLC

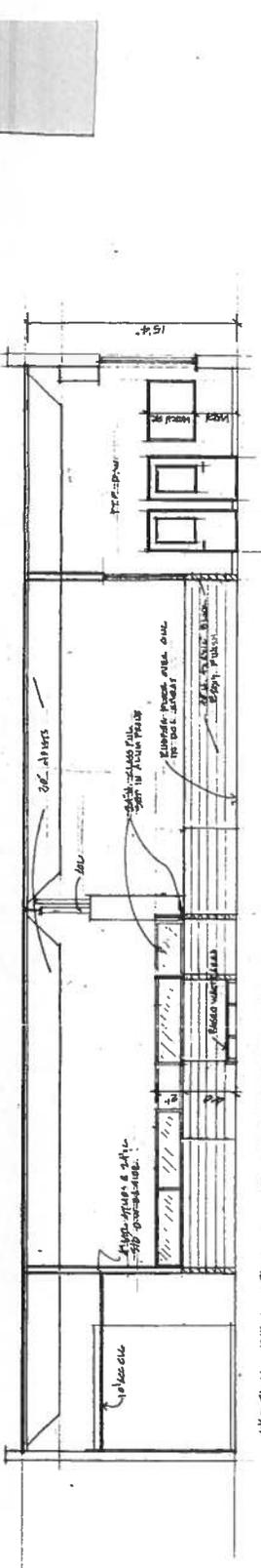
Attachments:

Proposed Floor Plan

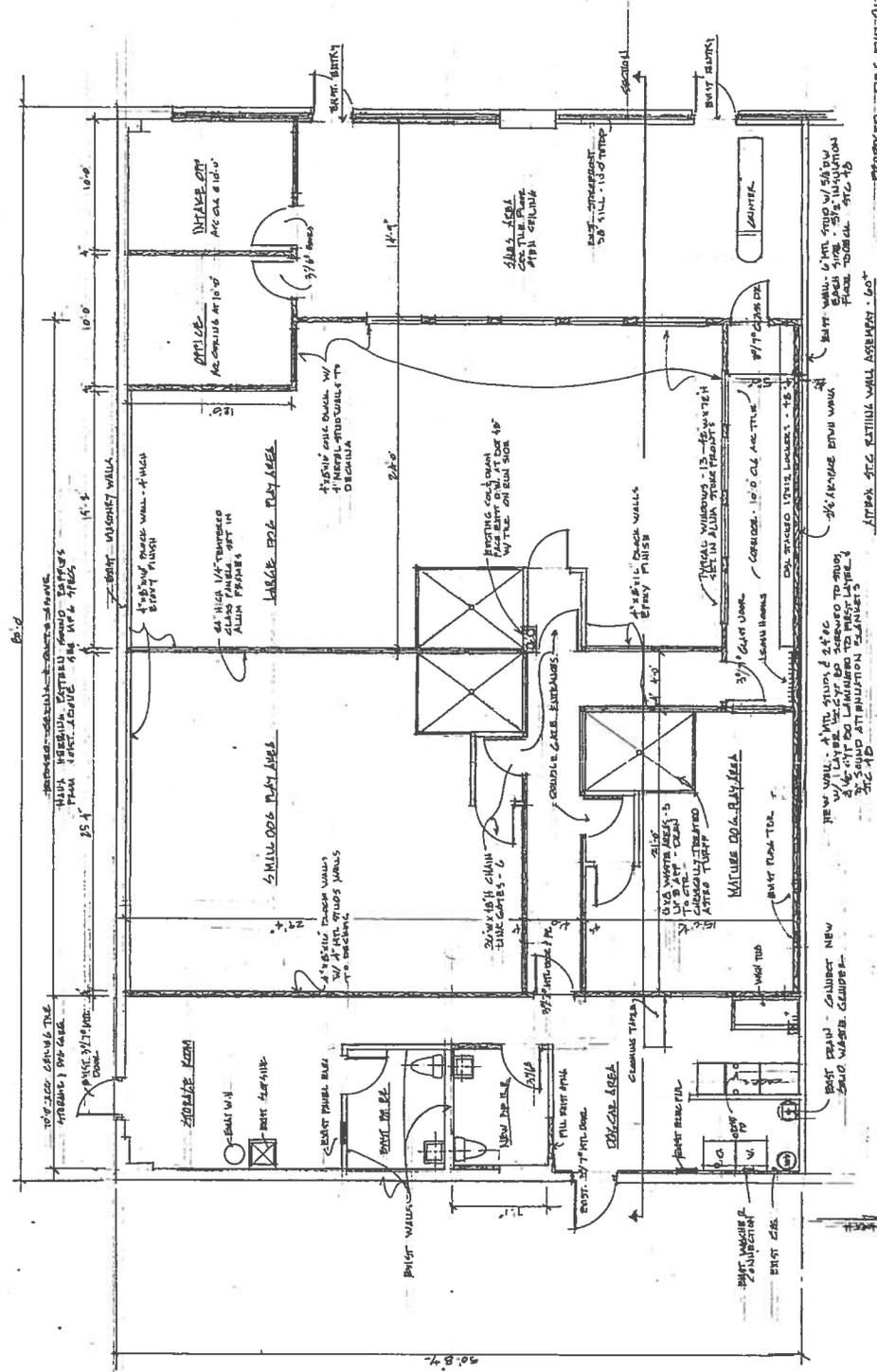
Site location aerial

Space Location aerial

Application for Special Land Use Permit



SECTION - THRU - STAIR



TWO-STORED FLOOR PLAN

PROPOSED DOG ON CHASE PROPERTY
 271 WEST CENTRE AVE. - WISCONSIN
 MA KREPS & DESIGNS, LLC
 104 CLAREMONT ST.
 MADISON, WI 53703

APPROX. 2\"/>

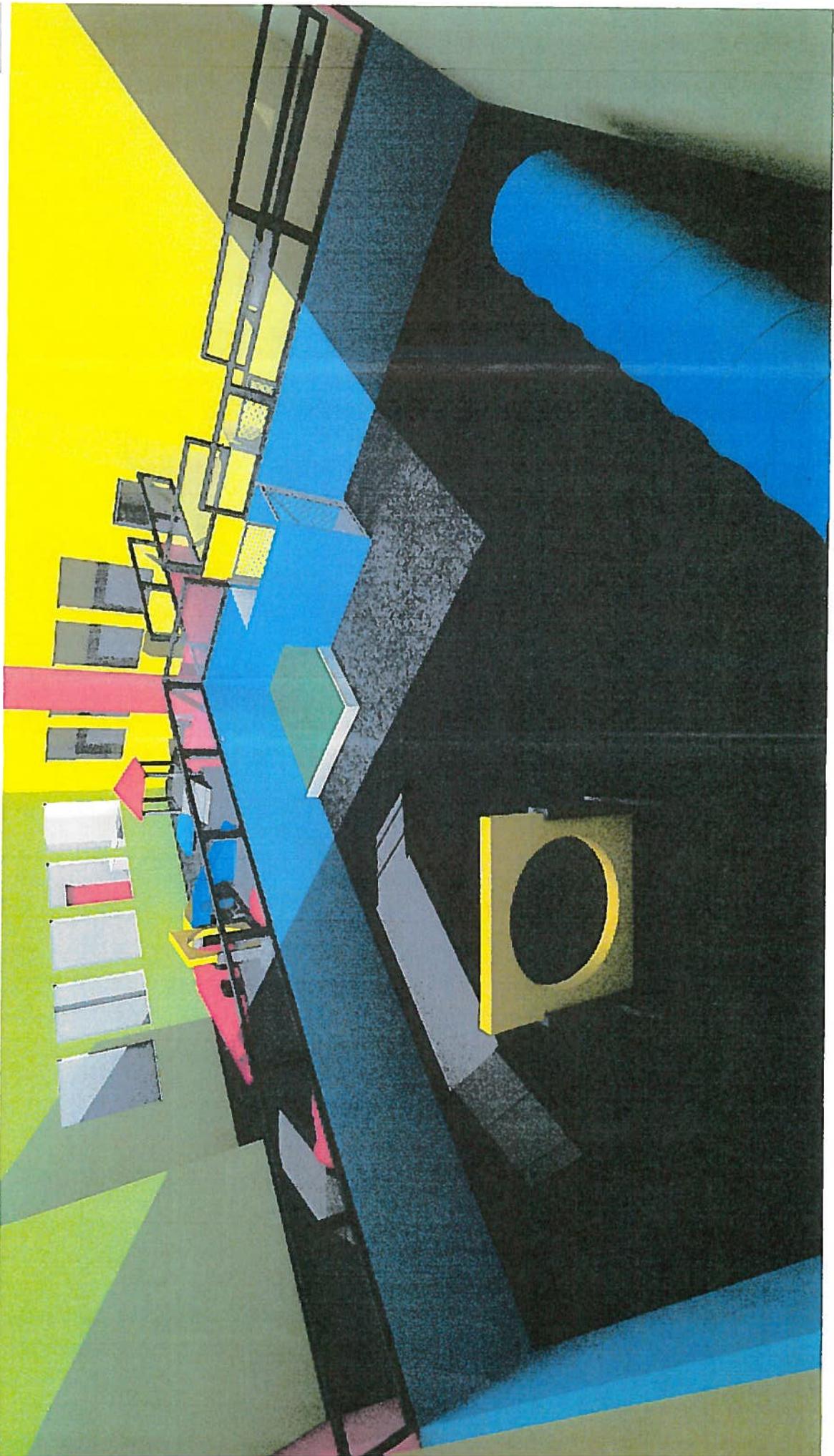
NEW WALL - 2\"/>

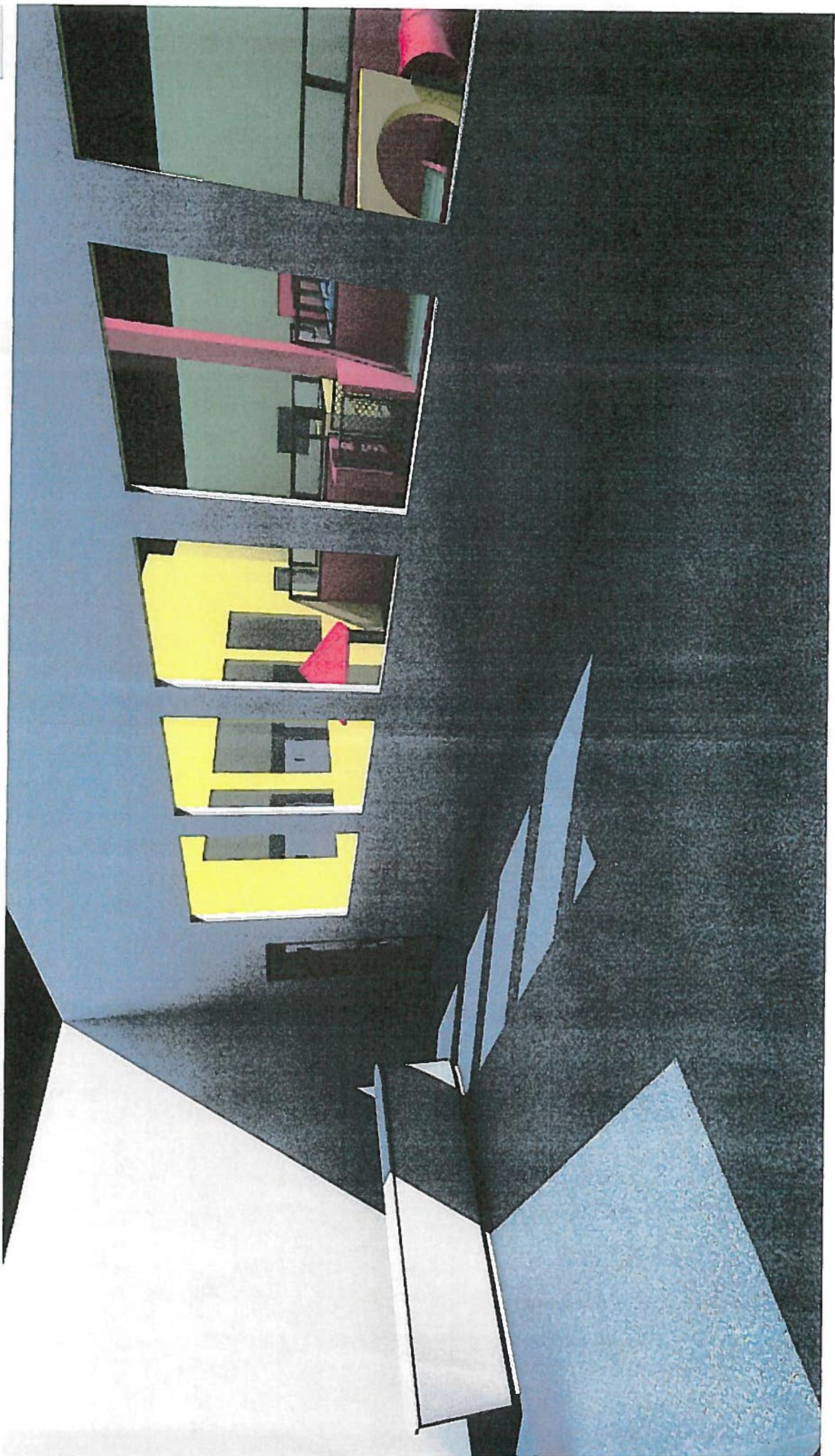
EXIST. 2\"/>

EXIST. 2\"/>



SPACE LOCATION





TO: Planning Commission

DATE: April 11, 2014

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Conceptual Plan Amendment for Sam's Club Fueling Station, 7021 South Westnedge Avenue

I. INTRODUCTION:

An application to amend a previously approved conceptual plan involving Sam's Club located at 7021 South Westnedge Avenue has been received from Sam's Real Estate Business Trust. The conceptual plan amendment proposes to add an accessory fueling station near the northwest corner of the site. The fueling station will consist of eight fueling pumps islands an overhead canopy and a 192 square foot kiosk (attendant) building. The fueling station will only be available to Sam's Club members and will operate Monday through Saturday from 6:00 a.m. to 9:00 p.m. and on Sunday from 9:00 a.m. to 7:00 p.m. There will be no other retail sales. The 12.45 acre property is zoned CPD, commercial planned development.

In 2005, the Planning Commission reviewed/recommended approval and City Council subsequently approved the conceptual plan for the Sam's Club development that included construction of a new 135,548 square foot retail building and associated site improvements. The original conceptual plan approval by City Council also included three modifications pertaining to off-street parking, screening/buffering and building height. In regard to the parking modification, City Council approved a total of 631 parking spaces to serve development project where 732 parking spaces were required by the Zoning Code. In conjunction with the proposed conceptual plan amendment and construction of the fueling station, the applicant is requesting another parking modification to allow a total of 539 spaces. Attached is an amended conceptual plan, written narrative and supporting information submitted by the applicant for the proposed fueling station.

II. COMMERCIAL PLANNED DEVELOPMENT PROCEDURES/REQUIREMENTS:

For development projects within the CPD zone, the Zoning Code requires that City Council approve a conceptual plan for development after a public hearing and after Planning Commission review and recommendation. The conceptual plan is intended to show the overall development of the area including proposed uses, number and location of building sites, parking, location of streets/driveways and so forth. The specific (site) plan shows the proposed development details and characteristics for each individual site. The Zoning Code stipulates that the Planning Commission subsequently reviews and approves the specific (site) plan. If a specific (site) plan is not received by the time required in an approved program of development, or two years after approval of the conceptual plan, whichever is less, the conceptual plan approval shall expire.

While a specific (site) plan for the Sam's Club retail building was submitted and approved in 2005, the accessory fueling station was not identified in the original conceptual plan/narrative. Therefore, the applicant is submitting an amended conceptual plan/narrative which details the proposed fueling station. In conjunction with the amended conceptual plan/narrative, the applicant has also submitted a

specific (site) plan for the Sam's Club Fueling Station project and is requesting concurrent review and conditional approval by the Planning Commission during the April 17, 2014 meeting. A separate report will be provided that includes details the specific (site) plan.

III. ANALYSIS:

Section 42-414.A of the Zoning Code establishes standards and objectives of review for conceptual plans that the Planning Commission and City Council are to consider as part of the recommendation/approval process. The following information summarizes the proposed conceptual plan amendment as requested by the applicant.

Surrounding Land Uses/Zoning – The land use/zoning pattern surrounding the Sam's Club zoning lot is as follows:

- North: Across Romence Road Parkway, retail building zoned B-2, community business and vacant land owned by the City of Portage zoned B-2, community business and I-1, light industry.
- East: Vacant property owned by the City of Portage zoned R-1A, one family residential.
- South: Commercial center under separate ownership zoned B-3, general business.
- West: Various commercial land uses (Texas Roadhouse, Tuffy Muffler, Carelink Medical Supply) zoned B-3, general business.

Access/Traffic Generation – Access to the fueling station will be provided through the existing Sam's Club driveways that include a shared, full-service driveway from South Westnedge Avenue; full-service from Romence Road Parkway located on the west side of the building; and a limited turning movement driveway (right-in/right-out) from Romence Road Parkway located on the east side of the building. No new driveways are proposed with the fueling station and existing cross access arrangements with adjacent businesses will be maintained.

South Westnedge Avenue, between Romence Road and Garden Lane, is designated a 5-lane major arterial roadway with 26,051 vehicles per day (2013) and a capacity 37,100 vehicles per day (level of service "D"). Romence Road Parkway, between South Westnedge Avenue and Lovers Lane, is designated a 4-lane minor arterial roadway with 10,738 vehicles per day (2012) and a capacity of 33,000 vehicles per day (level of service "D").

A comprehensive traffic study for the overall Sam's Club development including the adjacent commercial building to the south was completed during the 2005 review and approval. In conjunction with the original 2005 approval and construction of Sam's Club and retail building to the south, several major roadway improvements were completed at the South Westnedge Avenue/Romence Road Parkway intersection and along Romence Road Parkway. The applicant has provided trip generation information for the fueling station obtained from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition. ITE estimates 222 PM peak hour trips (129 new PM peak hour trips); however, this estimate is considered high since the fueling station is available only to Sam's Club members. Additional traffic generation associated with the Sam's Club fueling station is expected to be minimal and can be accommodated by the adjacent roadway system.

Parking – With regard to the parking modification, the applicant is proposing to reduce the current number of parking spaces from 631 to 539, which is 193 (26%) fewer spaces than required by

ordinance (539 spaces proposed/732 spaces required). Based on operations of other Sam's Club facilities across the county, the applicant has indicated the reduction in parking will not be detrimental to the site or adjacent properties, and will provide adequate parking while maintaining the current aesthetics of the parking lot. The proposal of 539 parking spaces represents a ratio of 3.97 spaces per 1,000 square feet of building area, which is consistent with the current Sam's Club guideline of 4 spaces per 1,000 square feet of building area. Similar parking reductions of approximately 20% have also been granted to the Wal-Mart facility on Shaver Road, Lowes Home Improvement store on South Westnedge Avenue and the recently reviewed Earth Fare commercial planned development near the southwest corner of West Kilgore Road and South Westnedge Avenue. Based on information provided by the applicant, "members only" nature of the Sam's Club facility and on-site observations, staff supports the parking modification since adequate off-street parking remains to accommodate Sam's Club members.

Structure Setbacks/Height – The proposed fueling canopy will be approximately 18-feet in height and setback approximately 32-feet from the Romence Road Parkway right-of-way. The kiosk building will be approximately 11-feet in height and setback approximately 71-feet from the Romence Road Parkway right-of-way. The canopy will have minimal impact on Romence Road Parkway since it is an open air structure, oriented so the narrow portion of the canopy is adjacent to Romence Road Parkway and is located behind or west of the existing CareLinc building.

Utilities – A storm water treatment system and infiltration basin was constructed near the northeast portion of the Sam's Club facility in 2005. Storm water from the fueling station will be collected and conveyed to this existing system, after passing through a spill containment unit located beneath the parking lot. Municipal water and sanitary sewer will serve the proposed fueling station and kiosk building.

Environmental Issues – The subject property does not contain any designated floodplain, wetland or other environmentally sensitive features. Designated wetland areas are present on the adjacent property to the east which is owned by the City of Portage. In addition to the storm water spill containment and treatment system, the fueling station will also be equipped with emergency shut off devices located on the exterior of the kiosk building. Emergency spill response procedures for both minor and major spill events have also been developed and implemented by Sam's Club. Finally, underground storage tanks and related pump islands associated with the fueling station will be installed and monitored consistent with state and federal regulations (Michigan Department of Environmental Quality is the regulating agency for fueling stations).

Integration of the Development – The fueling station canopy and kiosk building will include earth tone colors (browns/tans) that are consistent with the existing color scheme at the Sam's Club retail site. A color elevation of the fueling station is attached with the application materials. The previously approved decorative wrought iron fence with brick pilasters and associated landscaping along the Romence Road Parkway will be maintained with construction of the accessory fueling station. Finally, outdoor lighting associated with the fueling station will include recessed lighting units beneath the canopy to minimize brightness and reduce glare.

IV. RECOMMENDATION:

Based upon the above analysis and subject to any comments received during the public hearing, staff advises the Planning Commission to recommend to City Council that the Conceptual Plan Amendment for Sam's Club Fueling Station, 7021 South Westnedge Avenue, be approved with the requested parking modification. Based on information provided by the applicant and the characteristics of the development, provisions of Section 42-414.G (Authority to waive or modify standards) have been satisfied.

Attachments: Zoning/Vicinity Map
Aerial Photograph
Conceptual Plan Amendment (April 4, 2014 narrative and conceptual plan drawing)
Color elevation drawing (fueling station)
Emergency Spills Response Procedures

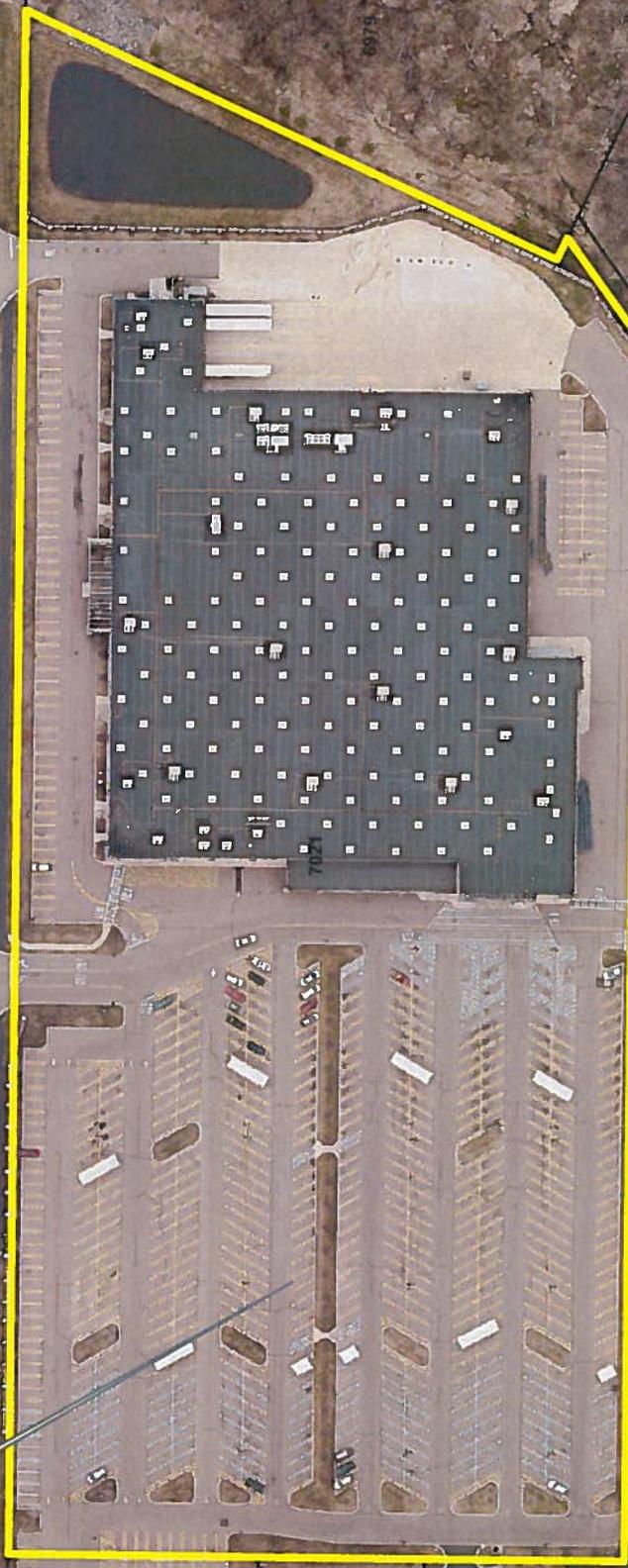
S:\Commdev\2013-2014 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Planned Developments\Sam's Club Fueling Station, 7021 South Westnedge (conceptual plan amendment) doc

Subject Property

ence Rd

Romence Road | Py

S Westnedge Av



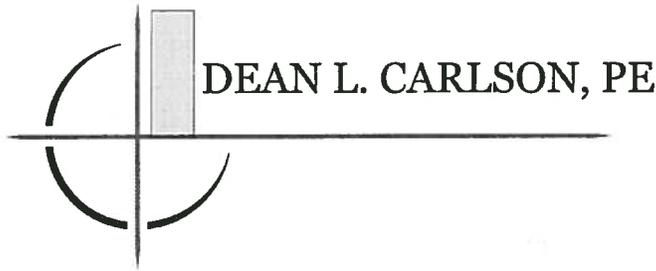
Subject Property

2013 Aerial Photography

Aerial Photography **7021 South Westnedge Avenue**



1 inch = 150 feet



April 4, 2014

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

RECEIVED
APR 08 2014
COMMUNITY DEVELOPMENT

Re: Conceptual Plan Narrative
Proposed Sam's Club Fueling Station #6661-500 Development

The following is a narrative to accompany the Conceptual Plan in order to amend the previously approved Conceptual Plan.

A. PURPOSE AND OBJECTIVES

The purpose of the proposed land development is to add a fueling station to the existing Sam's Club parking lot. The existing Sam's Club parcel is 12.45± acres and is zoned Commercial Planned Development (CPD). The existing club that was approved in 2005 is approximately 135,548± sq. ft. in size. The original Sam's Club Development plans were developed to incorporate the adjacent Plaza Corporation as a part of the overall development, although the adjacent parcel is zoned General Business (B-3). The Plaza Corp. development, which is 3.62± acres and contains a 27,516± sq. ft. building, was not subject to City Council approval due to its zoning classification.

The fueling station development is requesting Conceptual Plan and Site Plan approval (conditioned on approval from City Council) for the 192± square foot fueling station addition that includes eight (8) fueling pumps, or sixteen (16) fueling positions. The fueling station addition will be located in the Northwest corner of the Sam's Club parking lot, and will be constructed of pre-finished metal. For location and colors of the pre-finished metal, refer to the colored rendering.

The fueling station will be equipped with emergency shut off buttons, located on the exterior of the kiosk. A spill kit for minor spills will also be provided at the kiosk. Standard operating procedures for minor and major spills will be left on site. These procedures are included in kiosk attendant training. See accompanying spill kit information for more on the procedures and spill kit provided at the kiosk. A spill containment unit is also being provided at part of the new storm sewer system. Refer to section N of this narrative for more information.

B. GENERAL PLAN OF DEVELOPMENT

Construction of the proposed fueling station is anticipated to begin after all necessary permits and approvals are obtained in the summer of 2014.

C. MAP OR MAPS

See accompanying Conceptual Plan by Dean L. Carlson, P.E.

D. NAME OF THE DEVELOPMENT

Sam's Real Estate Business Trust is owner/developer of the 12.45± acres.

- E. CONTIGUOUS HOLDINGS OF THE LAND OWNER
There are no contiguous holdings of the land owner at this time.
- F. PROPERTY LINES OF ADJECENT TRACKS OF LAND
See accompanying Conceptual Plan by Dean L. Carlson, P.E.
- G. EXISTING STREETS AND EASEMENTS
See accompanying Conceptual Plan by Dean L. Carlson, P.E.
- H. LOCATION OF EXISTING SEWERS, WATER MAINS, STORM DRAINS AND OTHER UNDERGROUND FACILITIES
See accompanying Conceptual Plan by Dean L. Carlson, P.E.
- I. TOPOGRAPHY
See accompanying Conceptual Plan by Dean L. Carlson, P.E.
- J. USE, HEIGHT, SETBACKS
The Sam's Club property is zoned CPD, and the current use is retail. As shown on the colored rendering, the highest point of the fueling station is the top of the canopy, which measures 18'-2". The proposed height of the kiosk is 10'-10" at its highest point. The proposed setback for the fueling station addition from Romence Road, which can be seen on the accompanying Conceptual Plan by Dean L. Carlson, P.E., is 32.45'± for the canopy and 71.87'± for the kiosk.
- K-L. PROGRAM OF DEVELOPMENT
The scope of work for the development prior to construction commencement will include demolition of a portion of the existing parking lot. The construction of the proposed development is intended to commence late fall/early winter 2014. The Sam's Club fueling station development is expected to be completed by early 2015.
- M. COMMON OPEN SPACE
According to the definition received from the City of Portage, there is no common open space other than that normally found in retail development of this nature. The applicant and tenants assure maintenance of the parking area, landscaped areas, lighting, and signs in a first class manner.
- N. DISTRIBUTION OF WATER, DISPOSITION OF SANITARY WASTE AND STORM WATER
Water distribution for the development will be controlled by the City of Portage. Sanitary sewer will be constructed, pending approval by the City of Portage. The existing on-site storm sewer system will be modified to convey storm water for the fueling station addition to the existing Sam's Club detention pond located behind (east of) the Sam's Club building. The existing detention pond is an infiltration basin.

Because the fueling station is classified as a "hot spot" per the Stormwater Design Criteria Manual, spill containment provisions are required for the site. The stormwater runoff from the areas located under the canopy and above the fuel tanks will drain to the west, to one of two existing inlets, which will both be routed through the spill containment unit. See accompanying Post-Dev Drainage Areas plan by Dean L. Carlson, P.E. for the drainage areas for the fueling station. The spill containment unit chosen for this site is the Contech VortClarex system. The unit was sized based on needing to hold 456.5 cu.ft. of stormwater. This volume was found by multiplying 0.83 acres of impervious area by 550 cu.ft./acre. The location of the system can be

seen on the Grading Plan by Dean L. Carlson, P.E. For specifications of the unit, see accompanying Detail Sheets by Dean L. Carlson, P.E.

O. TRAFFIC ISSUES AND IMPACTS

No traffic issues are anticipated from the fueling station addition within the existing Sam's Club development. No new driveways or City of Portage ROW curb cuts are proposed. Per the Commercial Plan Development Narrative approved for the Sam's Club in 2005, a reduction in parking was requested from City Council. The reduction requested for the Sam's Club was from the required 732 spaces per the ordinance to 631 spaces. Sam's Club is now requesting a further reduction in required parking from 631 spaces to 539 spaces to accommodate the fueling station addition, per section 42-414.G. of the ordinances. Based on operations across the United States, Wal-Mart has recently revised their conditions to specify a maximum parking ratio of 4 spaces per 1,000 sq. ft. of building area for a Sam's Club site. At 539 spaces, the modified parking ratio will be 3.97/1,000 sq. ft., which is just shy of the current Wal-Mart guidelines. This reduction will not affect the parking for the adjacent shopping center to the south of the Sam's Club, nor will it affect the shared parking with the development to the west of the club. With the proposed reduction in parking, the objective of having an aesthetically pleasing parking lot while providing enough parking for the costumers will still be met without maintaining the initial required parking ratio. Because the parking lot is bound by developments to the south and west, as well as Romence Road to the north and the Sam's Club building followed by the stormwater management facility to the east, there is no reasonable place to add additional parking stalls without impacting the landscaping for the site. In summary, the reduction in parking will neither be detrimental to the adjoining properties or to the overall objective of the site, which is to provide adequate parking while maintaining the current aesthetics of the parking lot.

A detailed traffic impact study was previously prepared for the Sam's Club development. This study indicated that the Sam's Club development would generate 849 (426 inbound and 423 outbound) trips during the Weekday Middy Peak Hour, 742 (374 inbound and 368 outbound) trips during the Weekday P.M. Peak Hour, and 1,158 (582 inbound and 576 outbound) trips during the Saturday Peak Hour. With pass-by and internal trip reduction, the Sam's Club development would generate 612 (307 inbound and 305 outbound) trips during the Weekday Middy Peak Hour, 534 (269 inbound and 265 outbound) trips during the Weekday P.M. Peak Hour, and 835 (419 inbound and 416 outbound) trips during the Saturday Peak Hour.

The original traffic study recommended the following improvements be made as part of the Sam's Club Development:

- Widen the east side of South Westnedge Avenue from the Sam's Club Driveway, north to Romence Road Parkway, for the construction of a northbound-to-eastbound right-turn lane;
- Construct East Drive on the south side of Romence Road Parkway as a right-in/left-out only driveway, with one inbound lane and one outbound lane;
- Widen the south side of Romence Road Parkway, west of the proposed East Drive, for the construction of an eastbound-to-southbound right-turn lane;
- Construct South Drive as a full access driveway with one inbound lane, an exclusive westbound-to-southbound left-turn lane, and an exclusive westbound-to-northbound right-turn lane;
- Construct West Drive on the south side of Romence Road Parkway as a full access driveway with one Inbound lane, an exclusive northbound-to-westbound left-turn lane, and an exclusive northbound-to-eastbound right-turn lane;
- Widen the south side of Romence Road Parkway, west of West Drive, for the construction of an eastbound-to-southbound right-turn lane;

- Remove the existing full access driveway west of the proposed West Drive, and replace the corresponding curb cut in the landscaped median with new curb and gutter;
- Remove a section of the landscaped median at West Drive for the construction of a westbound-to-southbound left-turn lane;
- Remove a section of the landscaped median at West Drive to allow the northbound-to-westbound left-turn movement to exit the site and the westbound-to-southbound left-turn movement to enter the site.

Based on a review of available construction plans and aerial photography, the improvements recommended in the original traffic study appeared to have been completed in conjunction with the construction of the Sam's Club.

The development of the proposed 8-pump Sam's Club fueling station is expected to result in minimal, if any, increases in trips to the site. The traffic patterns at the entrance/exit drives are, in general, expected to follow the existing traffic patterns. The proposed fueling station will be a self-service, "members only" fueling station with operating hours of 6:00 AM to 9:00 PM Monday through Saturday, and 9:00 AM to 7:00 PM Sunday. A small kiosk is provided for one attendant and there will be no access to the public and there will be no other retail sales beyond fuel sales.

According to the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition, an 8 pump (16 positions) fueling station would generate a total of 222 PM peak hour trips. Utilizing a 42% "pass-by" trip reduction, as suggested by ITE data, would result in 129 new PM peak hour trips. Since the proposed Sam's Club fueling station is only open to Sam's Club members, it would seem to reason that this projection based on the ITE Trip Generation Manual significantly overestimates both the "new" and overall trips that would be generated by the proposed fuel station.

In addition, the proposed Sam's Club fueling station will be located within an area of the existing parking lot that is a convenience for those customers already shopping at the Sam's Club. A direct access to the public roadway is not being proposed. The success of the fueling station is expected to be driven by the internal capture of those customers already shopping at the Sam's Club and not as a convenient stop for "pass-by" trips. Due to the membership requirement and the lack of a direct connection between the fueling station area and a public road, it seems reasonable to conclude that very few trips would occur that are not also related to a shopping trip to the Sam's Club.

It should be noted that there is potential for the Sam's Club to realize a nominal increase in membership (say 5% or less) following the construction of the fueling station. If that is the case, then based on ITE data for Land Use Code (LUC) 857 "Discount Club", a 5% net increase in site generated trips would result in approximately 14 entering and 14 exiting trips (28 total) in the critical PM peak hour. When this minor number of trips is spread across multiple site access points, the overall site impact is negligible.

Based on our research, it appears that the transportation planning industry has yet to identify the reduced traffic impacts of "members only" fueling stations. Furthermore, the data that is available from the ITE Trip Generation Manual for regular fueling stations appears to significantly overestimate the amount of traffic for this type of development when considering the membership requirements for both the use of the fuel station and for shopping at the Sam's Club. Therefore, in the absence of suitable data, estimates were made based on our experience with Sam's Club developments over the last 25+ years and conversations with our Client.

In summary, the number of "new" trips expected to be generated by the Sam's Club fueling station are expected to be minor and are not anticipated to have a significant impact on traffic operations on site or on the surrounding roadway network.

P. COVENANTS, EASEMENTS, AND RESTRICTIONS

See accompanying Conceptual Plan by Dean L. Carlson, P.E.

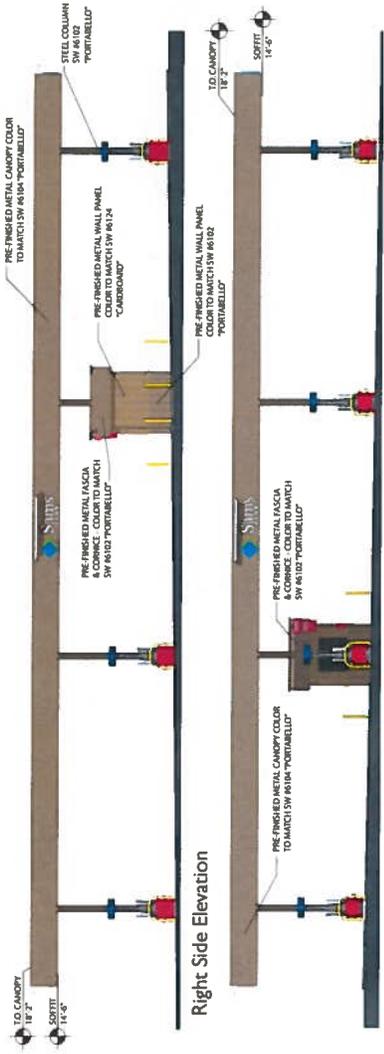
Q. INVENTORY OF NATURAL FEATURES

No wetlands were found on-site. Additionally, the site is not located within a floodplain. Given the existing site has been in operation as a commercial development for 8 years, no endangered species or threatened species are anticipated to be found.

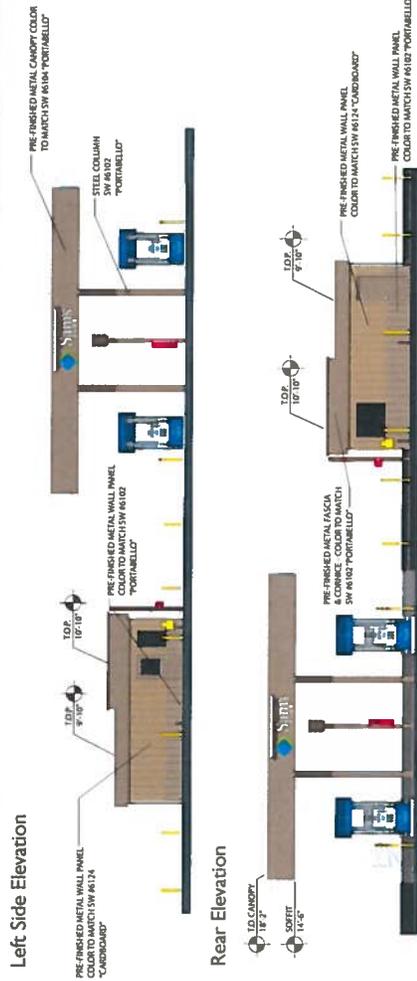
Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Carlson', with a large, stylized flourish at the end.

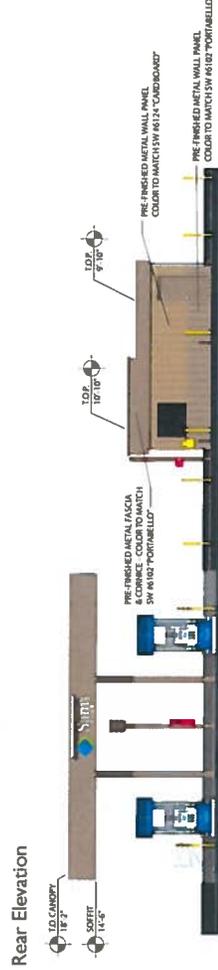
Dean L. Carlson, PE
President



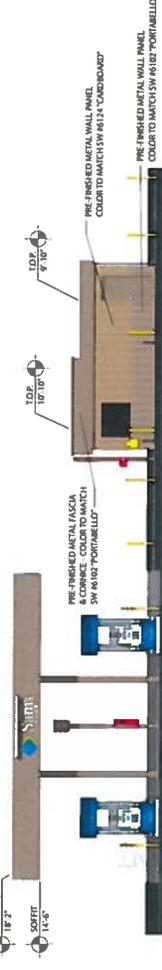
Right Side Elevation



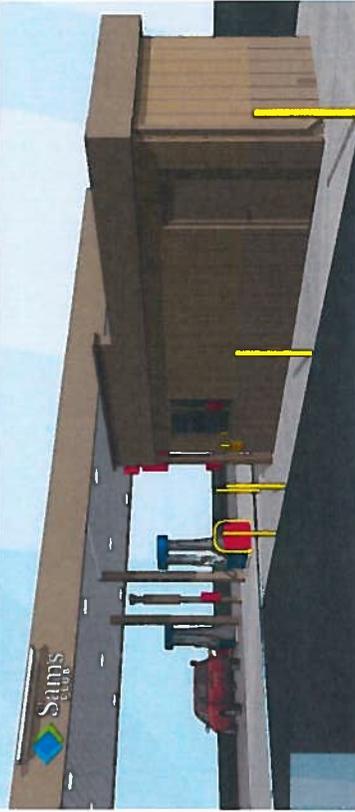
Left Side Elevation



Rear Elevation



Front Elevation



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FUEL STATION

PAGE 1

FOR A/HI REVIEW - CLIENT APPROVED
Building images shown are an artistic representation
of the design intent. Actual color or materials may vary
and are subject to change during construction.
NOT FOR CONSTRUCTION



CLEAN UP GAS STATION SPILLS

Equipment needed: 55 – Gallon Steel Drum, PPE – (PPE will always be gloves, goggles, and an apron order #550478823), Bucket Liners (order #9953631), Absorbent (Oil Dri), Black Permanent Marker, Push Broom, Dust Pan

Spill Clean Up: **Major Spills**

1. Major spills are defined as those involving liquids in amounts that are free flowing on the parking lot and leave stains or discoloring in an area covering more than 3 ft. by 3 ft., either as a result of incidents relating to tanker deliveries or dispensing pumps. Leaks may be detected initially by the abnormally strong smell of gasoline. The action to take for major spills is as follows:
 - a. Immediately shut down the pumps by using the emergency shut-off button
 - b. Call 911 for the fire department and call alarm center at 1-800-530-9924
 - c. If any person has been badly splashed, call 911 for ambulance services
 - d. Prevent access to the Gas Station except for emergency services personnel

Spill Clean Up: **Minor Spills**

2. Minor spills are defined as those involving liquids that do not run far on the parking lot and that leave a stained or discolored area no bigger than 3 ft. by 3 ft. Minor spills are normally the result of a blow back due to a constriction of the pump hose or because the automatic shut-off nozzle has not worked correctly. The action to take for minor spills is as follows:
 - Required resources are PPE, absorbent material (Oil Dri), 55-gallon steel drum, bucket liners, push broom, dust pan and black permanent marker
 - Using the black permanent marker write on the outside of the bucket liner:
 - Date
 - Product Name (Fuel Debris/Absorbent)
 - Associate's Name
 - Put on PPE
 - All spills are to be cleaned up using absorbent (Oil Dri)
 - Sprinkle Oil Dri around the edge of the spill area
 - Sweep the Oil Dri to the center of the spill area
 - Using the dust pan sweep up the used Oil Dri
 - Place the used absorbent into the bucket liner
 - Twist the neck of the bucket liner and tie a knot
 - If necessary use more than one bucket liner, be sure to write the information noted above on each bucket liner that is being used
 - Place the bucket liner containing the used absorbent into the 55-gallon steel drum
 - When placing waste in the 55-gallon drum unlatch the lid attachment ring, remove the ring and lid, and place the bucket liner of waste in the drum. Place the lid back on the drum, attach the lid attachment ring, and latch the ring closed. Make sure the lid is secured and attached to the drum.

Drum Set Up/Maintenance

Haz-Waste service provider will place 55 gallon steel drum on concrete/pavement protected by curb and/or bollards



Service provider will label drum on side with completed haz-waste label in plastic sleeve

Drum lid must be closed and secured at all times (except when adding waste)

All waste in drum must be in a labeled bucket liner

Waste removal will be scheduled by haz waste service provider to align with facility haz-waste pick up

Haz-waste manifest will be completed/signed with pick up on Walmart's behalf by service provider, and a copy left in receiving office for haz-waste manifest folder

AP Manager will review drum and set up with weekly hazardous waste inspection

- AP Manager will correct labeling issues as needed:
- Label faded or not legible - replace label and complete according to 'Hazardous Waste Label Correction SOP'
 - Accumulation start date missing - write an accumulation start date that aligns with the date of the last hazardous waste service event

- If your facility requires a drum cap, it must also be in place at all times (except when adding waste)
- If drum fills before schedule pick up, a special service event will provide for early pick up

SOP Reference - Drum Set Up, Hazardous Waste Label Correction

Hazardous Waste Spill Management

YES Is the spill a MAJOR spill (larger than 3 ft x 3 ft)? **NO**

- Immediately shut down pumps with emergency shut-off button
- Call 911 for fire dept. and Alarm Central at 1-800-530-9924
- Request ambulance from 911 if anyone badly splashed
- Bar access to gas station except by emergency personnel

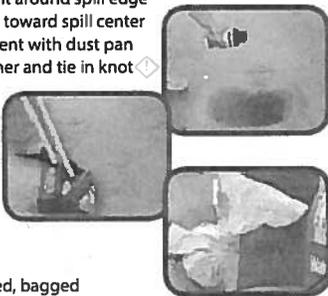
Spill must be processed using required material

Write: Date, 'Fuel Debris/Absorbent', Associate's name, on bucket liner

Put on PPE

Absorb Spill

- Sprinkle absorbent around spill edge
- Sweep absorbent toward spill center
- Sweep up absorbent with dust pan
- Place in bucket liner and tie in knot



Place labeled, bagged waste inside 55 gallon drum

Drum must be closed securely before and after putting waste inside

Drums should only hold bagged absorbent material, contaminated PPE, and drained fuel filters (service provider maintains fuel filters).

- PPE (gloves, goggles, apron), absorbent material (Oil-Dri), 55-gallon drum, bucket liners, push broom, dust pan, permanent black marker
- Use multiple labeled bags if needed

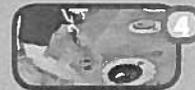
SOP Reference - Clean Up Gas Station Spills, Spill Clean Up Walmart Express Fuel Station, Change Fuel Filters

Spill Bucket Maintenance

Unlock and open fuel kiosk

Gather spill cleanup material and screwdriver

Go to and open the spill bucket with a screwdriver (place tip under lever and lift up)



Place lid to side and visually inspect spill bucket

YES Does the spill bucket contain liquid? **NO**

Write: Date, 'Fuel Debris/Absorbent', and Associate's Name, on bucket liner

Return lid to spill bucket and lock by pressing lever down. Move to next Spill Bucket.

Put on PPE

Is there enough liquid to use Tough Guy Measuring Cup?

YES

Use Tough Guy Measuring Cup to remove excess liquid



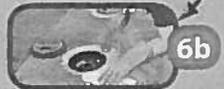
Pour absorbent in bucket liner

Empty Tough Guy Measuring Cup liquid onto absorbent in bucket liner



Lightly squeeze bucket liner absorbent in bag to help absorb liquid (add more if needed)

NO



Wipe liquid residue in spill bucket with paper towel

Place paper towel and all clean up material used in labeled bucket liner

Place labeled bucket liner(s) in 55 gallon drum

Drum must be closed securely before and after putting waste inside

Drums should only hold bagged absorbent material, contaminated PPE, and drained fuel filters (service provider will maintain fuel filters).

Continue to step 6b

- Spill buckets are to be clean of liquid and debris at all times
- PPE (gloves, goggles, apron), absorbent material (Oil-Dri), paper towels, bucket liners, Tough Guy Measuring Cup, permanent black marker
- Repeat all steps for each spill bucket

SOP Reference - Cleaning of Spill Buckets

FUEL ENVIRONMENTAL COMPLIANCE

EMERGENCY SPILL RESPONSE

Step 1: Stop the Release

- If safe take immediate action to prevent the release of more product.
- Hit emergency pump shutoff switch (typically a red button).
- Turn off power to dispenser and/or product pumps.

Step 2: Call for Help

- Contact the Primary Operator (Asset Protection Manager or Member Service Assistant Manager a.k.a. A/B Operator).
- Contact your local fire or emergency response authority if conditions warrant.

Step 3: Identify any Hazards

- Identify any potential fire, explosion, or vapor hazards and take action to evacuate the area.
- Warn customers not to start vehicles for their own safety if explosion hazard exists.

Step 4: Contain the Release

- Use approved "Oil Dry" to contain, absorb, and clean-up any surface release before it reaches the environment (storm drain, water, or soil).

Additional Actions:

- Take pictures of the incident.
- Document any conversations and contact information of anyone involved in the spill or clean-up.
- A member of management is to maintain a site presence during clean-up to oversee project.
- If a situation develops at your location that could possibly attract media or public attention, call Sam's Club Public Relations at (800) 331-0085

Important Contacts

Fire & Police Department:	911
Primary Operator (A/B Operator):	_____
24 Hour Emergency:	(479) 616-4592
Fuel Environmental Compliance:	(479) 204-6131 / (479)277-8205

FUEL ENVIRONMENTAL COMPLIANCE

Kevin E. Allen, Fuel Environmental Compliance Sr. Manager
(479)204-6131
Nick Prince, Fuel Environmental Project Manager
(479)277-8205

Fax: (877)795-8817

E-mail: fuelec@wal-mart.com

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TO: Planning Commission

DATE: April 11, 2014

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Specific (Site) Plan for Sam's Club Fueling Station, 7021 South Westnedge Avenue

I. INTRODUCTION:

A specific (site) plan has been submitted by Sam's Real Estate Business Trust to construct an accessory fueling station at the existing Sam's Club retail facility located at 7021 South Westnedge Avenue. The fueling station is proposed along the northwest portion of the existing Sam's Club site and will consist of eight fueling pumps (16 pump dispensers), an overhead canopy, a 192 square foot kiosk (attendant) building and associated site improvements. The 12.45 acre Sam's Club property is zoned CPD, commercial planned development and the fueling station project has been designed in substantial conformance with the proposed amended conceptual plan which is currently being considered by Planning Commission and will subsequently be reviewed by City Council.

The fueling canopy and kiosk building will be setback approximately 32-feet and 71-feet, respectively, from the Romence Road Parkway right-of-way. Storm water from the fueling station will be collected and conveyed to a spill containment unit located along the west side of the fueling canopy prior to discharge into the existing storm water system that includes a treatment cell and infiltration basin located northeast of the existing Sam's Club retail building. Fueling pumps will be equipped with emergency shut-off devices and underground storage tanks and related equipment will be installed and monitored consistent with state and federal regulations. Outdoor lighting associated with fueling canopy will consist of recessed units to reduce brightness and eliminate glare.

No new driveways will be constructed with the fueling station project and access to the site will continue to be provided through existing driveways from Romence Road Parkway and South Westnedge Avenue. Existing shared/cross access arrangements with adjacent properties including Texas Roadhouse, Tuffy Muffler and Carelink Medical Supply to the west and the PlazaCorp retail building and office developments to the south will also be maintained. Finally and consistent with the proposed amended conceptual plan/narrative, a total of 539 parking spaces will serve the overall Sam's Club development.

II. RECOMMENDATION:

The development project has been reviewed by the City Administrative departments. Staff recommends that the specific (site) plan for Sam's Club Fueling Station, 7021 South Westnedge Avenue, be approved subject to City Council approval of the Conceptual Plan Amendment. If City Council approves the conceptual plan with modifications affecting the specific (site) plan, these modifications would also apply to the Planning Commission conditional approval of the specific (site) plan.

Attachments: Specific (Site) Plan Sheets
Fueling Canopy Photometric Plan