PORTAGE
A Natural Place to Move

PLANNING COMMISSION

December 18, 2014

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

December 18, 2014
(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

* December 4, 2014

SITE/FINAL PLANS:

PUBLIC HEARINGS:

* 1. Preliminary Condominium: Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road

OLD BUSINESS:

NEW BUSINESS:

* 1. Accessory Building (Schram), 710 East Osterhout Avenue
* 2. Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations
-- Adjourn to Conference Room No. 1

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Michigan Association of Planning – Training Workshops for Elected & Appointed Officials (brochure)
November 10, 2014 Zoning Board of Appeals meeting minutes
November 18, 2014 City Council regular meeting minutes

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

DRAFT

PLANNING COMMISSION

December 4, 2014

The City of Portage Planning Commission meeting of December 4, 2014 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

IN ATTENDANCE:

Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL:

Mr. West called the role and the following Commissioners were present: Patterson, Bosch, Stoffer, Welch, Felicijan, Dargitz, Somers, Schimmel and Richmond. All Commissioners were present.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the November 20, 2014 meeting minutes contained in the agenda packet. Commissioner Felicijan indicated he was not present at this meeting and would be abstaining. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 8-0-1 with Commissioner Felicijan abstaining.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Special Land Use Permit: Mulder Auto Sales, 10028 Shaver Road. Mr. West summarized the staff report dated November 26, 2014 regarding a request from Matthew Mulder to establish a vehicle dealership for used automobiles along the northern portion of 10028 Shaver Road. Mr. West discussed the current occupancy of the southern portion of the site and buildings by Triple C Auto Service & Repair. Mr. West indicated the applicant is proposing to repave the existing northern parking lot and utilize this area for display and sales of used automobiles with customer/employee parking to be provided along the east and north side of the two existing buildings. Additionally, Mr. West stated an approximate 900 square foot sales office would be established in the front/east building, while an approximate 800 square foot portion of the rear/west building would be utilized for vehicle cleaning and detailing. Mr. West summarized the history of the site development and previous use as a vehicle dealership dating back to the 1970s. Mr. West also discussed the eastern portion of the existing parking lot and the pavement encroachment into the Shaver Road public right-of-way. Based on review of historic city records and aerial photographs, Mr. West indicated it appears this parking lot encroachment has occurred since the mid/late 1970s. Since removal of the asphalt from the Shaver Road right-of-way and installation of a 10-foot wide landscaped greenstrip south of the full service driveway would result in the loss of existing parking spaces and maneuvering lane and adversely impact current and proposed business operations, Mr. West indicated staff was not recommending any change to this portion of the site at this time. During the interim period, Mr. West stated staff would pursue an agreement with the property owner that acknowledges the pavement in the right-of-way and that it can remain pending future redevelopment of the property. However, Mr. West indicated elimination of the parking lot encroachment and installation of a 10-foot wide landscaped greenstrip north of the driveway could be accomplished with little, if any, impact to existing/proposed business operations.

DRAFT

Mr. Matthew Mulder (applicant) was present to support the proposed application. The public hearing was opended by Chairman Welch. Two citizens spoke in support of the proposed special land use permit: Jim Chadderdon (10011 Handel Street) and Calvin Caswell (owner, Triple C Auto Repair). A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 9-0. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Dargitz, to approve the Special Land Use Permit for Mulder Auto Sales, 10028 Shaver Road, subject to the following conditions: 1) Removal of asphalt from the Shaver Road right-of-way and establishment of a 10-foot wide landscaped greenstrip with tree and shrub plantings consistent with ordinance requirements north of the existing driveway; 2) Submittal of a revised site plan that identifies these site improvements, along with adjustments to vehicle display areas, for administrative review and approval; and 3) Submittal of a lighting plan and related details for installation of any new outdoor lighting units at the site. The motion was unanimously approved 9-0.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Michael K. West, AICP
Senior City Planner

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PORTAGE
A Natural Place to Move

Department of Community Development

TO: Planning Commission **DATE:** December 12, 2014

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Preliminary Condominium Subdivision for Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road

I. INTRODUCTION:

Westview Capital, LLC has submitted Phase I of the Copperleaf Subdivision preliminary condominium subdivision (applicant recently changed the name from Harbors West to Copperleaf). Phase I includes 39 single family residential lots/units and construction of a new public street (Copperleaf Boulevard) from West Milham Avenue, along with two interior cul-de-sac streets (Callaway Circle and Edgebrook Circle). The PD, planned development rezoning and tentative plan/narrative for the Harbors West Planned Development received City Council approval in November 2013. The Harbors West Planned Development project includes a total of 204 single family residential homes on approximately 74 acres with over 14 acres (19%) devoted to perpetual open space. Open spaces areas will be located around the perimeter of the property adjacent to US-131 and I-94 and within central areas of the development. Phase I of the Copperleaf Subdivision represents the first phase of the Harbors West Planned Development project and has been designed in substantial compliance with the approved tentative plan/narrative. A copy of the November 2013 approved tentative plan for the overall Harbors West Planned Development project is attached for reference.

Applicant	Sites/Area	Location
Westview Capital, LLC	39 lots-units/15.74 acres (Phase I)	Southeast ¼ of Section 6, North of West Milham Avenue and East of US-131 .

II. BACKGROUND INFORMATION:

Article 6, Condominium Projects outlines the requirements for single family detached residential condominium subdivisions within the City of Portage pursuant to the authority conferred by the Michigan Condominium Act, PA 59 of 1978, as amended. Single family residential condominium projects must meet the Zoning Code requirements for the district in which the development is located including minimum lot size (area), width and setbacks unless otherwise approved by City Council. Additionally, all Required Improvements and Design Standards contained in Article 5, Division 4 of the Subdivision and Land Division Regulations are also applicable to the residential condominium subdivision project.

The following summarizes the requirements that are applicable to the preliminary condominium subdivision application.

- Zoning – The subject property is zoned PD, planned development and consistent with the approved tentative plan and narrative, the majority of the lots will range in size from 7,620-9,144 square feet with 60-72 foot widths (larger/wider lots proposed within cul-de-sacs and where abutting the existing Harbors West Subdivision to the east and adjacent homes to the south. Homes will maintain minimum

building setbacks of 25-feet (front), 25-feet (rear) and 5-feet (side) with a minimum 15-foot separation provided between homes. A minimum 15-foot setback will be provided along the long side of corner lots, while lots abutting the existing Harbors West development (Baywood/Bay Meadow Drive) and other existing home sites will maintain a minimum 10-foot side setback and 40-foot rear setback. Single family residential home sizes will be at least 1,400 square feet for ranch-style homes and 1,800 square feet for two-story homes.

Section 42-803(i) of the Subdivision and Land Division Regulations establishes a provision for a maximum 20-lots on a cul-de-sac street. In conjunction with the PD rezoning and tentative plan/narrative approval in November 2013, City Council approved a modification to this standard allowing Phase I of the development to include 39 lots on a cul-de-sac street until the Phase II street connection to Baywood Drive is constructed.

- Vehicular Access/Streets/Utilities – Phase I of the Copperleaf Subdivision will be accessed through a public street extension (Copperleaf Boulevard) from West Milham Avenue and two interior public street cul-de-sacs (Callaway Circle and Edgebrook Circle). The new public street from West Milham Avenue will include a boulevard entrance with community monument and landscaping and will align with the planned access for the remaining portion of The Homestead of Portage PD, located along the south side of West Milham Avenue. The boulevard entrance and other improvements proposed within the public street right-of-way will be owned and maintained by the condominium association with appropriate maintenance/indemnification agreement provided to the city.

  Municipal water and sewer will be extended to serve the development. Storm water will be collected and conveyed to an infiltration basin proposed within an existing low area located in the middle portion of the overall property, north of Phase I. Storm water related piping and structures located within the public streets will be owned and maintained by the city, while the infiltration basin will be owned and maintained by the condominium association. Appropriate easements and maintenance/indemnification agreement will be provided to the city.

- Sidewalks/Pedestrian Circulation – Section 42-804 of the Subdivision and Land Division Regulations establishes sidewalk requirements including installation of sidewalks along both sides of all streets. In conjunction with the PD rezoning and tentative plan/narrative approval in November 2013, City Council also approved a modification to this standard allowing installation of an integrated pedestrian circulation network of concrete sidewalks (along at least one side of all streets) and an asphalt recreational path (along rear portions of building sites within identified open space areas) that will connect from West Milham Avenue to the Harbors West Park. These recreational paths will be open for public use.

  Within Phase I of Copperleaf Subdivision, the developer is proposing to install 6-foot wide concrete sidewalk along the east side of Copperleaf Boulevard, and 4-foot wide concrete sidewalk along the west side of Copperleaf Boulevard (from Lot 13 – north), around the entire bulb of Callaway Circle and along the south side of Edgewood Circle. An 8-foot wide asphalt path, that will connect to Copperleaf Boulevard and Edgebrook Circle (between Lots 31/32), is proposed within the designated open space/common area located along the northeast portion of Phase I. This proposal differs slightly from the pedestrian circulation network included on the approved tentative plan (see attached) which identifies an 8-foot wide asphalt path along the west side of Copperleaf Boulevard, extending from

West Milham to the north, and a 4-foot wide concrete sidewalk along the east side of Copperleaf Boulevard.

In a letter dated December 12, 2014 (see attached), the applicant explains reasons why changes in the pedestrian circulation network were made within Phase I. Due to grading issues and in an effort to preserve existing mature trees and provide screening/buffering to the existing single family residence located at 3910 West Milham Avenue, the 8-foot wide asphalt path was eliminated along the west side of Copperleaf Boulevard, from West Milham Avenue to Lot 13 (4-foot wide concrete sidewalks are now proposed along the west side of Copperleaf Boulevard, north of Lot 13). In order to maintain consistency with the pedestrian network concept included on the approved tentative plan, the previously proposed 4-foot wide concrete sidewalk along the east side of Copperleaf Boulevard has been increased to 6-feet wide and will extend from West Milham Avenue north to Lot 22.

Given the grading related impacts along the west side of the Copperleaf Boulevard entrance and in an effort to preserve existing mature trees and provide screening/buffering to the existing single family residence located to the west (3910 West Milham Avenue), staff supports these slight modifications to the pedestrian circulation network within Phase I of the condominium subdivision. Importantly, an integrated pedestrian circulation system will be installed throughout the development that, upon completion, will provide connections from West Milham Avenue to the Harbors West Park (north) and existing Harbors West neighborhood (east). This pedestrian circulation system will involve a network of concrete sidewalks (4-6 feet in width) along interior local streets, and an 8-foot wide asphalt recreational path installed within common open space areas. As discussed during the PD rezoning and tentative plan review, the asphalt recreational paths will be open to the general public, however, owned and maintained by the condominium association.

III. PUBLIC NOTICE REQUIREMENTS:

In accordance with the Michigan Planning Enabling Act (PA 33 of 2008, as amended), a public notice was published in the local newspaper and notice was mailed to owners of land located within 300-feet of the subject property 15 days prior to the date of the public hearing.

Submission of the preliminary condominium subdivision is intended to provide the community with the opportunity to examine existing and proposed conditions pertaining to the development of the subdivision. After review and approval by the City Council, the preliminary condominium subdivision approval is effective for 12 months. During the 12 month period, detailed engineering drawings will be prepared and submitted to City Council for review and approval. Following construction of the condominium improvements, the developer will request that City Council grant final condominium subdivision approval.

IV. RECOMMENDATION:

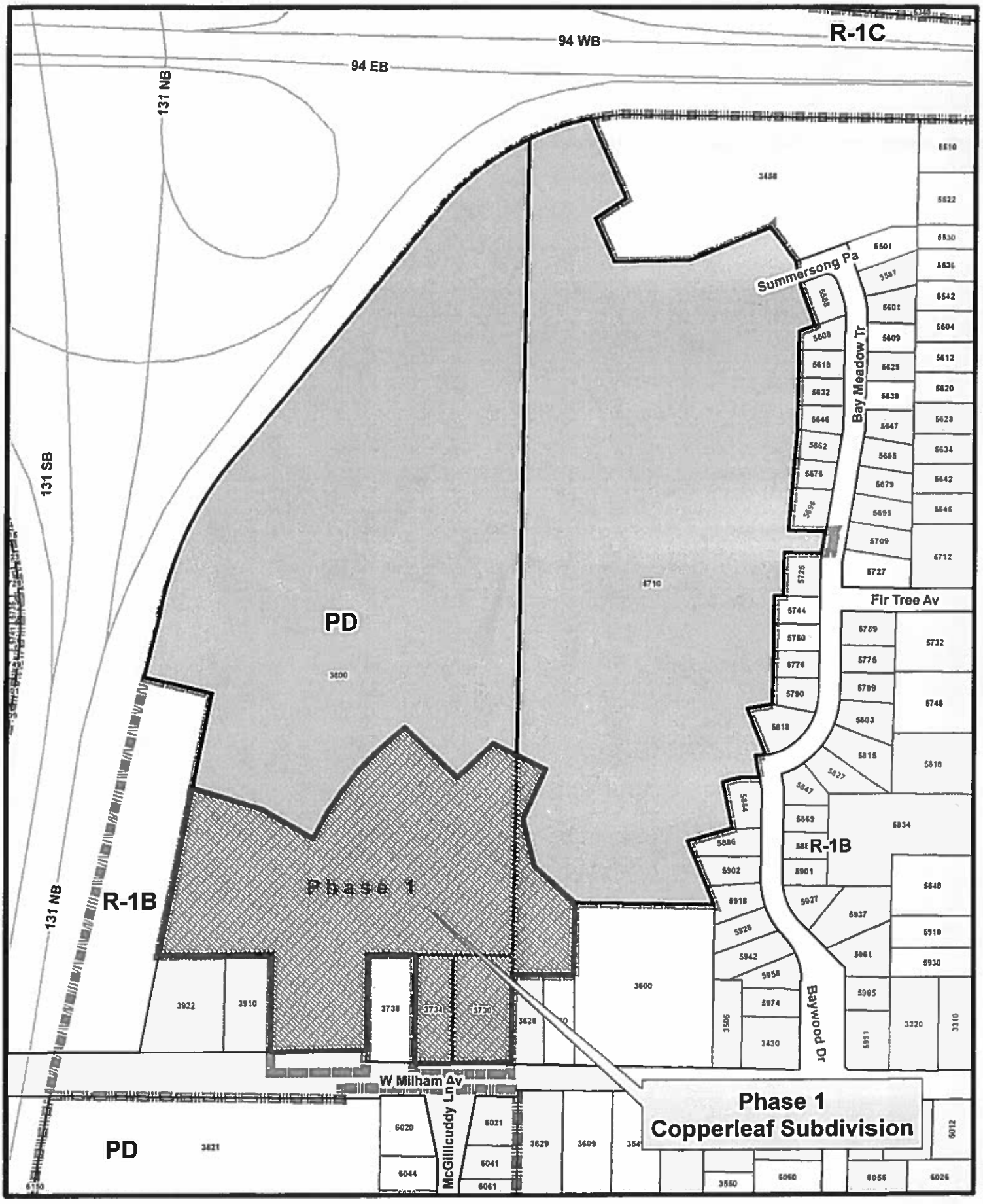
The preliminary condominium subdivision has been reviewed within the context of the Comprehensive Plan, Land Development Regulations and other applicable ordinance requirements. Based on the above information and subject to any additional information received during the public hearing, staff advises the Planning Commission recommend to City Council that the Preliminary Condominium for Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road, be approved subject to the following conditions:

1. Streets and Utilities – The proposed street system, municipal water and sanitary sewer are acceptable in concept. Final design, location and related issues are being addressed as part of the detailed engineering plan review. Any public utility located outside of the street right-of-way will require that an easement(s) be conveyed to the city. The boulevard entrance and any other improvements proposed within the public street right-of-way will be owned and maintained by the condominium association with appropriate maintenance/indemnification agreements provided to the city.

2. Storm Water Retention – Storm water from the development will be collected and conveyed to an infiltration basin proposed within an existing low area located in the middle portion of the overall property, north of Phase I. Final design and other related issues are being addressed as part of the detailed engineering plan review. Storm water related piping and structures located within the public streets will be owned and maintained by the city, while the infiltration basin will be owned and maintained by the homeowners association. Appropriate easements and maintenance/indemnification agreements will be provided to the city.

Attachments:
Zoning/Vicinity Map
Aerial Photograph Map
Correspondence from Ingersoll, Watson & McMachen dated December 12, 2014
Preliminary Condominium Subdivision Plan (Phase I and Overall Layout)
Harbors West Planned Development – November 2013 Approved Tentative Plan

S:\Commdev\2014-2015 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Plats-Site Condos\2014 12 12 Preliminary Condominium Subdivision, Copperleaf Subdivision (Phase I) doc



Copperleaf Subdivision
(Phase I)

Zoning Boundary
Subject Properties

1 inch = 333 feet

Phase I Copperleaf

Subject Properties

Copperleaf Subdivision (Phase I)

1 inch = 333 feet

Ingersoll, Watson & McMachen, Inc.

CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS

RECEIVED
DEC 12 2014
COMMUNITY DEVELOPMENT

December 12, 2014

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

RE: Sidewalks and Pedestrian Trails at the Proposed "Copperleaf" Site Condominium

Dear City of Portage,

This letter is written on behalf of the owners of the proposed "Copperleaf" devlopment with regards to the proposed sidewalks and pedestrian trails within phase one of this site condominium. As you may know, the Subdivision Condominium Plan (2-sheets) and the Construction Plans (6 sheets) for phase one of "Copperleaf" have been submitted to the City of Portage for review and eventual approval. Please note that the layout of the proposed sidewalks and trails within phase one varies slightly from that shown on the original Tentative Plan for this development.

Please note the following regarding the currently proposed layout of the sidewalks and pedestrian trails:

1) Attached is a sketch of phase one with the proposed sidewalks and trails shown. Note that all proposed pedestrian trails will be eight feet wide, will be asphalt pavement, and are generally located in "open space" areas. Note that all proposed sidewalks will have a width of four feet or six feet, will be concrete, and are located within the roadway right-of-ways. All proposed units (or 'lots') have a sidewalk near the front of the unit or a pedestrian trail behind the rear of the unit in the common area, or both.
2) The Tentative Plan for this development showed a proposed eight foot wide trail on the west side of Copperleaf Boulevard. For various reasons, this trail has been eliminated and replaced with a six foot wide concrete sidewalk on the opposite side of the road. The primary reason for the change was the desire to save the existing mature trees on the west side of the entry, and the relative lack of room west of the entry road. Attached is a sketch of the entry which shows existing mature trees and proposed screening trees, along with the fill slope on the west side of the proposed road. As you can see, there is literally no room for a sidewalk if the mature trees are to be saved. Please keep in mind the Tentative Plan was prepared and submitted without knowing the size and location of these mature trees, and without knowing proposed site grading. These two items would only be known after the site had been mapped, and after final site design had been completed for this site.

1133 East Milham Road • Portage, Michigan 49002 • Phone 269 344-6165 • Fax 269 344-0555

3) We have instead proposed a six foot wide sidewalk on the east side of Copperleaf Boulevard. Note that this six foot wide sidewalk will impact the 11 units that are situated on the east side of Copperleaf Boulevard. In our view, an eight foot wide walk constructed in front of these 11 units would not be aesthetically appealing to the overall look and feel of the development.
4) There is also a four foot wide sidewalk on the west side of Copperleaf Boulevard. Note that this walk does not extend south of proposed Unit 13 due to the previously mentioned grading concerns and the desire to save the mature trees.

It is worth noting that we have met with City staff on two occasions over the past few months to review and discuss the proposed site layout, including sidewalks and trails.

In conclusion, it is our opinion that the proposed layout for on-site sidewalks and trails is appropriate once all factors are considered. It is also our opinion that the proposed network of sidewalks and pedestrian trails will adequately serve residents within "Copperleaf", residents in nearby neighborhoods, and other residents of the City of Portage.

Thank you for your consideration of this matter. Please feel free to contact the owners of "Copperleaf" or this office if you have any questions or comments.

Sincerely,
Ingersoll, Watson & McMachen, Inc.

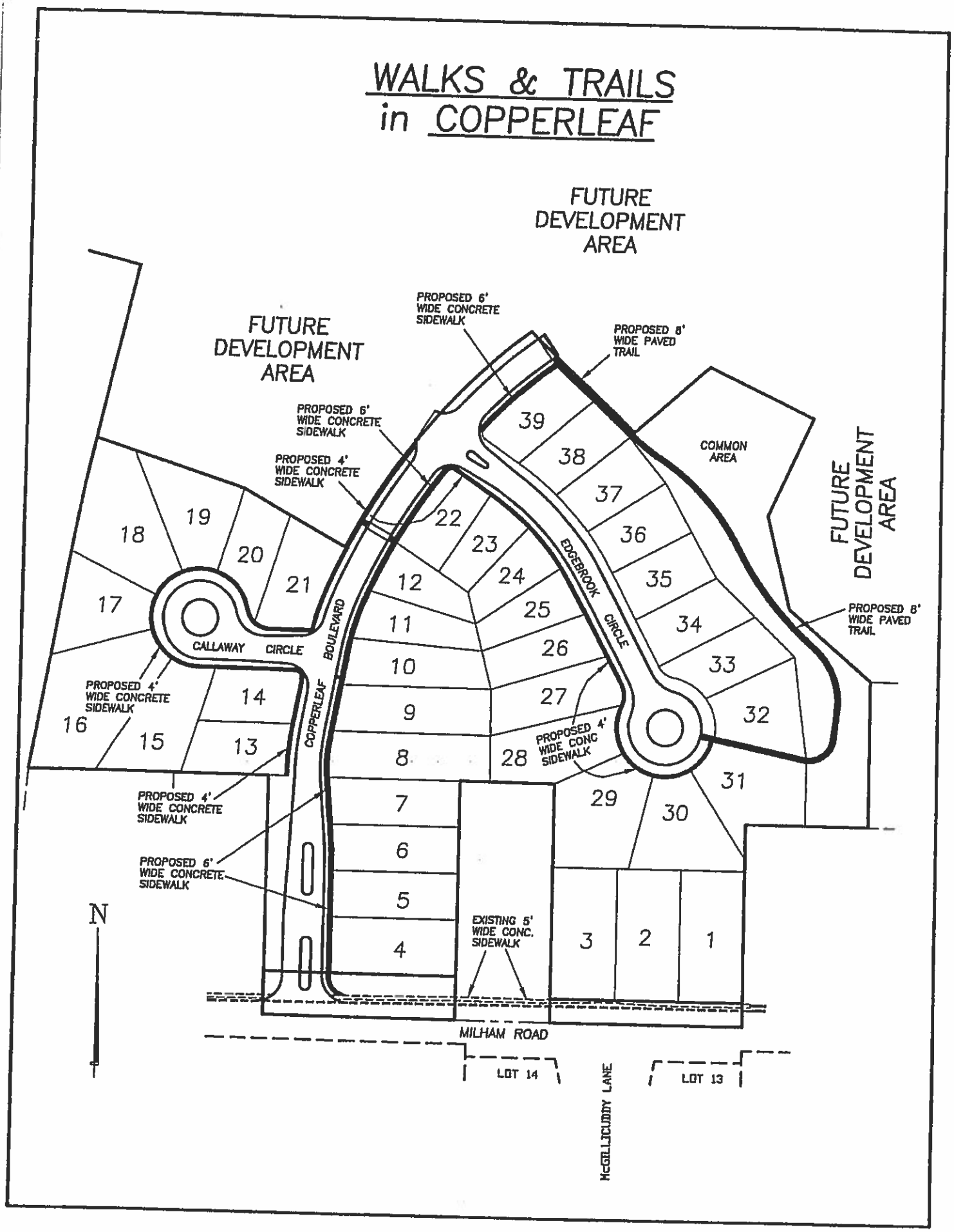
Pat Flanagan

Patrick D. Flanagan, P.E.

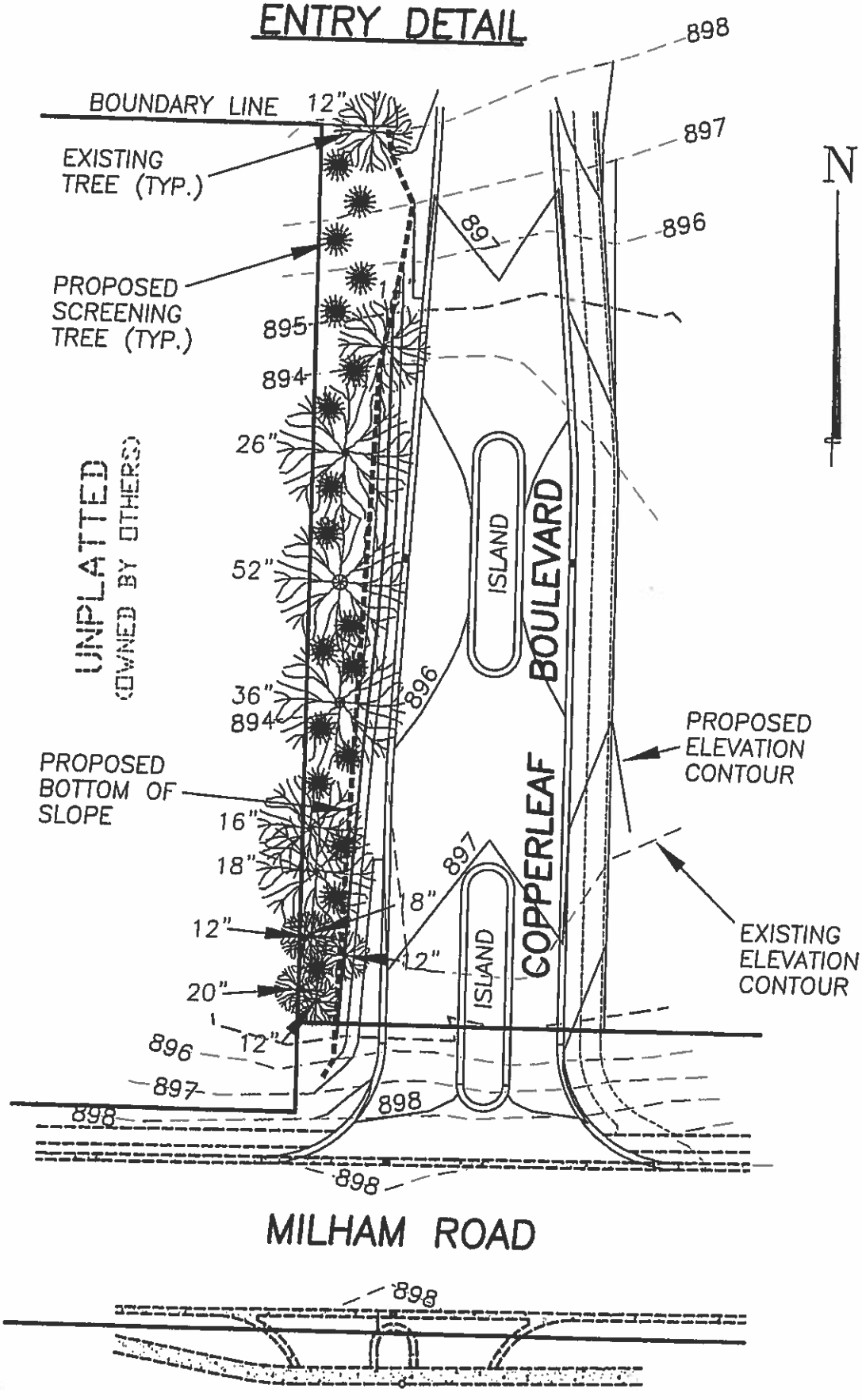
Enc.

Cc: Brian Wood,
Westview Capital, LLC
AEG Development, LLC
Harbors West, LLC

WALKS & TRAILS in COPPERLEAF

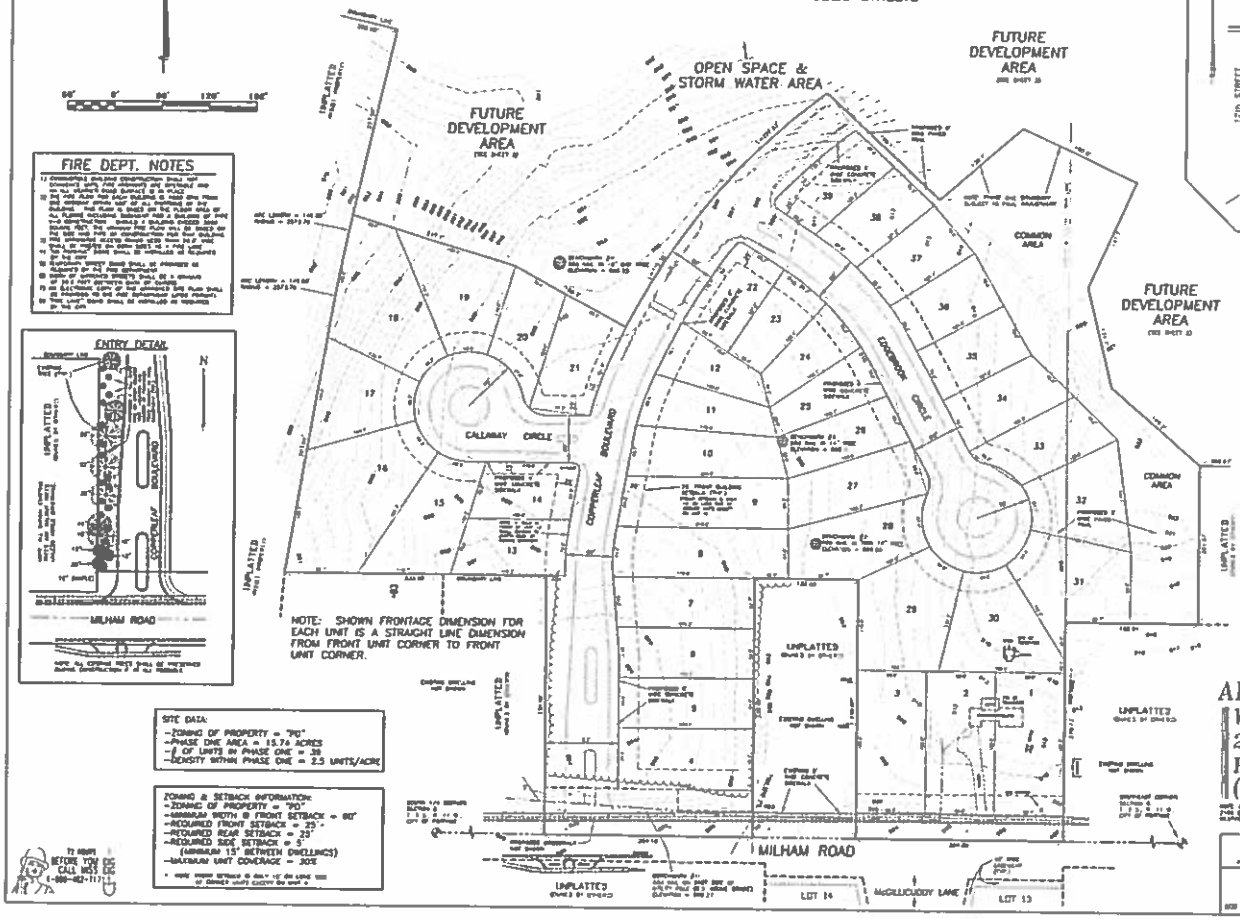


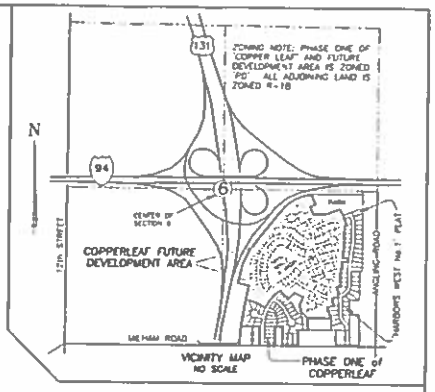
ENTRY DETAIL



CONDOMINIUM SUBDIVISION PLAN for 'COPPERLEAF' PLANNED DEVELOPMENT

NOTE: 'COPPERLEAF' IS A SITE CONDOMINIUM AND PLANNED DEVELOPMENT WITH CITY OF PORTAGE PUBLIC STREETS





FIRE DEPT. NOTES

ENTRY DETAIL

NOTE: SHOWN FRONTAGE DIMENSION FOR EACH UNIT IS A STRAIGHT LINE DIMENSION FROM FRONT UNIT CORNER TO FRONT UNIT CORNER.

SITE DATA:
- ZONING OF PROPERTY = "PD"
- PHASE ONE AREA = 15.76 ACRES
- # OF UNITS IN PHASE ONE = 39
- DENSITY WITHIN PHASE ONE = 2.5 UNITS/ACRE

ZONING & SETBACK INFORMATION:
- ZONING OF PROPERTY = "PD"
- MINIMUM WIDTH @ FRONT SETBACK = 80'
- REQUIRED FRONT SETBACK = 25'
- REQUIRED REAR SETBACK = 25'
- REQUIRED SIDE SETBACK = 5'
  (MINIMUM 15' BETWEEN DWELLINGS)
- MAXIMUM UNIT COVERAGE = 30%

72 HOURS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171

GENERAL NOTES

NOTE: THIS CONDOMINIUM SUBDIVISION PLAN IS INTENDED FOR CITY REVIEW RELATIVE TO TENTATIVE APPROVAL (STEP 1 APPROVAL) AS OUTLINED IN THE CITY OF PORTAGE'S LAND DEVELOPMENT REGULATIONS.

NOTE: ALSO SEE APPROVED TENTATIVE PLAN (BY PATHFINDER ENGINEERING) FOR THIS PROJECT (FORMERLY NAMED 'HARBORS WEST' PLANNED DEVELOPMENT).

APPLICANT & DEVELOPER:
WESTVIEW CAPITAL, LLC
2186 EAST CENTRE STREET
PORTAGE, MI 49002
(269) 321-2610

CONDOMINIUM SUBDIVISION PLAN
Phase One of COPPERLEAF
Ingersoll, Watson & McVachen, Inc.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
11/19/2014
1 of 2
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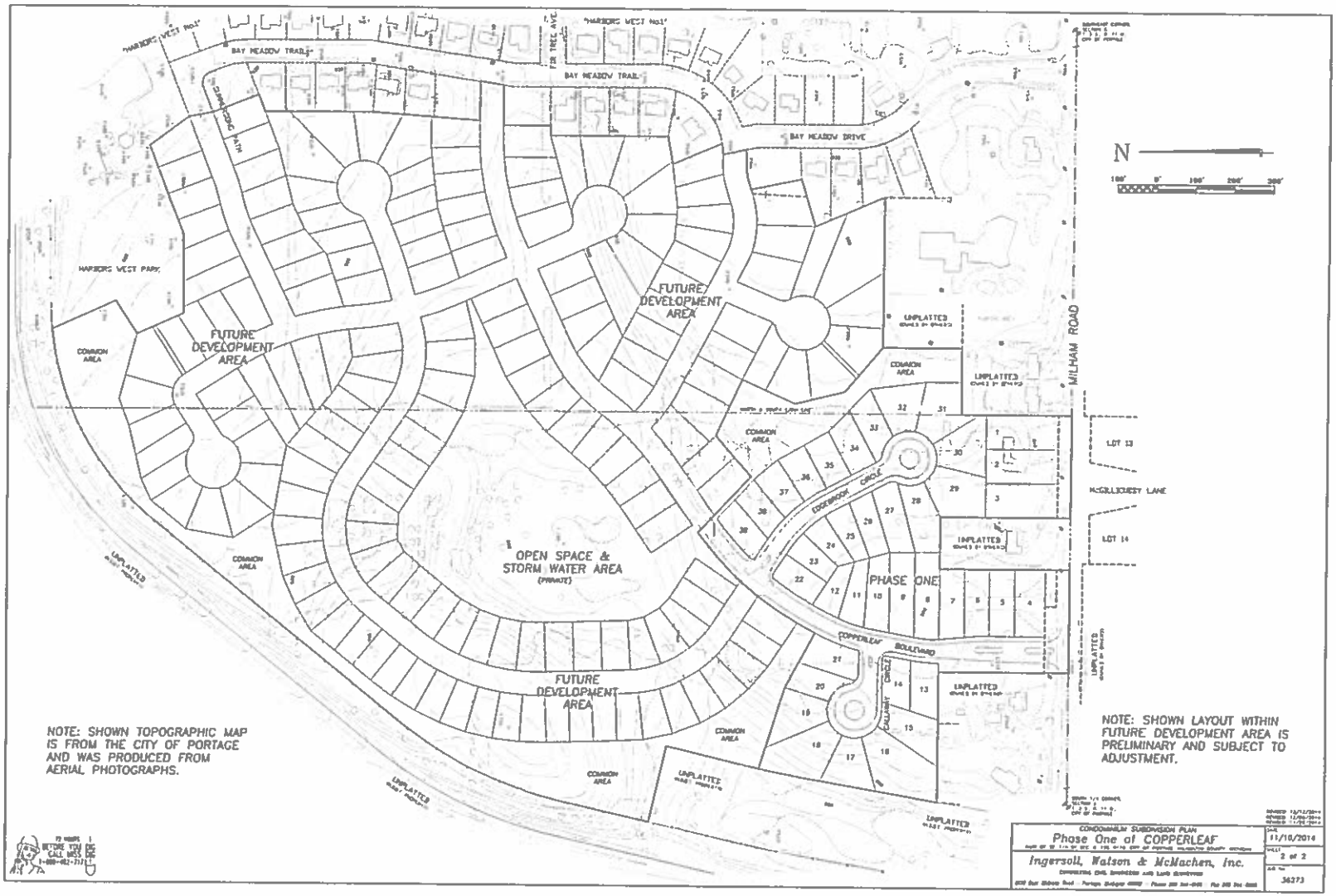
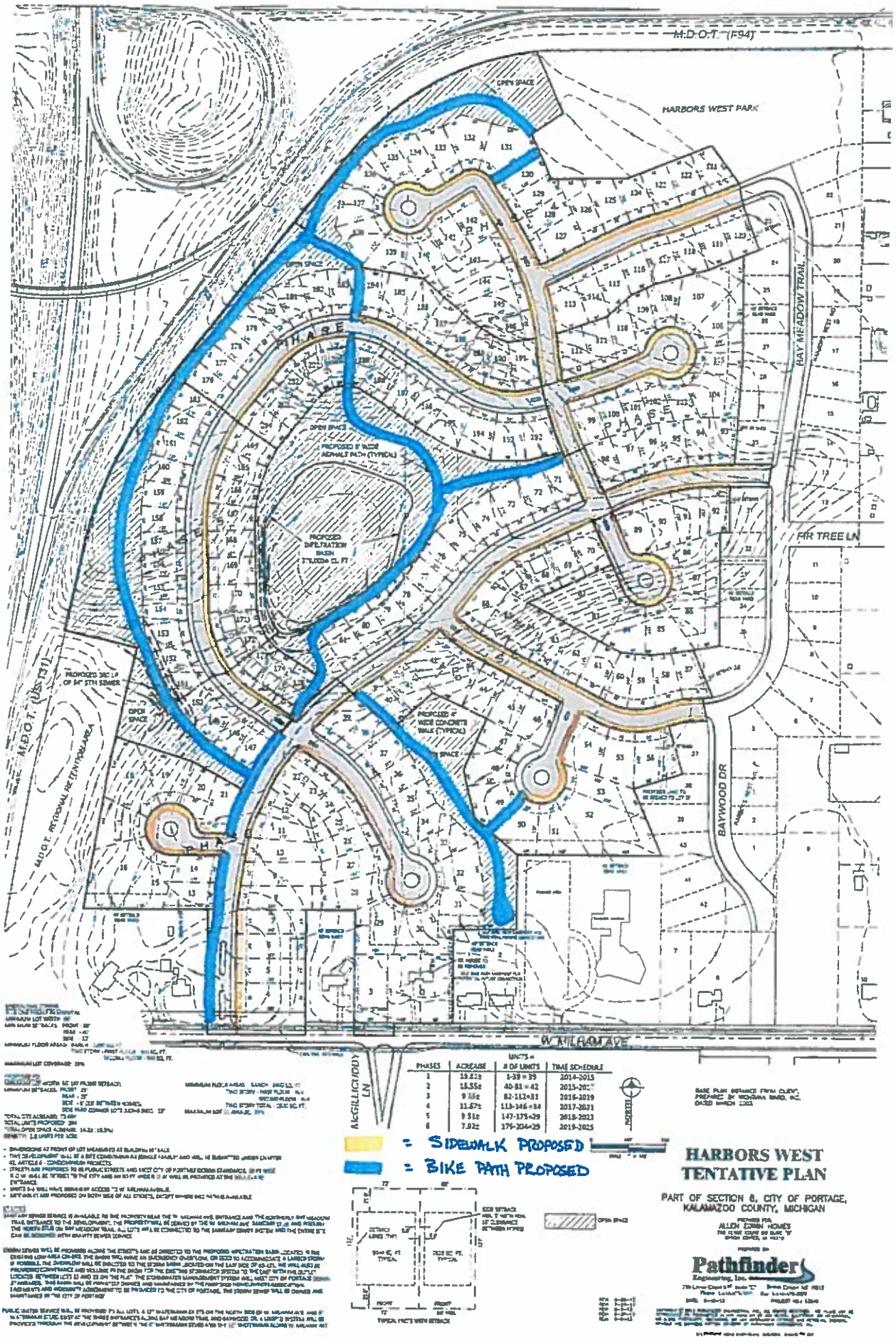

HARBORG WEST No.1
BAY MEADOW TRAIL
FIR TREE AVE
BAY MEADOW DRIVE
CLIMBERG PATH
HARBORG WEST PARK
COMMON AREA
FUTURE DEVELOPMENT AREA
FUTURE DEVELOPMENT AREA
FUTURE DEVELOPMENT AREA
OPEN SPACE & STORM WATER AREA
(PRIVATE)
UNPLATTED
MILHAM ROAD
LOT 13
LOT 14
McGILLICUDDY LANE
EDGEBROOK CIRCLE
PHASE ONE
COPPERLEAF BOULEVARD
COPPERLEAF CIRCLE
N
100' 0' 100' 200' 300'
NOTE: SHOWN TOPOGRAPHIC MAP IS FROM THE CITY OF PORTAGE AND WAS PRODUCED FROM AERIAL PHOTOGRAPHS.
NOTE: SHOWN LAYOUT WITHIN FUTURE DEVELOPMENT AREA IS PRELIMINARY AND SUBJECT TO ADJUSTMENT.
CONDOMINIUM SUBDIVISION PLAN
Phase One of COPPERLEAF
Ingersoll, Watson & McMachen, Inc.
11/10/2014
2 of 2
36373



PHASES	ACREAGE	# OF UNITS	TIME SCHEDULE
1	19.21±	1-39 = 39	2014-2015
2	15.35±	40-81 = 42	2015-20[illegible]
3	9.8±	82-112=31	2016-2019
4	11.67±	113-146 =34	2017-2021
5	9.5±	147-175=29	2018-2023
6	7.8±	176-204=29	2019-2025

HARBORS WEST TENTATIVE PLAN

PART OF SECTION 8, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

PREPARED FOR ALLEN EDWIN HOMES

PREPARED BY Pathfinder Engineering, Inc.

November 2013
Approved Tentative Plan

PORTAGE
A Natural Place to Move

Department of Community Development

TO: Planning Commission **DATE:** December 12, 2014

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Accessory Building (Schram), 710 East Osterhout Avenue

I. INTRODUCTION:

An application has been received from Mr. David Schram requesting approval to construct an 18.5-foot tall, 2,952 square foot (approximate 48-foot by 60-foot) detached accessory building along the northwest portion of 710 East Osterhout Avenue. According to the applicant, the detached accessory building will be architecturally similar to the house with quality roofing and siding materials and will be used for storage of personal items including a camper, pickup truck, snow plow, garden tractor, outdoor tools and will not be used for any business related purposes. The approximate 6.2 acre parcel is zoned R-1C, one family residential and is located along the south side of East Osterhout Avenue, between James Way Street and Cora Drive. Large, unplatted single family residential parcels also zoned R-1C abut the subject property to the south, east, west and north (across East Osterhout Avenue).

As background information, the Zoning Board of Appeals granted a variance on November 10, 2014 to allow construction of the detached accessory building to a height of 18.5-feet where a maximum 14-foot height is permitted. A copy of the November 10, 2014 ZBA meeting minutes is attached for Commission review.

II. ANALYSIS:

Section 42-121 of the Zoning Code permits construction of accessory buildings that exceed the ground floor area of the main residence, subject to review and approval by the Planning Commission. To ensure harmonious relationships and minimize conflicts between adjacent land uses, the Commission considers the proposed characteristics and uses of the building in relation to existing land uses and to future land uses as shown in the Comprehensive Plan. The ordinance also allows the Commission to attach requirements/conditions deemed necessary to avoid or mitigate adverse impacts on surrounding properties.

The approximate 6.2 acre parcel contains a 1½ story residence with a ground floor area of 1,788 square feet and an attached garage/storage room totaling 1,144 square feet. The total ground floor area of all accessory buildings (including the proposed detached building) will exceed the ground floor area of the main residence by 2,308 square feet [1,144 + 2,952 = 4,096 - 1,788 = 2,308].

The subject parcel is rectangular-shaped with 383-feet of frontage on East Osterhout Avenue and 704-feet of depth. The subject property is heavily wooded with the single family residence, attached garage and related improvements located in the middle portion of the parcel. As identified on the attached plan provided by the applicant, the proposed detached accessory building will be setback approximately 185-feet from the East Osterhout Avenue public right-of-way and 140-feet from the nearest property line (west). Furthermore, the proposed building will be situated approximately 170-feet from the nearest adjacent single family residence located at 638 East Osterhout Avenue.

The application fulfills ordinance requirements for issuance of an accessory building approval. The size and configuration of the parcel combined with the heavily wooded nature of the site and setback distances from adjacent residences and property lines will mitigate any impacts on adjacent properties. In conjunction with the accessory building application, the applicant has provided a letter of support signed by several area neighbors (see attached).

Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting to provide them with the opportunity to comment on the proposed accessory building and use. One letter in opposition to the proposed accessory building was received from Ms. Mary Jane Gibson, 503 East Osterhout Avenue (see attached).

III. RECOMMENDATION:

Subject to any comments received, staff recommends that the proposed 2,952 square foot Accessory Building for Mr. David Schram, at 710 East Osterhout Avenue, be approved.

Attachments: Vicinity/Zoning Map
Aerial Photograph
November 10, 2014 Zoning Board of Appeals meeting minutes (Draft)
Application, Sketch Plan and Supporting Documentation
Communication from Mary Jane Gibson, 503 East Osterhout (received December 11, 2014)

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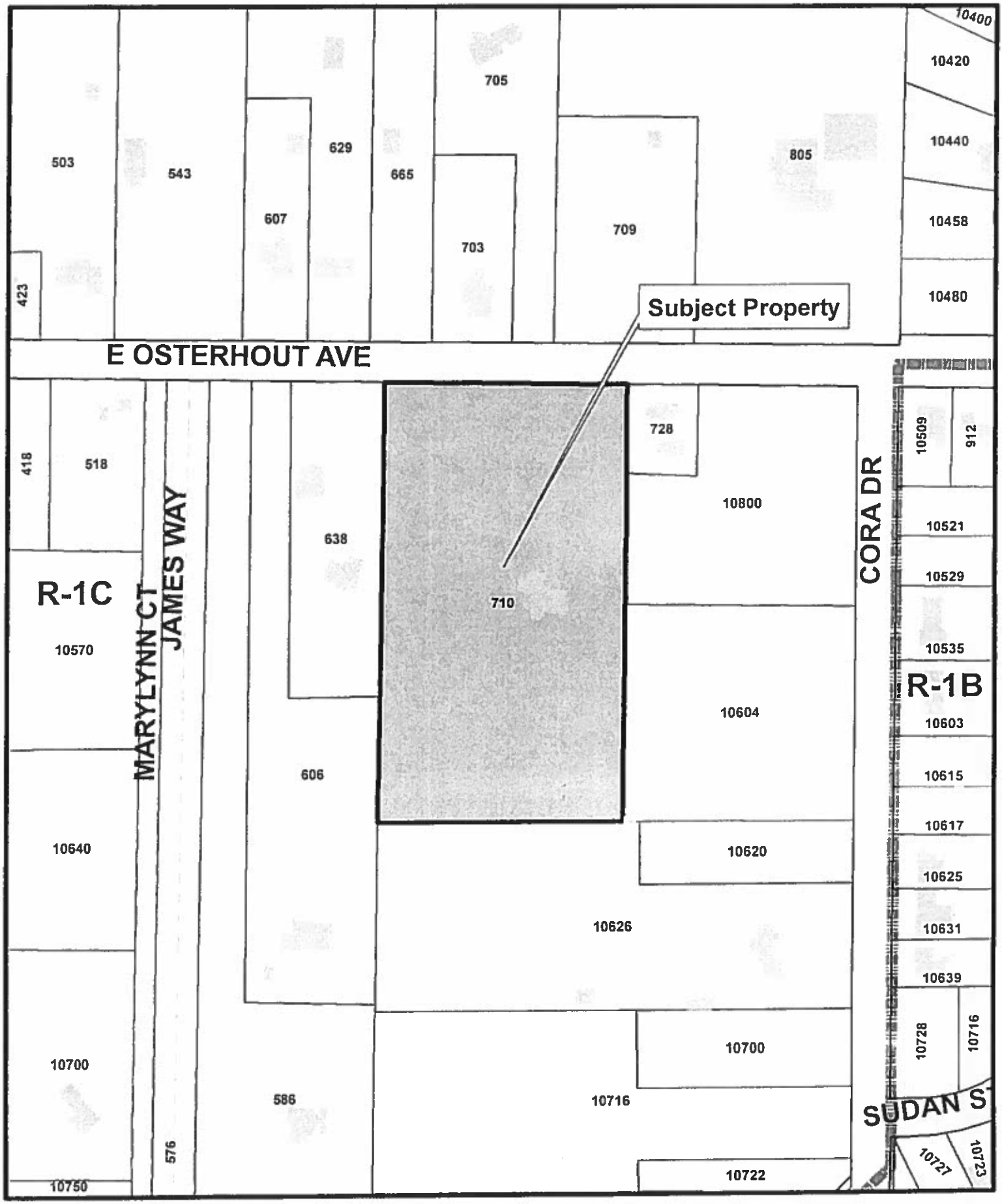


Accessory Building
710 East Osterhout Avenue

Zoning Boundary
Subject Properties

1 inch = 200 feet

Aerial Photography
710 East Osterhout Avenue

Subject Properties

1 inch = 100 feet

CITY OF PORTAGE ZONING BOARD OF APPEALS

DRAFT

Minutes of Meeting – November 10, 2014

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

MEMBERS PRESENT: Michael Robbe, Timothy Bunch, Chadwick Learned, Doug Rhodus, Glenn Smith, Phillip Schaefer, Jeffrey Bright, and Randall Schau.

MEMBERS EXCUSED: A motion was made by Schaefer, seconded by Robbe to excuse Lowell Seyburn. Upon voice vote motion passed 7-0.

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

APPROVAL OF THE MINUTES: Robbe moved and Smith seconded a motion to approve the October 13, 2014 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA #14-01, 6800 and 6820 Lovers Lane: Mais summarized the request for: a) an interpretation that a non-heated 192 square-foot storage room addition with a connecting entrance attached to the back of the garage at 6820 Lovers Lane is considered a garage addition; and b) a variance from the conflicting land use screening requirements between Lovers Lane Storage & U-Haul business (6800 Lovers Lane) and the nonconforming single family residence (6820 Lovers Lane). Adela Strautkalns was present to answer questions. Learned inquired if the Board could place a condition on a variance dependent upon ownership of a property. Mais stated variances go with the land. Attorney Bear clarified the Board could place conditions they feel are necessary to ensure compliance with the zoning ordinance.

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

A motion was made by Robbe, seconded by Smith to make a favorable interpretation that the non-heated 192 square-foot storage room addition with a connecting entrance attached to the back of the garage at 6820 Lovers Lane is considered a garage addition, and a variance is therefore not necessary. Upon roll call vote: Smith-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

A motion was made by Smith, seconded by Robbe to grant a variance from the conflicting land use screening requirements between Lovers Lane Storage & U-Haul business (6800 Lovers Lane) and the nonconforming single family residence (6820 Lovers Lane). There are exceptional circumstances which include the applicant owns both the residence and the business; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to maintain a small office on the same lot as the residence which is similar to that possessed by other properties in the same zoning district in the vicinity, the immediate practical difficulty was not caused by the applicant; the variance will not be detrimental to the surrounding neighborhood, and will not impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

ZBA #14-04, David Schram, 710 East Osterhout Avenue: Mais summarized the variance request to construct an 18.5-foot high accessory building where a maximum 14-foot height is permitted. Mr. Schram showed photos of the area where he intended to build and stated he reconsidered his application and decided he could get by with a 5:1 pitch roof, which reduced the height from 20 feet to 18.5 feet. He stated his practical difficulties were the heavily wooded lot which created maintenance problems with tree debris, and that because the lot was over 6 acres and the nearest neighboring residence is 170 feet away any negative impacts would be mitigated. Mr. Schram stated there was also precedence for the Board approving a similar request several years ago (ZBA #11-05). Learned noted the accessory building height

could be lowered even more if they went with standard eight-foot sidewalls and centered the garage door. Robbe stated that alternative may run into problems with the trusses given the ceiling height.

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

A motion was made by Bunch, seconded by Smith, to grant a variance to construct an 18.5-foot high accessory building where a maximum 14-foot height is permitted. There are exceptional circumstances which include the size of the parcel, number of mature trees, and the distance from other residences; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to a protective structure to accommodate an RV which is similar to that possessed by other properties in the same zoning district in the vicinity, the immediate practical difficulty was not caused by the applicant; the variance will not be detrimental to the surrounding neighborhood, and will not impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

ZBA #14-09, Janine Chicoine, 3620 East Shore Drive: Mais summarized the request for variances to construct a 24-foot by 24-foot attached garage: a) 20 feet from the front property line where a minimum 27-foot front setback is required; and b) three feet from the side property line where a minimum five-foot side yard setback is required; c) exceed the maximum permitted building lot coverage by 201 square feet; and d) construct a second story addition three feet from the side property lines where a minimum five-foot side yard setback is required. Bruce Arnsman spoke on behalf of the applicant and stated the house was built in the 1950's on a substandard lot and it had a flat roof. The new owners want to update the dwelling, install a second story addition with a gable roof and replace the carport with a 24-foot by 24-foot garage which would be setback several feet further from the front property line than the existing carport. Bright inquired if the applicant had received any input from neighbors. Mr. Arnsman said no. Schau asked what the applicant's reaction to the recommendation that the garage be moved over two feet. Mr. Arnsman said the lot was already substandard and the additional space was needed for storage. Schau inquired if it would be possible to inset the upper story two feet further from the property line. Mr. Arnsman stated yes but the first story would still be setback within the required side yards. Learned inquired if engineering had evaluated whether the existing walls could support a second story. Mr. Arnsman replied yes. Bright stated staff has recommended the garage be moved over two feet to meet the side yard setbacks and inquired if that is that something the owner can live with. Mr. Arnsman stated it was the owner's intention to build in line with the existing house. Robbe questioned if the application should be tabled. Bright explained that it was possible that the Board could grant some of the four variances and wanted assurance the owner could live with alternatives to their request, because if the Board granted a variance the applicant could not revisit the request for another year. Learned inquired if the intention was to proceed with interior remodel items during the winter and move on to exterior items in the spring and would a month delay be acceptable. Mr. Arnsman said he guessed so. Mr. Arnsman offered to call the owner if the Board would wait. Mais suggested the Board could table the item until later in the meeting to allow Mr. Arnsman to call the owner while the Board deliberated on other items. Learned stated that based on Mr. Arnsman's responses he was not comfortable without something in writing authorizing the agent to make a decision on the owner's behalf.

A motion was made by Learned, seconded by Smith to postpone the item until the December 8, 2014 meeting. Upon roll call vote: Smith-Yes, Schaeffer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

David Schram
710 E Osterhout
Portage, MI 49002

RE: PERSONAL STORAGE BUILDING SIZE APPROVAL

I am requesting approval from the planning commission to build a detached accessory building (barn) exceeding the ground floor area of my home on my property at 710 E Osterhout. Principally, this barn will be used for camper storage, though I intend to build it large enough to accommodate my pickup truck and snow plow, garden tractor, outdoor tools, etc. as well.

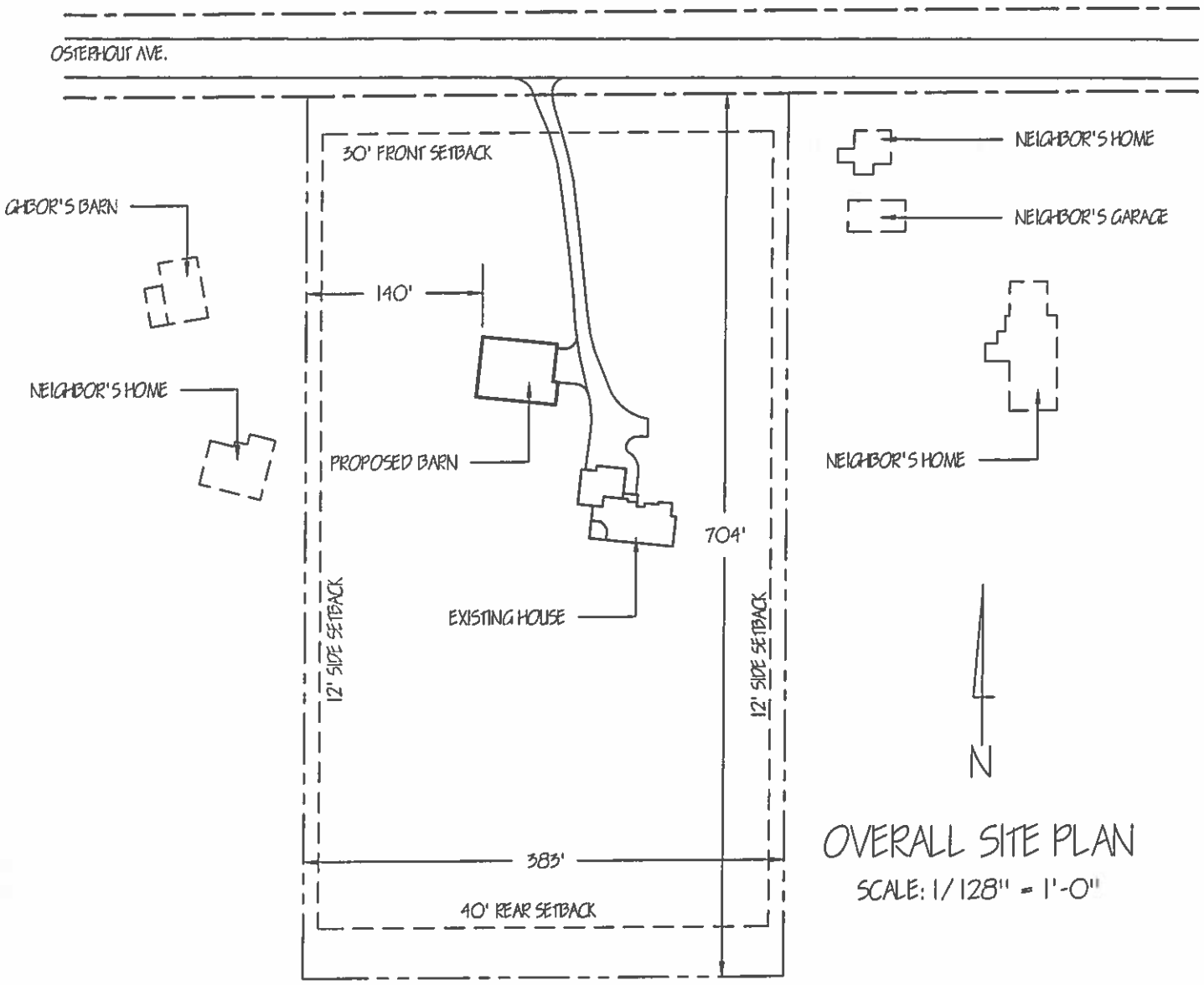
The proposed barn measures about 48 ft. x 60 ft (~3000 sft.) and will be located northwest of my home on my 6.1 acre property, about 185 feet from the right of way on Osterhout.

The physical characteristics of the barn are not unique to the area. The neighbor directly to the west has a similar building of similar height and in a similar location relative to his home. Additionally, several properties on the north side of Osterhout have accessory barns as well. I have already obtained a zoning variance for the height of my barn, so that it may best match my home architecturally and have a steep enough roof that it will effectively shed snow, falling tree debris, etc. on my heavily wooded property. It is my intention to keep my barn as architecturally similar to my house as possible and I believe it is in the interest of all property owners in the area for all new construction to be attractive, well built, and long lasting. I believe by using similar geometry and quality roofing and siding materials, I will achieve this result (the objective is to match the look of my house, not create a plain, boring metal pole barn).

The closest neighbor's home is about 170 feet away from the proposed building (distances to adjacent properties are shown on the attached schematic site plan) and it will be screened from view by all neighbors and from the street by a mature stand of trees. I believe the construction of a barn will in no way increase traffic, noise or have any other detrimental effect on the surrounding properties.

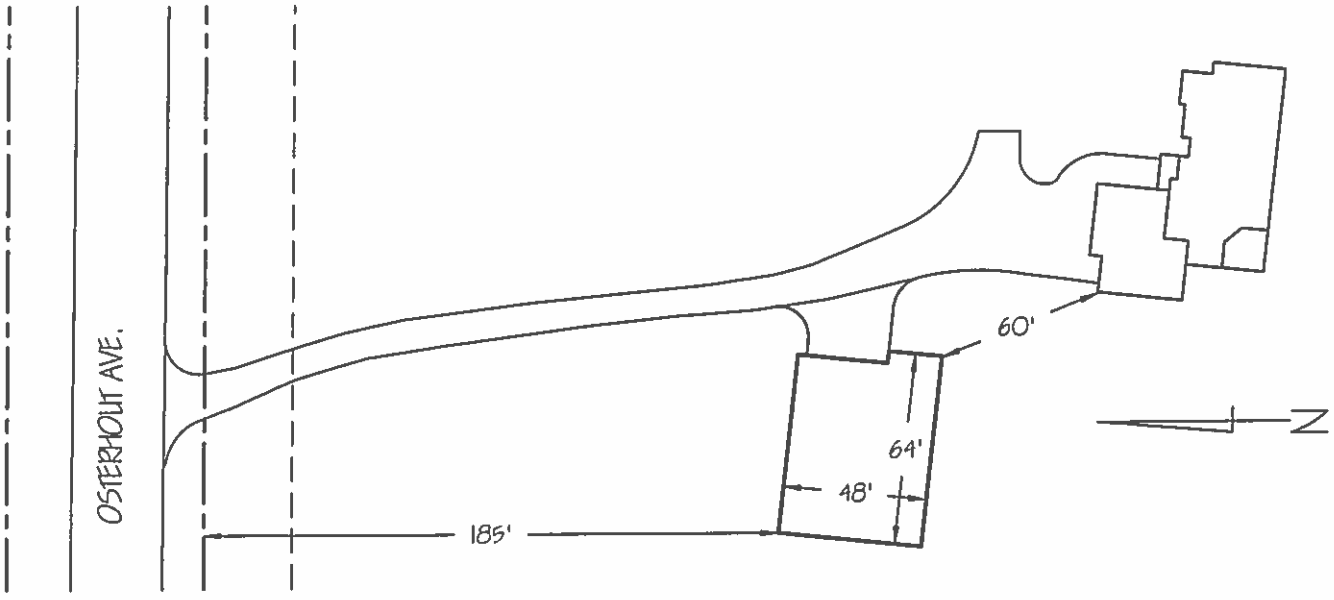
NOV 17 2014
COMMUNITY DEVELOPMENT

cell 365 3351
wk 327 5347



OVERALL SITE PLAN

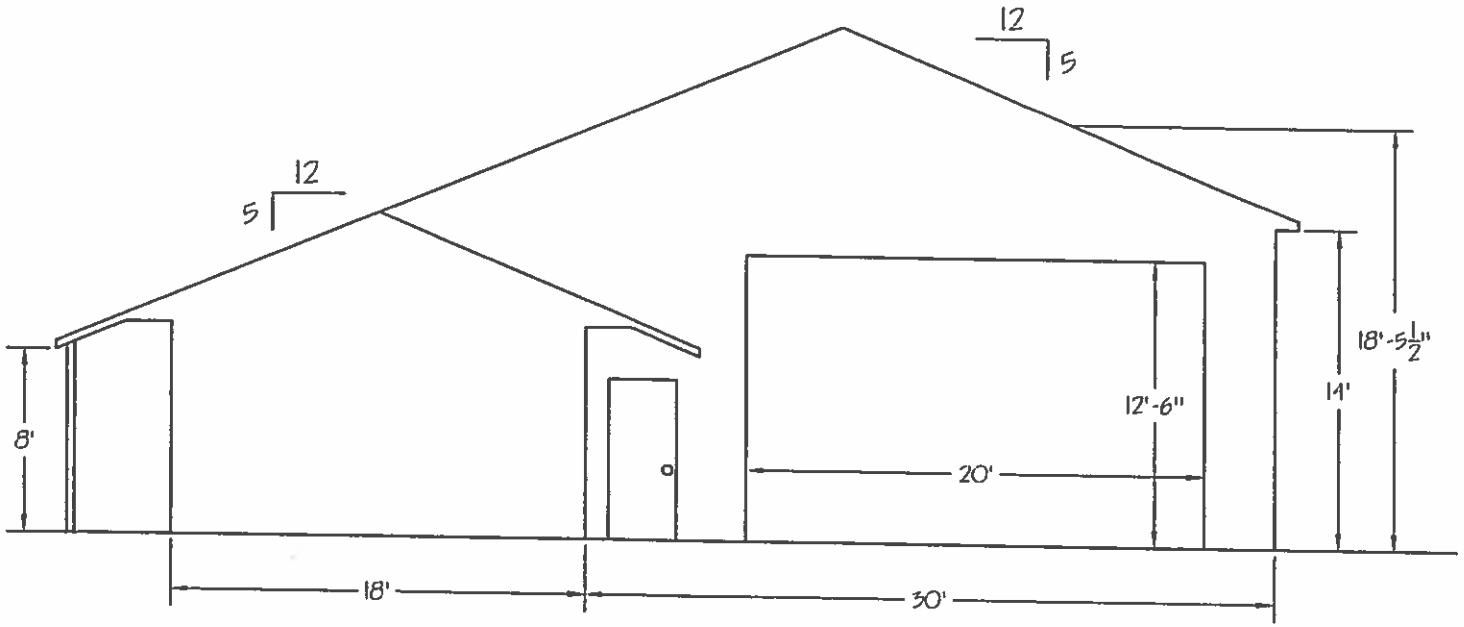
SCALE: 1/128" = 1'-0"



NEW BARN FOR DAVE SCHRAM - SCHEMATIC BARN LOCATION

710 E OSTERHOUT
PORTAGE MI 49002

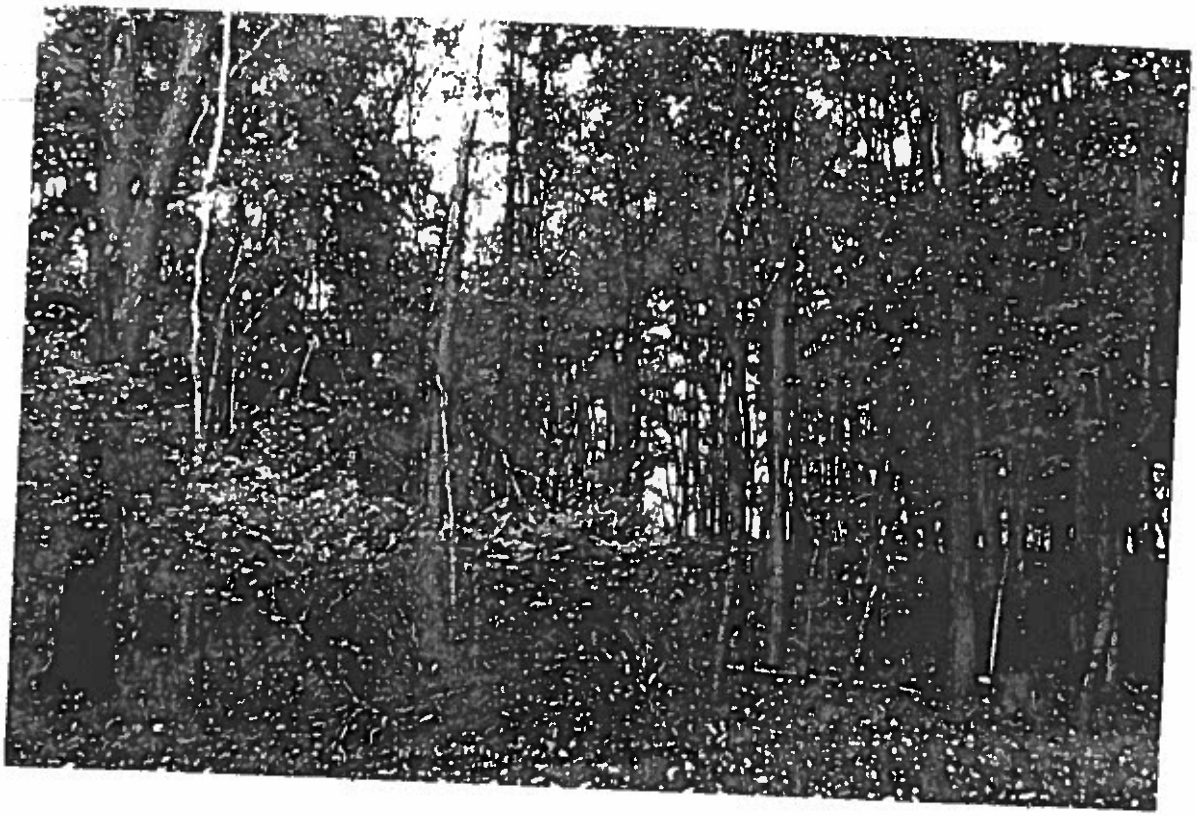
SCALE: 1/64" = 1'-0"

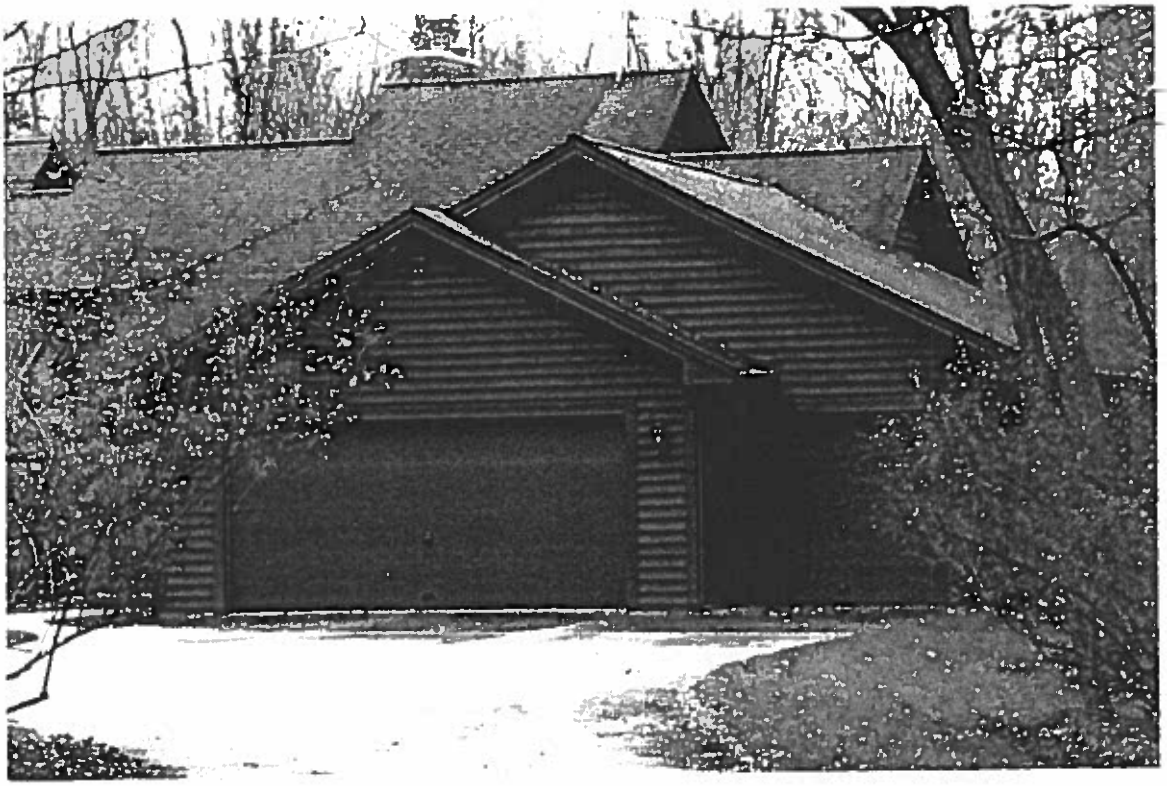


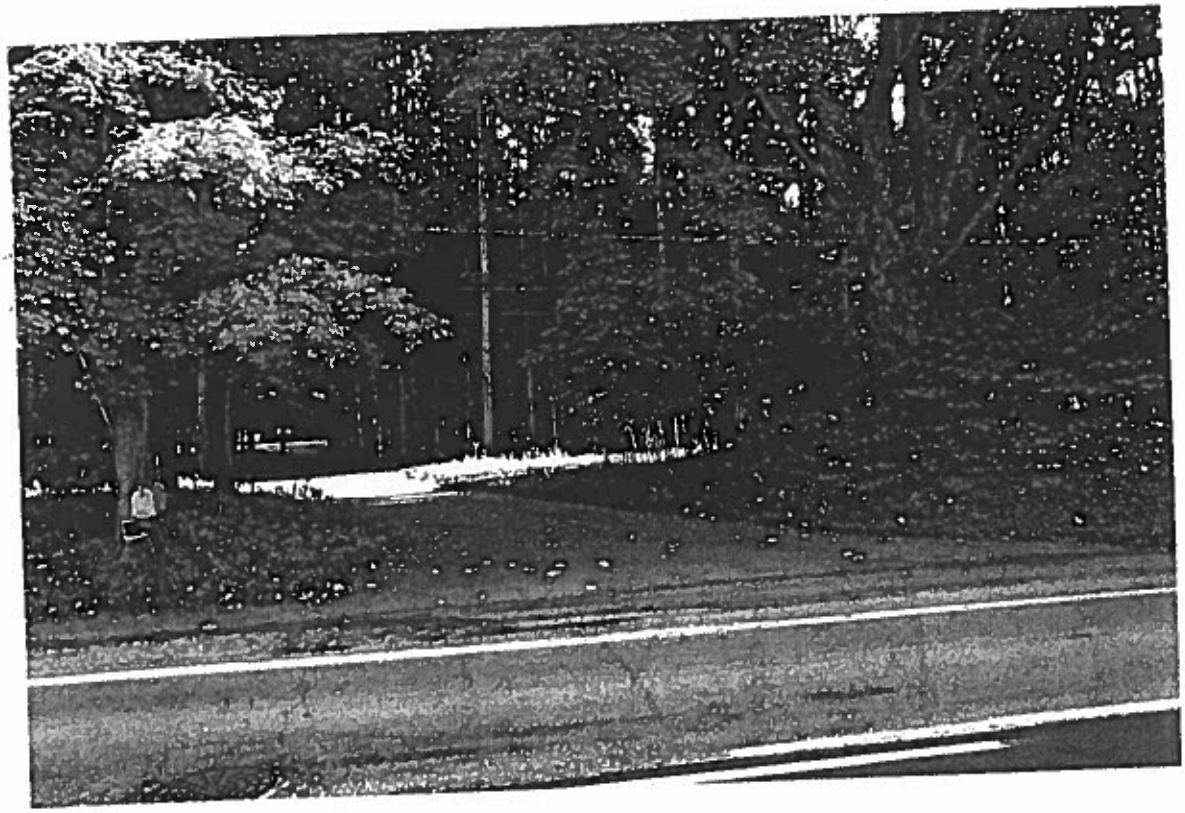
NEW BARN FOR DAVE SCHRAM - FRONT ELEVATION

710 E OSTERHOUT
PORTAGE, MI 49002

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







Dave Schram has explained to me why he wants to build a barn on his property and has made clear to me the intended uses and proposed location of the structure. I have also seen conceptual sketches of the structure and approve of the design intent they reflect. It is my belief this structure will in no way negatively impact the value of my home or property, and I have no interest in contesting his request for a variance regarding the height of the structure.

(1) Mark Frederick, 638 E Osterhout (W)
(2) Robert Shane, 728 E Osterhout (E)
(3) Tim Carlisle, 10800 Cora Dr. (E)
(4) Gary Lewis, 10604 Cora Dr. (E)
(5) Bill & Theresa Newberry, 607 E Osterhout (NW)
(6) Clifford Wheeler, 629 E Osterhout (N)
(7) Mark Gerard, 703 E Osterhout (N)
(8) Harold & Laura Betz, 705 E Osterhout (N)
(9) Donald Osterhout, 709 E Osterhout (N)

AUG 13 2014

	Signature	Date
(1)	Mark Frederick	8-11-14
(2)	Robert M. Shane	8-11-14
(3)		8-12-14
(4)	Gary Lewis	8.11.14
(5)	Bill Newberry	8-12-14
(6)	Vacant - For Sale	
(7)		8-11-14
(8)	Harold C. Betz	8-11-14
(9)		8-11-14

RECEIVED
DEC 11 2014
COMMUNITY DEVELOPMENT

This letter is in reference to request by David Schram to build a 2880 square foot building at 710 E. Osterhout -

He already has a large building on the property. He is in the business of greenhouse plants and other retail business.

This area is for residential neighborhood is it not?

He is not grandfathered in, I have lived at 503 and 543 East Osterhout for 58 years. We always abided by the rules of the township and later the City.

We were denied a request to build an extension on our barn years ago

I am saying no. His purpose for this large building is for business - no doubt! He can buy land in a commercial district for his business.

Mary Jane Gibson
503 E. Osterhout Rd.

TO: Planning Commission **DATE:** December 12, 2014

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Ordinance Amendment 14/15-A, Auto Repair & Vehicle Fueling Station Regulations

I. INTRODUCTION:

Subsequent to the adoption of the 2014 Comprehensive Plan, the Planning Commission reviewed and approved the FY2014-15 Work Program. Development of the Work Program included prioritization of the Plan implementation strategies, which included Zoning Code amendments pertaining to several topics. Amongst the Zoning Code amendments to be prepared for consideration were revised/updated regulations pertaining to "Auto Service Station" and "Gas Station."

This report provides historical background information pertaining to auto-related services, recommended changes to regulations for auto repair facilities and auto fueling stations and concludes with ordinance language.

II. AUTO REPAIR FACILITIES:

Regulations regarding automobile repair/servicing have remained basically unchanged since comprehensive zoning of the City in 1965. Between 1965 and 2003, the Zoning Code established two categories for auto repair/servicing: Auto Service Station that permitted "...the servicing of and minor repair of automobiles" and Auto Repair Station that permitted "...general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; overall painting and undercoating of automobiles." Since auto repair activities and gasoline stations were commonly conducted together in the 1960s, the Auto Service Station and Auto Repair Station categories also allowed the sale of gasoline/engine fuels as an associated, on-site use. An Auto Service Station (minor repairs) was a use permitted in the B-3, general business district subject to review and approval of a special land use permit by the Planning Commission and as a permitted use in the I-1, light industrial district. An Auto Repair Station (major repairs) was permitted as a special land use in the I-1 district.

In 2003, the Zoning Code was amended to separate auto repair activities into two types: major and minor. The 2003 amendment also recognized the marketplace change that vehicle fueling stations were becoming less associated with auto repair facilities and more associated with convenience shopping needs such as food and beverages. The definition of Auto Repair Station was replaced with Auto Repair Station – Major (description remained the same) and Auto Repair Station – Minor with the following description change, "...where the following services may be carried out such as minor repairs, incidental replacement of parts, or motor service to passenger automobiles and trucks not exceeding three tons gross vehicle weight; provided, however, there is excluded any repair or work included in the definition of Auto Repair Station – Major. The definition of Auto Service Station remained basically unchanged to include vehicle fueling/gasoline stations that also may include the

sale of minor accessories and the servicing and minor repair of automobiles. Currently, Auto Repair Station – Minor is allowed as a permitted use in the B-3 district and a special land use in the B-2 and I-1 districts, while Auto Repair Station – Major is allowed as a special land use in the I-1 district.

A survey of auto repair facilities currently located in the B-3 zoning district indicates most offer comprehensive automotive repair and servicing activities that include some form of what is considered major repair work such as engine, transmission or other vehicle component repair. Since these types of major auto repair work activities are only permitted in the I-1, light industrial district, the auto repair businesses located in the B-3 district that offer major repair services are technically in violation of the Zoning Code regulation.

Recognizing that many local auto repair facilities offer both major and minor services, staff visited several repair facilities to compare external impacts associated with the operation of the business between minor and major repair facilities. The visits revealed few external differences between major and minor repair activities. Regardless of whether a business operates as a major or minor auto repair facility, several sites had a minimal amount of discarded auto parts outdoors such as used tires and a couple of sites had inoperable vehicles that had apparently been on-site for an extended period of time. The primary difference between minor and major auto repair facilities is the length of time vehicles are on-site awaiting service. Minor repair facilities, such as Belle Tire or Midas Muffler, had few, if any, vehicles left on-site after business hours while several of the general repair facilities that offer more comprehensive services had several vehicles on-site, often located within a fenced enclosure. Based on the review of existing repair facilities, the potential adverse land use impacts of major repair facilities are similar to those of minor repair facilities. Engine and/or transmission rebuilding activities, for example, can often be less impactful than some minor repair activities (e.g. noise associated with removing/replacing exhaust systems and tire repair/replacement) since rebuilding related activities including assembly, disassembly and/or machining of automobile related components are performed indoors with precision machines and tools in a controlled environment. The primary impacts associated with both types of auto repairs is outside storage.

III. VEHICLE FUELING STATION:

As the Commission will recall, a recent 2014 application for an "Auto Service Station" (gasoline/vehicle fueling station) redevelopment project at the former Centre Street Market site, 710 and 732 East Centre Avenue, generated significant controversy, concern and discussion regarding the appropriateness of this use when adjacent to a single family residential neighborhood and/or a child day care/preschool facility. While this "Auto Service Station" (gasoline/vehicle fueling station) proposal was eventually withdrawn by the applicant and the property subsequently rezoned from B-3, general business to B-1, local business, the issue of the appropriateness of this land use adjacent to a residential uses and child day care facility and/or school still remains. Since 1965, gasoline/vehicle fueling stations ("Auto Service Station") have been allowed in the B-3 and I-1 zoning districts as special land uses without specific conditions.

In reviewing the 710 East Centre Avenue gas station proposal, staff and the Planning Commission relied heavily on the General Standards for Review of Special Land Uses provisions of the Zoning Code (Section 42-462) in reviewing potential impacts from the proposed gas station on the adjacent

single family residential neighborhood and child day care/preschool facility. In order to address the impacts associated with the operation of gas stations, specific ordinance is recommended. The most significant change would require that new fueling stations not be adjacent to a residential zoning district, day care center, public/private school or religious institution. Religious institutions were added since many operate child day care facilities. Proposed language has also been included to protect existing vehicle fueling stations that do not meet locational requirements.

III. PROPOSED ORDINANCE LANGUAGE:

Staff has researched many other community ordinances related to auto repair facilities and vehicle fueling stations, discussed the proposed auto repair amendments with several local business owners, and has considered public comment received and administrative/Planning Commission decisions concerning these uses. As a result of these research efforts, staff is recommending auto repair facilities no longer be classified as either minor or major and two new/updated definitions be established: Auto Repair and Auto Collision/Body Shop. Staff is also recommending that the definition of Auto Service Station be changed to Vehicle Fueling Station and the definition be revised to reflect the current operational characteristics.

Attached is draft ordinance language prepared by the staff and the City Attorney. The attached draft ordinance language identifies proposed revisions in a highlight (blue font=new text) and strikeout (deleted text) format. The proposed changes are summarized below.

Section 42-112, Definitions

Auto Repair Station – Minor, Auto Repair Station – Major and Auto Service Station. These three definitions are proposed to be rewritten and replaced with the following:

> *Auto Repair:* A place where general automobile repair; servicing; or rebuilding engines, transmissions or similar vehicle components; and incidental replacement of parts occurs.
>
> *Auto Collison/Body Shop :* A place where automobile repair, collision and/or auto body services such as general repair, rebuilding or reconditioning of motor vehicles; body, frame or fender repair; painting; and undercoating of automobiles occurs.
>
> *Vehicle Fueling Station:* A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motors vehicles) are retailed directly to the public on the premises. Services may include the sale of minor auto accessories; retail sales of non-automotive related products including sundries such as gum, candy, beverages, newspapers, magazines and other individually packaged convenience items.

These modifications separate auto repair uses from auto collision/body shop and vehicle fueling station uses. The modifications also recognize that auto collision/body shops typically have

more potential adverse land use related impacts such as long term outdoor storage of damaged vehicles, body and frame straightening, reconditioning of automobiles, painting and undercoating. Auto collision/body shops would be allowed only in the industrial zoning districts.

Section 42-261. B-2, community business district

C. Special land uses (Items 2. and 4.)

Changes have been made to this section to eliminate references to "minor" and "major" auto repair and replace with new definitions and terminology. Auto repair facilities would continue to be permitted use in the B-2 district (without being limited to only minor repairs) as a special land use subject to conditions.

Section 42-262. B-3, general business district

B. Principal permitted uses (Item 4.)

C. Special land uses (Items 1. and 4.)

Changes have been made to these sections to eliminate references to "minor" and "major" auto repair and "automobile service stations" and replace with newly defined uses. Auto repair facilities would continue to be a permitted use in the B-3 district (without being limited to only minor repairs) as a separate facility or associated with a vehicle dealership, and as a permitted use in the I-1 and I-2 districts. In regard to Auto Repair, operational conditions were added that requires all repair activities to be conducted completely within the building, restrictions on the length of time a vehicle may be outdoors awaiting repair or be stored, and screening requirements for outside storage of parts and other material.

In regard to Vehicle Fueling Stations, a locational requirement was added that allows this use when the zoning lot does not abut or is adjacent to a residential zoning district, child day care facility, public/private school or religious institution. Other conditions have also been included such as location of air compressors and vacuums stations, outside storage/display areas, and a provision to protect existing stations that may not be able to comply with the new locational standards.

Section 42-280. I-1, light industrial district

B. Principal permitted uses (Item 20.)

C. Special land uses (Item 2.)

Changes have been made to these sections to eliminate references to "minor" and "major" auto repair and "automobile service station" and replace with newly defined uses. Changes also include allowing Auto Repair as a permitted use in the I-1 district (currently a special land use) with the same operational conditions related to the length of time a vehicle may

be located outdoors awaiting repair or storage. Vehicle fueling stations are also allowed to continue in the I-1 district but with the same conditions applicable within the B-3 district.

Auto Collision/Body Shops continue to be allowed as a special land use in the I-1 district with the added requirements that the zoning lot not abut a single family residential zoning district or land designated for residential use in the PD zone and that all vehicles awaiting repair and visible from a public street be enclosed by an opaque fence or wall at least six-feet in height.

Section 42-281. I-2, heavy industrial district

C. Special land uses (Item 7.)

Currently, Auto Collision/Body Shop is not specifically referenced in the I-2 district so changes have been made to add this use as special land use in the I-2 district. Auto Collision/Body Shops include the requirements that the zoning lot not abut a single family residential zoning district or land designated for residential use in the PD zone and that all vehicles awaiting repair and visible from a public street be enclosed by an opaque fence or wall at least six-feet in height.

IV. RECOMMENDATION

The Planning Commission is advised to discuss the proposed amendments during the December 18, 2014 meeting. Subsequent to this discussion, a public hearing to formally consider Ordinance Amendment 14/15-A, Auto Repair and Vehicle Fueling Station Regulations can be scheduled for the January 22, 2015 Planning Commission meeting.

Attachments: Ordinance Amendment (DRAFT)

T:\COMMDEV\2014-2015 Department Files\Board Files\Planning Commission\PC reports\Ordinance Amendments\Auto Repair Regulations\2014 12 12 Ordinance Amendment 14-15-A VG Auto Repair and Gasoline Station Regulations.docx

DRAFT

[COUNCIL VERSION]

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING SEC. 42-112, DEFINITIONS, SEC. 42-261, B-2, COMMUNITY BUSINESS DISTRICT, SEC. 42-262, B-3, GENERAL BUSINESS DISTRICT, SEC. 42-280, I-1, LIGHT INDUSTRIAL DISTRICT, AND SEC. 42-281, I-2, HEAVY INDUSTRIAL DISTRICT, OF ARTICLE 4, ZONING, OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. - Definitions.

Auto *Collison/Body Shop* ~~*repair station—Major*~~*:* A place ~~with or without the sale of petroleum products (excluding gasoline and diesel fuel for motor vehicles),~~ where automobile repair, collision and/or auto body services ~~the following services may be carried out~~ such as general repair, ~~engine rebuilding and~~ rebuilding or reconditioning of motor vehicles; ~~collision service, such as~~ body, frame or fender ~~straightening and~~ repair; ~~and overall~~ painting; and undercoating of automobiles occurs.

Auto repair ~~*station—Minor*~~*:* A place ~~with or without the sale of petroleum products (excluding gasoline and diesel fuel for motor vehicles),~~ where general automobile repair; servicing; or rebuilding engines, transmissions or similar vehicle components; and ~~the following services may be carried out such as minor repairs,~~ incidental replacement of parts occurs.~~, or motor service to passenger automobiles and trucks not exceeding three tons gross vehicle weight; provided, however, there is excluded any repair or work included in the definition of "Auto repair station—Major."~~

~~*Auto service station:* A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises. Services may include the sale of minor accessories and the servicing and minor repair of automobiles.~~

Vehicle Fueling Station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motors vehicles) are retailed directly to the public on the premises. Services may include the sale of minor auto accessories; retail sales of non-automotive related products including sundries such as gum, candy, beverages, newspapers, magazines and other individually packaged convenience items.

~~Vehicle repair, major: See "Auto repair station—Major".~~

~~Vehicle repair, minor: See "Auto repair station—Minor".~~

Sec. 42-261. - B-2 community business district.

A. through B. *No change*.

C. Special land uses: The following uses may be allowed in the B-2 community business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. *No change*.

2. Auto repair ~~station, minor~~.

   a. The minimum lot size shall be 30,000 square feet, with a minimum width of 150 feet.

   b. All services shall be performed within a completely enclosed building.

   c. No service bay shall open to or face any public street.

   d. Not less than 20 percent of the ground area of the site shall be landscaped as a green area pursuant to an approved site plan.

   e. In locations where the use abuts a residential district, the planning commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.

   f. No auto collision/body shop ~~major vehicle repair~~ activities shall be permitted.

   g. When located within an integrated or planned cluster of establishments served by a common parking area, the use shall be located on the periphery in such a manner as not to create vehicular circulation obstructions or pedestrian movement conflicts and shall be designed so as to integrate the use with the site plan and architecture of the cluster of establishments. No additional curb openings onto a public street shall be permitted.

   h. No outside storage of parts and/or materials shall be allowed.

   i. No overnight outdoor storage/parking of automobiles that have been or are awaiting service or parts is permitted.

3. Automatic carwashes. *No changes*.

4. Vehicle dealerships, licensed by the state as a new vehicle dealer, for the sale of new motor vehicles, including accessory uses when related and incidental thereto, such as service areas and areas for the sale of used motor vehicles.

   a. through g. *No change*.

   h. Activities permitted at auto repair and auto collision/body shops as defined in Section 42-112 ~~Major and minor vehicle repairs shall~~ may be permitted

when conducted completely within the building, with no outside storage of parts and/or materials.

i. through l. *No change*.

5. through 7. *No change*.

D. *No change*.

Sec. 42-262. - B-3 general business district.

A. *No change*.

B. Principal permitted uses: In a B-3 general business district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

1. through 3. *No change*.

4. Auto repair ~~station—Minor.~~ subject to the following:

a. When conducted completely within the building.

b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be parked outdoors for more than fourteen (14) days. All other vehicles shall not be stored outdoors for more than ninety (90) days.

c. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

5. through 15. *No change*.

C. Special land uses: The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle dealerships, licensed by the state, for the sale and rental of new or used motor vehicles and/or recreational vehicles, including accessory uses when related and incidental thereto subject to the following:

a. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas, which shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area.

b. Ingress and egress to and from the outdoor sales area shall be at least 60 feet from the intersection of any two streets.

c. ~~No major vehicle repair or refinishing shall be done on the site.~~ Auto repair activities are permitted subject to the following:

i. When conducted completely within the building.

ii. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be parked outdoors for more than fourteen (14) days. All other vehicles shall not be stored outdoors for more than ninety (90) days.

iii. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

2. through 3. *Unchanged*.

4. Vehicle fueling~~Automobile service~~ stations ~~for the sale of gasoline, oil and minor accessories only, but not including major vehicle repair or other activities where any adverse external effects could extend beyond the property line~~ subject to the following:

a. The zoning lot does not abut or is not adjacent to: a residential zoning district; land designated for residential use in a PD, planned development district; a child day care facility; a public/private school; or religious institution. For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point, and "adjacent" means a zoning lot which is separated from the subject lot by a street, alley or other public or private easement even if its property line does not abut or touch the subject zoning lot. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection shall not be prevented from reconstructing and/or expanding their facilities and, for the purpose of this subsection shall be considered conforming.

-b. Air compressors and vacuum stations shall not be located in the front yard area.

c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

5. through 9. *Unchanged*.

D. *Unchanged*.

Sec. 42-280. I-1, light industrial district.

A. *Unchanged*.

B. 1 through 19, *Unchanged*.

20. Auto repair subject to the following:

a. All repair activities are conducted completely within the building.

b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be parked outdoors for more than fourteen (14) days. All other vehicles shall not be stored outdoors for more than ninety (90) days.

C. Special land uses: The following uses may be allowed in an I-1 light industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle fueling ~~Automobile service~~ stations subject to the following:

a. The zoning lot does not abut or is not adjacent to: a residential zoning district; land designated for residential use in a PD, planned development district; a child day care facility; a public/private school or religious institution. For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point, and "adjacent" means a zoning lot which is separated from the subject lot by a street, alley or other public or private easement even if its property line does not abut or touch the subject zoning lot. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection shall not be prevented from reconstructing and/or expanding their facilities and, for the purpose of this subsection shall be considered conforming.

-b. Air compressors and vacuum stations shall not be located in the front yard area.

c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

2. Auto~~mobile repair stations (major and minor)~~ Collision/body shops subject to the following:

a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district.

b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B.

3. through 11, *Unchanged*.

D. *Unchanged*.

Sect. 42-281, I-2 heavy industrial district.

A. through B. *Unchanged*.

C. Special land uses: The following uses may be allowed in an I-2 heavy industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1 through 6, *Unchanged*.

7. Auto collision/body shops subject to the following:

a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district;

b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B.

DRAFT

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING SEC. 42-112, DEFINITIONS, SEC. 42-261, B-2, COMMUNITY BUSINESS DISTRICT, SEC. 42-262, B-3, GENERAL BUSINESS DISTRICT, SEC. 42-280, I-1, LIGHT INDUSTRIAL DISTRICT, AND SEC. 42-281, I-2, HEAVY INDUSTRIAL DISTRICT, OF ARTICLE 4, ZONING, OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. - Definitions.

Auto Collison/Body Shop: A place where automobile repair, collision and/or auto body services such as general repair, rebuilding or reconditioning of motor vehicles; body, frame or fender repair; painting; and undercoating of automobiles occurs.

Auto repair: A place where general automobile repair; servicing; or rebuilding engines, transmissions or similar vehicle components; and incidental replacement of parts occurs.

Vehicle Fueling Station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motors vehicles) are retailed directly to the public on the premises. Services may include the sale of minor auto accessories; retail sales of non-automotive related products including sundries such as gum, candy, beverages, newspapers, magazines and other individually packaged convenience items.

Sec. 42-261. - B-2 community business district.

A. through B. *No change*.

C. Special land uses: The following uses may be allowed in the B-2 community business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. *No change*.
2. Auto repair.
   a. The minimum lot size shall be 30,000 square feet, with a minimum width of 150 feet.
   b. All services shall be performed within a completely enclosed building.
   c. No service bay shall open to or face any public street.

d. Not less than 20 percent of the ground area of the site shall be landscaped as a green area pursuant to an approved site plan.

e. In locations where the use abuts a residential district, the planning commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.

f. No auto collision/body shop activities shall be permitted.

g. When located within an integrated or planned cluster of establishments served by a common parking area, the use shall be located on the periphery in such a manner as not to create vehicular circulation obstructions or pedestrian movement conflicts and shall be designed so as to integrate the use with the site plan and architecture of the cluster of establishments. No additional curb openings onto a public street shall be permitted.

h. No outside storage of parts and/or materials shall be allowed.

i. No overnight outdoor storage/parking of automobiles that have been or are awaiting service or parts is permitted.

3. Automatic carwashes. *No changes*.

4. Vehicle dealerships, licensed by the state as a new vehicle dealer, for the sale of new motor vehicles, including accessory uses when related and incidental thereto, such as service areas and areas for the sale of used motor vehicles.

a. through g. *No change*.

h. Activities permitted at auto repair and auto collision/body shops as defined in Section 42-112 may be permitted when conducted completely within the building, with no outside storage of parts and/or materials.

i. through l. *No change*.

5. through 7. *No change*.

D. *No change*.

Sec. 42-262. - B-3 general business district.

A. *No change*.

B. Principal permitted uses: In a B-3 general business district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

1. through 3. *No change*.

4. Auto repair subject to the following:

a. When conducted completely within the building.

b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be parked outdoors for more than fourteen (14) days. All other vehicles shall not be stored outdoors for more than ninety (90) days.

c. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

5. through 15. *No change*.

C. Special land uses: The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle dealerships, licensed by the state, for the sale and rental of new or used motor vehicles and/or recreational vehicles, including accessory uses when related and incidental thereto subject to the following:

a. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas, which shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area.

b. Ingress and egress to and from the outdoor sales area shall be at least 60 feet from the intersection of any two streets.

c. Auto repair activities are permitted subject to the following:

i. When conducted completely within the building.

ii. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be parked outdoors for more than fourteen (14) days. All other vehicles shall not be stored outdoors for more than ninety (90) days.

iii. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height

of the material stored outdoors cannot extend beyond the top of the screening enclosure.

2. through 3. *Unchanged*.

4. Vehicle fueling stations subject to the following:

a. The zoning lot does not abut or is not adjacent to: a residential zoning district; land designated for residential use in a PD, planned development district; a child day care facility; a public/private school; or religious institution. For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point, and "adjacent" means a zoning lot which is separated from the subject lot by a street, alley or other public or private easement even if its property line does not abut or touch the subject zoning lot. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection shall not be prevented from reconstructing and/or expanding their facilities and, for the purpose of this subsection shall be considered conforming.

b. Air compressors and vacuum stations shall not be located in the front yard area.

c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

5. through 9. *Unchanged*.

D. *Unchanged*.

Sec. 42-280. I-1, light industrial district.

A. *Unchanged*.

B. 1 through 19, *Unchanged*.

20. Auto repair subject to the following:

a. All repair activities are conducted completely within the building.

b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be parked outdoors for more than fourteen (14) days. All other vehicles shall not be stored outdoors for more than ninety (90) days.

C. Special land uses: The following uses may be allowed in an I-1 light industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle fueling stations subject to the following:

a. The zoning lot does not abut or is not adjacent to: a residential zoning district; land designated for residential use in a PD, planned development district; a child day care facility; a public/private school; or religious institution. For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point, and "adjacent" means a zoning lot which is separated from the subject lot by a street, alley or other public or private easement even if its property line does not abut or touch the subject zoning lot. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection shall not be prevented from reconstructing and/or expanding their facilities and, for the purpose of this subsection shall be considered conforming.

b. Air compressors and vacuum stations shall not be located in the front yard area.

c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

2. Auto collision/body shops subject to the following:

a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district.

b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B.

3. through 11, *Unchanged*.

D. *Unchanged*.

Sec. 42-281, I-2 heavy industrial district.

A. through B. *Unchanged*.

C. Special land uses: The following uses may be allowed in an I-2 heavy industrial district, subject to the conditions imposed in this section for each use, and subject further, to the

review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1 through 6, *Unchanged*.

7. Auto collision/body shops subject to the following:

   a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district;

   b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B.

MATERIALS TRANSMITTED

CALENDAR OF EVENTS

December 11, 2014
Transportation Bonanza 6
Lansing | Lansing Center
333 E. Michigan Ave., Lansing, MI 48993

January 14, 2015
Planning & Zoning Essentials
Mt. Pleasant | Isabella County Building
200 N. Main St., Mt. Pleasant, MI 48858

February 4, 2015
Planning & Zoning Essentials
Kalamazoo Area | Oshtemo Township Hall
7275 W. Main St., Kalamazoo, MI 49009

February 12, 2015
Community Engagement
Traverse City | Government Center
400 Boardman Ave., Traverse City, MI 49684

February 20, 2015
Student MAP Conference
Ann Arbor | Michigan League
University of Michigan Central Campus

February 26, 2015
Planning & Zoning Essentials
Ann Arbor | Washtenaw County Building
705 N. Zeeb Rd., Ann Arbor, MI 48107

March 5, 2015 | Site Plan Review
Lansing Area | Hampton Inn - Okemos
2200 Hampton Place, Okemos, MI 48864

March 5, 2015 | ZBA: Beyond the Basics
Lansing Area | **Hampton Inn - Okemos**
2200 Hampton Place, Okemos, MI 48864

April 9, 2015 | Spring Institute
Lansing | Lansing Radisson
111 N. Grand Ave., Lansing, MI 48933

October 7-9, 2015
***Planning Michigan* Conference**
Detroit | Marriott at the Renaissance Center
400 Renaissance Dr., Detroit, MI 48243

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Michigan Association of Planning
1919 W. Stadium Blvd.
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APA MI

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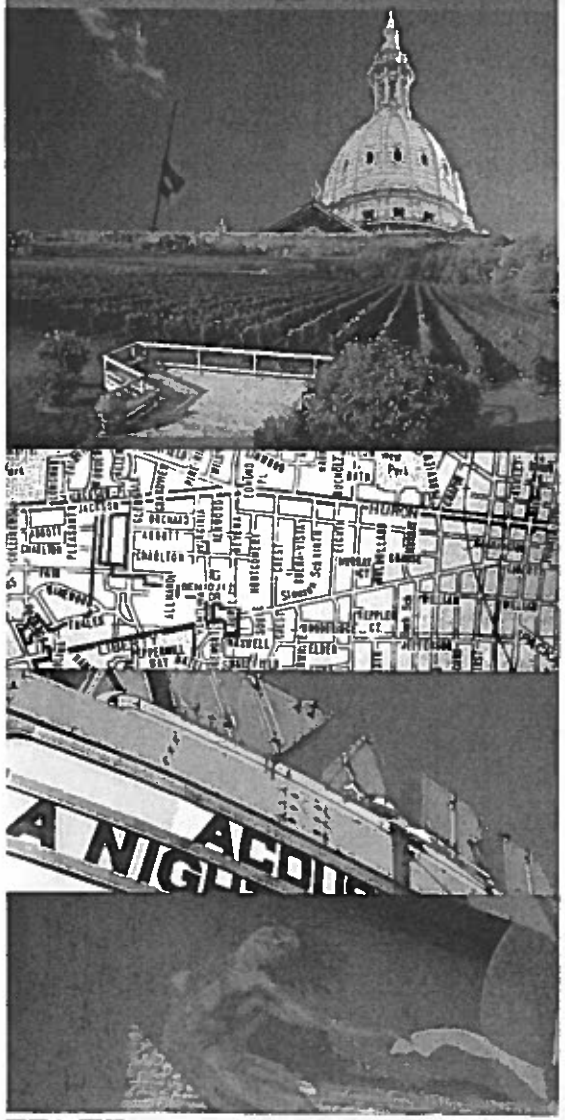
PORTAGE MI 49002-5117

2819

PLANNING & ZONING TRAINING WORKSHOPS

For Elected and Appointed Officials



APA MI

WORKSHOP REGISTRATION & INFORMATION

Michigan Association of Planning
A Chapter of the American Planning Association

OFFICIALS TRAINING

The Michigan Association of Planning's education programs provide participants with the skills and knowledge to make better land use decisions. Our knowledgeable and experienced instructors enable new elected and appointed officials to better understand their roles and responsibilities, and reacquaint experienced ones with innovative planning tools and techniques. We make it easy for you to receive the education and training necessary to keep up with the ever-changing land-use landscape.

PLANNING & ZONING ESSENTIALS

The most requested training product we offer. This course is designed to boost confidence by sharpening skills, identifying conflicts of interest, understanding legal foundations, examining roles and responsibilities, and more!

January 14th | 4:00 p.m. - 9:00 p.m.
Mt. Pleasant | Isabella County Building

February 4th | 4:00 p.m. - 9:00 p.m.
Kalamazoo Area | Oshtemo Township Hall

February 26th | 4:00 p.m. - 9:00 p.m.
Ann Arbor | Washtenaw County Building

This program is ideal for introducing new planning commissioners and zoning board of appeals members to their roles and responsibilities, and also for more experienced officials looking to refresh their skills and build upon existing knowledge. Roles and responsibilities, site plan review, comprehensive planning, zoning ordinances, variances, how to determine practical difficulty, and standards for decision-making are covered.

Choose from three options to fit your needs:

1. **Full Program (4-9pm)** for the best overview and understanding of how the planning commissioners, zoning board of appeals, elected officials, and staff interact.
2. **Planning Commission Session (4-7:30pm)**
3. **Zoning Board of Appeals Session (6-9pm)**

COMMUNITY ENGAGEMENT

February 12th | Traverse City
5:00 p.m. - 9:00 p.m.
Traverse City Government Center 2nd Floor Training Room

3.5 AICP CM Credits
3.5 Master Citizen Planner CEU

Knowing which public engagement technique to use for which audience, and managing the public participation process so that all voices can be heard, all the while ensuring that the input is meaningful and relevant is one of a planner's greatest challenges. A process that can be rife with politics, on one hand, and rewarding and beneficial on the other, is part and parcel of the effort. This interactive session explains best practices on how to engage with community members and stakeholders in a more meaningful way.

ZONING BOARD OF APPEALS : BEYOND THE BASICS

March 5th | Lansing
5:00 p.m. - 8:00 p.m.
Hampton Inn - Okemos

3 Master Citizen Planner CEU

Quasi-judicial functions of the zoning process are handled by the zoning board of appeals. This interactive, case study based workshop goes into greater depth on the issues of practical difficulty and unnecessary hardship. Recent case law is also discussed, along with a summary of voting and membership requirements, and other procedural requirements unique to ZBAs.

SITE PLAN REVIEW

March 5th | Lansing
5:00 p.m. - 9:00 p.m.
Hampton Inn - Okemos

4 Master Citizen Planner CEU

This program will demonstrate the site plan review and approval process and provide practical tools and techniques about how to read a site plan. You'll learn site design principles such as pedestrian and traffic considerations, lighting, utilities, ADA compliance, inspections, and landscaping. Participants in this hands-on workshop receive an engineering scale, turning template, and a sample site plan to evaluate.

MAIL, FAX, OR EMAIL FORMS TO:

1919 West Stadium Blvd., Suite 4
Ann Arbor, MI 48103
P: (734) 913-2000 | F: (734) 913-2061
info@planningmi.org
www.planningmi.org

REGISTRATION POLICY

For cancellations received in writing 5 business days prior to the workshop, a refund (minus a $25 fee) will be given. Those received less than 5 days prior will not be refunded. You may 1) send a substitute or 2) receive workshop materials in the mail.
Students: This discount is intended to make the workshops affordable for all full-time student members. Student members enrolled in a minimum of 12 undergrad credit hours or 9 grad hours are eligible. We will verify enrollment and course load.

WHO SHOULD ATTEND? New and experienced planning commissioners and zoning board of appeals members • Elected and appointed officials • Zoning administrators • Staff • Emerging planning professionals • Planning students *(special student-member rate!)*

WHAT MAKES THESE WORKSHOPS VALUABLE?
All instructors are certified by the American Institute of Certified Planners (AICP) • All attendees receive a comprehensive guidebook • Half-hour dinner break and networking with fellow officials • MAP's reputation and credibility as a land use leader are widely recognized, assuring the highest quality educational experience.

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – November 10, 2014

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

MEMBERS PRESENT: Michael Robbe, Timothy Bunch, Chadwick Learned, Doug Rhodus, Glenn Smith, Phillip Schaefer, Jeffrey Bright, and Randall Schau.

MEMBERS EXCUSED: A motion was made by Schaefer, seconded by Robbe to excuse Lowell Seyburn. Upon voice vote motion passed 7-0.

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

APPROVAL OF THE MINUTES: Robbe moved and Smith seconded a motion to approve the October 13, 2014 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA #14-01, 6800 and 6820 Lovers Lane: Mais summarized the request for: a) an interpretation that a non-heated 192 square-foot storage room addition with a connecting entrance attached to the back of the garage at 6820 Lovers Lane is considered a garage addition; and b) a variance from the conflicting land use screening requirements between Lovers Lane Storage & U-Haul business (6800 Lovers Lane) and the nonconforming single family residence (6820 Lovers Lane). Adela Strautkalns was present to answer questions. Learned inquired if the Board could place a condition on a variance dependent upon ownership of a property. Mais stated variances go with the land. Attorney Bear clarified the Board could place conditions they feel are necessary to ensure compliance with the zoning ordinance.

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

A motion was made by Robbe, seconded by Smith to make a favorable interpretation that the non-heated 192 square-foot storage room addition with a connecting entrance attached to the back of the garage at 6820 Lovers Lane is considered a garage addition, and a variance is therefore not necessary. Upon roll call vote: Smith-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

A motion was made by Smith, seconded by Robbe to grant a variance from the conflicting land use screening requirements between Lovers Lane Storage & U-Haul business (6800 Lovers Lane) and the nonconforming single family residence (6820 Lovers Lane). There are exceptional circumstances which include the applicant owns both the residence and the business; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to maintain a small office on the same lot as the residence which is similar to that possessed by other properties in the same zoning district in the vicinity, the immediate practical difficulty was not caused by the applicant; the variance will not be detrimental to the surrounding neighborhood, and will not impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

ZBA #14-04, David Schram, 710 East Osterhout Avenue: Mais summarized the variance request to construct an 18.5-foot high accessory building where a maximum 14-foot height is permitted. Mr. Schram showed photos of the area where he intended to build and stated he reconsidered his application and decided he could get by with a 5:1 pitch roof, which reduced the height from 20 feet to 18.5 feet. He stated his practical difficulties were the heavily wooded lot which created maintenance problems with tree debris, and that because the lot was over 6 acres and the nearest neighboring residence is 170 feet away any negative impacts would be mitigated. Mr. Schram stated there was also precedence for the Board approving a similar request several years ago (ZBA #11-05). Learned noted the accessory building height

could be lowered even more if they went with standard eight-foot sidewalls and centered the garage door. Robbe stated that alternative may run into problems with the trusses given the ceiling height.

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

A motion was made by Bunch, seconded by Smith, to grant a variance to construct an 18.5-foot high accessory building where a maximum 14-foot height is permitted. There are exceptional circumstances which include the size of the parcel, number of mature trees, and the distance from other residences; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to a protective structure to accommodate an RV which is similar to that possessed by other properties in the same zoning district in the vicinity, the immediate practical difficulty was not caused by the applicant; the variance will not be detrimental to the surrounding neighborhood, and will not impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Schaefer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

ZBA #14-09, Janine Chicoine, 3620 East Shore Drive: Mais summarized the request for variances to construct a 24-foot by 24-foot attached garage: a) 20 feet from the front property line where a minimum 27-foot front setback is required; and b) three feet from the side property line where a minimum five-foot side yard setback is required; c) exceed the maximum permitted building lot coverage by 201 square feet; and d) construct a second story addition three feet from the side property lines where a minimum five-foot side yard setback is required. Bruce Arnsman spoke on behalf of the applicant and stated the house was built in the 1950's on a substandard lot and it had a flat roof. The new owners want to update the dwelling, install a second story addition with a gable roof and replace the carport with a 24-foot by 24-foot garage which would be setback several feet further from the front property line than the existing carport. Bright inquired if the applicant had received any input from neighbors. Mr. Arnsman said no. Schau asked what the applicant's reaction to the recommendation that the garage be moved over two feet. Mr. Arnsman said the lot was already substandard and the additional space was needed for storage. Schau inquired if it would be possible to inset the upper story two feet further from the property line. Mr. Arnsman stated yes but the first story would still be setback within the required side yards. Learned inquired if engineering had evaluated whether the existing walls could support a second story. Mr. Arnsman replied yes. Bright stated staff has recommended the garage be moved over two feet to meet the side yard setbacks and inquired if that is that something the owner can live with. Mr. Arnsman stated it was the owner's intention to build in line with the existing house. Robbe questioned if the application should be tabled. Bright explained that it was possible that the Board could grant some of the four variances and wanted assurance the owner could live with alternatives to their request, because if the Board granted a variance the applicant could not revisit the request for another year. Learned inquired if the intention was to proceed with interior remodel items during the winter and move on to exterior items in the spring and would a month delay be acceptable. Mr. Arnsman said he guessed so. Mr. Arnsman offered to call the owner if the Board would wait. Mais suggested the Board could table the item until later in the meeting to allow Mr. Arnsman to call the owner while the Board deliberated on other items. Learned stated that based on Mr. Arnsman's responses he was not comfortable without something in writing authorizing the agent to make a decision on the owner's behalf.

A motion was made by Learned, seconded by Smith to postpone the item until the December 8, 2014 meeting. Upon roll call vote: Smith-Yes, Schaeffer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

NEW BUSINESS:

ZBA 14-12; Doris Perry, 4323 Stratford Drive: Mais summarized the request to permit an attached garage three feet from the (west) side property line and 38 feet from the (south) rear property line where minimum eight-foot side yard and 40-foot rear yard setbacks are required. Ms. Perry stated her house caught on fire ten years ago and her insurance company hired a contractor who did not get a building permit for the addition and she needed to keep the addition connecting the house to the garage because she needed the living space for her many children. Robbe inquired if there was a door connecting the addition to the garage. Ms. Perry said yes. Learned inquired if Ms. Perry had spoken to her insurance company about the contractor who did not get a permit. Ms. Perry said yes. Learned stated bringing the garage and addition up to building code could be expensive and inquired if the resources were available to complete the required upgrades within six months. Mark Vanderson of Southridge Reformed Church stated assistance may be available for Ms. Perry but did not think six months was enough time. Learned stated the applicant should understand that even if the Board granted the variance to keep the addition they would still have to bring the structure up to building code. Schau stated the Board had authority over zoning issues and did not think the Board had authority over enforcing building code issues. Mais stated that under Section 42-623(C), a variance was valid for six months. Attorney Bear clarified that enforcement of the building code issues was a separate matter.

A public hearing was opened. A letter of opposition from Barbara Deming, 4331 Stratford was read. Schau stated it appeared Ms. Deming may have misunderstood the request, as the garage was not moving any closer to the property line.

A motion was made by Smith, seconded by Bright, to grant a variance for an attached garage three feet from the (west) side property line and 38 feet from the (south) rear property line where minimum eight-foot side yard and 40-foot rear yard setbacks are required for the following reasons: There are exceptional circumstances which include the addition has existed since 2003 and the garage since 1967 with no reported problems; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to retain living area as it has existed since 2003, which is similar to that possessed by other properties in the same zoning district in the vicinity, the immediate practical difficulty was not caused by the applicant, as it was created by a contractor; the variance will not be detrimental to the surrounding neighborhood, and will not impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Schaefer-Yes, Bunch-No, Bright-Yes, Learned-Yes, Robbe-No, Rhodus-Yes. The motion passed 5-2.

ZBA #14-13, Austin Brancheau, 4129 Long Lake Drive: Mais summarized the request to permit a 64 square-foot accessory building six inches from the (south) side property line where a minimum 10-foot side yard setback is required. Mr. Brancheau stated placing the shed in a conforming location would obstruct his view of the lake and added he had the property surveyed and found the fence was erected one foot inside his property, so while the shed was six inches from the fence it was 18 inches from the property line. Schau inquired if the shed orientation could be altered. Mr. Branchau stated no, because a tree interfered. Mr. Brancheau provided a letter of support from the owner of 4203 Long Lake Drive.

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

A motion was made by Bunch, seconded by Robbe, to permit a 64 square-foot accessory building six inches from the (south) side property line where a minimum 10-foot side yard setback is required. There are exceptional circumstances that apply to the property that include the width and depth of the lot and the shed's distance from the lake; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to have accessory storage; the immediate practical difficulty causing the need for the variance was not created by the applicant as the lot had its current dimension when the applicant

purchased it, the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the zoning ordinance. Mais requested clarification if the intent of the motion was to allow the shed to remain in its current location. Bunch stated yes. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Smith-Yes, Schaeffer-Yes, Bunch-Yes, Bright-Yes, Learned-Yes, Robbe-Yes, Rhodus-Yes. The motion passed 7-0.

OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM NOVEMBER 18, 2014

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

At the request of Mayor Strazdas, Councilmember Urban provided an invocation. The City Council and the audience recited the Pledge of Allegiance.

The Deputy City Clerk called the roll with the following members present: Councilmembers Nasim Ansari, Richard Ford, Patricia Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and Deputy City Clerk Adam Herringa.

APPROVAL OF MINUTES: Motion by Ford, seconded by Ansari, to approve the November 4, 2014, Regular Meeting Minutes. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Councilmember Randall asked that Item F.3, City of Portage Leaf, Brush and Spring Cleanup Program – Private Drives, be removed from the Consent Agenda. Motion by Reid, seconded by Ansari, to approve the Consent Agenda Motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF NOVEMBER 18, 2014:** Motion by Reid, seconded by Ansari, to approve the Accounts Payable Register of November 18, 2014 as presented. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

REZONING APPLICATION #14/15-1 (6291 SOUTH 12TH STREET): Mayor Strazdas invited City Administration to present on this item and Vicki Georgeau, Director of Community Development, provided an overview of the rezoning request and surrounding land uses. Director Georgeau shared that the proposed rezoning from R-1B to R-1T and related development are consistent with the Future Land Use Map and that the Planning Commission had reviewed the proposed rezoning and voted unanimously for approval.

Councilmember Urban inquired about the site plan and existing open space on the parcel and Director Georgeau replied that some open space is planned to be retained as part of the development and emphasized that including open space is not a mandatory requirement of this development.

Mayor Strazdas inquired about ingress and egress from the proposed development and Director Georgeau responded that a formal site plan has not been received. However, she stated that it is her understanding that an access road will be installed from an adjoining street to the south which is part of an existing development owned by the applicant. Mayor Strazdas then inquired if the smaller section of the parcel in question could be developed and inquired if there were any protections for the adjoining R-1B zoned properties. Ms. Georgeau shared that, to her understanding, the narrow part of the property in question would not be developed and that the proposed zoning is consistent with the existing development pattern. Ms. Georgeau, in response to a question from Mayor Strazdas, stated that she did not have any professional concerns with regard to the impact of the proposed development on nearby residential properties.

Councilmember Reid inquired if the proposed units would be comparable to the property owners adjacent development and what the cost of the units might be. Director Georgeau responded that the developer, who is in the audience, could better answer that question but that any development would have to comply with the R-1T zoning requirements.

At the request of the Mayor, Attorney Brown reviewed the rezoning process, pointed out that the Staff Report regarding the request addresses zoning compatibility and reminded City Council that, once rezoned, the developer is free to develop the property in any manner consistent with the zoning classification.

The applicant Robert Deppe of Pinefield, LLC, 6219 Silver Fir Street in Portage, spoke regarding the rezoning request and shared some of the rationale and details of his plans for the property. Mr. Deppe also responded to the question from Councilmember Reid and shared that units in the development on the adjoining parcel lease for between $1,100 and $1,500 per month and that units in the planned development would likely lease for approximately $1,250 per month.

Following a request for public comments and there being none, motion by Urban, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried. Motion by Urban, seconded by Ansari, to approve Rezoning Application #14/15-1 and rezone 6291 South 12th Street from R-1B, one family residential, to R-1T, attached residential. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **WEST OSTERHOUT AVENUE RECONSTRUCTION – GRAND ELK RAILROAD GRADE CROSSING:** Motion by Reid, seconded by Ansari, to authorize the replacement of the grade crossing at the West Osterhout Avenue railroad crossing by the Grand Elk Railroad in the amount of $39,509 and authorize the City Manager to sign all documents related to this authorization on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **WINTER PARKING RESTRICTIONS ORDINANCE AMENDMENT:** Motion by Reid, seconded by Ansari, to accept an amendment to Section 78-2, Parking (Chapter 78 Traffic and Vehicles) of the Code of Ordinances for first reading and set a public hearing for December 16, 2014, and subsequent to the public hearing, approve the amendment to Section 78-2 altering the annual parking restrictions to begin November 1. Upon a roll call vote, motion carried 7 to 0.

CITY OF PORTAGE LEAF, BRUSH AND SPRING CLEANUP PROGRAMS – PRIVATE DRIVES: Councilmember Randall reviewed the agenda item, shared that the topic has been raised by a resident and provided a brief history on the leaf pick-up program especially as it relates to homes along private drives. Councilmember Randall opined that it is inappropriate that single family homes on private drives have been and are currently being taxed for these services without receiving a benefit. Councilmember Ansari asked if property owners have been paying for the service without receiving the benefit. City Manager Shaffer replied that the millage is applied to all properties in the City and confirmed that residents of neighborhoods such as Oak Shores and others on private drives have been paying for the service but not been getting the service. Mayor Strazdas commented that there are likely many factors involved in this situation and cited the liability of the city providing services on private drives as one such factor. However, he continued by stating that he would like the opportunity for City Administration to explore and research the matter further.

Attorney Brown shared that the action by the City to provide this service to some areas while denying it to properties on private drives is not illegal. He continued by stating that it is a policy decision and that this policy can be changed.

Mayor Pro Tem Pearson stated that there was a special election for a millage for recycling services and that trash and recycling trucks utilize the private drives. City Manager Shaffer confirmed the statement. Mayor Pro Tem Pearson then questioned why a large recycling truck is acceptable on a private drive while other large trucks are not and asked that this be included in the report provided by Administration.

Councilmember Ford expressed concern that the City will be maxing out the .4 millage to fund an expansion to private drives. Councilmember Reid stated that the proposed review focuses on residential properties on private drives but not apartment complexes or multi-unit dwellings and asked

City Administration to review providing the services to such properties as well. Councilmember Reid also inquired how the service is currently provided to commercial properties. Mr. Shaffer responded that the City does not offer the service to commercial properties and Councilmember Reid replied that she would like City Administration to include providing the service to commercial properties in the research efforts.

City Manager Shaffer commented that City Administration would like an opportunity to hear from the public on whether they are interested in the service and suggested that the issue of liability merits serious review and consideration. Councilmember Reid followed up and expressed concern with holding public meetings before the research is complete or a potential policy formulated because she does not want any additional services offered to the public before City Council has an opportunity for review. City Manager Shaffer responded and stated that nothing would be offered to residents but that his goal would be to ascertain interest level. He continued by stating that his hope is to provide City Council with a comprehensive report on the topic.

Mayor Strazdas asked City Administration to include in the report exactly who is paying for this service and who is not getting the service. City Manager Shaffer responded that everyone is paying regardless of services received as this is the nature of a property tax.

Councilmember Urban commented that the policy decision on whether to provide the cleanup program to residential properties on private drives was not a mistake and factors, such as liability, went into the decision. Councilmember Urban questioned whether recycling was originally offered on private streets. Councilmember Urban expressed concern that the current millage is not going to be enough, even if maxed out to meet increased service demands, especially if commercial properties are included in the service area. Councilmember Urban then pointed out that the millage has been used in the past to help offset costs associated with cleanup following major storms and gave an example. He concluded his comments by stating that there are many services for which people are taxed but don't receive a benefit and cited snowplowing and seniors paying school taxes as examples. Discussion followed and Mayor Strazdas asked that City Administration provide all relevant facts including a history of what previous administrations did regarding this topic along with some pros and cons of different approaches to offering and expanding the service.

Mayor Pro Tem Pearson asked that the topic be added to the agenda for the upcoming December retreat and that Councilmembers use the opportunity to share concerns and suggestions regarding a potential policy with City Administration.

Councilmember Urban commented that it is his understanding that this involves an administrative policy and that the topic was discussed in the past and that the whole idea for the millage was a result of concerns expressed with burning leaves within the City.

Councilmember Ford asked that the report by City Administration also include information on the steps involved in a millage increase.

Motion by Reid, seconded by Randall, to authorize City Administration to research city liability for extending leaf, brush and spring cleanup collection programs to private streets in the city and present a follow-up report to City Council by the second regular meeting in February 2015.

Mayor Strazdas asked that specific requests made by City Council of City Administration be included within the motion. Councilmembers Reid and Randall agreed to the amended motion.

Motion by Reid, seconded by Randall, to authorize City Administration to research city liability for extending leaf, brush and spring cleanup collection programs to private streets in the city and present a follow-up report to City Council by the second regular meeting in February 2015 to include such topics as why certain large trucks are able to travel on private streets and others are not, information on the expansion of the service to include apartments and other multi-family dwellings, information on expanding the service to include commercial properties, information on exactly who is paying for the service and who is receiving the service, historical information related to actions taken by previous administrations, pros and cons on different approaches to expanding the service, the sharing of concerns and suggestions regarding a potential policy with City Administration at the upcoming retreat and steps that would be involved in increasing the millage.

Councilmember Randall inquired if, given the February deadline, there would be enough time if the policy changed to offer an expanded spring clean-up. City Manager Shaffer replied that it should be and did not see anything that may forestall implementation but cautioned that things may evolve that would prevent spring implementation. Discussion followed regarding the possibility that some residents on private streets may not be interested and this would have an impact on cost.

Susan Yetter, 7354 Oak Shores, spoke and shared with City Council that she raised the issue and thanked City Manager Shaffer and Councilmember Randall for the opportunity to speak and for their responsiveness. She continued by stating that she now looks at a pile of leaves differently and thanked City Council for continuing to look into this matter. Ms. Yetter stated her willingness to work with the city and questioned why many private vendors, such as trash and recycling trucks, are able to drive on private streets but others are not.

Councilmember Urban clarified that the City does not own all of the trucks involved in leaf and brush pick-up but leases them. City Manager Shaffer responded that this presents an opportunity to review how the service is provided and cited the inclusion of smaller and lighter vehicles as one possible outcome.

Upon a roll call vote, motion carried 7 to 0.

* **2015 CITY COUNCIL MEETING SCHEDULE:** Motion by Reid, seconded by Ansari, to establish the 2015 schedule of regular City Council meetings. Upon a roll call vote, motion carried 7 to 0.

* **2014 TAX RATE SURVEY:** Motion by Reid, seconded by Ansari, to receive the communication from the City Manager regarding the 2014 Tax Rate Survey as information only. Upon a roll call vote, motion carried 7 to 0.

* **ANNUAL TREE LIGHTING/TRADITIONAL HOLIDAY CELEBRATION:** Motion by Reid, seconded by Ansari, to receive the communication from the City Manager regarding the Annual Tree Lighting/Traditional Holiday Celebration as information only. Upon a roll call vote, motion carried 7 to 0.

* **OCTOBER 2014 ENVIRONMENTAL ACTIVITY REPORT:** Motion by Reid, seconded by Ansari, to receive the communication from the City Manager regarding the October 2014 Summary Environmental Activity Report as Information Only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Reid, seconded by Ansari, to receive the departmental monthly reports. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

KALAMAZOO COUNTY CONSOLIDATED DISPATCH AUTHORITY APPOINTMENTS: Mayor Strazdas indicated that at the last Regular City Council Meeting Mayor Pro Tem Pearson, Councilmember Reid and Councilmember Ford expressed interested in serving on the Kalamazoo County Consolidated Dispatch Authority Board of Governors and inquired if this was still the case. Councilmember Ford stated that he would support the appointment of Mayor Pro Tem Pearson and Councilmember Reid. Councilmember Urban raised a question regarding the term of the appointment as the language of the Kalamazoo County Consolidated Dispatch Authority Agreement allows each appointing jurisdiction to arrange their own terms. Discussion followed on potential term lengths. Mayor Pro Tem Pearson suggested three-year terms and Councilmember Reid cited value in staggered terms and suggested a two-year term and a three-year term. Discussion followed regarding the merits of each. Mayor Pro Tem Pearson and Councilmember Reid stated support for eventually appointing citizens to this board. Councilmember Ford, following conversation with Attorney Brown,

informed City Council that alternates can be appointed and offered his services. Attorney Brown informed City Council that the Dispatch Agreement does allow for two Alternates, one for each member. Mayor Strazdas recommended that Mayor Pro Tem Pearson and Councilmember Reid be appointed to three year terms with himself and Councilmember Ford serving as Alternates. Councilmember Randall suggested that City Manager Shaffer play an active role and serve as one of the Alternates or as a primary member. There was discussion on whether the City Manager could be appointed or if there would be a conflict of interest. Attorney Brown confirmed that each unit of government has complete discretion over their appointments, stated that Mr. Shaffer could be appointed and that conflict of interest would not apply. Discussion followed and Attorney Brown confirmed that there is one appointee from the Department of Public Safety to the Technical Committee and that an alternate is permitted. Councilmember Ford suggested that the City Manager be a good candidate to serve as an alternate as he is more likely to be knowledgeable about matters concerning dispatch.

Motion by Urban, seconded by Reid, to appoint Mayor Pro Tem Pearson and Councilmember Reid to the Kalamazoo County Consolidated Dispatch Authority Board of Governors for three year terms with Mayor Strazdas and Councilmember Ford serving as Alternates and to appoint Director of Public Safety Richard White to the Technical Committee with City Manager Shaffer serving as Alternate.

Councilmember Ansari inquired if the City Manager can attend both Board of Governor and Technical Committee meetings and City Manager Shaffer stated that he is planning to attend all Board of Director meetings and that he will serve as a support wherever needed. Upon a roll call vote, motion carried 7 to 0.

CITY MANAGER EMPLOYMENT AGREEMENT: Mayor Strazdas reviewed the status of the employment agreement and invited comments and concerns related to the contract from City Council. Councilmember Ansari stated that if the Mayor and City Manager Shaffer are satisfied with the contract and City Council has had an opportunity to raise issues, we should agree and move forward.

Councilmember Urban stated that there are still some topics to be finalized and shared his concern with a provision (Section 15.B) regarding $15,000 for relocation costs. He questioned whether it would be a reimbursement for actual expenses or a lump sum. City Manager Shaffer expressed his desire to not negotiate in public each item one by one without understanding the end point but assured Councilmember Urban that he would exceed this amount and his preference for a lump sum for relocation expenses. Discussion followed on what might constitute temporary living arrangements, what the $15,000 could be used for, whether the $15,000 is an appropriate amount and the unique complexities of moving. Mayor Strazdas expressed support for a provision to recover the relocation costs should the City Manager leave his position within a short period of time and Attorney Brown replied that inserting such refund language would be difficult. Councilmember Randall expressed support for a flat rate for moving expenses and Councilmember Reid proposed striking the language regarding "temporary housing expenses and the sale or purchase of a home." Councilmember Randall agreed with the proposed terminology change and Councilmember Ford proposed that the language be as simple as "The Employer shall pay the Employee $15,000 to cover professional relocation costs."

Councilmember Reid stated that it is her belief that the proposed compensation of $130,000 per year is excessive, provided her reasons why and expressed support for compensation of either $120,000 or $125,000. Councilmember Ansari expressed his belief that the $130,000 was brought up and supported previously. Mayor Pro Tem Pearson stated his belief that salary data provided by Councilmember Reid regarding city manager compensation was supportive of the proposed $130,000 figure and shared his rationale. Discussion followed on what would be a fair and appropriate level of compensation, the components of the compensation package, and how it should be determined. Councilmember Reid expressed her belief that a salary of $125,000 is a fair amount and of the need to be good stewards of public tax dollars. Councilmember Ansari inquired as to the compensation of the previous City Manager, Maurice Evans. Acting Deputy City Manager Boulis replied that it was approximately $134,000 and Councilmember Ford expressed his support for the $130,000 figure and

provided his reasons why. Councilmember Randall stated that City Council is debating a small amount and expressed support for the $130,000 figure.

Mayor Strazdas shared his belief that $130,000 was a fair starting point but followed by stating that, if this is the starting point, he would like to see reduced salary increases for good performance. He continued by stating that he would also support a starting point of $125,000 with larger increases for good performance. Regardless, he stated that he does not want to see the compensation level of the Portage City Manager get out of line with similar communities. Councilmember Ansari and Mayor Strazdas discussed what message the City Manager's salary sends to the community and Councilmember Ansari stated that one message should be the approximately $25,000 in savings involved in the current City Manager contract vs. the contract of the previous City Manager. Mayor Pro Tem Pearson inquired if there was still a City Manager Compensation Committee and Mayor Strazdas responded in the affirmative and that appointments would be made after the upcoming retreat.

Councilmember Urban asked Acting Deputy City Manager Boulis to explain Section 7.A of the draft Agreement regarding retirement. Mr. Boulis explained that the provision was regarding a "defined contribution plan" and not a "defined benefit plan." He provided additional information regarding the retirement provision and informed City Council that the former City Manager Agreement included a 16.5% of base pay payment to the employee's retirement plan while this proposed Agreement includes a 10% contribution. Acting Deputy City Manager Boulis also reviewed the voluntary 457 plan.

Councilmember Urban referenced that Mr. Shaffer had been engaged in performing contract work outside of his employment with the City of Portage and asked that he provide proof that any contractual work Mr. Shaffer has been engaged in is discontinued or approval is received from the Mayor for him to do it on his own time. Discussion followed and Mr. Shaffer informed City Council that he is not under any contract at this time and has not been for the previous six months.

Councilmember Urban next inquired about Section 10, Severance, of the draft Agreement. Councilmember Urban stated that Mr. Shaffer has on two previous occasions announced his retirement and stated that, to his understanding, the idea of severance pay is to assist an employee with the transition between jobs. Councilmember Urban expressed his belief that what he considers to be a six month retirement bonus would be excessive. There was a question raised by Mayor Pro Tem Pearson regarding the potential for age discrimination and Acting Deputy City Manager Boulis shared that, in his opinion, changing the severance provision because the City Manager has retired previously has the potential to raise issues of age discrimination. Discussion followed and City Manager Shaffer stated that he was not interested in altering the provision and provided his rationale. Mayor Pro Tem Pearson shared that the section had been altered previously to a tiered situation based on a suggestion by Councilmember Reid in which the longer Mr. Shaffer is employed by the City, the severance would increase up to a maximum of 6 months. Councilmember Randall pointed out that the contract for the previous City Manager included $10,000 for office equipment upon severance and that this provision was voluntarily removed by Mr. Shaffer and implored City Council to approve the contract. Councilmember Reid stated that one of the reasons she proposed the tiered system is due to concerns raised in the community by severance packages received recently by various local public officials. Councilmember Reid stated that she thought the six month provision was too much but indicated she was willing to go along with it.

Councilmember Ford offered his support for the tiered approach and Mayor Strazdas concurred with Councilmember Ford and with concerns raised in the public regarding severance pay for public officials. Councilmember Ansari reiterated that the City is saving upwards of $25,000 in this contract vs. the contract for the previous City Manager due to the reduction in relocation expenses and removal of the $10,000 provision for office expenses.

Mayor Pro Tem Pearson clarified the start date to be included in the contract as being November 19, 2014, and reviewed the various types of leave included in the proposed Agreement. Mayor Pro Tem Pearson pointed out that in Section 5, the one week "executive leave" provision which was in the contract of the previous City Manager would be removed from this contract. Councilmember Urban stated that he felt six weeks of vacation are excessive and provided his rationale. Discussion

followed and Councilmember Ford pointed out that the six weeks was not immediate and that the time off came with time served.

Discussion followed regarding the making of a motion to approve the Agreement and Attorney Brown offered a suggested motion. Motion by Pearson, seconded by Randall, to approve the Employment Agreement with Laurence Shaffer as submitted November 3, 2014, with the following changes, Section 1.A, to change the dates to November 19, 2014 through November 18, 2017, Section 5.C, delete the two words "executive leave" and Section 15.B to read in its entirety "the Employer shall pay the Employee $15,000 to cover relocation costs, the payment will be authorized when the Employee notifies the Mayor that he has relocated." Upon a roll call vote, motion carried 5 to 2 with Councilmembers Reid and Urban voting no.

FACILITATOR FOR THE 2014 CITY COUNCIL GOAL SETTING RETREAT: City Manager Shaffer reviewed the date, time and location of the retreat and explained the reasoning and process behind the recommendation of Jill Edelen and Acting Deputy City Manager Boulis reviewed her credentials. Mayor Strazdas shared that a primary outcome of the retreat is to come up with a single priority list for the City Council and City Administration to work from and discussed the format of the retreat. He also shared that the results of the recent Community Survey would be available to City Council. Councilmember Randall offered the reminder that this is a public meeting and invited the public to attend.

Motion by Urban, seconded by Reid, to authorize Jill Edelen to be the facilitator for the 2014 City Council Goal Setting Retreat. Upon a voice vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the following Boards and Commissions:

Portage Historic District Commission of September 3 and October 8, 2014.
Portage Park Board of October 1, 2014.
Portage Human Services Board of October 2, 2014.
Portage Youth Advisory Committee of October 13, 2014.

COUNCIL COMMITTEE REPORTS: Councilmember Ford, member of the Environmental Health and Advisory Council (EHAC), shared that the Household Hazardous Waste Center was no longer open on Saturdays and distributed information on the new hours. Councilmember Urban inquired if the change in hours was in violation of the contract with the City of Portage. Mayor Pro Tem Pearson, who also serves on the EHAC in the capacity as a citizen, stated that the next EHAC meeting would be in January and that a topic of conversation would be hours of operation. He asked City Administration to provide both himself and Councilmember Ford with information related to the question raised by Councilmember Urban in advance of the meeting.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Ansari congratulated the City Council on the appointment of a City Manager and expressed his desire for City Council to move on to addressing important issues in the community.

Councilmember Reid congratulated Mr. Shaffer on his appointment, shared information about the "Designing for the Future" program of the Portage Public Schools, and shared information about an upcoming Council of Governments meeting in which there will be a presentation by a representative of the Michigan Department of Transportation on the state of the roads in Kalamazoo County.

Councilmember Ford expressed gratitude for the crews plowing the streets and wished his son a happy first birthday.

Councilmember Randall congratulated City Council and Mr. Shaffer on his selection as City Manager and wished everyone a safe and happy Thanksgiving holiday.

City Manager Shaffer lauded the efforts of the Department of Public Safety Fire Division for their efforts at a recent house fire and complimented the snow removal crews on their efforts. Mr. Shaffer informed City Council that actions taken recently on a bond refinancing effort have resulted in savings that dramatically exceeded projections and thanked the Mayor and City Council for their support in the effort. Finally, he thanked City Council and the Mayor for their support throughout the selection process and declared his intention to do the absolute best he can for the citizens of Portage.

Mayor Pro Tem Pearson offered his congratulations to Mr. Shaffer and shared that, as Mr. Shaffer indicated during his interview for Acting City Manager, one of the first areas he looked at as City Manager were emergency plans in the City. As a result, Mayor Pro Tem Pearson continued, the City is implementing a service called "Portage Alert" which will serve as a critical communication tool for the City and community. He then shared some of the highlights of the Portage Alert service and that information is forthcoming on the City website and in the *Portager* newsletter.

Mayor Strazdas welcomed the new City Manager and stated that he is looking forward to Mr. Shaffer's leadership. The Mayor also asked the community to be patient with snow removal efforts and stated that, as a resident of a cul de sac, he is often one of the last streets to be plowed. Next, he commented on the current facilities visioning process of the Portage Public Schools and shared that members of the Portage Public Schools (PPS) and the community may be looking for the City of Portage to work collaboratively with PPS on some future projects. Mayor Strazdas then informed the City Council and City Administration that he met with the third-party City Auditors recently and reported no irregularities. Finally, Mayor Strazdas discussed the community "I Love Portage" essay contest and asked for volunteers to read the essays. Mayor Pro Tem Pearson, Councilmember Ford and Councilmember Urban volunteered.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:50 p.m.

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Adam Herringa, Deputy City Clerk

***Indicates items included on the Consent Agenda.**