



PLANNING COMMISSION

July 7, 2016

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

July 7, 2016
(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * June 16, 2016

SITE/FINAL PLANS:

- * 1. Mavcon Properties (restaurant), 9110 Portage Road

PUBLIC HEARINGS:

NEW BUSINESS:

OLD BUSINESS: (Adjourn to Conference Room No. 1)

- * 1. Ordinance Amendment 15/16-A, Off-Street Parking and Loading Regulations
- 2. Community Impact Projects Grant Fund – additional discussion

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

May 9, 2016 Zoning Board of Appeals meeting minutes
May 24, 2016 City Council meeting minutes
June 13, 2016 City Council pre-meeting minutes

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

PLANNING COMMISSION

June 16, 2016

 DRAFT

The City of Portage Planning Commission meeting of June 16, 2016 was called to order by Vice-Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Vice-Chairman Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE:

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

ROLL CALL:

Mr. Forth called the role: Patterson (yes), Bosch (yes), Stoffer (yes), Dargitz (yes), Schimmel (yes), Richmond (yes), Shoup (yes) and Joshi (yes). A motion was offered by Commissioner Dargitz, seconded by Commissioner Bosch, to approve the role excusing Chairman Welch. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Vice-Chairman Stoffer referred the Commission to the June 2, 2016 meeting minutes contained in the agenda packet. A motion was then made by Commissioner Patterson, seconded by Commissioner Dargitz, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

1. Site Plan: Pfizer (north warehouse addition), 7171 Portage Road. Mr. Forth summarized the staff report dated June 10, 2016 regarding a request by Pfizer to construct an approximate 98,000 square foot warehouse addition along the north side of Building 41 of the Pfizer manufacturing complex located at 7171 Portage Road. Mr. Forth discussed the Zoning Board of Appeals variances approved on December 14, 2015 and June 13, 2016 involving building setback, building height and the loading/unloading area. Mr. Forth indicated that staff is recommending approval of the site plan.

Mr. Tom Kasten of Pfizer was present to support the application and explain the development project. Mr. Kasten explained planned changes to manufacturing and warehousing operations and also discussed proposed parking lot expansions. Commissioner Dargitz asked if the building addition required FAA review and approval. Mr. Kasten stated the proposed building addition will not exceed the height of the northwest portion of the existing building and also discussed other building/structures within the complex that are in excess of 100-feet in height. Mr. Kasten indicated that he would check with FAA, but does not believe any review/approval would be necessary.

After additional discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the Site Plan for Pfizer (north warehouse addition), 7171 Portage Road. The motion was unanimously approved 8-0.

PUBLIC HEARINGS:

None

 DRAFT

NEW BUSINESS:

1. Comstock Charter Township Master Plan Update. Mr. Forth summarized the staff report dated June 10, 2016 regarding notification received from the Charter Township of Comstock concerning the Comstock Township Vision 2025 Master Plan. Mr. Forth stated that Comstock Township was requesting review and comment of the proposed Master Plan update prior to the planned July 14, 2016 public hearing. Mr. Forth indicated that staff has reviewed the Master Plan and does not have any comments.

After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to accept the Comstock Township Vision 2025 Master Plan with no comments. The motion was unanimously approved 8-0.

STATEMENT OF CITIZENS:

None.

7:20 p.m. - The Commission took a short recess.
7:25 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

OLD BUSINESS:

1. Community Impact Projects Grant Fund – additional discussion. Commissioner Dargitz asked if the Commission had any additional comments regarding the community impact projects grant fund program and comments received from Chairman Welch and Commissioner Patterson. Commissioner Patterson summarized his comments and indicated any grant fund program should involve long-term community group involvement and maintenance with City Council reviewing and evaluating applications. Commissioner Patterson stated he believes the idea should be first tested as a “pilot” program to determine community interest and does not believe the Planning Commission should be involved in the administration on any grant fund program. Commissioner Dargitz agreed that any grant program should start small and then expanded based on the amount of interest and applications received. Commissioner Dargitz indicated that projects could be located on either public or private property so long as a public benefit is provided.

The Commission next discussed various elements of a possible grant fund program including who could apply (individuals, community groups/organizations, etc.), eligible projects, general criteria for evaluation and grant amounts. Commissioner Bosch suggested that a general outline for a grant fund program be prepared that could be proposed to City Council, from the full Planning Commission, prior to developing program specifics. Commissioner Patterson agreed. Commissioner Richmond stated the program should emphasize neighborhood enhancement projects, especially in older declining neighborhoods, such as community gardens, hanging flower baskets, benches, signage/banners and free library boxes. After additional discussion, Commissioner Dargitz stated she would develop a written program outline including examples that could be further reviewed and discussed by the Commission, prior to submission to City Council. Commissioner Dargitz stated she would have a working draft prepared for initial Planning Commission review at the July 7th meeting and believes a final draft could be developed for either the July 21st or August 3rd meeting.

ADJOURNMENT:

Mr. Forth provided responses to Planning Commission questions received during the June 2, 2016 meeting regarding the Portage Road Diet Study.

 DRAFT

There being no further business to come before the Commission, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: July 1, 2016

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Site Plan for Mavcon Properties (restaurant), 9110 Portage Road.

I. INTRODUCTION:

A site plan has been submitted by Mavcon Properties requesting approval to establish a restaurant use at 9110 Portage Road. The project will consist of two concepts: a coffee shop and restaurant. The peak period for the coffee shop will be in the mornings and the peak period for the restaurant will be in the evenings. The restaurant will be operated by the Millennium Restaurant Group and will be a full service sit down restaurant.

In addition to reusing the existing approximate 8,100 square foot building and parking facilities currently on-site, the site plan also proposes construction of a parking lot expansion along the northern portion of the property and an outdoor patio area situated between the building and West Lake. Two boat docks (12 mooring slips each) as well as a boardwalk parallel to West Lake for use by customers of the restaurant are also planned with the project. The boat docks, boardwalk and any other site improvements that impact the lake are subject to review/approval by the Michigan Department of Environmental Quality (MDEQ). The approximate 1.0 acre parcel is zoned B-3, general business.

As background information for the Commission, the Zoning Board of Appeals (ZBA) on March 28, 2016 granted variances for a) 4-foot wide greenstrip along Portage Road where a minimum 10-foot wide greenstrip is required; b) 603 square feet of interior parking landscaping where a minimum of 1,252 square feet is required; and c) a loading/unloading area provided in the rear yard of the site independent from designated parking spaces and maneuvering lanes. The ZBA variances were conditioned upon 1) installation of a 3-foot knee wall and landscape hedge along Portage Road as illustrated on the conceptual site plan; 2) installation of a sidewalk to connect the northeast corner of the parking lot to the southeast corner of Ames Drive/Portage Road intersection; and 3) that the finalized site plan be subject to review and approval by both city staff and the Planning Commission. A copy of the March 28, 2016 ZBA meeting minutes and conceptual site plan that was presented to the ZBA is attached for Commission review.

Consistent with the March 28, 2016 ZBA approval, the site plan has been finalized to identify installation of a 3-foot knee walls and landscaping hedge within the Portage Road greenstrip and a 5-foot concrete sidewalk connecting the northeast corner of the parking lot to the southeast corner of the Ames Drive/Portage Road intersection. Since the site abuts single family residential zoning/land use to the north, conflicting land use screening is required. In conjunction with the restaurant reuse proposal, the applicant will replace the existing wood fence along the north property line with a new 6-foot tall wood or decorative vinyl screening fence. A 10-foot wide greenstrip area will also be provided and deciduous tree plantings (minimum 2 ½ inch caliper) will be installed every 30-feet within the greenstrip area. Access to the site will continue through the two existing driveways present at the site with the northern driveway being widened to accommodate one ingress lane and two egress lanes. Storm water from the

site will continue to be collected and conveyed to existing treatment structures (e.g., Stormceptors) located beneath the north and south parking lots with previously approved discharges to West Lake. Three new 20-foot tall outdoor light poles are planned within the north parking lot with the restaurant use. These new outdoor lighting units will contain shielded fixtures with resulting light levels not exceeding 0.3 footcandles along the northern property line, where abutting single family residential zoning/land use.

II. RECOMMENDATION:

The site plan has been reviewed by the City Administrative departments. Staff recommends that the Site Plan for Mavcon Properties (restaurant), 9110 Portage Road, be approved subject to MDEQ approval of the proposed boat docks/slips for West Lake water craft customers of the restaurant only (boat slips cannot be rented), no water craft rentals and no public access be provided to West Lake from the subject property.

Attachment: Site Plan Sheets
March 28, 2016 Zoning Board of Appeals meeting minutes
Conceptual Site Plan (submitted with ZBA variance application)

T:\COMMDEV\2015-2016 Department Files\Board Files\Planning Commission\PC reports\Site Plans\Mavcon Properties (restaurant), 9110 Portage Road -SP.doc

N

NOTE: ALL EXISTING PAVEMENT, SITE LIGHTING, CURBING, ETC., SHALL BE REMOVED AS NECESSARY WITHIN THE PROPOSED CONSTRUCTION AREA.

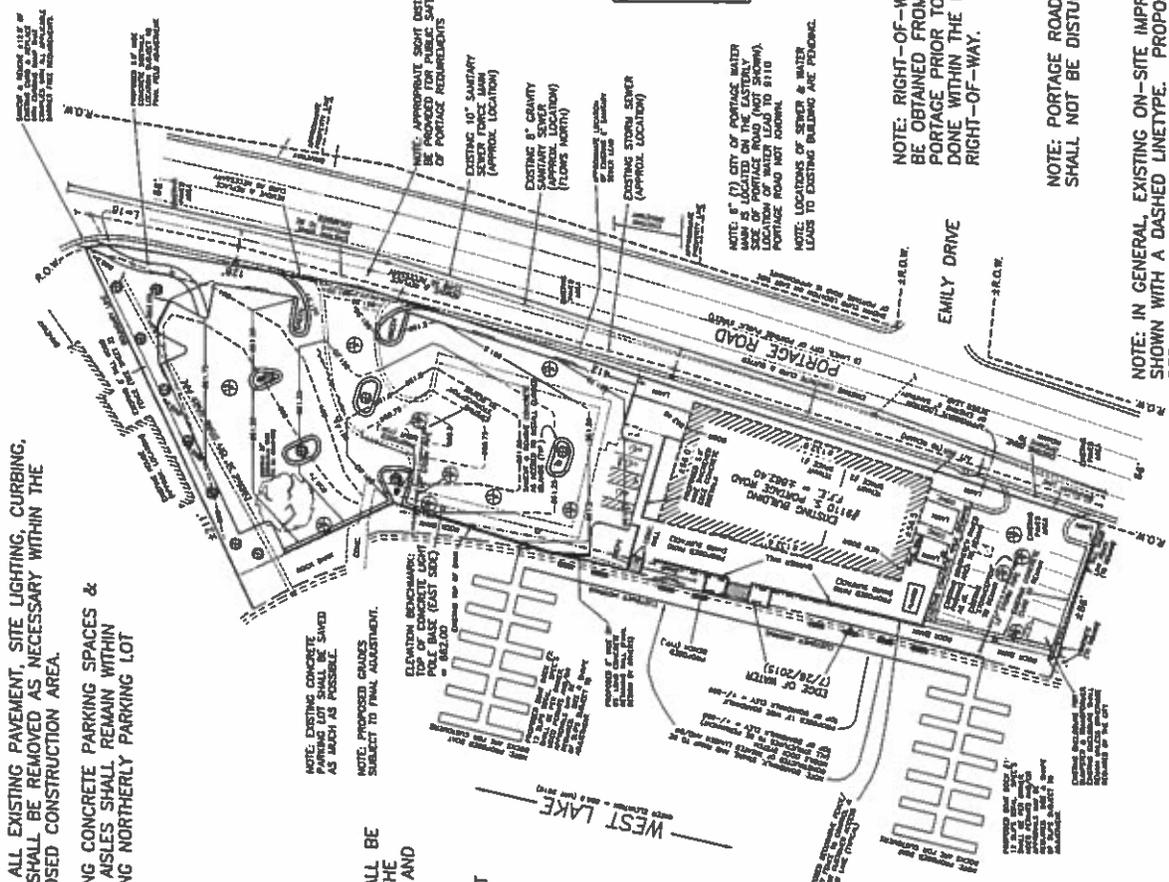
EXISTING CONCRETE PARKING SPACES & DRIVE AISLES SHALL REMAIN WITHIN EXISTING NORTHERLY PARKING LOT



NOTE: SILTATION FENCING SHALL BE INSTALLED 5 FEET EAST OF THE SHORE LINE FOR WEST LAKE AND SHALL EXTEND FROM NORTH PROPERTY LINE TO SOUTH PROPERTY LINE. FENCING SHALL BE IMBEDDED AT LEAST 6 INCHES INTO THE GROUND.

LEGEND

- EXISTING LIGHT POLE
- EXISTING CATCH BASIN
- ⊙ PROPOSED DECADOUS TREE
- ⊙ EXISTING DECADOUS TREE
- UTILITY POLE & BURY WIRE
- EXISTING ELEVATION CONTOUR
- PROPOSED ELEVATION CONTOUR
- PROPOSED LIGHT POLE



NOTE: EXISTING CONCRETE PARKING LOT SHALL BE SAVED AS MUCH AS POSSIBLE.

NOTE: PROPOSED GRADES SUBJECT TO FINAL ADJUSTMENT.

ELEVATION BENCHMARK: TOP OF CONCRETE LIGHT POLE BASE (EAST SIDE) - BELIEVED TO BE CORRECT.

NOTE: APPROPRIATE SHORT DISTANCE SHALL BE MAINTAINED FROM PROPERTY LINE TO PORTAGE ROAD.

EXISTING 10" SANITARY SEWER FORCE MAIN (APPROX. LOCATION)

EXISTING 8" GRAVITY SANITARY SEWER (APPROX. LOCATION)

EXISTING STORM SEWER (APPROX. LOCATION)

NOTE: CITY OF PORTAGE WATER LOCATION OF WATER LEAD TO 8110 PORTAGE ROAD NOT KNOWN.

NOTE: LOCATIONS OF SEWER & WATER LEADS TO EXISTING BUILDING ARE PENDING.

NOTE: RIGHT-OF-WAY PERMIT SHALL BE OBTAINED FROM THE CITY OF PORTAGE PRIOR TO ANY WORK BEING DONE WITHIN THE PORTAGE ROAD RIGHT-OF-WAY.

NOTE: PORTAGE ROAD PAVEMENT SHALL NOT BE DISTURBED.

NOTE: IN GENERAL, EXISTING ON-SITE IMPROVEMENTS HAVE BEEN SHOWN WITH A DASHED LINETYPE. PROPOSED IMPROVEMENTS HAVE BEEN SHOWN WITH A SOLID LINETYPE.

GENERAL NOTES

- 1) ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PORTAGE PERMIT REGULATIONS.
- 2) ANY FURTHER WORK SHALL BE SUBJECT TO THE CITY OF PORTAGE PERMIT REGULATIONS.
- 3) ANY APPROVED PERMITS SHALL BE OBTAINED FROM THE CITY OF PORTAGE PRIOR TO ANY WORK BEING DONE WITHIN THE PORTAGE ROAD RIGHT-OF-WAY.
- 4) ALL APPROVED PERMITS SHALL BE OBTAINED FROM THE CITY OF PORTAGE PRIOR TO ANY WORK BEING DONE WITHIN THE PORTAGE ROAD RIGHT-OF-WAY.

SOIL EROSION CONTROL NOTES

- 1) ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION.
- 2) ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 3) ALL EROSION CONTROL MEASURES SHALL BE REMOVED UPON COMPLETION OF CONSTRUCTION.
- 4) ALL EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF PORTAGE PERMIT REGULATIONS.

RESTORATION NOTES

- 1) ALL RESTORATION WORK SHALL BE COMPLETED PRIOR TO THE END OF CONSTRUCTION.
- 2) ALL RESTORATION WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PORTAGE PERMIT REGULATIONS.
- 3) ALL RESTORATION WORK SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 4) ALL RESTORATION WORK SHALL BE REMOVED UPON COMPLETION OF CONSTRUCTION.

TEMPORARY SOIL EROSION CONTROL MEASURES

- 1) ALL TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION.
- 2) ALL TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 3) ALL TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE REMOVED UPON COMPLETION OF CONSTRUCTION.
- 4) ALL TEMPORARY SOIL EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF PORTAGE PERMIT REGULATIONS.

PERMANENT SOIL EROSION CONTROL MEASURES

- 1) ALL PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF CONSTRUCTION.
- 2) ALL PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 3) ALL PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE REMOVED UPON COMPLETION OF CONSTRUCTION.
- 4) ALL PERMANENT SOIL EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF PORTAGE PERMIT REGULATIONS.

MAINTENANCE REQUIREMENTS (AFTER CONSTRUCTION)

- 1) ALL MAINTENANCE REQUIREMENTS SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 2) ALL MAINTENANCE REQUIREMENTS SHALL BE REMOVED UPON COMPLETION OF CONSTRUCTION.
- 3) ALL MAINTENANCE REQUIREMENTS SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF PORTAGE PERMIT REGULATIONS.
- 4) ALL MAINTENANCE REQUIREMENTS SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

MANUFACTURED EROSION CONTROL

- ① SEEDING
- ② MULCHING
- ③ STRAW
- ④ TURF
- ⑤ CONCRETE CURB / PAVED BERM
- ⑥ STORM SEWER
- ⑦ CHECK/DRAIN BASIN
- ⑧ GEOTEXTILE SILT FENCE
- ⑨ SILT FENCE
- ⑩ TEMPORARY OR PERMANENT

DATE: 5/19/2018
 TIME: 10:00 AM
 SHEET: 3
 TOTAL SHEETS: 3

CRITICAL UTILITY & EROSION CONTROL PLAN
MAVCON PROPERTIES
 Ingersoll, Watson & McEachern, Inc.
 229 East Millen Road / Portage, Michigan 49783 / Phone 269-241-2888 / Fax 269-241-2889



CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – March 28, 2016

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. Eleven people were in the audience.

MEMBERS PRESENT: John Byrnes, Phillip Schaefer, Michael Robbe, Jeffrey Bright, Chadwick Learned, Lowell Seyburn, Randall Schau, Jay Eichstaedt, and Alexander Philipp.

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Mike West, Senior City Planner, and Charlie Bear, Assistant City Attorney.

APPROVAL OF THE MINUTES: Schau moved and Learned seconded a motion to approve the February 8, 2016 minutes as submitted. Upon voice vote, the motion was approved 7-0.

NEW BUSINESS:

ZBA #15-13, Mavcon Properties, 9110 Portage Road: Mais summarized the variance requests: a) for a four-foot wide greenstrip where a minimum ten-foot width is required; b) to provide 603 square feet of interior parking lot landscaping where a minimum 1,252 square feet is required; and c) from the requirement to provide a loading/unloading area. Steve Sielatycki, James Dally, and Pat Flanagan were present to answer questions. Mr. Sielatycki stated the variances were needed to accommodate more parking, and the plan to have a four-foot wide greenstrip with knee wall and hedge was consistent with the Lake Center Subarea Plan. Robbe inquired where the sidewalk was on the plans. Mr. Flanagan responded the plans before the Board are conceptual at this stage and did not show the sidewalk, but the formal site plan will show the sidewalk at the north end of the property. Robbe requested clarification of the knee wall and hedge placement. Mr. Flanagan responded it would be along the Portage Road frontage, but the specifics concerning the placement or type of hedge would be reviewed as part of the finalized site plan approval. Bright inquired what purpose the knee wall and hedge served. Mais stated to serve both as a means to separate the parking lot from the street and also for aesthetics. Seyburn inquired if the site plan would be reviewed by staff or by the Planning Commission. West stated that was yet to be determined. Seyburn inquired if the Board could include Planning Commission review of the site plan as a condition. Mais responded yes. Seyburn noted docks appear on the conceptual plan and inquired if the placement of docks was subject to city approval. Mais stated approval of docks on lakes is typically a function of the State. Mr. Sielatycki stated the docks were intended to provide West Lake residents an additional means to park boats at the restaurant without using off-street parking, and was, as already noted, conceptual. Seyburn inquired if the applicant had considered a different configuration for the off-street parking near the north end. Mr. Flanagan stated they had considered a number of different configurations, but settled on the proposed design, as it provided the most spaces while maintaining the required 22-foot maneuvering lane width. Byrnes inquired if the number of traffic lanes along Portage Road might be reduced in the future. Mais responded Portage Road was one of the streets being examined as part of the 'road diet' study, but as yet there were no plans to do so.

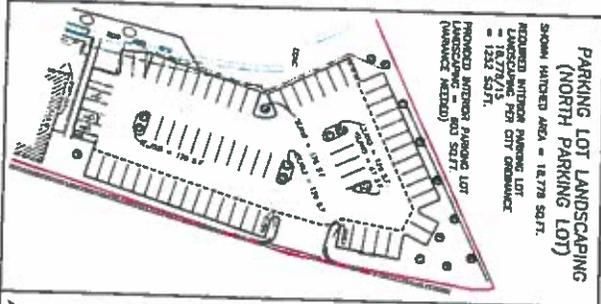
The public hearing was opened. A letter from Jean Truitt, 9029 Portage Road was read. The public hearing was closed.

A motion was made by Seyburn, seconded by Schau, to grant variances for: a) a four-foot wide greenstrip where a minimum ten-foot width is required; b) to provide 603 square feet of interior parking lot landscaping where a minimum 1,252 square feet is required; and c) from the requirement to provide a loading/unloading area conditioned upon: 1) installation of a 3-foot high knee-wall and landscape hedge as illustrated on the concept plan; 2) installation of a sidewalk to connect the northeast corner of the parking lot to the southeast corner of the Ames Drive/Portage Road intersection; and 3) that finalized plans for the aforementioned knee-wall/hedge and sidewalk be subject to review and approval by both city staff and the Planning Commission, for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the size and configuration of the property and its previous use; the variance is necessary for the preservation and enjoyment of a substantial property right, the right use the property as it presently exists which is similar to

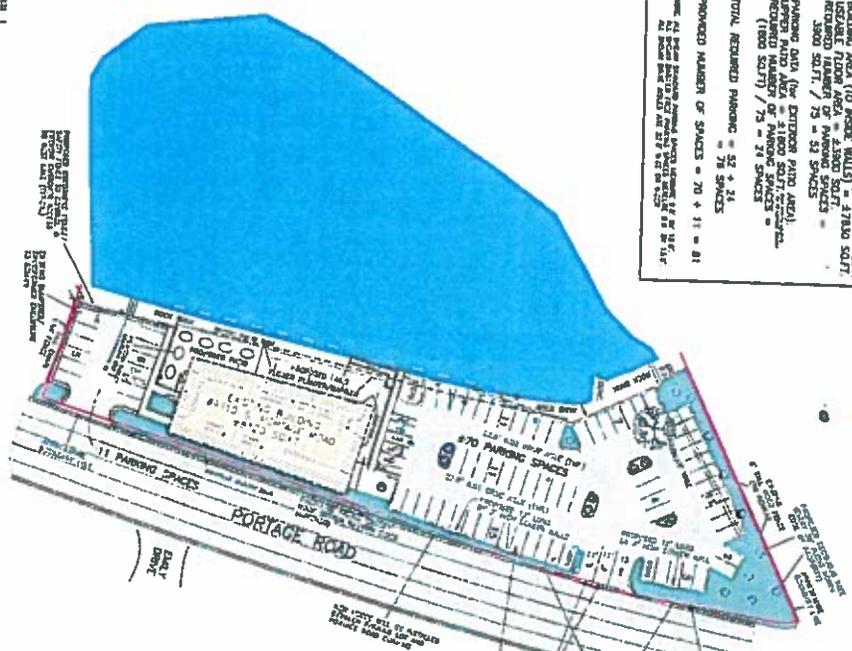
that possessed by other properties in the same zoning district and in the vicinity; the immediate practical difficulty causing the need for the variance was not caused by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the Zoning Ordinance; and that nothing in this motion shall imply any approval related to the dock depicted in the conceptual plan. In addition, the application and supporting material, 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: Philipp-Yes, Learned-Yes, Seyburn-Yes, Bright-Yes, Robbe-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-17, Bickford Cottage Assisted Living and Memory Care, 4707 West Milham Avenue: Mais summarized the variance request to retain an approximate 8,400 square foot building addition along the west side of the existing Bickford Cottage facility to within 10-feet of the west property line (side yard) where a 30-foot setback is required. Bill Crandall was present on behalf of the property owner, Richard Eby, to answer questions. Schau inquired which portion of the building encroaches into the 30-foot setback. Mr. Crandall stated the 80-foot wide addition currently under construction and also where a new dumpster is located. Mr. Crandall added they are about four weeks from completion. Learned inquired if there was need for any traffic on the west side of the addition apart from lawn maintenance. Mr. Crandall responded no. Seyburn inquired how far the addition was from residences to the south. Mr. Crandall stated about 130 feet. Bright inquired if the applicant had approached the property owner to the west about purchasing a portion of the property. Mr. Crandall stated Mr. Eby did approach the owner about purchasing a 20-foot wide portion but the owner was not interested in selling at that time. Bright inquired if the applicant was aware of whether the neighbor had any objections to the 10-foot setback. Mr. Crandall stated the project had already gone through the Planning Commission and the neighbor had not objected during the process at any time. Learned inquired of staff if any objections from the neighbor had been received during the Planning Commission review. Mais stated no.

A public hearing was opened. Phillip Reed, counsel for Michael Busche, the property owner to the west (4721 West Milham Avenue) stated that while an offer had been made to purchase a portion of Mr. Busche's property, he had not responded yet because he was busy trying to evaluate what impact the sale would have on the development of his property. Mr. Reed stated his client approached Mr. Eby with a counter-proposal on March 25, 2016 and suggested a land swap involving a 20-foot wide portion of the southern half of Mr. Busche's property in exchange for a 20-foot wide portion of the northern half of Mr. Eby's property. Mr. Reed stated that while a variance might be the most convenient way to deal with the encroachment, he thought a remedy other than a variance should be the starting point to deal with the situation. Mr. Reed stated his client was not necessarily opposed to the building addition, but wanted the opportunity to explore what impacts a variance or a land exchange would have on the value of his property before the Board moved forward with the variance request. Mr. Reed added that Mr. Eby advised him a 10-foot wide area along the west side of the Bickford Cottage property is zoned B-2 and he questioned if it was accurate. Robbe stated Mr. Busche did not object when the Planning Commission approved the rezoning and the site plan. An error had been made and there were two remedies: obtain a variance or acquire additional land. Robbe indicated it is possible that Mr. Busche's sudden objection to the 10-foot setback (as soon as he learned a variance was needed) might be intended to hold Mr. Eby hostage during negotiations. Mr. Reed disagreed and stated his client was only asking for more time so he could better understand the issues. Seyburn clarified the chronology of events, beginning with the rezoning on January 20, 2015, the special land use permit and site plan approval on March 19, 2015 and notification for the variance request on March 11, 2016. Seyburn inquired when the setback error was discovered. West stated it was discovered about three weeks ago and that most uses in OS-1 have a 10-foot setback as shown in the Schedule of Regulations. However, special land uses in the OS-1 district have a 30-foot setback. The Zoning Code was amended in 1983 to provide greater setbacks for large and more intensive land uses of an institutional nature, such as hospitals and colleges, but also included less intensive uses like child daycare centers or assisted living facilities. West added that exceptional circumstances are present and the Board should consider the unique circumstances associated with this request. With regard to Mr. Reed's earlier comment, West confirmed the west 10 feet of



PARKING DATA (FOR BUILDING RETENARY):
 BUILDING AREA (TO OUTSIDE WALLS) = 4120 SQ.FT.
 BUILDING AREA (TO INSIDE WALLS) = 2700 SQ.FT.
 USEABLE FLOOR AREA = 2000 SQ.FT.
 REQUIRED PARKING SPACES = 3000 SQ.FT. / 75 = 33 SPACES
 PARKING DATA (FOR EXTERIOR PARKING AREA):
 BUILDING AREA = 4120 SQ.FT. / 75 = 54 SPACES
 REQUIRED PARKING SPACES = 33 + 54 = 87 SPACES
 (1000 SQ.FT. / 75 = 13 SPACES)
 TOTAL REQUIRED PARKING = 52 + 24 = 76 SPACES
 PROVIDED PARKING OF SPACES = 70 + 11 = 81
 NOTE: ALL PARKING SPACES SHALL BE PROVIDED WITH 10' X 20' CLEARANCE AT ALL TIMES.



NOTE: DURING SITE PLAN APPROVAL STAGE, THE DEVELOPER MAY BE PROPOSED FROM NORTH-EAST TO NORTH-WEST AND NORTHWEST TO PUBLIC STREET TO THE NORTH.

NOTE: NEW LANDSCAPING ALONG THE WEST SIDE OF PORTAGE ROAD SHALL BE PROVIDED WITH 10' X 20' CLEARANCE AT ALL TIMES. LANDSCAPING AND/OR TREES SHALL BE PROVIDED ALONG WEST SIDE OF PORTAGE ROAD.
 NOTE: APPROPRIATE SIGN OFFICES WILL NEED TO BE PROVIDED FOR PUBLIC STREET.

EXISTING PROPOSED PARKING LOT SUBJECT TO ADJUSTMENT CITY SITE PLAN APPROVAL.

GENERAL NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE (IRC).
 2. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
 3. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
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 9. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
 10. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.

OWNER & APPLICANT:
 MAYCON PROPERTIES
 8110 PORTAGE ROAD
 PORTAGE, MI 48902
 PHONE: (269) 581-0776

MAYCON PROPERTIES
 Ingersoll, Peterson & Melicki, Inc.
 10000 S. HAWTHORNE AVE., SUITE 200, PORTAGE, MI 48943
 PHONE: (269) 581-0776

RECEIVED
 MAR 04 2016
 COMMUNITY DEVELOPMENT

TO: Planning Commission

DATE: July 1, 2016

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Ordinance Amendment 15/16-A, Off-street Parking and Loading Regulations

Attached for Commission review is the May 27, 2016 Department of community Development report concerning several proposed amendments to the Off-street Parking and Loading Regulations. These amendments were discussed by the Commission members during the June 16, 2016 meeting.

Since the June 16, 2016 meeting, staff has met with the City Attorney to discuss/prepare the proposed amendments in ordinance format. The ordinance format will be representative of the summary version contained in the May 27th report and will be provided to the Planning Commission on July 21, 2016.

If the Commission has any further questions/comments concerning the proposed amendments, they can be discussed during the July 7th meeting and incorporated into the ordinance language, if necessary. Additionally, it is recommended the Commission set for public hearing Ordinance Amendment 15/16-A, Off-street Parking and Loading Regulations on August 4, 2016.

Attachments: May 27, 2016 Department of community Development report

T:\COMMDEV\2015-2016 Department Files\Board Files\Planning Commission\PC reports\Ordinance Amendments\Off-Street Parkign and Loading\2016 07 01 PC Parking Amendment Report.docx

TO: Planning Commission

DATE: May 27, 2016

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

SUBJECT: Ordinance Amendment 15/16-A, Off-Street Parking and Loading Regulations

I. INTRODUCTION

Consistent with the Planning Commission approved the FY 2015-16 Work Program, which prioritized Comprehensive Plan implementation strategies including select Zoning Code amendments, staff has prepared several proposed amendments to “Off-Street Parking and Loading” for consideration. The intent of the amendments is to achieve better, more sustainable off-street parking facility design. In summary, the amendments are designed to address the following:

- Better utilize off-street parking resources by removing barriers that currently prevent joint use of adjacent or nearby facilities.
- Establish a process that allows a property owner to reduce off-street parking based on unique characteristics of a use and other factors that support a reduction in parking.
- Streamline the approval process by allowing the Director and/or Planning Commission to make decisions concerning off-street parking facilities.
- Promote green and sustainable development practices.
- Encourage more pedestrian and non-motorized amenities consistent with the adopted Complete Streets Policy.
- Shopping habits have been altered as a result of increased internet options and growth in other areas of the county that affect local demand for off-street parking. Existing land use categories have been evaluated and parking requirements adjusted, where appropriate, based on local observations and comparison to regional/national standards.
- Promote economic development opportunities involving underutilized off-street parking lots, where appropriate.

The following sections provide more detailed information concerning the proposed amendments.

II. PROPOSED AMENDMENTS

Section 42-520.C. This section requires that off-street parking for a use be located in the same zone and on the same zoning lot it is intended to serve. Since some non-residentially zoned properties in the city have split zoning and to reduce the need for variance requests, it is proposed the reference to “same zone” and “unless such parking area is within or abutting a P-1, vehicular parking district” be removed. However, a clarifying sentence should be added that states off-street parking for a nonresidential use not be allowed in a residential zoning district.

Related to the above, it is also recommended, subject to Planning Commission review and approval, that off-street parking lots do not have to be on the same zoning lot it is intended to serve. However, any such off-street parking must meet specified criteria such as:

- Be located within 500 feet of the building entrance.
- A defined pedestrian walkway from the parking lot to the business must be available.
- Pedestrians should not have to cross a major or minor arterial roadway (as defined in the Comprehensive Plan) unless convenient access to a signalized intersection or refuge island is available.
- The amount of off-site parking be limited to no more than 25% of the minimum Zoning Code requirement.
- An agreement must be executed between property owners and filed with the Kalamazoo County register of Deeds, and the Department of Community Development before a certificate of occupancy is issued.

It is not anticipated that off-site parking will be highly utilized by businesses since customer parking in close proximity to the entrance is important. However, this provision allows flexibility for business owners concerning overflow parking that may only be needed during the peak holiday period or for employee parking.

Section 42-520.H. This section requires that the Zoning Board of Appeals consider an exception where there is an instance of dual function off-street parking where the hours of operation do not overlap. Similar to a parking deferment or a request to exceed the maximum parking requirement in conjunction with site plan approval, it is proposed that the Zoning Board of Appeals be replaced with the Planning Commission as the body to consider these exceptions.

Section 42-520.J. This section states that for uses not specifically mentioned in the Zoning Code, the requirements for off-street parking shall be in accordance with a use that the Planning Commission considers similar in type. To avoid any delays for site plans that can be otherwise administratively approved, it is proposed that the Director of Community Development make this determination, with provisions that the Director can refer the matter to the Planning Commission, and the applicant reserves the right to appeal a decision of the Director.

Section 42-520.M. This section references how barrier-free parking is to be constructed. Since public acts can change and/or be amended, a simple housekeeping item to remove the reference to “under the authority of Public Act No. 230 of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et. Seq.)” is proposed for this section.

Section 42-520.O.1. This section addresses the maximum parking requirement standard of the Zoning Code and states that no parking lot shall have parking spaces totaling more than 10% of the minimum parking required, unless reviewed and approved by the Planning Commission. Since a 10% difference between the minimum and maximum amount of parking required can often equate to only a few spaces, an increase to 25% is proposed. This change will allow for more flexibility in the range of maximum parking allowed, especially for smaller parking lots, without requiring

Planning Commission review/approval of a request to exceed the maximum parking requirement. As information for the Commission, the City of Wyoming recently adopted a maximum parking requirement with a 20% exceedance above the minimum number of spaces required. Gaines Township also has a maximum parking requirement with a 25% exceedance above the minimum number of spaces required.

Section 42-520.O.3. This section determines when the maximum parking requirement is applicable to a specific use/parking lot. The standard currently establishes the applicability of the maximum parking requirement to "...those parking lots that require a minimum of 50 parking spaces...". While the original intent of the maximum parking requirement was to minimize excessive areas of pavement on larger development projects, the 50 space parking lot threshold has resulted in smaller projects that could otherwise be approved administratively, requiring Planning Commission review/approval to exceed the maximum parking requirement. To address this situation, an increase in the applicability provision of this section from 50 to 100 parking spaces is proposed.

Section 42-520.P (new section): Recognizing that businesses may adjust the methods in which they provide products and services to grow and remain competitive or characteristics unique to a certain location, the parking standard for a particular land use identified in Section 42-523 may be similar but not be entirely applicable to a proposed use and/or location. In light of the above, it is recommended the Planning Commission, during site plan review, be authorized to consider a reduction in the minimum parking requirements based on finding there will be a lower demand for parking due to, but not necessarily limited to, the following:

- The applicant demonstrates the use requires less off-street parking than the minimum required based on the operation of the use, actual number of employees, expected level of customer traffic or actual vehicular counts at the same or similar establishment, or parking is shared by multiple uses and a high proportion of multi-purpose visits or uses will have peak parking demands during different times of the day or days of the week, among other factors.
- The amount of walk-in business due to the density and intensity of adjacent residential areas or employment centers, bicycle accommodation if the facility is located on a designated bike route, and distance from a designated Metro Transit bus stop can also be considered. Connections to public non-motorized facilities must be provided and on-site pedestrian circulation must offer safe and convenient access to building entrances.

In granting relief, the Planning Commission may also require a parking study, conducted by a qualified transportation planner, traffic engineer, or other qualified individual that demonstrates a reduction in the number of parking spaces would be appropriate and not detrimental to the safety and welfare of the subject property or adjacent properties. The "Average Peak Period Parking Demand" for the applicable land use as defined in the latest edition of the Institute of Traffic Engineers Parking Generation handbook should be considered in the review of the study.

Section 42-521.E. This section refers to ingress and egress to off-street parking lots. Modification of this section to include reference to the Access Management Ordinance is appropriate.

Section 42-521.I. This section refers to pavement requirements associated with new parking lot construction. In order to formalize maintenance standards associated with approved parking areas, a clarifying statement is proposed that states the following: “All off-street parking areas shall maintain a safe, clean and durable surface reasonably free of significant holes, upheavals or cracks and shall be repaired in a timely manner upon notification by the Department of Community Development.”

Section 42-521.L.(new) Consistent with the implementation strategies contained in the 2014 Comprehensive Plan and the recently adopted Complete Streets Policy, additional ordinance language regarding design and construction of parking areas is recommended. This new section would include language that encourages, where appropriate, low impact parking lot design such as rain gardens, bio-swales, pervious pavement and other techniques consistent with the City of Portage Storm Water Design Criteria Manual, charging stations for electric vehicles. Also consistent with Complete Streets polices, parking lots should provide the extent feasible, a pedestrian connection from the public sidewalk to the main building entrance and bicycle racks that accommodate a minimum of four bicycles.

Section 42-522.B. This section establishes loading area requirements for uses in “nonresidential” zoning districts with an additional requirement that these loading areas be situated within the “rear yard” of the site. While designated loading areas are commonly needed in conjunction with business/commercial and industrial land uses, these areas are generally not needed for office land uses which typically have smaller truck/van deliveries that can park in standard vehicle parking spaces. Site plans involving office land uses typically identify a deferred loading area, behind the building, often in a location that may not be functional. As such, changing the requirement for loading areas from “nonresidential” to “commercial and industrial” zoning districts is proposed.

This section also requires that loading areas be situated within the rear yard of the site. Often times, a commercial development project abuts a residential zoning district and/or land use in the rear yard. In these situations, the Zoning Code requires that the loading area be located adjacent to the residential zoning district and/or land use, unless a variance from the Zoning Board of Appeals is obtained. In order to provide additional protections to adjacent residential zones/uses, a change is also proposed to this section that would allow a loading area to be situated in the rear “or side yard when adjacent to a residential zoning district and/or land use.”

Section 42-523 (Schedule of Off-Street Parking Requirements). The table contained in this section establishes minimum parking requirements for various land uses. The minimum required parking standards for each use were evaluated based on local observations, compared to other Michigan communities and national standards. The attached table compares the parking standards of several land use categories between the City of Portage, other Michigan communities and national standards. Based on this evaluation, several modifications, where appropriate, are proposed. The modifications are summarized below and shown in a highlight and strike version of the Zoning Code table from Section 42-523 (also attached).

Residential:

Four sub-categories were added to the “Housing for the Elderly” land use and include:

- Senior adult housing – attached (independent living units that include retirement communities and age-restricted housing projects): 1.5 parking spaces per unit.
- Congregate care facility (independent living facility that provides centralized amenities such as dining, housekeeping, transportation and organized social/recreational activities): 1 parking space per 2 units plus 1 per employee in the largest working shift.
- Assisted living (facility that provides general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons): 1 parking space per 2 units plus 1 per employee in the largest working shift.
- Nursing/convalescent facility: 1 parking space per 2 units plus 1 per employee in the largest working shift. This land use was previously listed in the institutional category.

Individual zoning districts where these types of land uses are permitted will also need to be amended and will be included in the ordinance amendment document.

Institutional:

- A sub-category for Health Facilities was added, which includes hospitals (no change from previous parking requirements) and immediate medical care clinic. The minimum parking requirement for an immediate medical care clinic is 2 parking spaces per exam room plus 1 per employee.
- Elementary, junior and senior high schools are shown as private since the State School Superintendent has sole and exclusive jurisdiction over site planning of public school facilities.

Business and Commercial:

- Shopping centers between 100,000 and 600,000 square feet and greater than 600,000 square feet. These two categories are proposed to be combined into one since the current minimum parking requirement for shopping centers with a gross leasable area (GLA) between 100,000 and 600,000 square feet (5.4 parking spaces per 1,000 square feet of GLA) and shopping centers with a gross leasable area (GLA) greater than 600,000 square feet (5 parking spaces per 1,000 square feet of GLA) are both proposed at 4 parking spaces per 1,000 square feet of GLA.
- Retail stores. The minimum parking requirement for retail stores should be reduced from 1 parking space per 150 square feet of usable floor area to 1 parking space per 200 square feet of usable floor.
- Self-service and Coin-operated Carwashes. The parking standard should be changed from 5 spaces per stall plus the stall space to 2 per stall plus one for each vacuum or similar area. The current standard is considered excessive.
- Day spa. This is a new land use category similar to a medical clinic that offers a variety of services for the purpose of improving health, beauty and relaxation through personal care

treatments. Recommended parking requirements are 1 space per 150 square feet of useable floor area, similar to a medical office.

- **Restaurants.** A review of restaurant projects (sit-down style and fast food style) since the 2002 Zoning Code Update have identified deficiencies in the minimum parking requirements. Specifically, the minimum parking requirement for sit-down style restaurants (1 space for every 75 square feet of useable floor area) has generally been too low for these uses resulting in several requests to exceed the maximum parking requirement under Section 42-520.O. Conversely, the standard for fast-foot style restaurants and similar uses with no waiter/waitress service that provide inside table areas and drive-thru window service has generally been too high. With regard to take-out only restaurants with no or limited inside table area, the parking standard is proposed to remain unchanged since the UFA of take-out only restaurants is minimal. Based on a review of previously approved site plans, ordinances from other comparable communities and recommendations from national publications, the description of restaurants are proposed to be updated and off-street parking requirements revised. The following changes are summarizes below:
 - Restaurants that provide waiter/waitress service to the table but no drive-thru or in-car service. Off-street parking requirements are proposed to be increased from 1 space per 75 square feet of usable floor area to 1 space per 60 square feet of usable floor area.
 - Fast food restaurants that provide for table areas inside and drive-thru service but do not provide waiter/waitress service to the table or in-car service. Off-street parking requirements are proposed to decrease from 1 space per 25 square feet of usable floor area to 1 space per 40 square feet of usable floor area plus 3 stacking spaces between the window and menu board and 3 stacking spaces before the menu board.
 - Fast food restaurants that provide in-car service. In addition to the parking space at each menu board, 1 parking space must be provided for each employee in the largest working shift.
- Auto repair facility. Consistent with the recent automotive amendments approved by City Council, “automobile service station” has been changed to reflect the new “auto repair facility” definition. The off-street parking requirements have also been updated to 2 spaces per stall, rack or pit plus 1 space per employee.
- Vehicle fueling station. Also consistent with the recently approved automotive amendments, “vehicle fueling station” has been added. The off-street parking requirements are 1 per fuel nozzle plus 1 per 200 square feet of usable floor area of interior retail space.
- Banks. Off-street parking requirements are proposed to decrease from 1 space per 150 square feet of usable floor area to 1 space per 200 square feet of usable floor area plus 1 per employee. A minimum amount of vehicular stacking space of 3 spaces per drive-thru lane is also proposed. The reduction is based on local observations, national standards and review of other comparable communities.
- Professional office for doctors, dentists and similar professional clinics. Off-street parking requirements are proposed to decrease from 1 space per 100 square feet of usable floor area to 1 space per 150 square feet of usable floor area. The reduction is based on local observations, national standards and review of other comparable communities.
- Business and professional offices. Off-street parking requirements are also proposed to decrease from 1 space per 150 square feet of usable floor area to 1 space per 200 square feet of

usable floor area. The reduction is based on local observations, national standards and review of other comparable communities.

The overall recommended reduction in the minimum amount of parking required for the above commercial land uses is based on 1) local observations and 2) standards promulgated in the Parking Requirements for Shopping Centers, second edition, published by the Urban Land Institute and Parking Generation, fourth edition, published by the Institute of Transportation Engineers and 3) review of ordinance standards from other comparable communities. The reduction in the amount of required off-street parking affords the opportunity for “in-fill” economic development activities using large, underutilized off-street parking lots. Staff has received recent inquiries from developers concerning the development of “pad sites” in front of large, existing commercial sites. The recent construction of Jared Jewelers is an example of this type of pad site development.

In addition, the current Schedule for Off-Street Parking Requirements only specifies a vehicle stacking requirement for automatic car washes (“...stacking space equal to 5 times the maximum capacity of the car wash”). Other uses such as banks/credit unions, fast-food restaurants, ice cream and coffee shops with drive-thru service do not have a minimum stacking requirement listed in the schedule. A minimum amount of stacking space is now proposed.

The table below compares the effect of the modifications between the existing and proposed parking standards for selected land uses.

Impact of Proposed Parking Standards for Selected Uses			
Land Use	Current Ordinance Requirements	Proposed Ordinance Requirements	Change (+/-)
Regional mall (800,000 sq. ft. GLA)	4,000	3,200	-800
Retail store (200,000 sq. ft. GLA))	1,080	800	-200
Retail Store (10,000 sq. ft. UFA ¹)	53	40	-13
Restaurant (7,500 sq. ft. UFA ²)	65	81	+16
Fast food restaurant w/drive-thru (5,000 sq. ft. UFA ³)	80	50	-30
Bank (5,000 sq. ft. ²)	22	16	-6
Professional office (10,000 sq. ft. UFA ²)	43	33	-10
Medical office (10,000 sq. ft. UFA ²)	65	43	-22

¹ UFA is estimated at 80% of the gross floor area

² UFA is estimated at 65% of the gross floor area

³ UFA is estimated at 40% of the gross floor area

III. RECOMMENDATION

The Planning Commission is advised to conduct preliminary discussions on these proposed amendments during the June 2, 2016 meeting. Subsequent to these discussions, the Department of Community Development and the City Attorney will prepare draft ordinance language for further consideration.

Land Use	North	Kennwood	Gaines	Wyoming	Granville	Kalamazoo	Oakton	Portage	ITE Avg. peak period:
Housing for the elderly	Independent living - 3/unit + 1/employee assisted, convenience, nursing home - 1/4 beds + 1/employee	One/each 3 bed or 2 room, plus ten spaces specified for visitors	Independent living - 1.5/unit assisted, convenience, nursing home - 1/2 beds + 1/employee	Independent living - 1/unit + 1/employee convenience, nursing home - 1/3 beds + 1/employee	Senior housing - 5/dwelling + 1/employee	Nursing: 1/10 beds Assisted living: 1/5 beds	Senior housing: 1.5/unit + 1/employee in largest working shift nursing/assisted living: 1/2 beds + 1/employee	Elderly: 1/2 units + 1/employee Convenience: 1/2 beds	Independent: .59/unit Assisted: .41/unit Conc: 1/unit
Outpatient care	No specific standard	2.5/Exam room + 1/240 or recovery room	2/Exam room + 1/240 or recovery room + 1/employee	No specific standard	No specific standard	No specific standard	No specific standard	No specific standard	No specific standard
Bank, business & financial services	1/150 GFA + 3 standing space/window	1/200 GFA + 4 standing space/window	3/1000 GFA (no standing eq.)	2/200 GFA + 4 standing space/window + 3/peak-up atm	5/1000 GFA + 4 standing space/window + floor area	1/350 GFA + 3 standing space/line	1/150 UFA (minimum number of standing spaces not specified)	1/150 UFA	Avg. peak period: 2.84/1000 GFA
General office	<400K - 1/236	>100K - 1/236	3/1000 GFA	1/400 GFA (no less than 5)	4/1000 GFA	1/350 GFA	1/150 UFA	1/150 UFA	Avg. peak period: 3.2/1000 GFA
Medical office	<5K - 1/167 GFA	3/Exam room + 1/240 or recovery room	4/1000 GFA	1/250 GFA	4/1000 GFA	1/200 GFA	1/150 UFA	1/100 UFA	Avg. peak period: 3.2/1000 GFA
Personal service	No specific standard	3/first 2 chair + 1.5/each additional chair	3/first 1	No specific standard	1/300 UFA + 1/employee	1/400 GFA	1/200 UFA (minimum 4 spaces required)	No specific standard	No specific standard
Salons	3/first 2 chair + 1.5/each additional chair	3/first 1	See personal service est.	3/chair	See personal service est.	1/200 GFA	1/200 UFA (minimum 4 spaces required)	No specific standard	No specific standard
Retail	1/200 GFA	Convenience - 1/250 GFA Retail - 1/250 GFA for first 35K, then 1/300 thereafter	Low intensity - 2/1000 GFA Convenience - 4/1000 GFA Other retail - 5/1000 GFA	1/250 GFA Grocery: 1/200 GFA	>25K: 4/1000 GFA >25K: 5/1000 Food stores: 5/1000 GFA	<300K: 1/200 GFA 300-600K: 1/285 GFA >600K: 1/285 GFA	1/150 UFA (whichever is greater)	3/first 2 chair + 1.5/each additional chair	No specific standard
Shopping Center	<400K: 4/1000 GFA 400-600K: 4-4.5/1000 GFA >600K: 4.5/1000 GFA	1/250 GFA for first 25K, then 1/200 thereafter	400K - 600K: 4.5/1000 GFA >600K: 5/1000 GFA	Multi-tenant: 1/250 GFA + restaurants	1/200 GFA	See above	1/150 UFA	100K - 600K: 5.4/1000 GFA >600K: 4.5/1000 GFA	Avg. peak period: 3.20/1000 GFA
Restaurant (no drive-thru)	1/70 GFA OR 1/2 employees + 1/70 customers allowed under max capacity, whichever is greater	1/20 UFA within shopping centers	10/1000 GFA	1/1000 GFA	1.5/3 seats	1/150 GFA	1/70 UFA + 1/employee in largest shift or 1/23 persons allowed + 1/employee in largest shift	1/75 UFA	Avg. peak period: 16.30/1000 GFA
Restaurant (fast food with drive thru and sit down)	1/2 employees + 1/2 customers allowed under max capacity + 4 spaces between board & window & 4 before board	1/50 UFA + 4 standing space/window	15/1000 GFA	1.25/3 people + 5 standing space/window	1.5/3 seats + 10 standing spaces	1/150 GFA capacity + 4 spaces between board & window & 4 before board	1/70 UFA + 1/employee in largest shift or 1/23 persons allowed + 1/employee in largest shift	1/75 UFA	Avg. peak period: 8.1/1000 GFA
Restaurant (take out only)	No specific standard	No specific standard	No specific standard	6/counter station + 1/employee	No specific standard	1/100 GFA	1/70 UFA + 1/employee in largest shift or 1/23 persons allowed + 1/employee in largest shift	1/75 UFA	No specific standard
Auto Repair	3/vehicle stall + 1/jump stand + 1/each vehicle used as part of the equipment + spaces for accessory uses	2/vehicle stall + 1/employee + 1/each service area	5/1000 GFA + 1/employee	2/1 stall + 1/employee	No specific standard	1/100 GFA	1/70 UFA + 1/employee in largest shift or 1/23 persons allowed + 1/employee in largest shift	1/75 UFA	Avg. peak period: .75/fueling position
Drive thru vehicle maintenance	2.5/1528	No specific standard	1/1000 GFA + 1/employee	2/1 stall + 1/employee	No specific standard	No specific standard	No specific standard	2/vehicle stall + 1/first pump.	No specific standard
Gas station/convenience	1/1 fuel nozzle + 1/200 UFA	2/vehicle stall + 1/employee + 1/each service area	1/1000 GFA + 1/employee	1/employee + other uses: Each fueling space counts as 1/2 space for other uses	No specific standard	1/200 GFA	3/vehicle stall + 1/200 sq. ft. of retail area + 1/employee.	No specific standard	Avg. peak period: .75/fueling position
5,000 sq. ft. bank	33	25	15	25	No specific standard	No specific standard	No specific standard	22 @ 65% UFA	30
10,000 sq. ft. office	45	33	30	25	40	30	43	43 @ 65% UFA	28.4
10,000 sq. ft. medical office	57		40	50	60	50	43	65 @ 65% UFA	32
20,000 sq. ft. retail	100	80	100 (used "other")	80	80	66	107	107	5.4
200,000 sq. ft. Mfg/retail	800 @ 4/1000	667	800 @ 4/1000	800	1000	656	1,067	1,067	660 @ 3.1/1000'
800K sq. ft. Mfg/retail	3600	2667	4000	3200	3600	3,019	4,267	4,267	3600
8,000 sq. ft. restaurant	114 @ 1/70 GFA	104 @ 65% UFA	80	80	N/A	53	74 @ 1/70 UFA (no employees)	69	130
5000 sq. ft. fast food		65 @ 65% UFA	75	N/A	N/A	33	46 @ 1/70 UFA (no employees)	130	44

1 Land Use Code 813 (Saturday - non-December)
2 Urban Land Institute recommendation
3 Land Use Code 932 (p. 322), Saturday count with a bar.
4 Land Use Code 934 (p. 327), Saturday count.
5 Land Use Code 945 (p. 349), includes convenience market
6 Land Use Code 945 (p. 349), includes vehicle service
7 Used Land Use Code 813 (Outcount Superstore) and used the median between the supply ratio and peak demand ratio

Land Use	Habit	Kentwood	Games	Wyoming	Grandville	Kalamazoo	Oshkema	Portage	ITE Avg. peak period:
Housing for the elderly	Independent living - 1/unit + 1/employee Assisted, convalescent, nursing home - 1/2 beds + 1/employee	One/each 3 beds or 2 rooms, plus ten spaces signed for visitors	Independent living - 1.5/unit Assisted, convalescent, nursing home - 1/2 beds + 1/employee	Independent living - 1/unit + 1/employee Convalescent, nursing home - 2/3 beds + 1/employee	Senior housing - 5/dwelling + 1/employee	Nursing: 1/10 beds Assisted living: 1/5 beds	Senior housing: 1.5/unit + 1/employee in largest working shift Nursing/assisted living: 1/2 beds + 1/employee	Elderly: 1/2 units + 1/employee Convalescent: 1/2 beds	Independent: .59/unit Assisted: .41/unit CoC: 1/unit
Outpatient care facilities	2.5/exam room + 1/ab or recovery room	2.5/exam room + 1/ab or recovery room	2/exam room + 1/ab or recovery room + 1/employee	No specific standard	No specific standard	No specific standard	No specific standard	No specific standard	No specific standard
Banks, business & financial services	1/200 GFA + 4 standing spaces/window	1/200 GFA + 4 standing spaces/window	3/1000 GFA (no stacking req)	1/200 GFA + 4 standing spaces/window + 3/walk-up atm	5/1000 GFA + 4 standing spaces/window + floor area	1/330 GFA + 3 standing spaces/jane	1/150 UFA (minimum number of standing spaces not specified)	1/150 UFA	Avg. peak period: 4/1000 GFA
General office	<100K - 1/2785	1/200 GFA	3/1000 GFA	1/400 GFA (no less than 5)	4/1000 GFA	1/200 GFA	1/150 UFA	1/150 UFA	Avg. peak period: 2.84/1000 GFA
Medical office	<5K - 1/167 GFA	3/exam room + 1/ab or recovery room	4/1000 GFA	1/200 GFA	6/1000 GFA	1/200 GFA	1/150 UFA	1/100 UFA	Avg. peak period: 3.2/1000 GFA
Personal service	No specific standard	1/200 GFA	6/1000 GFA	No specific standard	1/300 UFA + 1/employee	1/400 GFA	1/300 UFA (minimum 4 spaces required)	No specific standard	No specific standard
Salons	3/first 2 chairs + 1.5/each additional chair	3/first 2 chairs + 1.5/each additional chair	See personal service est.	3/chair	See personal service est.	1/200 GFA	1/100 UFA or 3/work station, whichever is greater	3/first 2 chairs + 1.5/each additional chair	No specific standard
Retail	1/2000 GFA	Convenience - 1/250 GFA Retail - 1/250 GFA for first 25k, then 1/300 thereafter	Low Intensity: 2/1000 GFA Convenience - 4/1000 GFA Other retail - 5/1000 GFA	1/250 GFA Grocery: 1/200 GFA	<25K: 4/1000 GFA >25K: 5/1000 GFA Food stores: 5/1000 GFA	<100K: 1/205 GFA 300-600K: 1/285 GFA >600K: 1/265 GFA	1/150 UFA	1/150 UFA	Avg. peak period: 2.70/1000 GFA ¹
Shopping Center	<400K: 4/1000 GFA 400-600K: 4-4.5/1000 GFA >600K: 4.5/1000 GFA	1/250 GFA for first 25k, then 1/300 thereafter	25K - 400K: 4/1000 GFA 400K - 600K: 4.5/1000 GFA >600K: 5/1000 GFA	Multi-tenant: 1/250 GFA + restaurants	>300K: 4.5/1000 GFA	See above	1/150 UFA	100K - 600K: 5.4/1000 GFA >600K: 5.4/1000 GFA	<400K: 4.1/1000 GFA 400K-600K: 4.4-4.5/1000 GFA >600K: 4.5/1000 GFA
Restaurant (no drive-thru)	1/70 GFA OR 1/2 employees + 1/2 customers allowed under max capacity, whichever is greater	1/50 UFA 1/70 UFA within shopping centers	10/1000 GFA	1/100 GFA	1.5/3 seats	1/150 GFA	1/70 UFA + 1/employee in largest shift or 1/3 persons allowed + 1/employee in largest shift	1/75 UFA	Avg. peak period: 16.30/1000 GFA ¹
Restaurant (fast food with drive thru and sit down)	1/2 employees + 1/2 customers allowed under max capacity + 4 spaces between board & window & 4 before board	1/50 UFA + 4 standing spaces/window	15/1000 GFA	1.25/3 people + 5 stacking spaces/window	1.5/3 seats + 10 stacking spaces	1/150 GFA capacity + 4 spaces between board & window & 4 before board	1/70 UFA + 1/employee in largest shift or 1/3 persons allowed + 1/employee in largest shift	1/75 UFA	Avg. peak period: 8.7/1000 GFA ¹
Restaurant (take out only)	No specific standard	No specific standard	No specific standard	6/counter station + 3/employee	No specific standard	1/100 GFA	1/70 UFA + 1/employee in largest shift or 1/3 persons allowed + 1/employee in largest shift	1/25 UFA	No specific standard
Auto Repair	2/service stall + 1/pump stand + 1/each vehicle used as part of the equipment + spaces for accessory uses	2/service stall + 1/employee + 1/each service area	5/1000 GFA + 1/employee	2/rail + 1/employee	1/service stall + 1/200 sq. ft. of retail area + 1/employee.	2/service stall + 1/200 sq. ft. of retail area	2/service stall + 1/gal pump.	2/service stall + 1/gal pump.	Avg. peak period: .75/fueling position ¹
Drive thru vehicle maintenance	2.5/rail	No specific standard	1/1000 GFA + 1/employee	2/rail + 1/employee	No specific standard	No specific standard	No specific standard	No specific standard	No specific standard
Gas stations/convenience	1/fuel nozzle + 1/200 UFA	2/service stall + 1/employee + 1/each service area	2/service stall + 1/employee	1/employee + other uses. Each fueling space counts as 1/2 space for other uses	1/service stall + 1/200 sq. ft. of retail area + 1/employee.	3/service stall + 1/300 sq. ft. of retail area + 1/employee.	3/service stall + 1/300 sq. ft. of retail area + 1/employee.	No specific standard	Avg. peak period: .75/fueling position ¹
5,000 sq. ft. bank	33	25	15	25	25	15	22	22 @ 65%	20
10,000 sq. ft. office	45	33	30	25	40	30	43	43 @ 65% UFA	28.4
10,000 sq. ft. medical office	57	40	40	50	60	50	43	65 @ 65% UFA	32
20,000 sq. ft. retail	100	80	100 (used "other")	80	80	66	107	107	54
200,000 sq. ft. Meijer	400 @ 4/1000	667	800 @ 4/1000	800	1000	656	1,067	1,067	660 @ 3.3/1000 ²
800K sq. ft. mall	3600	2667	4000	3200	3600	3,019	4,267	4,000	3600
8,000 sq. ft. restaurant	114 @ 1/70 GFA	104 @ 65% UFA	80	80	N/A	53	74 @ 1/70 UFA (no employees)	69	130
5000 sq. ft. fast food	65 @ 65% UFA	75	N/A	N/A	N/A	33	46 @ 1/70 UFA (no employees)	130	44

¹ Land Use Code 815 (Saturday-non-December)
² Urban Land Institute recommendation
³ Land Use Code 932 (p. 372), Saturday count with a bar
⁴ Land Use Code 934 (p. 337), Saturday count
⁵ Land Use Code 945 (p. 349), includes convenience market
⁶ Land Use Code 945 (p. 349), includes vehicle service
⁷ Used Land Use Code 813 (Discount Superstore) and used the median between the supply ratio and peak demand ratio

Sec. 42-523. - Schedule of off-street parking requirements.

SECTION 42-523
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

	Use	Minimum # of Spaces	Remarks
Residential	One-family and two-family residences	2/dwelling unit	
	Residential and multi-family residences	2/dwelling unit	
	Housing for the elderly <ul style="list-style-type: none"> • <u>Senior adult housing</u> • <u>Congregate care facility; Independent living units; Assisted living; and Convalescent/nursing home</u> 	1.5/dwelling unit <u>plus 1/employee</u> 1/2 units <u>plus 1/employee in the largest working shift</u>	If units revert to general occupancy, then 2 spaces/unit shall be provided
Institutional	Manufactured Home Community	2/site plus 1/employee	
	<u>Churches and Temples</u> <u>Religious institutions</u>	1/3 seats or 6 ft. of pews in main unit of worship	
	<u>Health facilities</u> <ul style="list-style-type: none"> • <u>Hospitals</u> • <u>Immediate medical care clinic</u> 	2 spaces per bed 2 <u>exam room plus 1/employee</u>	
	<u>Private E</u> lementary and junior high schools	1/teacher, employee or administrator plus requirements for auditorium, <u>whichever is greater</u>	
	<u>Private s</u> enior high schools	1/teacher, employee or administrator and 1/10 students, plus requirements for auditorium, <u>whichever is greater</u>	
	Private clubs and lodge halls	1/3 persons allowed within the maximum occupancy load	Maximum occupancy load established by local, county or state fire, building or health codes
	Swimming pool clubs, tennis clubs and other similar uses	1/2 member families or individuals	
	Public and private golf courses, except miniature or par 3 course	6/hole plus 1/employee	

	Fraternities and sororities	1/5 permitted active members, or 1/2 beds (whichever is greater)	
	Stadiums, sports arenas or similar places or outdoor assembly	1/3 seats or 6 ft. of benches	
	Theaters and auditoriums	1/3 seats plus 1/2 employees	
Business and Commercial	Planned commercial shopping centers in a business district with a GLA greater than 1,600,000 sq. ft.	4\$/1000 sq. ft. of GLA	
	Planned-commercial-hopping-centers-in-a-business-district-with-a GLA-greater-than-100,000-sq-ft-but-less-than-600,000-sq-ft.	5.4/1000 sq. ft. of GLA	
	Car washes (automatic)	1/employee plus stacking spaces equal to 5 times the maximum capacity of the car wash	Maximum capacity of the wash means the greatest number of vehicles possible undergoing some phase of washing at the same time. Determined by length of wash line (ft.) / 20 ft.
	Carwashes (self-service/self-service and/or coin-operated)	5-spaces-per-stall + stall-space 2 plus 1 for each employee and 1 for each vacuum station or similar area	
	Beauty parlors or barbershops	3 first 2 chairs, plus 1/2 for each additional chair	
	<u>Day spa</u>	<u>1/100 sq. ft. of UFA</u>	
	Bed and breakfasts	2 plus 1/guest room	
	Bowling alleys	5/lane	
	Dancehalls, pool or billiard parlors, roller or skating rinks, exhibition halls and assembly halls without fixed seats	1/3 persons allowed within the maximum occupancy load	Maximum occupancy load established by local, county or state fire, building or health codes
Business and Commercial	<u>Restaurants that provide waiter/waitress service to the table but no drive-thru or in-car service. Establishments for sale and consumption, on premises, of beverages, food or refreshments (Restaurants)</u>	<u>1/6075 sq. ft. of UFA</u>	
	<u>Fast food restaurants that provide for table areas inside and drive-thru service but do not provide waiter/waitress service to the table or in-car service. Establishments that sell hard or soft ice cream and sundry items to their patrons from an external window with no in-building service</u>	<u>1/40 sq. ft. of UFA plus 3 stacking spaces between the window and menu board and 3 stacking before the menu board 1/25 sq. ft. of UFS</u>	

Fast food restaurants that provide take-out service (walk-up window or drive-thru service) with no or limited inside table area. Establishments that sell hard or soft ice cream and sundry items to their patrons cafeteria style primarily for takeout, with no table service	1/25 sq. ft. of UFA plus 3 stacking spaces between the window and menu board and 3 stacking spaces before the menu board.
Fast food restaurants that provide in-car service. Fast food restaurants that provide for both takeout and table areas but do not provide waiter/waitress service to the table or in-car service	In addition to the parking space at each menu board. 1/each employee in the largest working shift. 1/25 sq. ft. of UFA
Furniture, appliance and household equipment repair shops; showrooms of plumbers, decorators, electricians or similar tradesman; shoe repair; and other similar uses	1/800 sq. ft. of UFA; Floor area used in processing 1 additional/2 employees
Automobile service stations Auto repair facility	2/lubrication stall, rack or pit plus 1/gasoline pump/employee
Vehicle fueling station	1/fuel nozzle plus 1/200 UFA of retail floor area
Laundromats and coin-operated dry cleaners	1/2 machines
Miniature and par 3 golf courses	3/hole plus 1/employee
Mortuary establishments	1/50 sq. ft. of UFA
Motels, hotels and other commercial lodging establishments	1/occupancy unit plus 1/employee
Motor vehicle sales and service establishments	1/200 sq. ft. of UFA or sales room plus 1/auto service stall in service room.
Retail stores, except as otherwise specified earlier	1/450-200 sq. ft. of UFA
Banks	1/200+50 sq. ft. of UFA plus 1/employee and 3 stacking spaces per drive-thru facility
Professional offices of doctors, dentists and similar professionals, clinics	1/150+100 sq. ft. of UFA
Business and professional offices, except as indicated in the previous use	1/200+50 sq. ft. of UFA
Industrial and research establishments and related accessory offices	5 plus 1/4 per employee in largest work shift Parking on site must be provided for all construction workers during plant construction

Wholesale establishments and related accessory offices	5 plus 1/employee in largest work shift, or 1/1700 sq. ft. of UFA (whichever is greater)	—
General or specialized agriculture	2 plus 1 per 1 1/4 employees in largest work shift	Excludes seasonal workers
Industrial agriculture	5 plus 1 per 1 1/4 employees in largest work shift	Excludes seasonal workers

(Ord. No. 03-01 (Exh. A, § 42-613), 2-18-2003; Ord. No. 08-05, 7-22-2008)

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – May 09, 2016

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. Approximately six people were in the audience.

MEMBERS PRESENT: John Byrnes, Phillip Schaefer, Jeffrey Bright, Chadwick Learned, Randall Schau, Jay Eichstaedt, and Alexander Philipp.

MEMBERS EXCUSED: Michael Robbe and Lowell Seyburn.

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

APPROVAL OF THE MINUTES: Learned moved and Schau seconded a motion to approve the April 11, 2016 minutes as submitted. Upon voice vote, the motion was approved 7-0.

OLD BUSINESS:

ZBA #15-11, Christine Pelletier, 4415 Raborn Court: Mais summarized the request to retain a partially constructed 58-foot by 19-foot (1,102 sq. ft.) two-story accessory building in the rear (south) yard that is 19.5 feet in height where a maximum 14-foot height is permitted. Ms. Christine Pelletier provided cost estimates to either complete construction of the barn or demolish it. Schau stated he inspected the property and noted the barn in question could not be seen from the roadway.

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

A motion was made by Learned, seconded by Schaefer, to approve a variance to retain the partially constructed 58-foot by 19-foot two-story accessory building in the rear (south) yard that is 19.5 feet in height, conditioned upon the applicant obtaining a building permit within 21 days and completing construction no later than November 30, 2016, for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include the significant grade differences along the southern portion of the site and the surrounding zoning/land use pattern; the immediate practical difficulty causing the need for the variance was not caused by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, 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 action of the Board be final and effective immediately. Upon roll call vote: Philipp-Yes, Learned-Yes, Eichstaedt-Yes, Bright-Yes, Byrnes-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

NEW BUSINESS

ZBA #15-24; David Keyte, 6039, 6043 South Westnedge Avenue: Mais summarized the request for a variance from the parking requirements to provide 23 off-street parking spaces where a minimum 44 spaces are required. Mr. Keyte cited other similar sized Starbucks locations in Michigan that have parking comparable to the proposed variance. Mr. Keyte stated Starbucks conducts on average 60-70% of their business through the drive-thru window. Mr. Schau asked staff if there are currently other stand-alone drive-through coffee shops in Portage with reduced parking. Mais replied no. Learned inquired if another variance would be needed if the use of the proposed development changed in the future. Mais stated variances generally go with the land, but in this case the Board would be granting a variance allowing 23 spaces where

44 spaces are required, and depending on the parking requirements of any future change of use, it was possible another variance may be needed.

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

A motion was made by Philipp, seconded by Eichstaedt, to grant a variance from the parking requirements to provide 23 off-street parking spaces where a minimum of 44 spaces is required for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include the unique business operational characteristics and parking demand with similar stores; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to develop property with reasonable off-street parking; the immediate practical difficulty causing the need for the variance was not caused by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, 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 action of the Board be final and effective immediately. Upon roll call vote: Philipp-Yes, Learned-Yes, Eichstaedt-Yes, Bright-Yes, Byrnes-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

ZBA #15-25; Kathleen Kline, 4622 Deep Point Drive: Mais summarized the variance requests to: a) construct a second story addition above the existing garage located two feet from the front (west) property line where a 25-foot front setback is required; b) retain the existing dwelling and attached garage that have 26% lot coverage where a maximum 25% is permitted; and c) construct a 10-foot by 7-foot master bathroom addition that will result in 27% lot coverage where a maximum 25% lot coverage is permitted. Ms. Kline stated she mostly agreed with the staff report but stated variance c) was due to an occupant's medical condition requiring access to the bathroom from the bedroom very quickly. A letter to this effect from Dr. Petra Toutanji was read into the record.

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

A motion was made by Eichstaedt, seconded by Phillip, to grant variances to: a) construct a second story addition above the existing garage located two feet from the front (west) property line where a 25-foot front setback is required; b) retain the existing dwelling and attached garage that have 26% lot coverage where a maximum 25% is permitted; and c) construct a 10-foot by 7-foot master bathroom addition that will result in 27% lot coverage where a maximum 25% lot coverage is permitted, conditioned upon removal of the 75 square-foot shed, for the following reasons; there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district which include size and shape of the substandard lot; the variance is necessary for the preservation of a substantial property right, the right to develop the property in manner similar to other properties in the vicinity; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, 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 action of the Board be final and effective immediately. Upon roll call vote: Philipp-yes, Learned-yes, Eichstaedt-Yes, Bright-Yes, Byrnes-yes, Schau-yes, Schaefer-Yes. The motion passed 7-0.

OTHER BUSINESS:

Zoning Board of Appeals Rules of Procedure: Mais stated revising the Rules of Procedure concerning conflicts of interest was appropriate and recommended the Board consider adopting the same language/rules used by the Planning Commission and City Council. Attorney Bear stated it is important for Boards to avoid even the appearance of impropriety. Learned stated he largely agreed, but at the same time wanted to preserve the right of Board members to speak as citizens if there were a request which directly impacted their property. After additional discussion, Mr. Schaefer, Mr. Learned and Mr. Schau volunteered to form a sub-committee to explore revisions to the proposed Rules of Procedure with the recommendation that city staff be involved with the committee as well. The subcommittee will report back to the Board at the June 13, 2016 meeting with an update.

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM MAY 24, 2016

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

At the request of Mayor Strazdas, Pastor Richard Pilger of the Kalamazoo Valley Family Church gave the invocation and City Council and the audience recited the Pledge of Allegiance.

At the request of Mayor Strazdas, the City Clerk called the roll with the following members present: Councilmembers Richard Ford, Patricia M. Randall, Terry Urban and Jim Pearson, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Councilmember Claudette Reid was absent with notice. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATIONS: Mayor Strazdas issued a Gun Violence Awareness Day Proclamation and a Portage Soccer Classic Tournament Weekend Proclamation.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Randall, to approve the Special Meeting Minutes of May 10, 2016, and the Regular Meeting Minutes of May 10, 2016, as presented. Upon a voice vote, motion carried 6 to 0. Motion by Pearson, seconded by Randall, to approve the Pre-Council Meeting Minutes of May 23, 2016, as presented. Upon a roll call vote, motion carried 4 to 0, with Councilmembers Ford and Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Pearson to read the Consent Agenda. Councilmember Urban asked that Item F.4, Preliminary Plat of Whispering Meadows No. 4 (6513 Angling Road), be removed from the Consent Agenda.

Motion by Pearson, seconded by Ansari, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0, with Councilmember Pearson abstaining from Item F.5, Permit to Conduct Fireworks Display, owing to a perceived conflict of interest.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MAY 24, 2016:** Motion by Pearson, seconded by Ansari, to approve the Accounts Payable Register of May 24, 2016. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

FISCAL YEAR 2016-2017 BUDGET: Mayor Strazdas introduced this item and asked City Manager Larry Shaffer to comment on the Fiscal Year 2016-2017 Budget as presented. Mr. Shaffer indicated that his is a \$6.84 million Proposed Fiscal Year 2016-2017 Budget. He indicated that the budget represents a 1.3% increase in expenditures over last year's budget. It includes six different categories in 22 different funds: the General Fund is experiencing a reduction of 0.53%, and the \$14.8 million Capital Improvement Plan reflects an \$840,000 increase or about 6%. He thanked and congratulated City Council for the many hours they spent in consideration of this budget. He acknowledged and expressed his appreciation to the City Department Heads and Deputy City Manager Rob Boulis for their efforts in putting this budget together and offered to answer any questions that City Council or anybody in the community might have relative to this budget. Mayor Strazdas interjected that there has been a request through Council for a second Spring Clean-up, perhaps as a Fall Clean-up for trash and unwanted items, and wanted the assurances that the funds would be there for that effort. Discussion followed and Mayor Strazdas summed up.

Motion by Urban, seconded by Ford, to adopt the General Appropriations Act Resolution to adopt the Fiscal Year 2016-2017 Budget. Upon a roll call vote, motion carried 6 to 0 with Councilmember Ansari abstaining from the vote related to Portage Community Center and Lending Hands of Michigan, owing to a perceived conflict of interest.

Motion by Urban, seconded by Randall, to adopt the Resolution to adopt the Salary and Wage Schedules for the Fiscal Year July 1, 2016, to June 30, 2017. Upon a roll call vote, motion carried 6 to 0. Resolutions recorded on pages 179 and 181 of City of Portage Resolution Book No. 46.

*** STREET CRACK SEALING MATERIAL – SOLE SOURCE PURCHASE**

RECOMMENDATION: Motion by Pearson, seconded by Ansari, to approve the sole source purchase from Maxwell Products, Incorporated, for: 46,000 pounds of crack sealing material in the amount of \$19,504 for initial application in 2016; and 118,000 pounds of crack sealing material to be used during the 2016-2017 construction season; and, authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

*** BACKUP STORAGE REPLACEMENT:** Motion by Pearson, seconded by Ansari, to approve the purchase of an EMC storage backup solution from Data Strategy, Incorporated, through the Western States Contracting Alliance cooperative purchasing program in the amount of \$47,578.41; approve professional installation services through Data Strategy, Incorporated, in the amount of \$10,000 in order to address storage backup failures and capacity issues on behalf of the City of Portage, for a total project cost of \$57,578.41; and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

PRELIMINARY PLAT OF WHISPERING MEADOWS NO. 4 (6513 ANGLING ROAD): Mayor Strazdas deferred to Councilmember Urban, who expressed his concern about the two proposed variances offered as part of the Preliminary Plat of Whispering Meadows No.4, to vary the extension/connection of public streets and the installation of sidewalks on both sides of the street. At the request of Mayor Strazdas, Community Development Director Vicki Georgeau provided some background of the request and mentioned as with the first three Phases of Whispering Meadows, the developer has asked for an exception to the street connection. She described some of the details related to Phase 3 as approved by City Council where Towhee Street was not extended where the developer built five homes instead, and Davcliff Avenue was not extended where the developer built homes in a different plat instead. She indicated that the developer contends that this has always been the plan and wants to continue this development pattern and leave Kalarama Avenue as the only East/West Road through the Amberly neighborhood since extending Camelot would bring excessive traffic through the plat. With regard to sidewalks, she pointed out that the first three Phases of Whispering Meadows do not have sidewalks, is a fairly low density neighborhood and has access off of Romence Road outlining some details using a map. She summed up and indicated that staff and the Planning Commission reviewed this request and recommend approval.

In answer to Mayor Strazdas, Councilmember Randall indicated that she would be abstaining from the final vote, but would be staying for the discussion and explained. City Attorney Brown concurred with her intent to remain, not be a part of the discussion and refrain from voting.

Councilmember Urban asked whether the sidewalk requirement was in place when the previous Phases of the Whispering meadows Plat were approved, and Ms. Georgeau said she did not believe that it was and pointed out that the sidewalk policy has varied over the years. She mentioned that there were some examples where the waivers were granted when the policy was in place, but did not think that was the case here. Discussion followed. Councilmember Urban expressed his objection to the Council Policy of the 1990's of not having sidewalks on either side of the street, then having sidewalks on one side of the street, and now back to sidewalks on both sides of the street as it has left City Council with an extreme patchwork of sidewalks. He spoke in support of sidewalks on both sides of the street in Whispering Meadows No. 4, regardless of the first three phases for whatever reasons. He noted that this neighborhood is within the required walking distance to Amberly Elementary and West Middle Schools and does not receive bus service. He pointed out that it is somewhat ridiculous to put in a pedestrian walkway on Camelot Street and not continue with sidewalks in the plat, or "a sidewalk to nowhere" and summed up.

With regard to interconnectivity, Councilmember Urban indicated that the idea is to create a city and a community, not isolated enclaves, and argued that there is no way there can be a street in this plat that becomes a “through street” by virtue of the design of proposed site plan. Further, he said that the idea is to create neighborhoods and not just isolated neighbors who do not know one another; therefore, sidewalks and interconnectivity are important, especially with Amberly Elementary School nearby. He emphasized Portage is a city of neighborhoods and neighborhood schools, and getting to school without having to go a half of a mile out of the way is important, and restated his opposition to the proposed variances.

In answer to Mayor Pro Tem Ansari and his question regarding safety, Ms. Georgeau responded she could not think of an instance where a sidewalk would be a detriment to safety unless there was a situation where a grade change or deep slope would be a challenge to a person with a disability; or where there is not enough right-of-way and the sidewalk is integral to the curb as with a major thoroughfare; nevertheless, she stressed that this sidewalk still keeps the pedestrian out of the roadway. She referred to the Complete Streets Policy exceptions given for environmental issues, unique circumstances, or other pedestrian amenities in the vicinity, and drew correlations to be considered with the Amberly neighborhood where there are very few sidewalks. She pointed out that in his application, the developer stated that when he was selling the lots in the first three phases, this was always a future intended Phase; that he had a first right of refusal to buy and develop this land in the event it became available; and Ms. Georgeau explained that if this was a new development, the City would be taking a much stronger stance with regard to sidewalks and interconnectivity. She restated her preference for sidewalks, but this developer has requested a variance.

Mayor Strazdas indicated that he was trying to balance the request from a very good developer with the Complete Streets Policy, the patchwork of sidewalks dilemma in the City, and the socioeconomic issue of isolating a neighborhood, whether it is a poor neighborhood, or a rich neighborhood. He spoke in support of the pedestrian walkway through Camelot Street and sidewalks.

Councilmember Urban expressed his frustration with the lack of interconnectivity among the plats in Portage and the lack of sidewalks for the safety of the children of Portage. Discussion followed.

City Attorney Brown answered in the affirmative when Councilmember Ford asked if Council should consider all of the requirements quoted in part from Section 42-803(j) of the Subdivision and Land Division Regulations (Streets – Location and Arrangement) found in the Deputy City Manager Communication to Honorable Mayor and City Council as Item F.4 in the City Council Agenda Packet dated May 24, 2016. Councilmember Ford spoke in support of granting the variances since the Planning Commission recommended approval with only fifteen properties affected and stressed the importance of conformance with the first three phases and the adjoining neighborhood. City Attorney Brown cited Section 42-713 found in the staff report dated April 29, 2016, as the three requirements that must be shown before granting a variance as even more relevant to Council consideration before granting the variance.

Councilmember Pearson pointed out that this was a unanimous decision by the Planning Commission, then Ms. Georgeau responded to him that she was unaware if anyone from Whispering Meadows No 1, No.2 or No. 3 has ever requested installation of sidewalks, and that it (no sidewalks) was consistent with the existing development pattern. Councilmember Pearson indicated that when he was a Planning Commissioner, and there was a four-phase project with seventy-five per cent of the development completed, no consideration would be given to changing the rules in “midstream” as it would be unfair and explained. He indicated that he would be supporting the request and indicated that he could see no reason to change the character of the plat for Phase No 4.

Councilmember Urban said that there are some sidewalks in the Amberly neighborhood and indicated that there have been complaints in that neighborhood of children having to walk in the road. He reminded Council that the City has made special efforts in some areas to add sidewalks in the Amberly neighborhood as necessary. He pointed out that there was no discussion of these variances cited in the Planning Commission minutes, and asked for any discussion from Ms. Georgeau that she may recall. He refuted the holding that each of the three conditions of V. RECOMMENDATION, Section 1. Variance Requests, Page 3 of the staff report dated April 29, 2016, have been met and could

not grant a variance even if he wanted to. City Attorney Brown indicated that the staff report reasoning behind the variance should be incorporated into the motion granting this request. Discussion followed.

Charlie Glas, 7217 North Douglas, Kalamazoo, reflected upon his positive experiences in Portage over the years. He objected to interconnectivity on the basis of increased traffic in a low density plat and a desire for continuity by his Father and himself. He also expressed a concern about long-term maintenance. Discussion followed regarding the pros and cons of sidewalks and interconnecting roadways.

Ms. Georgeau answered Councilmember Ford by indicating that the decision to close off Davcliff Avenue was a part of Whispering Meadows No. 2, and the decision to close off Towhee Street was part of Whispering Meadows No. 3, and guessed it was in 1997. Discussion followed.

Motion by Pearson, seconded by Ford, to approve the Preliminary Plat of Whispering Meadows No. 4 (6513 Angling Road), subject to the three conditions in the April 29, 2016 Department of Community Development staff report, and grant the two variances requested, finding that the three standards set forth in Section 42-713 have been satisfied as found in Section V. RECOMMENDATION of the report.

At the request of Mayor Strazdas, City Engineer Chris Barnes offered an opinion with respect to traffic, pedestrian, engineering and safety. He distinguished between an urban section with curb and gutter, and a rural section with no curb and gutter, but a ditch. He said typically there is an allowance for a sidewalk in an urban section because most national transportation organizations recognize that the ultimate urban section would be a section with sidewalks that would provide a safe passage for all of the users of the right-of-way, i.e. the Complete Streets concept. He said that the Council Policy was brought forth by the Federal Highway Administration and the Transportation Department to facilitate access for all of the users of the roadway, not just motor vehicles. He acknowledged that typically there would be sidewalks in this situation in answer to Mayor Strazdas.

Councilmember Ford observed that it is "odd" that Council is considering putting sidewalks in front of fifteen homes when all of the homes within a two block radius do not have them and explained. He then offered that maintenance of these sidewalks will ultimately fall on this Council for fifteen homes when there are no other sidewalks in the vicinity. Mayor Strazdas shared his understanding of his point, then reflected on the time when people were negative about the stubbed bicycle trail ways across the City, and compared them with today now that they are all connected. He expressed his belief that there will be a time when there will be sidewalks all over the City.

Councilmember Urban reiterated that all three of the criteria in the Subdivision and Land Division Regulations (Streets – Location and Arrangement), Section 42-713, need to be satisfied. He again read the first one stating that Council cannot show that this requirement has been met, even aside from the other two. Discussion followed.

Councilmember Pearson indicated that he is "struck" by the opinion of the professional staff; Phase 4 is consistent with the existing development pattern; we have worked with the developer; obviously in a main thoroughfare, we want the Complete Streets concept and the Federal Funds; this is a low density neighborhood with winding streets, completes the pattern and the developer contends it retains the continuity of the plat; hence, it is clear why the Planning Commission is making this recommendation.

Councilmember Urban indicated to Mayor Strazdas that it is appropriate that he express what effect a "yes" vote and a "no" vote has on the installation of sidewalks. Mayor Strazdas indicated that a "yes" vote means there are no sidewalks and no other cut through streets; and, a "no" vote means that you would like to have the roads connected and that you would like to have sidewalks, "or one or the other." Discussion followed.

Upon a roll call vote, motion failed, 3 to 2: Yeas: Councilmembers Pearson and Ford. No: Councilmembers Urban and Mayor Pro Tem Ansari and Mayor Strazdas.

Motion by Urban, seconded by Ansari, to approve the Preliminary Plat of Whispering Meadows No. 4 (6513 Angling Road), subject to condition two and three of the April 29, 2016 Department of Community Development staff report, excepting the last sentence of condition two which states, "...an easement will also need to be provided for the public walkway located between Lots 71

and 72.” City Attorney Brown interjected that this is a request for a variance, so the motion should include a denial of the variance as requested by the applicant and explained. Motion by Urban, seconded by Ansari, to amend the motion to include: additionally, the variances requested by the applicant, are denied in finding that the three conditions required for variance of the Subdivision and Land Division Regulations (Streets – Location and Arrangement), Section 42-713, have not been satisfied.

Ms. Georgeau asked for the understanding from City Council that if the street connection is desired, the developer may wish to redesign the layout of the plat not to include the street connection to Camelot Street. Discussion followed.

At the request of Mayor Strazdas, Charlie Gas indicated that the sidewalk is one issue and the cut through street is a totally different issue for him since the sidewalks are “either we add them or we don’t” and the interconnectivity of the road is to a completely different plat, so the houses will be completely different, probably with a Planned Unit Development (PUD). He expressed his preference for the variance on the interconnectivity of the streets as it will completely change the dynamics of this plat and stated his willingness to forego the variance on the sidewalks. Discussion followed.

Mayor Strazdas indicated that a “yes” vote means there will be a completely new design; and, a “no” vote means that we may still have an impasse. Discussion followed.

Upon a roll call vote, motion failed, 4 to 1. Yeas: Councilmembers Pearson and Ford, Mayor Pro Tem Ansari and Mayor Strazdas. No: Councilmembers Urban.

Motion by Urban, seconded by Ford, to approve the Preliminary Plat of Whispering Meadows No. 4 (6513 Angling Road), subject to the three conditions in the April 29, 2016 Department of Community Development staff report, modified as follows: in Condition 1, eliminate the words, “and installation of sidewalks along both sides of all streets (Section 42-804).” He explained that this motion requires that the sidewalks be installed, but does not require the street interconnectivity and leaves the easement for a public walkway located between Lots 71 and 72. Discussion followed.

Mayor Strazdas indicated that a “yes” vote means the sidewalks are in and the road interconnection is not in; and, a “no” vote means no sidewalks.

Upon a roll call vote, motion carried, 4 to 1: Yeas: Councilmembers Ford and Urban, Mayor Pro Tem Ansari and Mayor Strazdas. No: Councilmember Pearson. Discussion followed.

* **PERMIT TO CONDUCT FIREWORKS DISPLAY:** Motion by Pearson, seconded by Ansari, to approve a permit for a fireworks display on July 3, 2016, sponsored by the Portage Rotary Club. Upon a roll call vote, motion carried 5 to 0 with Councilmember Pearson abstaining.

* **APRIL 2016 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Pearson, seconded by Ansari, to receive the April 2016 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

ANNUAL UPDATE OF THE HUMAN SERVICES BOARD (HSB): Mayor Strazdas welcomed Human Services Board Chair Amanda Woodin, who referred to the Communication in the City Council Packet dated May 5, 2016, that summarizes the activities of the HSB for the past year as she presented each of the accomplishments. Discussion followed. City Manager Shaffer expressed his appreciation for the staff support provided by Elizabeth Money to the HSB, and thanked the HSB for their hard work on the non-discrimination ordinance which will be the subject of the public hearing at 7:00 p.m. on May 26, 2016, in City Hall Council Chambers. He also indicated that he is looking forward to a report from them on that ordinance. Councilmember Urban interjected that the issue with KVCC and Central County Transit Authority (CCTA) has been resolved with a contract among CCTA, Texas Township and KVCC. Discussion followed.

Motion by Pearson, seconded by Ford, to receive the communication from Human Services Board Chair Amanda Woodin. Upon a voice vote, motion carried 6 to 0.

ANNUAL UPDATE OF THE HISTORIC DISTRICT COMMISSION (HDC): Mayor Strazdas welcomed Historic District Commission Chair Katie vanLonkhuyzen, who reviewed the progress of the HDC and highlighted some of their activities, challenges, motivations and initiatives for the year. Mayor Strazdas asked Ms. vanLonkhuyzen to narrow down her presentation to the top one or two things that she believed the HDC would like to focus on since he jotted down about a dozen things that are issues or challenges for the HDC. Ms. vanLonkhuyzen responded that outbuildings continue to be one of their biggest challenges, and the way they are addressing this is bringing in the Preservation Expert on May 26, 2016, in Conference Room #1, City Hall at 5:00 p.m. which she mentioned in her presentation and explained. She indicated the other challenge is finding the right homeowners and making sure that when they come into the Historic District, they are fully informed of their responsibility and the Historic District process. She indicated that the way they are handling the new homeowner is to provide the welcome packet to the realtor at the time of listing an historic home and to the new historic homeowner after the purchase. Discussion followed.

Mayor Strazdas expressed a desire to recognize the owner of Stuart Manor for donating it to Celery Flats, and asked City Manager Shaffer to determine who was the last owner of Stuart Manor in order to recognize his family for the donation. Ms. vanLonkhuyzen indicated that there is a plaque in the foyer of the house. Mayor Strazdas thought it might be Doug Brown, but asked for confirmation.

In response to Councilmember Randall, Ms. vanLonkhuyzen indicated that the name of the Preservation Expert coming in on Thursday, May 26, 2016, is Steve Stier in Conference Room #1, City Hall at 5:00 p.m., free to the public and will be taking donations to hopefully cover the cost of his transportation. She did seek out her historic home and does not plan to sell it, but is comforted by the fact that it is in the Historic District and will be protected for the future for our children and grandchildren. Mr. Shaffer recognized Erica Eklov, who is the Staff Liaison for the HDC and does a great job, and acknowledged her passion and support for the HDC.

Mayor Pro Tem Ansari asked about Mick Lynch and the option of touring his properties on Sprinkle Road. Ms. vanLonkhuyzen explained that Mr. Lynch has been a member of the HDC in the past, and that the HDC has approached him for a possible public tour option. Discussion followed.

Motion by Ford, seconded by Ansari, to receive the Annual presentation and update from Historic District Commission Chair Katie vanLonkhuyzen. Upon a voice vote, motion carried 6 to 0.

PLANNING COMMISSIONER APPOINTMENT: Mayor Strazdas explained the need for another Planning Commissioner. Discussion followed. Motion by Urban, seconded by Ansari, to appoint Paul Welch to an additional one-year term to the Planning Commission, effective June 1, 2016, through May 31, 2017. Discussion followed. Upon a voice vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

* **AMENDMENT TO THE CODE OF ORDINANCES:** Motion by Pearson, seconded by Ansari, to amend the Code of Ordinances of the City of Portage, Michigan, by amending Section 34-62 of Chapter 34 which sets forth amendments to the International Fire Code. Upon a roll call vote, motion carried 6 to 0.

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

Portage Senior Citizens Advisory Board of March 16 and April 19, 2016.

Portage Youth Advisory Committee of April 11, 2016.

Portage Public Schools Regular Meeting and Committee of the Whole of April 18 and May 2, 2016.

Portage Planning Commission of May 5, 2016.

BID TABULATIONS:

2016-2017 LOCAL STREETS RECONSTRUCTION PROJECT– BID TABULATION: City Manager Shaffer reviewed the item and explained. Motion by Urban, seconded by Ansari, to award a construction contract for the 2016-2017 Local Streets Reconstruction Program to Michigan Paving & Materials Company of Kalamazoo, Michigan, in an amount not to exceed \$935,588.80, and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

* **TEMPORARY AND SEASONAL EMPLOYMENT SERVICES CONTRACT – BID TABULATION:** Motion by Pearson, seconded by Ansari, to award a contract to AccessPoint of Portage, Michigan, to provide temporary and seasonal employment services through fiscal year 2016-2017, in an estimated amount of \$230,165 with the option of three one-year renewals and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Pearson congratulated City Manager Larry Shaffer and his staff on the preparation of the Budget which provides three police officers, three firefighters, roads, debt reduction and no millage increase.

Councilmember Randall wished all a safe Memorial Day weekend and extended a special appreciation for those who served our country and those who are currently serving. Mayor Strazdas concurred and asked Portage citizens to think about the real meaning of Memorial Day.

Mayor Pro Tem Ansari recognized Don Ryan of Lending Hands, who was present during the passing of the Budget, but had to leave at 9:00 p.m.

MATERIALS TRANSMITTED:

* **DEPARTMENTAL MONTHLY REPORTS:** Motion by Pearson, seconded by Ansari, to receive the Departmental Monthly Reports from the various departments. Upon a roll call vote, motion carried 6 to 0.

* **MATERIALS TRANSMITTED OF MAY 6, 2016, AND MAY 10, 2016:** Motion by Pearson, seconded by Ansari, to receive the Materials Transmitted of May 6 and May 10, 2016. Upon a roll call vote, motion carried 6 to 0.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:30 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES OF THE SPECIAL PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF JUNE 13, 2016**

Mayor Peter Strazdas called the meeting to order at 9:01 a.m. The following were present: Councilmember Claudette Reid, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Councilmembers Patricia M. Randall and Jim Pearson were present via the conference phone line. Those not present were: Councilmembers Richard Ford and Terry Urban. Also in attendance were City Manager Larry Shaffer, Deputy City Manager Rob Boulis and City Clerk James Hudson.

Mayor Strazdas asked if there were any questions for the Administration regarding items on the Agenda.

Councilmember Randall asked City Manager Shaffer if any of the water bills listed under Item F.1, Delinquent Water and Sewer Bills, had been contested, such as was the case with the person who bought land on Portage Road, set up a restaurant and discovered he was responsible for an overdue water bill. In response, Mr. Shaffer indicated that he was not aware of any, but would check.

Councilmember Randall also asked for instruction on the process required to qualify as an organization to receive funds under Item F.2, FY 2016-2017 Community Development Block Grant and General Fund Contracts. She cited the disqualification of Lending Hands as an example from last year owing to their need for a different liability insurance policy, and pointed out that this disallows awarding funds to new recipients instead of the same recipients as in the past. Mr. Shaffer indicated he would follow up with Ms. Georgeau on this and report back to them. Councilmember Pearson concurred and asked whether this could be the subject of a 30-minute Committee of the Whole (COW) Meeting to discuss the criteria and grading process. Mayor Strazdas asked the Administration to provide the information on the process, and suggested waiting until after the Council has the information to decide whether there is a need for the COW Meeting. Mayor Pro Tem Ansari asked whether the matter is being publicized enough in order to get other applicants? Councilmember Reid asked whether this is tantamount to micromanaging the Human Services Board, who devised, refined and reviewed the process over the years, before presenting it to City Council for approval. She also asked whether the focus on housing and food, instead of medical, impacts the amount awarded to Lending Hands, which may mean that the focus of their service is perhaps not in Portage. Councilmember Pearson emphasized he is not interested in micromanaging HSB and indicated that there might be a need to revisit the Policy as proposed by the HSB.

Councilmember Pearson asked if Item G.2, Presentation by Councilmember Terry Urban regarding a report from Central Elementary 4th Grade students concerning suggestions to City Council, should come to City Council under "Petitions and Statements of Citizens" and Councilmember Randall offered the alternative that it be presented during "Other City Matters, Statements from City Council," as "Communications" may not be the appropriate category and may confuse the public

since it makes it look like it is official business from City Council? He also asked if the item was presented prior to noon on Friday in accordance with CHAPTER 4, Section 4.6(m) of the *Portage City Charter*. Mayor Strazdas asked Mr. Shaffer whether Councilmember Urban asked that it be G.2 on the Agenda, or did he “shoe horn” it there, and Mr. Shaffer indicated that he “shoe horned” it there, and offered to call Councilmember Urban and clear the matter up. Councilmember Reid indicated she would put it under “New Business” because he essentially asked for a New Business item. Councilmember Pearson indicated that if it was going to be under “New Business,” it had to be presented before noon on Friday. He suggested that Councilmember Urban go down to the podium at the time “New Business” is being addressed, or at the end of the meeting during “Other City Matters, Statements from City Council.” Mayor Pro Tem Ansari asked that Councilmember Urban be provided with both options.

Councilmember Reid noted a conflict between the last two paragraphs in the *Resolution Regarding Long Lake Improvement Pursuant to the Inland Lake Improvement Act*: “Now, therefore, be it resolved that the City Council considers it expedient to have Long Lake improved and hereby directs the Long Lake Governmental Lake Board (“LLGB”) to proceed with the necessary steps to consider the Water Quality Check Program of Long Lake and the continuation of the Long Lake Invasive Aquatic Plant Management Plan.” However, the motion would also direct them to go forward with the necessary steps to consider the Water Quality Check Program of Long Lake and the continuation of the Long Lake Invasive Aquatic Plant Management Plan which seems at odds with the desire that the Long Lake Governmental Board determine the scope of the proposed project, including an engineering feasibility report and an economic study report and estimate the cost of any other determination and/or investigation allowed by or required by the Act and provide its finding to the City Council. Specifically, she asked, does City Council provide approval or oversight on what the Governmental Lake Board actually does, or does Council simply provide the financial mechanism for them to do what they, within their group, decide to do? Councilmember Pearson concurred and Mayor Strazdas directed Mr. Shaffer to rework G.I.A, *Long Lake Improvement Recommendation*, to be more aligned with the *Resolution Regarding Long Lake Improvement Pursuant to the Inland Lake Improvement Act*. Councilmember Reid also asked why is Council adopting the Resolution at all?

Mayor Strazdas asked that the City Attorney be given the opportunity to weigh in on this, and Deputy City Manager Rob Boulis offered that he thinks they are interested in

continuing the three-year special assessment (for Aeration and Bioaugmentation). Mayor Strazdas summed up that the City Manager has three things to do on this:

- a. Alter his communication to Honorable Mayor and City Council.
- b. Educate City Council regarding City Council with the Governmental Lake Board.
- c. If a person from the Governmental Lake Board comes before City Council, that he or she be very clear about what they are proposing to do.

Councilmember Randall asked Mr. Shaffer to provide a response to Dan Kruger and Paul Selden from the Kalamazoo Bicycle Club regarding safer bike routes.

ADJOURN: Mayor Strazdas adjourned the meeting at 9:27 a.m.

James Hudson, City Clerk