



PLANNING COMMISSION

August 18, 2016

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

August 18, 2016
(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * August 4, 2016

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Preliminary Plat: The Oaks (Phase I), 4800 Bishop Avenue
- * 2. Preliminary Report: Rezoning Application 16/17-1, 10332 Shaver Road
- * 3. Final Report: Ordinance Amendment 15/16-A, Off-Street Parking and Loading Regulations

NEW BUSINESS:

- * 1. FY 2015-16 Planning Commission Work Program Final Update and Proposed FY 2016-17 Work Program
- * 2. Community Impact Project Grant Fund – draft proposal from Dargitz (additional discussion)

OLD BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

June 2016 Summary of Environmental Activity Report
July 12, 2016 City Council meeting minutes
July 25, 2016 City Council pre-meeting minutes

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

PLANNING COMMISSION

August 4, 2016

 DRAFT

The City of Portage Planning Commission meeting of August 4, 2016 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Welch 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 Bryan Beach, Assistant City Attorney.

ROLL CALL:

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

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the July 21, 2016 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Bosch, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Report: Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations. Mr. Forth reviewed the staff report dated July 29, 2016 and summarized the various ordinance sections proposed for amendment. Commissioner Stoffer asked about the proposed increase from 50 to 100 parking spaces in Section 43-520.N.3 in conjunction with the proposed increase in Section 42-520.N.1 from 10% to 25%. Mr. Forth discussed the rationale for the increase and the original intent of the ordinance sections to address larger developments. Mr. Forth indicated the change was intended to avoid unnecessary delays to the applicant in the site plan review process. Commissioner Dargitz asked for clarification regarding the proposed change to Section 42-520.I that would allow for administrative determination of parking requirements for uses not specifically mentioned in the Zoning Code and also asked whether maintenance standards referenced under Section 42-521.I could be applied to private roads such as MLK Drive. Mr. Forth stated the proposed change to Section 42-520.I was again intended to avoid any unnecessary delay in the site plan review process for a use that could otherwise be administratively approved. In regard to Section 42-521.I, Mr. Forth indicated the maintenance standards would apply to any maneuvering lane or drive that is associated with an off-street parking lot and that independent, private roads would not be specifically addressed under this section.

Commissioner Dargitz stated she likes the addition of Section 42-521.L. Commissioner Schoup agreed, however, asked whether the provisions of this section should be required at larger development projects (e.g. electric car charging stations at Crossroads Mall, Meijer, etc.). Commissioner Stoffer asked for clarification regarding the data contained in the table on page 7 of the staff report and also examples of specific restaurants to compare minimum required parking vs. actual parking provided for the use. Mr. Forth attempted to clarify the data in the

table on page 7 of the staff report and also provided examples of minimum required parking compared to actual parking provided for Latitude 42 on Portage Road and Texas Roadhouse on South Westnedge Avenue.

The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed changes to off-street parking and loading/unloading regulations. A motion was then made by Commissioner Bosch, seconded by Commissioner Dargitz, to adjourn the public hearing for Ordinance Amendment #15/16-A, Off-Street Parking and Loading Regulations, to the August 18, 2016 meeting. The motion was unanimously approved 8-0. Chairman Welch discussed the previous reviews of this ordinance amendment and asked that the Commission, when possible, provide questions or comments to staff at the earlier workshop meetings or at least prior to the public hearing to allow sufficient time for staff to research and provide responses in an effort to expedite the process.

NEW BUSINESS:

1. Historic District Modification, 8009 Cox's Drive. Mr. West summarized the staff report dated July 29, 2016 regarding a request pending before the Historic District Commission from Michael Kasten (Kasten Investments LLC), owner of the property located at 8009 Cox's Drive, to demolish the former District #6 Schoolhouse building. Mr. West also summarized the findings of the preliminary report prepared by the Historic District Study Committee and the recommendation to deny the demolition request. Mr. West stated the former District #6 Schoolhouse building was the only historic and significant structure on the property and demolition of the building would nullify the property's historic designation. Mr. West indicated the structure is the only surviving 2-room schoolhouse in Portage and while the interior of the building was converted to office use in the 1980s, the exterior of the structure remains essentially the same since its construction in 1927. Mr. West stated that staff was recommending denial of the demolition request based on the findings contained in the Historic District Study Committee preliminary report dated July 14, 2016.

Commissioner Patterson referred the Commission to the three state law criteria contained on page 5 of the Historic District Study Committee preliminary report that need to be satisfied in order to remove a property from the historic register. Commissioner Dargitz asked whether the Planning Commission needed to follow these specific criteria or whether individual opinions could be provided. Mr. West and Mr. Forth responded stating that individual opinions could be offered as part of the review and discussion, however, any recommendation would need to include five affirmative votes of the Commission and should be based on information pertinent to the request. A motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to recommend that the Historic District Modification involving 8009 Cox's Drive be denied based on the findings contained Historic District Committee preliminary report dated July 14, 2016. Prior to voting on the motion, additional Planning Commission discussion occurred.

Commissioner Stoffer discussed the industrial zoning and land use designation of the property and asked whether future decisions concerning historic structures should include a review of the immediate zoning/future land patterns. Commissioner Stoffer also stated that he thought the structure would be better suited in another area of the city such as Celery Flats. Mr. West indicated the former District #6 Schoolhouse has been located at the site since 1927 and has been used for office purposes since the 1980s. Mr. West stated that zoning decisions and land use designations could consider the location of historic structures but should not be based on an individual structure, but rather the nature and character of the surrounding area. Mr. West stated this area of the city has long been characterized by industrial and office land uses including vacant land owned by Pfizer. Mr. Forth indicated that office uses are also allowed in the industrial zoning districts. Mr. West stated that an alternative to relocate the former District #6 Schoolhouse was being evaluated by the city, as well as possible private parties. Commissioner Shoup stated the structure does not look like other historic structures located at in the City of Portage (Celery Flats area) or in the City of Kalamazoo (Henderson Castle). Commissioner Shoup also stated that he believes the building has lost some of its historical significance [criteria (2) in the preliminary report] and the owner should be allowed to demolish the structure. Commissioner Dargitz disagreed and stated the building contains unique architecture from the 1920s and preservation is important since so little of Portage's history still remains. Commissioner Stoffer stated he believes the structure should either be relocated to a more appropriate location with other historic structures, or the owner should be allowed to demolish the structure. Commissioners Patterson and Bosch stated that they believe the Commission is veering from their charge to provide a recommendation regarding whether or

not to demolish the building, based on the criteria set forth by state law for removal of a property from the historic register. Commissioner Bosch stated that personal opinions are fine, however, these opinions and the discussion should be based on the criteria set forth by state law to evaluate these types of requests. Commissioner Joshi expressed concerns regarding continued deterioration of the structure if the request to demolish is denied and if an alternative to relocate the structure does not happen. Mr. West stated the interior condition of the building was just recently discovered by the city based on a request to have the Building Inspector and Fire Marshal perform an inspection for purposes of a possible new tenant for the building. Mr. Forth stated that Building Maintenance standards are applicable to this building, same as any other building, and will need to be addressed by the property owner if the request to demolish the structure is denied by City Council.

Following additional discussion and role call vote: Bosch (yes) Schimmel (yes), Welch (yes), Stoffer (yes), Patterson (yes), Dargitz (yes), Shoup (no) and Joshi (yes), the motion to recommend that the Historic District Modification involving 8009 Cox's Drive be denied based on the findings contained Historic District Committee preliminary report dated July 14, 2016 was approved 7-1.

STATEMENT OF CITIZENS:

None.

8:05 p.m. - The Commission took a short recess.

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

OLD BUSINESS:

1. Community Impact Projects Grant Fund – additional discussion. Mr. Forth referred the Commission to a supplemental August 4, 2016 staff report that discussed additional information and research prepared by staff and the City Attorney regarding a Community Enhancement/Neighborhood Improvement Grant Program proposed by Commissioner Dargitz. Mr. Forth summarized the additional information presented in the staff report, possible limitations and legal issues associated with a separately funded grant program and an alternative for Planning Commission consideration that would involve a CIP-funded project involving improvements on public property only. Mr. Forth stated this CIP project could act as a “placeholder” similar to the Local Street Calming Program and utilized when a project has been identified for funding. Mr. Forth indicated that projects could be submitted by any neighborhood resident or organization, evaluated and a recommendation for financing be provided to City Council. Mr. Forth stated the information prepared by Commissioner Dargitz could be incorporated into the CIP project profile that explains the program with a summary of the criteria used to evaluate each project for financing. Mr. Forth stated this information could also be used in outreach efforts undertaken in advance of the CIP on-line survey and CIP Open House held annually in September in order to ensure all residents of the city are aware of the program.

Chairman Welch stated the inherent constraints of a separately funded grant program along with legal concerns would seem to make the alternative suggested by staff a more viable option. Commissioner Dargitz stated she was not opposed to the alternative approach; however, was concerned with the limitation that projects could only be located on public property. Attorney Beach indicated that Michigan law prohibits the use of public funds for improvements on private property. Attorney Beach stated that he contacted the attorneys for the Cities of Novi and Holland, where similar grant programs have been created, and despite their legal advice, the programs were created. Attorney Beach indicated that since these grant programs involve a relatively small amount of money, the policy decision was made to accept any inherent risk with creating the program.

Commissioner Dargitz stated that any CIP based project would need to include active citizen participation in the planning, design and maintenance to ensure ownership is taken by the specific project. Commissioner Dargitz also stated that additional community outreach would need to occur early in the CIP project to inform and engage interested citizens, neighborhood and business groups. The Commission and staff next discussed issues associated with use of public dollars for improvements on private property, Michigan law, policy decisions made

by City Council and risk management evaluation. Mr. Forth discussed other CIP projects that have been undertaken to accomplish similar community enhancement goals such as sidewalk/trail extensions, traffic calming, neighborhood lighting and way-finding signage within the City Centre Area and Lake Centre Business Area.

After additional discussion, the Commission agreed to pursue an alternative CIP-funded “placeholder” project for Community Enhancement/Neighborhood Improvement project and discuss at an upcoming meeting. Mr. Forth stated additional information would be provided to the Commission at an upcoming meeting regarding the details of a CIP “placeholder” project, along with additional outreach efforts that could be accomplished (Portager newsletter, city web site, on-line survey, etc.) prior to the September CIP Open House.

ADJOURNMENT:

Chairman Welch and Commissioner Bosch indicated they would not be present at the August 18, 2016 meeting.

There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: August 12, 2016

FROM: Vicki Georgeau,  Director of Community Development

SUBJECT: Preliminary Plat: The Oaks (Phase I), 4800 Bishop Avenue.

I. INTRODUCTION:

The preliminary plat of The Oaks (Phase I) single family residential subdivision has been submitted for review and approval by Landmark Development Partners, LLC. Phase I of The Oaks proposes construction of 20 single family residential lots on approximately 8.8 acres and represents the continuation of the previously approved Holiday Village subdivision. Future phases of The Oaks are also planned on the remaining vacant property to the south. The subject property is zoned R-1B, one family residential.

Applicant	Lots/Area	Location
Landmark Development Partners, LLC	20 lots/8.8 acres	Northeast ¼ of Section 13, South of Bishop Road and East of Jamaica Lane.

II. BACKGROUND INFORMATION:

The following is important background information and summarizes the requirements that are applicable to the preliminary plat application. All required improvements will comply with Article 5 – Subdivision and Land Division Regulations of the City of Portage Land Development Regulations.

Street Access	Public street extension (Forest Way) from Jamaica Lane and construction of a new public cul-de-sac street (Acorn Circle) with provisions for future public street extension/connection with Montego Bay Street and Pebble Lane through the remaining vacant property to the south.
Storm Water	Directed to an existing public storm water basin located to the south, near the south end of Acorn Circle.
Public Improvements	Public streets, curb-gutter, municipal water, sanitary sewer, streetlights will be provided pursuant to established ordinance requirements.
Zoning	R-1B, one family residential: Minimum 80 foot lot widths (100 feet for corner lots); minimum lot size of 9,600 square feet; and minimum setbacks of 30-feet (front), 10-feet (side) and 40-feet (rear).
Environmental Impacts	The Michigan Department of Environmental Quality (MDEQ) conducted a Level 3 Wetlands Identification Review of the subject property on April 13, 2016. The results of that review identified regulated wetlands along the northern portions of Lots 1 thru 5 and on adjacent property to the north. Two small areas of non-regulated wetlands were also identified south of Phase I. No construction activities (infrastructure or residential home construction) will occur within regulated wetland areas. The applicant is also proposing to preserve the northern wetland area (approximately 4.5 acres) and deed the parcel to the homeowners association for passive recreational use by the property owners within The Oaks subdivision.

Sidewalks	Consistent with the land development regulations, 4-foot wide concrete sidewalks will be installed along both sides of all streets including around the entire bulb of any permanent cul-de-sac. Also, a sidewalk will be extended along Jamaica Lane (west side of lot 1) that will provide access to a future trailhead preliminarily planned for the 4.5 acre wetland area.
Traffic	A total of 20 single-family residential dwellings can be expected to generate approximately 100-120 vehicles per day (equivalent to 200-240 vehicle trips per day).

III. PUBLIC NOTICE REQUIREMENTS:

In accordance with the Michigan Planning Enabling Act (Public Act No. 33 of 2008, as amended), a public notice was published in the local newspaper and notice was mailed to owners of land immediately adjoining the proposed plat 15 days prior to the date of the public hearing.

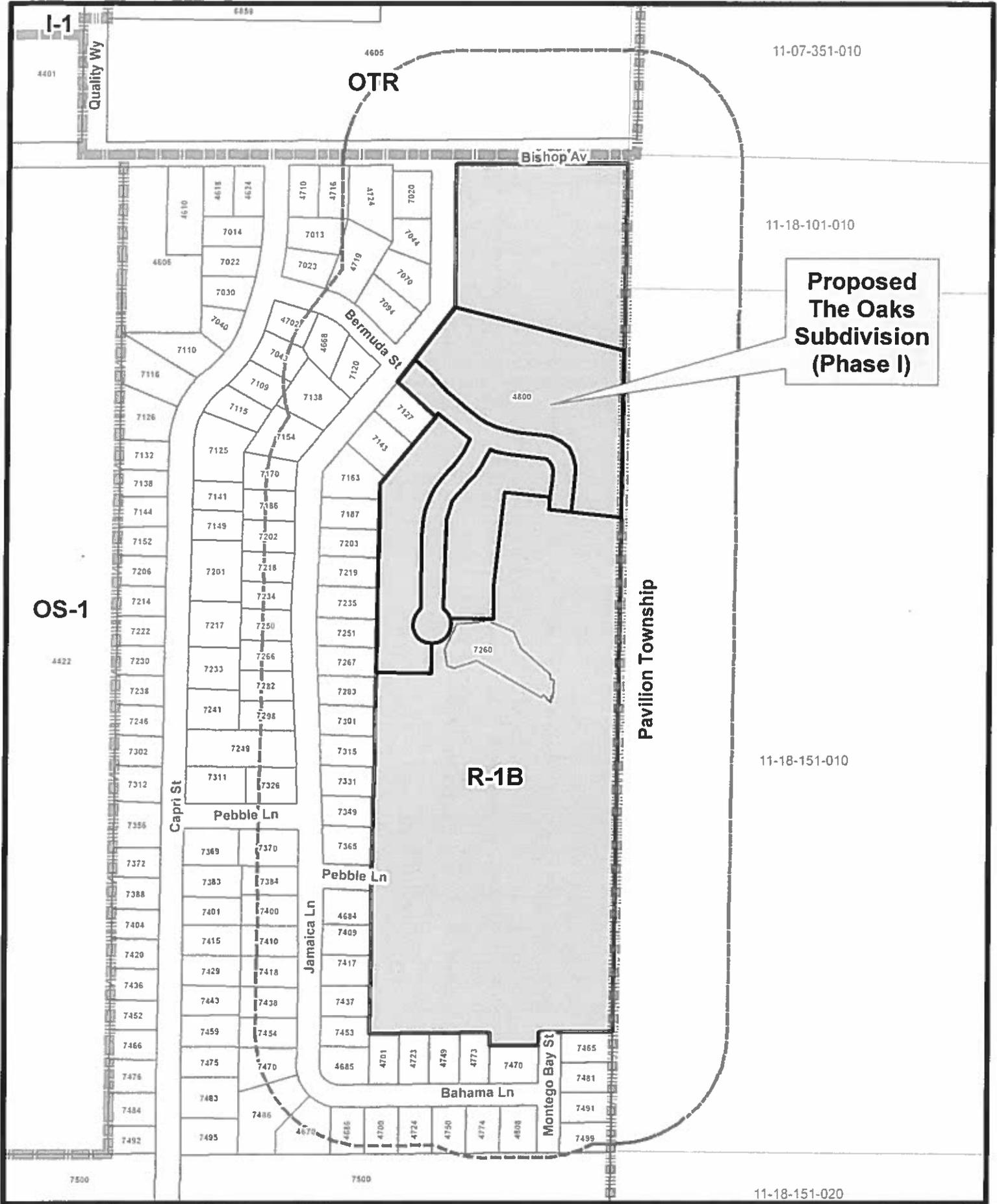
Submission of the preliminary plat is intended to provide the community with the opportunity to examine existing and proposed conditions pertaining to the development of the subdivision. After approval by the City Council, preliminary plat approval is effective for 12 months. During the 12 month period,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

IV. RECOMMENDATION:

The proposed plat has been reviewed within the context of the Comprehensive Plan, Land Development Regulations and other applicable ordinance requirements. Based on the above information and subject to any additional information received during the public hearing, staff advises the Planning Commission recommend to City Council that the Preliminary Plat of The Oaks (Phase I), 4800 Bishop Avenue, be approved subject to the following conditions:

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

Attachments: Zoning/Vicinity Map
 Aerial Photo Map
 Preliminary Plat Drawing



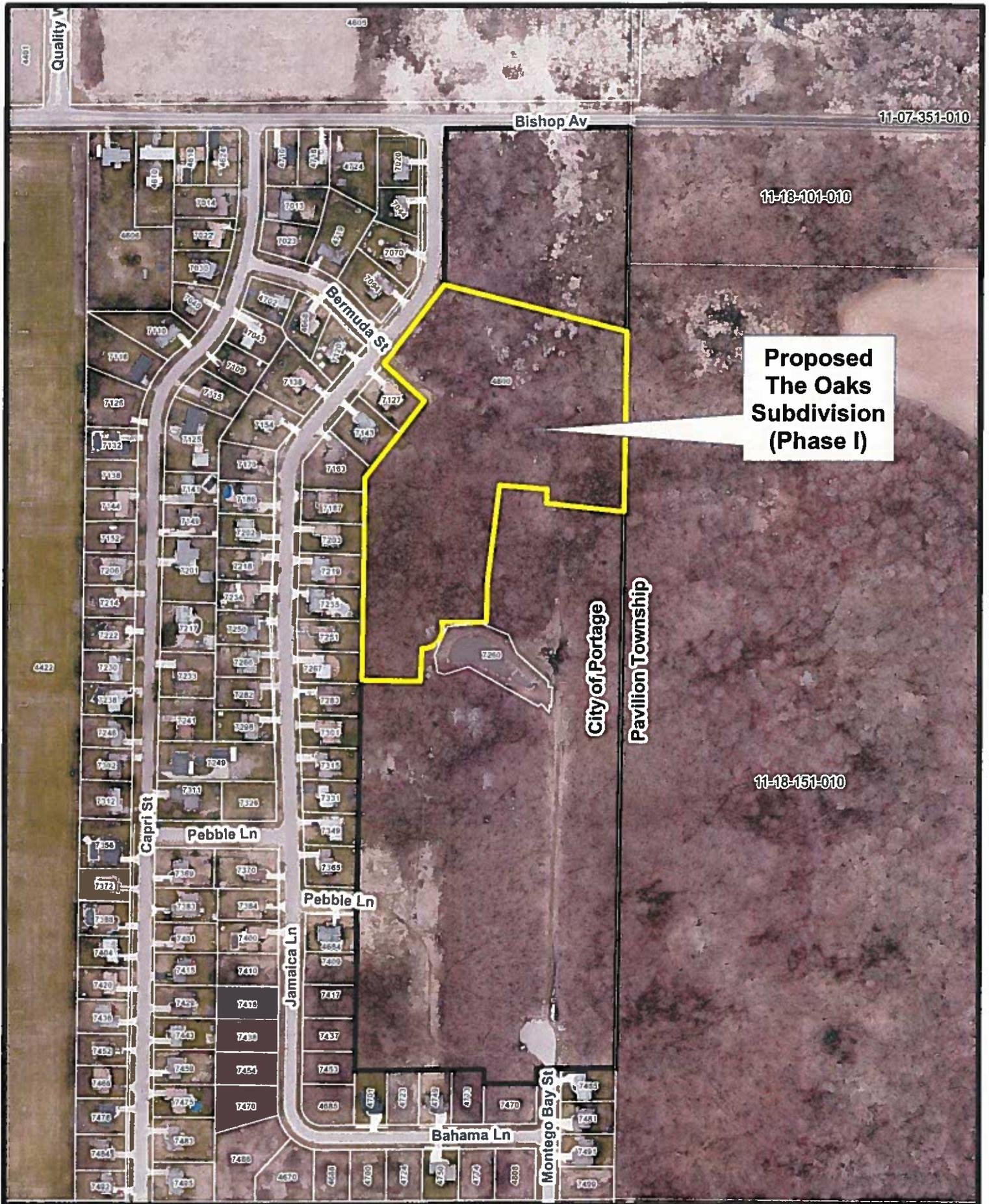
**Proposed
The Oaks
Subdivision
(Phase I)**

-  Zoning Boundary
-  Subject Parcels
-  300' Notification Boundary

**The Oaks
4800 Bishop Avenue**



1 inch = 330 feet



**Proposed
The Oaks
Subdivision
(Phase I)**

Legend

-  4800 Bishop Avenue
-  Oaks Subdivision Phase I

**The Oaks
4800 Bishop Avenue**



1 inch = 305 feet

PRELIMINARY PLAT for PHASE 1 of "THE OAKS"



NOTE: UNPLATTED PARCELS NOT INCLUDED
SHALL BE DESIGNATED TO THE OAKS HOME OWNERS
ASSOCIATION. PARCELS SHALL BE FOR
FUTURE REDEVELOPMENT.

NEIGHBORHOOD COMMA
E. J. S. N. 11 P.
CITY OF PORTAGE

UNPLATTED LAND
REGULATED MICHIGAN
AREA

UNPLATTED LAND
NON-REGULATED
MICHIGAN AREA

EXISTING STORM WATER
RETENTION BASIN AND
STORM MAIN FOR
PARCELS 2007-08-01-01
NUMBER 2007-08-01-01
CITY OF PORTAGE
AREA = 65,881 S.F.

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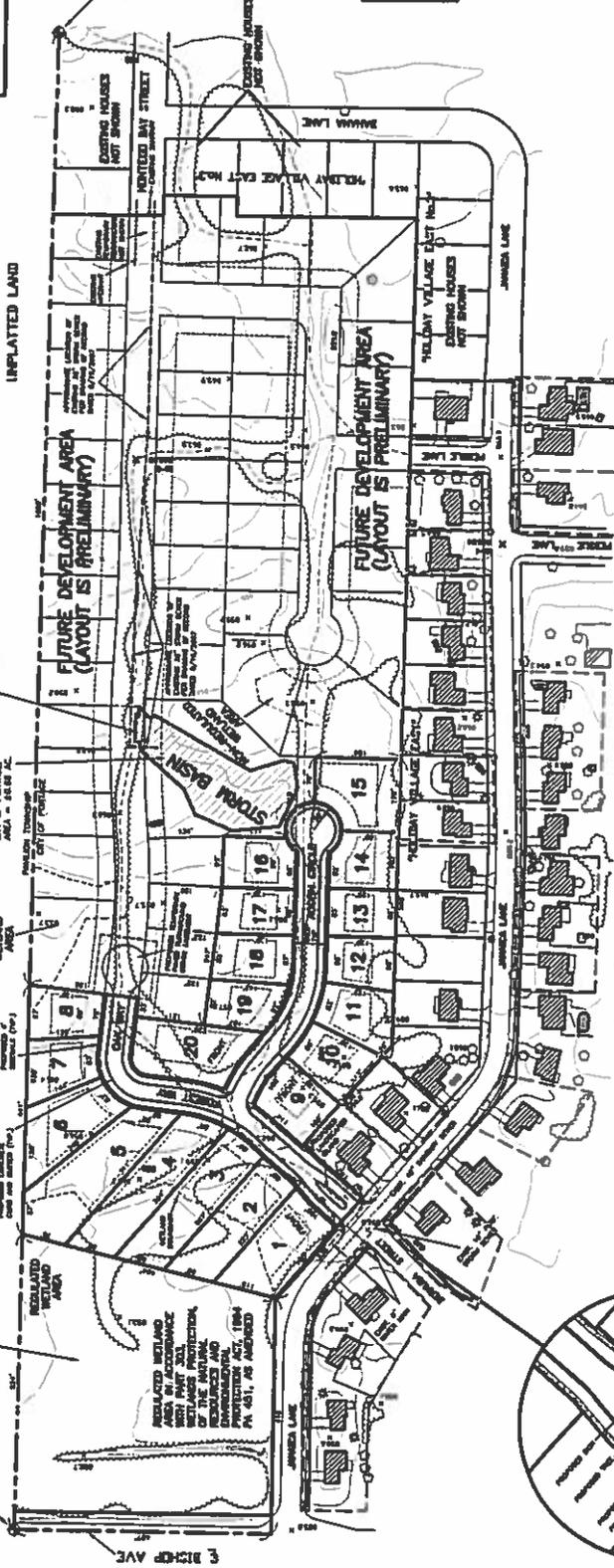
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NOTE: SHOWN STREET NAMES ARE PRELIMINARY.

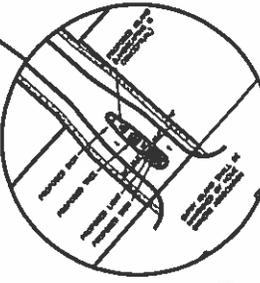
NOTE: SHOWN TOPOGRAPHIC MAP IS FROM 2002 AND WAS
PREPARED BY OTHERS. CERTAIN FEATURES HAVE CHANGED
SINCE MAP WAS PREPARED.

NOTES

1. PARCELS SHOWN ARE PRELIMINARY AND SUBJECT TO APPROVAL BY THE CITY OF PORTAGE.
2. THE CITY OF PORTAGE RESERVES THE RIGHT TO REZONE ANY PARCEL AT ANY TIME.
3. THE CITY OF PORTAGE RESERVES THE RIGHT TO REQUIRE ANY PARCEL TO BE REZONED TO A HIGHER ZONING CATEGORY.
4. THE CITY OF PORTAGE RESERVES THE RIGHT TO REQUIRE ANY PARCEL TO BE REZONED TO A LOWER ZONING CATEGORY.
5. THE CITY OF PORTAGE RESERVES THE RIGHT TO REQUIRE ANY PARCEL TO BE REZONED TO A DIFFERENT ZONING CATEGORY.
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10. THE CITY OF PORTAGE RESERVES THE RIGHT TO REQUIRE ANY PARCEL TO BE REZONED TO A DIFFERENT ZONING CATEGORY.

FIRE DEPT. NOTES

THE FIRE DEPT. HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND HAS DETERMINED THAT THE SITE IS ACCESSIBLE TO FIRE TRUCKS AND THAT THERE ARE NO OBSTACLES TO FIRE TRUCK ACCESS.



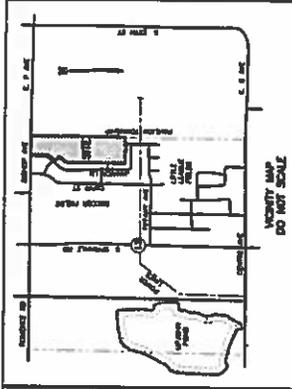
ENTRY DETAIL
(ENLARGED BY A
FACTOR OF TWO)



APPLICANT:
LANDMARK DEVELOPMENT
PARTNERS, LLC
5176 QUEEN VICTORIA LANE
KALAMAZOO, MI 49009
(269) 806-6823

DESIGNED BY: [Name]
DATE: 7/16/2010
PROJECT: PHASE 1 of "THE OAKS"
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]
INGERSOLL, WATSON & McMACHEN, Inc.
1000 East Main Street, Kalamazoo, Michigan 49001 Phone: 269-344-4800 Fax: 269-344-4805

P-19 ZONING INFORMATION:
THE CITY OF PORTAGE HAS A ZONING ORDINANCE THAT PROVIDES FOR THE REGULATION OF LAND USES AND ACTIVITIES. THE CITY OF PORTAGE HAS A ZONING MAP THAT SHOWS THE ZONING DISTRICTS AND THE PERMITTED USES FOR EACH DISTRICT. THE CITY OF PORTAGE HAS A ZONING COMMISSION THAT REVIEWES AND APPROVES ZONING CHANGES. THE CITY OF PORTAGE HAS A ZONING DEPARTMENT THAT ENFORCE THE ZONING ORDINANCE.



VICINITY MAP
DO NOT SCALE

TO: Planning Commission

DATE: August 12, 2016

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

SUBJECT: Preliminary Report: Rezoning Application #16/17-1, 10332 Shaver Road

I. INTRODUCTION:

An application has been received from Mr. Donald Cochran requesting that 10332 Shaver Road be rezoned from R-1B, one family residential to B-3, general business. The subject property is improved with an approximate 1,328 square foot building and associated gravel parking lot that was previously occupied by a nonconforming office/commercial use (Flowerfield Enterprises - organic composting/earth worm business). Flowerfield Enterprises, which previously occupied the subject site for at least 40 years, vacated the premises in October 2015. Mr. Cochran, who acquired the property in March 2016, is requesting the property be rezoned to B-3 consistent with the Comprehensive Plan, Future Land Use and zoning pattern along the west side of Shaver Road. Building remodeling and construction of a new paved parking lot for a future office/commercial tenant is planned by Mr. Cochran.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
Donald Cochran Jr.	10332 Shaver Road	00032-325-O	R-1B	B-3
One parcel – 0.23 acre				

II. EXISTING CONDITIONS:

Land Use/Zoning	<p><u>Rezoning Site:</u> Approximate 1,328 square foot building (constructed in 1940) and associated gravel parking lot, previously occupied by a nonconforming office/commercial use (Flowerfield Enterprises), zoned R-1B, one family residential.</p> <p><u>North/South:</u> Vacant land zoned B-3, general business.</p> <p><u>East (across Shaver Road):</u> Apartments and RM-1, multiple-family residential zoned properties.</p> <p><u>West:</u> Single family residences zoned R-1B, one family residential.</p>
Zoning/Development History	<p>No rezoning of properties in the surrounding area have occurred in the past 10 years.</p> <p>According to city records, the existing 1,328 square foot building and associated gravel parking lot were constructed in approximately 1940. The site has previously been utilized for office/commercial uses including an earthworm farm/sales and a florist. Since the building and associated gravel parking lot were in existence prior to comprehensive zoning of the city in 1965, they are considered legally nonconforming uses.</p>
Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	Shaver Road is designated a 2-3 lane major arterial roadway with 8,810 vehicles per day (2013) and a capacity of 17,200 vehicles per day (level of service "D").
Public Utilities	Municipal water and sewer are available.
Environmental	The City of Portage Natural Resources Map does not identify any potential wetlands, floodplain or other natural features encumbering or near the subject parcels.

III. PRELIMINARY ANALYSIS:

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use Plan Map and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification.

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Map component of the 2014 Comprehensive Plan identifies the rezoning site, along with properties situated to the north and south (along the west side of Shaver Road) as appropriate for General Business land use. Properties located along the east side of Shaver Road are designated on the Future Land Use Map for High Density Residential land use, while properties located west of the rezoning site are designated for Low Density Residential land use.

While these designations are intended to serve as a general guide for future development and rezoning considerations, specific zoning district boundaries need to be determined on a case-by-case basis considering overall consistency with the Comprehensive Plan/Future Land Use Map, surrounding land use/zoning pattern, development/redevelopment potential, impacts on adjacent properties and other factors.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others) and may suggest incentives to influence community development and adjustments to other policies that influence the use of land for consistency with community development objectives. An evaluation of the Development Guidelines will be provided with the final report and staff recommendation.

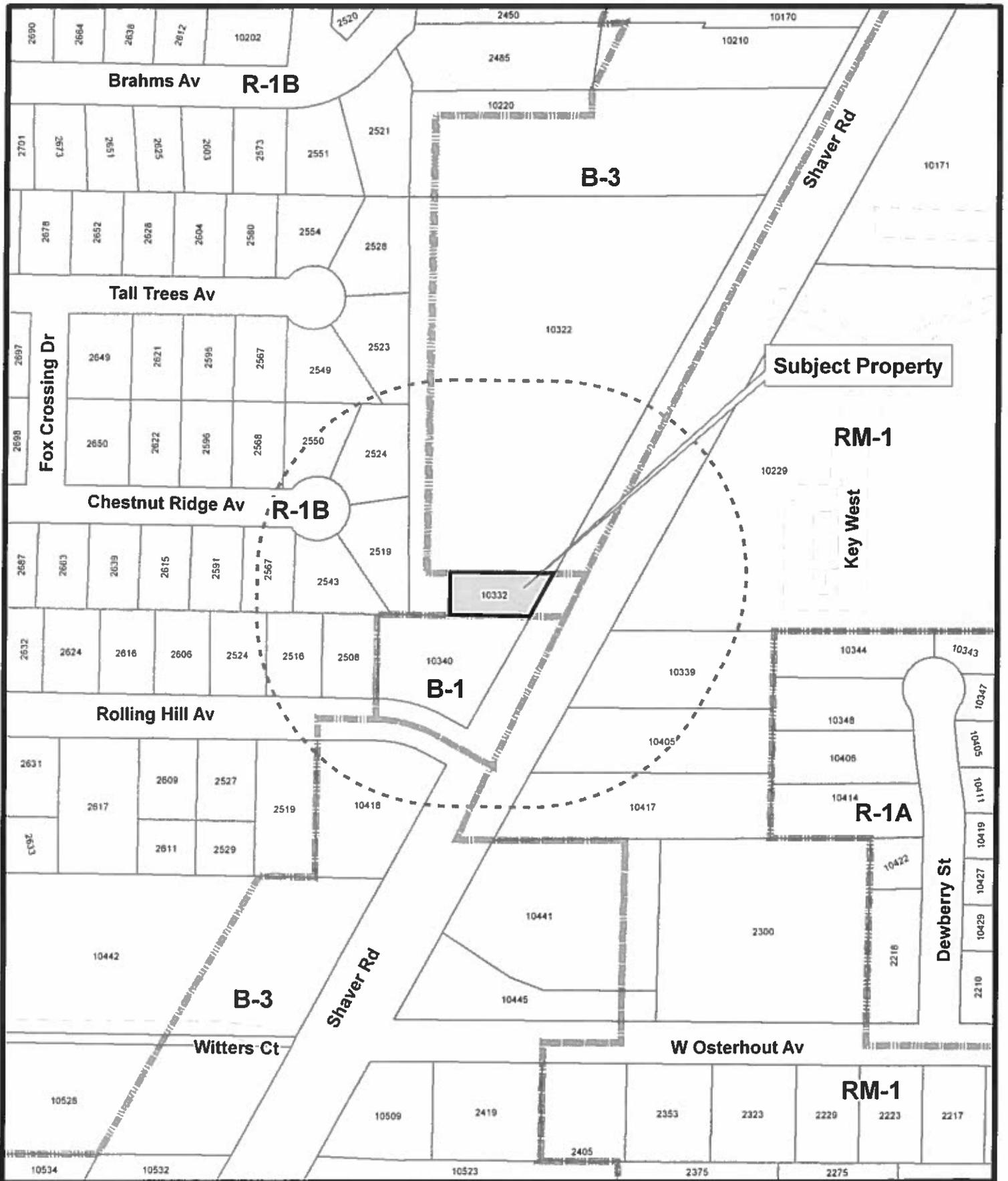
Suitability of Existing R-1B Zone/Impacts of Proposed B-3 Zone. The existing R-1B zoning designation is not suitable for this Shaver Road property and is not consistent with the past use of the property for office/commercial uses. Rezoning the subject property to B-3 would result in a consistent commercial zoning pattern along the west side of Shaver Road and would eliminate the nonconforming status of the existing building/gravel parking lot, while also allowing for future development/redevelopment flexibility and options.

Traffic Considerations. Traffic generation associated with a zoning change from R-1B to B-3 for this 0.23 acre parcel will not be significant and can be accommodated by the surrounding roadway network. Specific access related issues including driveway locations, shared/cross access connections, etc. will be reviewed at the site plan stage of redevelopment.

IV. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, the Commission is advised to receive public comment during the August 18, 2016 meeting and adjourn the public hearing to the September 1, 2016 meeting.

Attachments: Zoning/Vicinity Map
Aerial Photo Map
Future Land Use Map
Rezoning Application

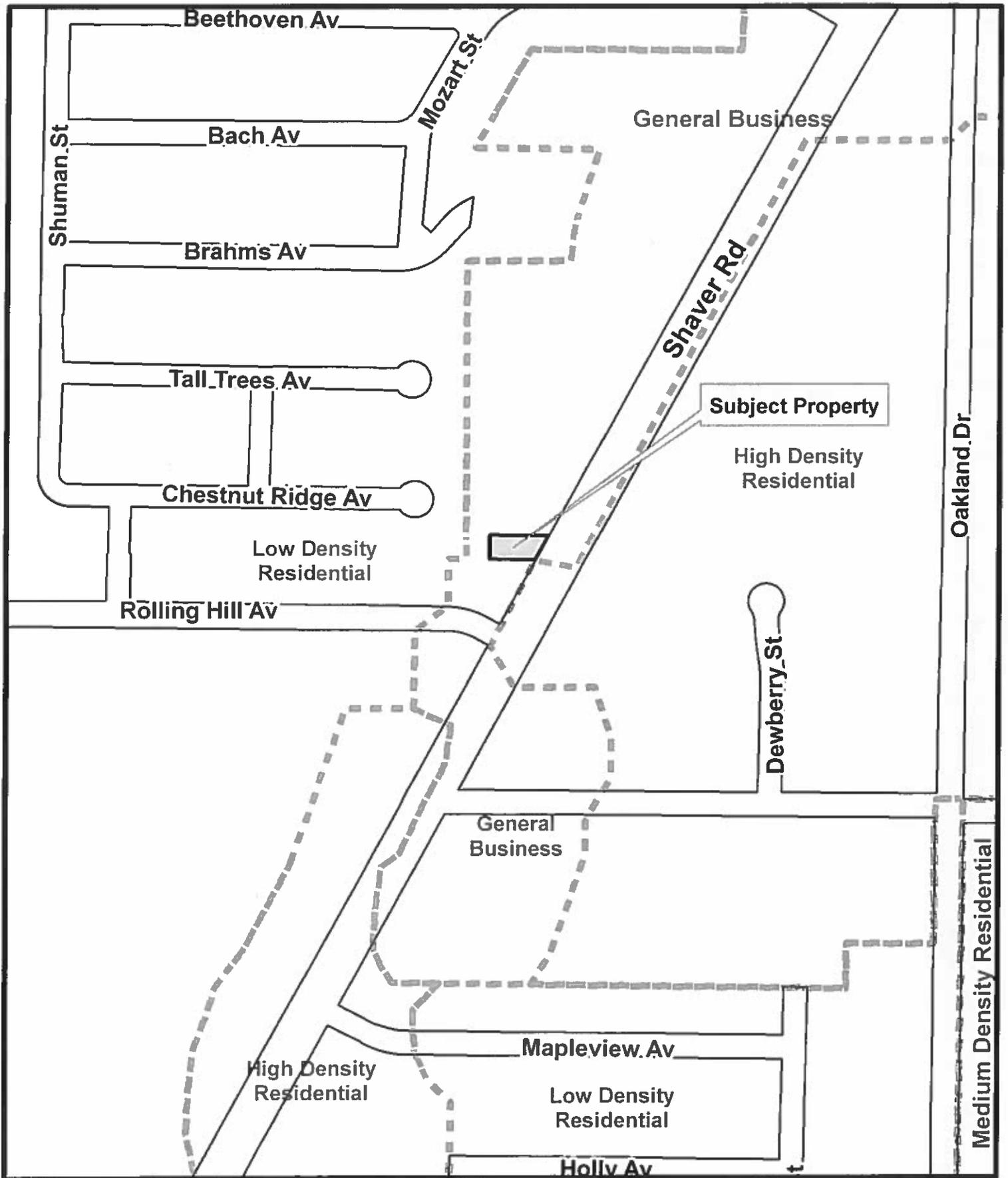


-  300' Notification For Subject Property
-  Subject Property
-  Zoning Boundary

Rezoning: 16/17 - 1
10332 Shaver Road



1 inch = 200 feet

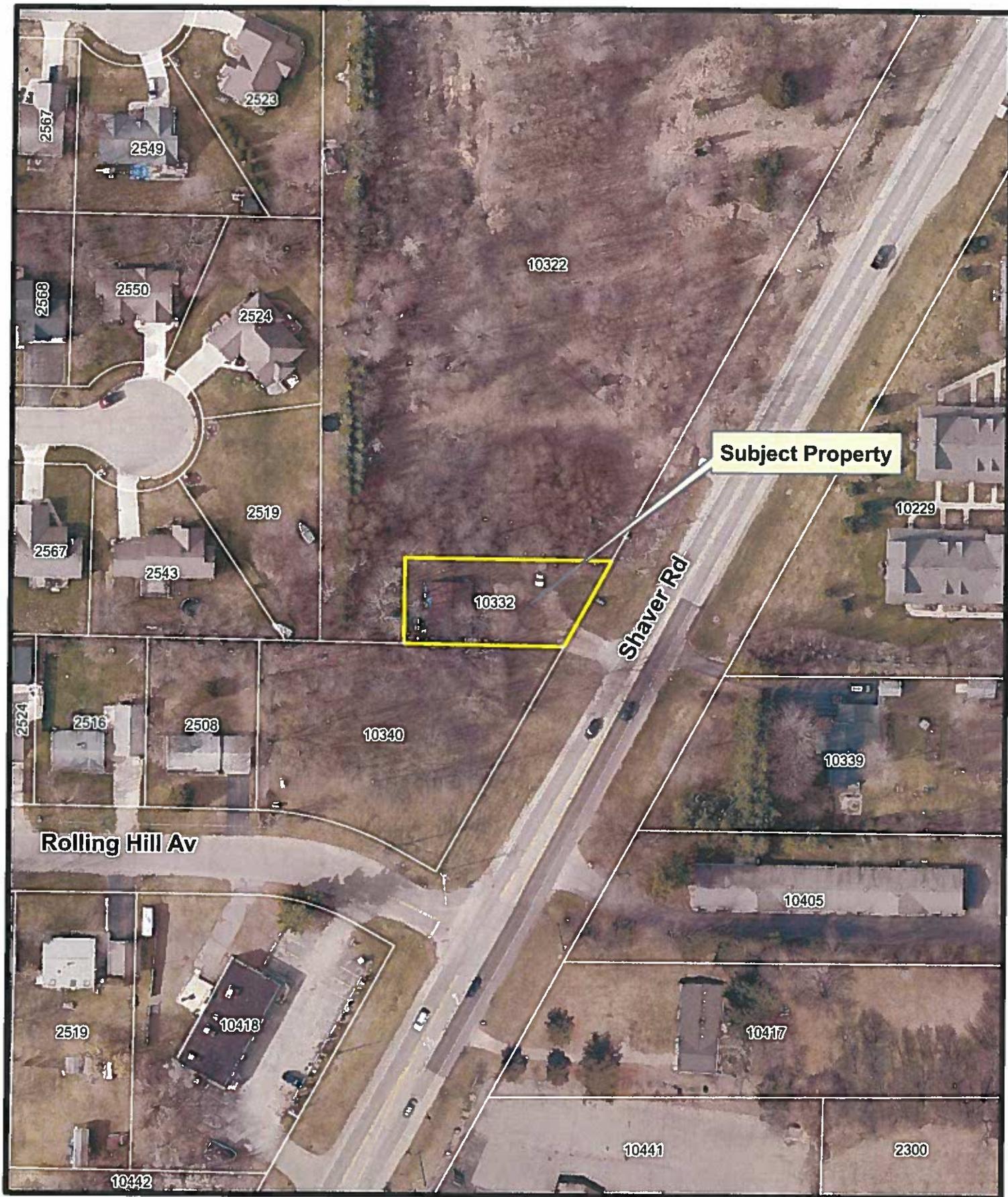


-  Future Land Use
-  Subject Property

Future Land Use 10332 Shaver Road



1 inch = 350 feet



**Aerial Photo
10332 Shaver Road**



1 inch = 100 feet

APPLICATION FOR ZONING AMENDMENT

Application number #16/17-1

Date 7-13-16

APPLICATION INFORMATION:

Meetings of the Portage Planning Commission are held on the first and third Thursday of each month at 7:00 p.m. in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. All zoning amendment applications must be properly filled out and submitted to the Department of Community Development and the zoning amendment fee paid at least 15 working days prior to the meeting at which the public hearing is held. The applicant will be notified in writing of all such public hearing/meetings.

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 2, Subdivision 2.

TO THE PLANNING COMMISSION:

I (WE), the undersigned, do hereby respectfully make application and petition the Portage Planning Commission to amend the Zoning Ordinance and/or change the Zoning Map as hereinafter requested. In support of this application, the following is submitted:

RECEIVED
JUL 13 2016
COMMUNITY DEVELOPMENT

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at 0332 Shawan Rd between Rolling Hill Ave Street and Beethoven Street on the West side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of 75' feet and a depth of 16' feet.

b. Unplatted Land:

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number).

2. a. Do you own the property to be rezoned? Yes No _____

b. Name of the owner of the property to be rezoned: Donald D Cochran

Address 14784 East 5th Ave - Fulton Mi 49052

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: I own existing building on property and want to rent it out

4. CURRENT ZONING: R-1B PROPOSED ZONING: B-3

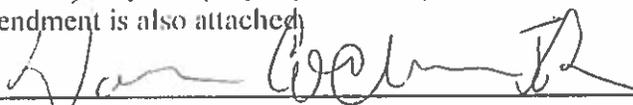
ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.

3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.

	
(Signature of Applicant)	(Signature of Applicant)
<u>14784 East "S" Ave</u>	<u>Fulton Mi</u>
(Address)	(Address)
<u>269 207-6944</u>	
(Phone)	(Phone)

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.

TO: Planning Commission

DATE: August 12, 2016

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

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

I. INTRODUCTION

Consistent with the Planning Commission 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.” These proposed amendments were previously considered by the Commission during the July 7 and July 21, 2016 meetings with the first of two public hearings held on August 4, 2016. 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. Additionally, attached is a highlight and strike version of the ordinance language.

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 has been 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 with a maximum distance of 750 feet.
- 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, that requires the Zoning Board of Appeals to consider an exception where there is an instance of dual function off-street parking where the hours of operation do not overlap, has been deleted and is now incorporated into proposed Section 42-520.O, which includes criteria and a process for the Planning Commission to review and approve reductions in off-street parking requirements. Subsequent section numbering has been updated as a result of this deletion.

Section 42-520.I. 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.L. 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.N.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.N.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, staff has proposed an increase in the applicability provision of this section from 50 to 100 parking spaces is proposed.

During the August 4, 2016 meeting, the Commission discussed retaining the current 50 car parking lot standard as a result of the proposed increase from 10% to 25% exceedance above the minimum number of spaces required. The intent is to streamline the review and approval process for an applicant by reducing unnecessary delays. Staff believes that increasing the threshold to a 100 car off-street parking is appropriate. However, if the Commission believes it is appropriate to retain the current 50 car parking lot standard, staff is not opposed and will modify the proposed ordinance language accordingly.

Section 42-520.O (new section): Recognizing that businesses may have characteristics unique to a certain location or its business operations, the parking requirements for a particular land use 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 be authorized to consider a reduction of no more than 25% of the minimum parking requirements, following a public hearing, and 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 unique characteristics or operational nature of the use, expected level of customer traffic or actual vehicular counts at the same or similar establishment, 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 includes 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, and charging stations for electric vehicles. Also consistent with Complete Streets policies, parking lots should provide to 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 (independent living units that include retirement communities and age-restricted housing projects without full centralized kitchen facilities and may include minimal safety-related on-site services): 1.5 parking spaces per unit.
- Congregate care facility (semi-independent living facility that provides centralized amenities such as dining, housekeeping, transportation, care-giving and organized social/recreational activities): 1 parking space per 2 units plus 1 per employee in the largest working shift.
- Assisted living facility (combination of housing, personalized supportive services and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a convalescent/nursing home.): 1 parking space per 2 units plus 1 per employee in the largest working shift.
- 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.

The current Zoning Code does not include a definition of Senior adult housing, Congregate care facility or Assisted living facility. Consequently, a definition of each was added to Section 42-112. Also, Section 42-221, principal permitted uses in the RM-1 and RM-2 zoning districts, has been revised to include Senior adult housing facility. Section 42-222, Special land uses in the RM-1 and RM-2 zoning districts, has also been revised to include a combined section for congregate care, assisted living and convalescent facilities. The minimum floor area requirements and number of units per acre specified in Sections 42-350(A) and 42-350(B)(7), respectively, would not apply to congregate care, assisted living and convalescent facilities. A minimum lot area including the required area for the main building plus 1,500 square feet per residential bed would be applicable to all three uses, which is included in the current Zoning Code

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.

In response to the discussion during the August 4th Planning Commission meeting, Table 1 provides additional off-street parking information on a select number of existing restaurants that provide waiter/waitress service to the table but no drive-thru provide. The table includes information about the usable floor area used to determine parking requirements, minimum number of off-street parking spaces required under the current standard (1 space per 75 sq. ft. of usable floor area), number of spaces required under the proposed standard (1 space per 60 sq. ft. of usable floor area) and the actual number of on-site parking spaces. As shown in the table, all the restaurants would meet the proposed parking standard. Recognizing there are many restaurants located in the city, if the number of parking spaces for an existing restaurant

did not meet the new standard, it would be considered legally nonconforming and no specific action would be needed unless an expansion of the use was proposed.

The information contained in the table also shows that all the restaurants installed more parking than the minimum required by the current or proposed standard. Although the proposed standard could be increased to require even more off-street parking spaces, a further increase could be burdensome on smaller diner-type restaurants, such as Bucky's Café located on Portage Road and Michelle's located on Romence Road, whose hours of operation and menu may be more limited and, as a result, the demand for parking less.

It is important to note that the current and proposed standards are minimum requirements. Any business can add more parking than the minimum required. However, if the land use requires at least 100 off-street parking spaces (proposed) the amount of additional parking spaces cannot exceed 25% without Planning Commission review/approval. If the Commission supports the increase from a 50 space off-street parking lot to 100 before Commission review/approval becomes necessary, it would result in a more streamlined plan review process saving the business owner additional time and effort. Depending on the type, size and location of a restaurant, off-street parking needs will vary and, as a result, flexibility needs to be maintained.

- 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 1 below compares the effect of the modifications between the existing and proposed parking standards for selected Portage business uses.

Land Use	Building Area (square feet)	Current Ordinance Requirement	Proposed Ordinance Requirement	Current Parking Provided	Difference between Parking Provided & Proposed Ordinance
Crossroads Mall	774,269 ¹	3,871	3,097	3,993	896
Southland Mall	364,287 ¹	1,967	1,457	1,989	532
Meijer, 8850 Shaver Road	134,100 ²	894	671	958	287
Walgreen’s, 5933 South Westnedge	10,374 ²	69	52	70	18
First Source Bank, 2381 W. Centre	2,400 ²	16	12	25	13
Great Lakes Surgery, 7971 Moorsbridge	4,400 ²	44	29	44	15
Zhang Financial, 5931 Oakland	6,137 ²	41	31	55	24
McDonald’s, 6925 South Westnedge	1,804 ²	72	45	79	34
Monelli’s Restaurant, 7141 South Westnedge	5,395 ²	72	90	150	60
Latitude 42, 7842 Portage	3,720 ²	50	62	131	69
Carrabba’s/Red Robin, 5640 South Westnedge	8,456 ^{2, 3}	113	141	191	50
Los Amigos/Wings, Etc. 7375 South Westnedge	7,265 ^{2, 3}	97	121	123	2
Olive Garden, 6700 South Westnedge	5,050 ²	67	84	161	77
Bob Evans, 5641 South Westnedge	3,179 ²	42	53	87	34

¹ GLA – Gross Leasable Area. The total floor area designed for individual tenant occupancy and exclusive use, including basement, mezzanines and upper floors.

² UFA – Usable Floor Area. That area intended to be used for the sale of merchandise and services or for use to serve patrons, clients or customers. Floor area used for storage or processing of merchandise, for hallways, or for utilities or sanitary facilities are excluded.

³ Usable square footage for both buildings was combined since restaurants share the off-street parking lot

III. RECOMMENDATION

Based on the above analysis and subject to any additional discussion/comments received during the August 18, 2016 public hearing, the Planning Commission is advised to recommend to City Council that Ordinance Amendment 15/16-A, Off-Street Parking and Loading Regulations, be approved.

Land Use	Novi	Kentwood	Gaines	Wyoming	Grandville	Kalamazoo	Ohtsimo	Portage	I/E 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 + 1/employee Assisted, convalescent, nursing home - 2/3 beds + 1/employee	Independent living - 2/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: .4/unit COC: 1/unit
Outpatient care facilities	No specific standard	2.5/exam room + 1/lab or recovery room	2/exam room + 1/lab 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	1/150 GFA + 3 standing spaces/window	1/200 GFA + 4 standing spaces/window	3/1000 GFA (no stacking req.)	3/200 GFA + 4 standing spaces/window + 3/walk-up atm	3/1000 GFA	1/130 GFA + 3 standing spaces/line	1/150 UFA (minimum number of standing spaces not specified)	1/150 UFA	Avg. peak period: 4/1000 GFA
General office	<100K - 1/216 >100K - 1/175	1/300 GFA	3/1000 GFA	1/1000 GFA (no less than 5)	4/1000 GFA	1/230 GFA	1/150 UFA	1/150 UFA	Avg. peak period: 2.84/1000 GFA
Medical office	<5K - 1/167 GFA >5K - 1/175	3/exam room + 1/lab 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	1/300 GFA	6/1000 GFA	No specific standard	1/300 UFA + 1/employee	1/100 GFA	1/300 UFA (minimum 4 spaces required)	No specific standard	No specific standard
Salons	3/first 2 chairs + 1.5/each additional chair	3/1st ft	See personal service est.	3/chair	See personal service est.	1/200 GFA	1/100 UFA or 1/work station, whichever is greater	3/first 2 chairs + 1.5/each additional chair	No specific standard
Retail	1/200 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 Food stores: 5/1000 GFA >300K: 4.5/1000 GFA	<300K: 1/305 GFA 300-600K: 1/115 GFA >600K: 1/165 GFA See above	1/150 UFA	1/150 UFA	Avg. peak period: 2.70/1000 GFA
Shopping Center	<400K - 4/1000 GFA 400-600K - 4.5/1000 GFA >600K - 5/1000 GFA	1/250 GFA for first 25K, then 1/300 thereafter	400K - 600K: 4.5/1000 GFA >600K: 5/1000 GFA	Multi-tenant: 1/250 GFA + restaurants	1/250 GFA	See above	1/150 UFA	100K - 600K: 5.4/1000 GFA >600K: 5.0/1000 GFA	<400K GFA: 4.0/1000 400K-600K: 4.0-4.5/1000 GFA >600K: 4.5/1000 GFA
Restaurant (no drive-thru)	1/70 UFA OR 1/2 employees + 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
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 between board & window & 4 before board	1/150 GFA capacity + 4 spaces before board	1/70 UFA + 1/employee in largest shift or 1/3 persons allowed + 1/employee in largest shift	1/25 UFA	Avg. peak period: 3.7/1000 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 1/3 persons allowed + 1/employee in largest shift	1/15 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/stall + 1/employee	1/service stall + 1/200 sq. ft. of retail area + 1/employee.	2/service stall + 1/200 sq. ft. of retail area	3/service stall + 1/200 sq. ft. of retail area + 1/employee.	2/service stall + 1/gas pump.	Avg. peak period: .75/fueling position ¹
Drive thru vehicle maintenance	2.5/stall	No specific standard	No specific standard	2/stall + 1/employee	No specific standard	No specific standard	No specific standard	No specific standard	No specific standard
Gas stations/convenience	3/fuel nozzle + 1/200 UFA	2/service stall + 1/employee + 1/each service area	1/1000 GFA + 1/employee	1/employee + other uses. Each fueling space counts as 1/4 space for other uses	1/service stall + 1/200 sq. ft. of retail area + 1/employee.	1/200 GFA	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	21 @ 65%	20
10,000 sq. ft. office	45	33	30	25	40	30	43	43 @ 65% UFA	28.4
30,000 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	54
200,000 sq. ft. Meijer	800 @ 4/1000	667	800 @ 4/1000	800	1000	656	1,067	1,067	660 @ 3.3/1000 ¹
800K sq. ft. mall	1600	2667	4000	3200	3600	3,019	4,267	4000	3600
2,000 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

¹Urban Land Institute recommendation

²and Use Code 912 (p. 322). Saturday count with a bar.

³and Use Code 934 (p. 337). Saturday count.

⁴and Use Code 945 (p. 345). Includes convenience market

⁵and Use Code 945 (p. 345). Includes vehicle service

⁶Used Land Use Code 813 (Discount Superstore) and used the median between the supply rate and peak demand ratio

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS; SEC. 42-221 and 222, RM-1, MULTI-FAMILY
RESIDENTIAL DISTRICT; DIVISION 6, SUBDIVISION 1, OFF-STREET PARKING AND
LOADING; OF ARTICLE 4, ZONING, OF CHAPTER 42, LAND DEVELOPMENT
REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. - Definitions.

~~*Housing for the elderly:* A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons 60 years of age or older or couples where either the husband or wife is 60 years of age or older. This does not include a development that contains convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being sections 330.61 and 330.62 of the Compiled Laws of 1948.~~

Senior adult housing: Independent living units that include retirement communities and age-restricted housing projects without full centralized kitchen facilities and may include minimal safety-related on-site services.

Congregate care facility: A semi-independent living facility that provides centralized amenities such as dining, housekeeping, transportation, care-giving and organized social/recreational activities.

Assisted living facility: A combination of housing, personalized supportive services and health care designed to meet the individual needs of persons who need help with the activities of daily living, but do not need the skilled medical care provided in a convalescent/nursing home.

Sec. 42-221 – Principal Permitted Uses

A. through S. No change.

T. Senior Adult Housing Facility

~~U.~~ U. Personal service establishments, including barbershops, beauty shops and health salons, accessory to the uses permitted in this section.

~~V.~~ V. Accessory buildings and uses, in accordance with the provisions of Section 42-121.

Sec. 42-222. – Special Land Uses

~~A.~~ Housing for the elderly.

- ~~1.~~ 1. All housing for the elderly shall have a minimum site area of five acres.
- ~~2.~~ 2. The following uses may be provided as part of the development.

- a. ~~One family detached, attached, and/or multifamily dwelling units;~~
- b. ~~Common services containing, but not limited to, central dining rooms, recreational rooms, a central lounge and workshops.~~
- 3. ~~All dwellings shall consist of at least 350 square feet per unit, not including kitchen and sanitary facilities.~~
- 4. ~~No building shall exceed 30 feet in height.~~

A. Congregate care, assisted living, and convalescent homes

- 1. The minimum floor area per dwelling unit requirements specified in Section 42-350(A) and number of units per acre specified in Section 42-350(B)(7) shall not apply to assisted living and convalescent care facilities.
- 2. The minimum lot area shall be equal to the area required for the main building plus 1,500 square feet of lot area per resident bed.

B. ~~Convalescent homes.~~

- 1. ~~The minimum lot area for the convalescent home shall be equal to the area required for the main building plus 1,500 square feet of lot area per patient bed.~~
- 2. ~~All buildings shall have a minimum setback of 40 feet to any property line.~~
- 3. ~~No building shall exceed 30 feet in height.~~

G. B. Adult foster care large group homes.

- 1. The site shall be so located as to have one property line abutting a major or collector thoroughfare as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare or marginal access service drive thereof. The planning commission may allow access from a local street when it finds that no adverse effects on the surrounding area would result.
- 2. The parking area shall be screened in accordance with Section 42-572.

D. C. Accessory uses designed primarily to benefit residents of multifamily dwellings, housing for the elderly or convalescent homes provided they are located entirely in an RM-1 and/or an RM-2 district.

E. D. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.

Sec. 42-520. – General Requirements

A. through B. No change.

- C. 1. Off-street parking for a nonresidential use shall not be allowed in a residential district.
- 2. Off-street parking shall be on the same zone and same zoning lot it is intended to serve unless such parking area is within or abutting a P-1, vehicles parking district, except as provided below.
- 3. Subject to Planning Commission review and approval, an off-street parking lot does not have to be located on the same zoning lot it is intended to serve subject to all of the following:
 - a. The off-street parking lot shall be located within 500 feet of the public entrance into the building.
 - b. A minimum four foot wide paved sidewalk from the parking lot to the building entrance is available for pedestrian use.

- c. The off-street parking lot shall not be on the opposite side of a major or minor arterial roadway (as defined in the Comprehensive Plan) unless access to a signalized intersection with a crosswalk or refuge island is available for pedestrians. The walking distance from the parking lot to the building entrance by way of the signalized intersection cannot exceed 750 feet.
- d. The amount of off-site parking shall be limited to no more than 25% of the minimum Zoning Code requirement.
- e. A parking agreement must be executed between property owners and recorded with the Kalamazoo County Register of Deeds.

D. through G. No change.

~~H.~~ ~~In the instance of dual function of off-street parking spaces where operation hours of buildings do not overlap, the zoning board of appeals may grant an exception.~~

~~H.~~ H. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited

~~J.~~ I. For those uses not specifically mentioned in this section, the requirements for off-street parking facilities shall be in accordance with a use that the ~~planning commission~~ Director considers similar in type. Should the Director determine that review by the Planning Commission is necessary due to unique or unusual circumstances, the Director may, with 10-day written notice to the applicant, refer this matter to the Commission. A person aggrieved by a final decision of the Director may file an appeal with the Planning Commission specifying the grounds thereof within 30 days of receiving notice of the Director's decision.

~~K.~~ J. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, a fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

~~L.~~ K. For the purpose of computing the number of parking spaces required, the definition of usable floor area set forth in Section 42-112 shall govern.

~~M.~~ L. Barrier-free parking shall be provided and constructed in accordance with the general rules of the state construction code commission. ~~under authority of Public Act No. 230 of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.).~~

~~N.~~ M. Deferred parking.

1. through 3. No Change

~~O.~~ N. Maximum parking requirement.

1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of storm water runoff, no parking lot shall have parking spaces totaling more than an amount equal to ~~ten~~ twenty-five percent greater than the minimum parking space requirements, as determined by the Schedule of off-street parking requirements, Section 42-523, except as may be approved by the planning commission.
2. In granting additional parking spaces, the Planning Commission shall determine such parking will be necessary to accommodate the use on a typical day, based on documented evidence provided by the property owner or applicant.
3. This subsection shall apply only to those parking lots that require a minimum of ~~50~~ 100 parking spaces as required in Section 42-523.

O. Reduction in parking requirements.

1. The minimum parking spaces as required in Section 42-523 shall apply, unless the applicant demonstrates by clear and convincing evidence, that there are substantial reasons for a reduction of no more than 25% of the required parking due to the existence of a combination of the following:
 - a. The use requires less off-street parking than the minimum required based on the nature and character of the use, considering the unique, specialized operations causing the level of customer traffic or actual vehicular counts to be lower than those expected of the same or similar use contained in Section 42-523.
 - b. Shared parking by multiple uses where there will be a high proportion of multipurpose visits or uses have peak parking demands during differing times of the day or days of the week. Pedestrian connections shall be maintained between the uses.
 - c. Expectation of walk-in trade due to sidewalk connections to adjacent residential neighborhoods or employment centers which are of sufficient density and intensity. The site design shall incorporate pedestrian connections to the site and on-site pedestrian circulation providing safe and convenient access to the building entrance.
 - d. Availability of other forms of travel such as the distance from a designated Metro Transit bus stop and the location of bike routes. The Planning Commission may require the site design incorporate transit stops, pedestrian connections to nearby transit stops or bicycle parking facilities.
 - e. Any other reason which, in the Planning Commission's determination, would provide a substantial reason for a reduction in the minimum parking requirements.
2. The Planning Commission shall not grant a reduction in the minimum parking requirements if it determines that the lower demand for parking will or may be temporary in nature.
3. The Planning Commission may also consider City policies regarding local traffic circulation, as well as all aspects of the City's Comprehensive Plan.
4. Before relief can be granted by the Planning Commission, the applicant shall demonstrate either of the following:
 - a. The use involved is not specifically included in the minimum parking space requirements of Sec. 42-523; or
 - b. If the use involved is included in Sec. 42-523, then it possesses such specialized and unique characteristics causing it to be substantially different from the use so included in Sec. 42-523.
5. 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.

6. An applicant who desires relief from the minimum requirement of parking spaces shall file a request with the Planning Commission specifying the grounds thereof in accordance with this section. The Planning Commission may decide the request during site plan review or at such other time as determined by the Director or the Planning Commission. The Director shall transmit to the Planning Commission all the materials constituting the record needed to make its decision as well as a recommendation. If a request for relief under this section is heard at the same time as a site plan, or any other approval, the procedures, standards and requirements for each shall be satisfied.
7. The Planning Commission shall hold a public hearing in accordance with the requirements of the Zoning Enabling Act to consider an applicant's request for relief to reduce minimum parking requirements.
8. In granting relief under this section, the Planning Commission may place reasonable conditions in conjunction with the decision to protect the health, safety and welfare of City residents as well as the traveling public, to ensure adequate traffic circulation, to protect the residents and land owners immediately adjacent to the proposed land use activity and to assure that the reduction of the minimum parking requirements will not result in overcrowding, traffic hazards or other consequences which may arise from the relief granted or from the possibility of inadequate parking spaces.

Sec. 42-521. – Design, construction and maintenance of parking areas.

A. through D. No change.

E. Whenever the off-street parking requirements of this article require the building of an off-street parking facility, or where P-1 vehicular parking districts are provided, such off-street parking lots shall be laid out, constructed and maintained in accordance with the standards and regulations of this section and Chapter 66, Article 3 – Access Management.

F. through H. No change.

I. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphalted or concrete surfacing in accordance with specifications approved by the director of transportation and utilities. Parking areas shall be surfaced within one year of the date the permit is issued. 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.

J. through K. No change.

L. Consistent with the City of Portage Comprehensive Plan and Complete Streets Policy, as amended, new or reconstructed off-street parking lots should incorporate the following:

1. Low impact parking lot design alternatives such as rain gardens, bio-swales, pervious pavement, charging stations for electric vehicles and other green/sustainable techniques.

2. Pedestrian connection from the public sidewalk to the main building entrance.

3. Bicycle racks that accommodate a minimum of four bicycles.

Sec. 42-522. – Loading Facilities

A. No change.

B. Except as otherwise required in E, below, off-street loading spaces shall be provided in ~~nonresidential~~ commercial and industrial districts in the rear yard in the ratio of at least

one space per each establishment and shall be provided in addition to any required off-street parking area. If the adjacent land area is zoned residential or designated for residential use in the planned development, the loading area may be located in the rear or side yard.

C. through G. No change.

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

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TO: Planning Commission

DATE: August 12, 2016

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

SUBJECT: FY 2015-16 Planning Commission Work Program Final Update and Proposed FY 2016-17 Work Program.

I. INTRODUCTION:

The Planning Commission customarily adopts an annual Work Program that includes the duties and responsibilities of the Commission per statute and local ordinance, incorporates approved City Council Advisory Board Goals and Objectives and City Council Mission Statement and Goals & Objectives. The FY 2015-16 Work Program was adopted by the Planning Commission in July 2015. Progress made by the Commission on these work items during the past fiscal year is summarized below.

II. FY 2015-16 WORK PROGRAM:

- 1) *Continue to implement the five prioritized strategies from the 2014 Comprehensive Plan, as determined in August 2014: 1) Inconsistencies between the Zoning Map and Future Land Use map; 2) Development of a Complete Streets Policy; 3) Lake Center Business Area Overlay Zoning District; 4) Lake Front Regulations; and 5) Zoning Text Amendments.*

During the past fiscal year, progress was made on addressing inconsistencies between the Zoning Map and Future Land Use Map [Rezoning Applications #15/16-1, 710 and 732 East Centre Avenue; Rezoning Application #15/16-2 (expanded), Admiral Avenue/Dorset Street; Rezoning Application #15/16-3, 328 and 414 West Milham Avenue; Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue; Rezoning Application #15/16-5, 715 West Osterhout Avenue] and Zoning Code Text Amendments (Ordinance Amendments #15/16-A, Off-Street Parking and Loading Regulations). A further discussion of these activities is provided below. At the July 16, 2015 meeting, the Planning Commission continued review and discussion of the draft Complete Streets Policy and subsequently voted 7-0 to recommend to City Council adoption of the Complete Streets Policy. Additional work activities on the five prioritized implementation strategies will continue into FY 2016-17.

- 2) *Continue to guide development to appropriately planned area of the community and consider the protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well organized, balanced, sustainable, and efficient use of land at densities that:*

- Meets the current and future needs of city residents
- Protects key natural and historic resources
- Complements the existing and planned capacity of streets and infrastructure

The Planning Commission continues to guide development consistent with the Comprehensive Plan Update/Future Land Use Map and remains cognizant of the impacts development may have on environmentally sensitive land areas. Additionally, the Planning Commission also continues to ensure new development projects are designed consistent with applicable ordinances through review of site plans, special land use permits, planned developments, plats and other development proposals.

3) *During project plan review, consider the following:*

- *Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.*
- *Adjacent residential neighborhood protection measures.*
- *Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map including regulated wetlands, ground water and surface water through the use of green development practices or other appropriate measures.*

During the past fiscal year, the Planning Commission has reviewed/approved the following private development projects: Public Street Vacation Request for South Portion of Harris Drive; Tentative Plan Amendment for Oakland Hills at Centre, 2275, 2301, 2381 and 2401 West Centre Avenue and 8080 Oakland Drive; Historic District Modification, 10234 East Shore Drive; Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court; Land Division Involving Public Improvements for Martin Luther King Drive, 6601 Constitution Boulevard; Special Land Use Permit for Angelworks Photography, 865 Lenox Avenue; Final Plan for Whisper Rock (Phase I), 2275 West Centre Avenue; Height Modification/Specific Plan for Trade Centre III Office Building, 650 Trade Centre Way; Final Plan for Raymond James Financial, 7995 Moorsbridge Road; Special Land Use Permit for Group Child Care Home (Bowden), 10606 Oakland Drive; Special Land Use Permit for Group Child Care Home (Lansdale), 4020 Pompano Avenue; Specific Plan for Walmart Supercenter Expansion, 8350 Shaver Road; Preliminary Plat for Whispering Meadows No. 4, 6513 Angling Road; Special Land Use Permit for KEPS Technologies (Verizon antenna collocation), 6301 South Westnedge Avenue; Height Modification/Special Land Use Permit/Site Plan for Dockerty Memory Care, 710 and 732 East Centre Avenue; Site Plan for Chick-Fil-A, 6202 South Westnedge Avenue; Accessory Building (Fawley), 10848 Cora Drive; and Site Plan for Pfizer (north warehouse addition), 7171 Portage Road.

Several of the projects listed above included shared/cross access arrangements, measures to protect adjacent residential uses and/or protection of environmentally sensitive areas including Oakland Hills at Centre/Whisper Rock, Greenspire Apartments (Phase V), Raymond James Financial, Walmart Supercenter Expansion and Chick-Fil-A.

4) *Consider and act appropriately upon site-specific rezonings in the context of the Comprehensive Plan in an effort to encourage sustainable residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.*

Five rezoning applications were considered and acted upon by the Planning Commission during the past fiscal year and included: Rezoning Application #15/16-1, 710 and 732 East Centre Avenue; Rezoning Application #15/16-2 (expanded), Admiral Avenue/Dorset Street; Rezoning Application #15/16-3, 328 and 414 West Milham Avenue; Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue; Rezoning Application #15/16-5, 715 West Osterhout Avenue. The Planning Commission recommended approval of all five of these rezoning applications and City Council subsequently approved four of the rezoning application: Rezoning Application #15/16-5 was withdrawn by the applicant after Planning Commission review/recommendation and before City Council consideration.

- 5) *Consider Zoning Code text amendments including, but not limited to, City Council referrals and ordinances that emphasize, as appropriate, a green, sustainable and healthy community focus and assist with implementation of the updated Comprehensive Plan, amongst others.*

At the June 2, 2016 meeting, the Planning Commission began review of proposed amendments to the off-street parking and loading/unloading regulations (Ordinance Amendment #15/16-A). A public hearing to formerly consider Ordinance Amendment #15/16-A was held at the August 4, 2016 Planning Commission meeting and will be concluded at the August 18, 2016 meeting.

- 6) *When appropriate, engage the Youth Advisory Committee in the planning process.*

The Commission engaged the Youth Advisory Committee through an invitation to participate in the September 2016 CIP Open House.

- 7) *Review and recommend the annual Capital Improvement Program.*

At the August 20, 2015 and September 3, 2015 meetings, the Planning Commission and staff discussed changes being made to the FY 2016-2026 Capital Improvement Program (CIP) process including extensive public outreach, a CIP web site, an on-line citizen survey and a CIP "Open House" in an effort to solicit citizen and Planning Commission input earlier in the CIP process. On September 28, 2015, city staff and members of the Planning Commission hosted a CIP "Open House" to provide additional opportunity for public input into the CIP process.

At the September 3, 2015 meeting, the Planning Commission reviewed and recommended approval of two amendments to the FY 2015-2025 CIP to include proposed South Westnedge Avenue/Romence Road intersection safety improvements and purchase of a fire pumper replacement vehicle in FY 2015-2016.

At the January 21, 2016 meeting, staff provided the Planning Commission a DRAFT version of the FY 2016-2026 CIP document for review and discussion. The Planning Commission again reviewed the FY 2016-2026 CIP document at the March 3, 2016 and March 17, 2016 meetings and subsequently voted unanimously to recommend to City Council approval of the FY 2016-2026 CIP.

8) *Review and adopt the Annual Major Thoroughfare Plan Status Update.*

An update to the Major Thoroughfare Plan was incorporated into the development and adoption of the 2014 Comprehensive Plan.

At the April 7, 2016 meeting, staff and the Planning Commission discussed the Portage Road Traffic Study/Road Diet Feasibility Study completed by CESO. On May 5, 2016, staff and the Planning Commission hosted an “Open House” to discuss the findings of the study with Portage Road property owners and other interested citizens and to solicit input and public comment regarding possible changes along Portage Road. A follow-up meeting to discuss public input received during the “Open House” and possible next steps was held on June 2, 2016.

9) *Continue to engage in continuing education through various Planning Commission training options including continued review of professional planning publications and information available through the Michigan Association of Planning (MAP) and American Planning Association (APA) web sites, participation in webinars and/or conferences sponsored by professional planning organizations, and participation in training sessions presented by staff and/or City Attorney.*

The MAP and Planning and Zoning News newsletters continue to be provided to the Commission. On-line training and educational materials are also accessible to the Commission through the MAP and APA websites. At the August 20, 2015 meeting, staff provided a short presentation and copies of articles related to Placemaking Concepts for review and discussion with the Planning Commission. The Planning Commission and staff also discussed Community Impact Enhancement Grant Programs during meetings in April, May and June, 2016 meetings.

10) *As requested, forward update to goals for FY 2015-16 (November 2015 and April 2016) and recommended goals for FY 2016-17 (April 2016).*

Updates were not requested, and therefore, not provided to City Council in November 2015 and April 2016. In April 2016, the Planning Commission provided City Council Recommended FY 2016-17 Goals and Objectives.

III. FY 2016-17 WORK PROGRAM (PROPOSED):

The proposed FY 2016-17 Planning Commission Work Program has been prepared and is attached for review and consideration. While the Approved FY 2016-17 Advisory Boards and Commissions Goals and Objectives, along with the FY 2016-17 City Council Mission Statement and Goals & Objectives, are typically provided to the Commission for consideration during review and approval of the Work Program, these have not yet been finalized. Since the Council assigned Planning Commission Goals & Objectives typically mirror the suggested Goals & Objectives recommended by the Commission in March, attached is a copy of the FY 2016-17 Goals & Objectives as recommended by the Commission in April 2016. If Council modifies the Planning Commission recommended FY 2016-17 Goals & Objectives, the Commission can amend the Work Program at a later date.

The Commission is advised to review and discuss the attached materials during the August 18, 2016 meeting and, if no further changes, adopt the FY 2016-17 Planning Commission Work Program.

Attachments: FY 2016-17 Planning Commission Work Program (PROPOSED)
Planning Commission Recommended FY 2016-17 Goals and Objectives (April 2016)

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FY 2016-17 PLANNING COMMISSION WORK PROGRAM

The FY 2016-17 work program reflects the established duties and responsibilities of the Planning Commission as specified by statute and local ordinance, and the guidance provided by the City Council Mission Statement and Goals & Objectives for the community.

The following work program outlines activities of the Planning Commission for FY 2016-17.

- 1) Continue to implement strategies from the 2014 Comprehensive Plan including: 1) Inconsistencies between the Zoning Map and Future Land Use map; 2) Lake Center Business Area Overlay Zoning District; 3) Lake Front Regulations; and 4) Zoning Text Amendments.
- 2) Continue to guide development to appropriately planned area of the community and consider the protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well organized, balanced, sustainable, and efficient use of land at densities that:
 - Meets the current and future needs of city residents
 - Protects key natural and historic resources
 - Complements the existing and planned capacity of streets and infrastructure
- 3) During project plan review, consider the following:
 - Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
 - Adjacent residential neighborhood protection measures.
 - Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map including regulated wetlands, ground water and surface water through the use of green development practices or other appropriate measures.
- 4) Consider and act appropriately upon site-specific rezonings in the context of the Comprehensive Plan in an effort to encourage sustainable residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.
- 5) Consider Zoning Code text amendments including, but not limited to, City Council referrals and ordinances that emphasize, as appropriate, a green, sustainable and healthy community focus and assist with implementation of the updated Comprehensive Plan, amongst others.
- 6) When appropriate, engage the Youth Advisory Committee in the planning process.
- 7) Review and recommend the annual Capital Improvement Program.
- 8) Review and adopt the Annual Major Thoroughfare Plan Status Update, as necessary.

 **DRAFT**

- 9) Continue to engage in continuing education through various Planning Commission training options including continued review of professional planning publications and information available through the Michigan Association of Planning (MAP) and American Planning Association (APA) web sites, participation in webinars and/or conferences sponsored by professional planning organizations, and participation in training sessions presented by staff and/or City Attorney.

- 10) As requested by City Council, forward recommended Planning Commission goals and objectives for FY 2017-16 (April 2017).

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: April 22, 2016
SUBJECT: Recommended FY 2016-2017 Goals and Objectives

The purpose of this communication is to recommend FY 2016-2017 Planning Commission goals and objectives for City Council consideration.

Recommended 2016-2017 Goals and Objectives

1. Continue to implement prioritized strategies from the 2014 Comprehensive Plan as identified in the annual adopted work program.
2. Continue to consider Zoning Code text amendments including, but not limited to, City Council referrals and ordinances that emphasize a green, sustainable and healthy community focus and assist with implementation of the 2014 Comprehensive Plan, amongst others.
3. Consider and act appropriately upon site-specific rezonings in the context of the 2014 Comprehensive Plan, City Centre Sub-Area Plan and Lake Center Sub-Area Plan to encourage sustainable residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.
4. Continue to guide development to appropriately planned areas of the community and consider the protection of environmentally sensitive areas such as those identified on the City of Portage Natural Features Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well organized, balanced, sustainable, and efficient use of land at densities that:
 - Meets the current and future needs of city residents
 - Protects key natural and historic resources
 - Complements the existing and planned capacity of streets and infrastructure
5. During project plan review, consider the following:
 - Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
 - Adjacent residential neighborhood protection measures.
 - Protection of environmentally sensitive areas.
6. Review and recommend the annual Capital Improvement Program.
7. Review and adopt the Annual Major Thoroughfare Plan Status Update, as necessary.
8. Forward recommended goals for FY 2017-18 (April 2017).
9. Respond to all City Council referrals and directives.

If Council needs any further information, please advise.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION



Paul Welch
Chairman

TO: Planning Commission**DATE:** August 12, 2016**FROM:** Vicki Georgeau ^{VG} Director of Community Development**SUBJECT:** Community Impact Project – draft proposal from Commissioner Dargitz

During the past several Planning Commission meetings, the Commission has been discussing a proposal initiated by Commissioner Dargitz to fund neighborhood or community improvement/enhancement projects. At the August 4, 2016 meeting, Commissioner Dargitz presented a draft proposal for a “Community Enhancement/Neighborhood Improvement Grants” program for review and consideration by the Planning Commission. Following the August 4th discussion, the consensus of the Commission was to proceed with the proposal as a Capital Improvement Program (CIP)-funded project involving improvements on public property only. This alternative would ensure all neighborhood areas of the city have an equal opportunity to propose neighborhood/community-based enhancement projects. Projects could be submitted by any neighborhood resident or organization, evaluated and a recommendation for financing be provided to City Council.

The City Administration is supportive of the CIP alternative. As the Commission is aware, the FY2017-18 CIP process is just getting underway and an article for the September issue of the Portager requesting public input via an on-line survey and participation during an open house scheduled for September 29th has been prepared. The article includes reference to this Planning Commission initiated CIP project. Also, the on-line survey will include a question/comment requesting ideas for neighborhood/community-based enhancement projects.

At this time, it is recommended the Planning Commission form a subcommittee to prepare information related to the CIP project such as the project profile and evaluation criteria since a competitive award process is anticipated. Staff will also be able to assist the subcommittee with the preparation of information related to this project.

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MATERIALS TRANSMITTED

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
June 2016 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-Beginning in 1991, South Westledge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. The 2 nd year of AHC's contract is underway with annual testing ongoing.
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. -Review of 5 <i>site/building plan and/or plats completed in June 2016.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	-Sanitary sewer hookup permits issued in June 2016: 8 residential; 1 commercial.
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	-Five Year Lake Management Assessment District process was approved by City Council. The West Lake Improvement association has completed a five year plan for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is complete. The Association has selected to use Restorative Lake Sciences, LLC for consulting services 2015 weed

treatment bids were received on February 24, 2015. City Council approved weed treatment contract with Professional Lake Management Company on April 10, 2015. Weed treatment was completed in June. The Association has elected to renew the contract with Restorative Lake Science for 2016. *Weed treatment is complete for 2016.*

Retention Basin
Sampling Program
(Groundwater
Elevation)

Investigation regarding potential impact of retention basins on groundwater levels.

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring performed in October 2014 and July 2015. Monthly sampling at two retention basins continues. *Current findings show groundwater levels have stabilized over the 2015 levels.*

Wellhead Protection
Program (WHPP)

Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

-Current Wellhead Protection was originally approved in 2001. Staff participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program has been initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work is complete. Final report preparation was submitted to the Michigan Department of Environmental Quality for review and approval. Letter of approval received from MDEQ on June 15, 2015. Program implementation is ongoing.

Leaf Compost
Monitoring Program

Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.

- City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi-annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2015, with report submitted. No significant change in groundwater impacts. 2016 report due in July.

National Pollution
Discharge Elimination

Five year plan to implement the current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New

System (NPDES)
Permit Implementation

permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. MDEQ concurred with city staff response. New permit application process announced in November 2014. New permit application was submitted in March 2015. Semi-annual report submitted to MDEQ on December 21, 2015. Implementation is ongoing.

National Pollution
Discharge Elimination
System (NPDES)
Permit Implementation

Kalamazoo River Mainstream
Watershed Management Plan

- Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.

Portage River Watershed
Management Plan

-Original proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. Grant for watershed update was awarded to Calhoun County Conversation District. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Canoe trip inspection was held on September 13, 2014. No new developments.

Plan to implement and maintain an
Illicit Discharge Elimination Program
(IDEP) Storm Sewer Outfall Testing.

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled for 2014 were completed in July with summary report received. Report submitted to MDEQ as part of the annual report. *Report received in June 2016 and under review.*

Garden Lane Arsenic
Removal Facility

Native Prairie Restoration

Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational signs are complete and maintenance is ongoing. Native prairie burn completed in March 2016. Staff assisting the Environmental Board with

invasive species.

Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	Emergency spill response contract for 2016-17 with Terra Contracting has been renewed. <i>The number of environmental incident/spill investigations performed in June – 1. Number of environmental cleanups in June– 0.</i>
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.	On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDEQ for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.
Deer Management	Assist the Environmental Board with the impact of the native deer population in the city.	In the fall of 2015, the Environmental Board conducted several on-line surveys to determine the public opinion of deer/human interaction in the city. On April 14, 2016, an open forum was held to discuss results of the survey, deer population estimation and gauge public opinion on deer impacts to public safety health and private property damage. Investigation work in conjunction with the board is ongoing.

CITY COUNCIL MEETING MINUTES FROM JULY 12, 2016

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

At the request of Mayor Pro Tem Ansari, Tim Earl provided words of encouragement and invoked the human history that led to our institution of government, 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, Jim Pearson, Patricia M. Randall, Claudette Reid and Terry Urban, and Mayor Pro Tem Nasim Ansari. Mayor Peter Strazdas was absent with notice. Also in attendance were City Manager Larry Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Pearson, seconded by Urban, to approve the Regular Meeting Minutes of June 14, 2016, and the Regular Meeting Minutes of June 28, 2016, as presented. Upon a roll call vote, motion carried 6 to 0.

Motion by Reid, seconded by Ansari, to receive the Pre-Council Meeting Notes of July 11, 2016, as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Ansari asked Councilmember Urban to read the Consent Agenda. Councilmember Urban asked that Item F.1, Gourneck Lake – Creation of Governmental Lake Board, be removed from the Consent Agenda, and Councilmember Reid asked that Item F.2, City Council Wireless Device Stipend, be removed from the Consent Agenda.

Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 12, 2016:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of July 12, 2016, as presented. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

GOURDNECK LAKE – CREATION OF GOVERNMENTAL LAKE BOARD: At the request of Mayor Pro Tem Ansari, Councilmember Urban indicated that he asked that the item be removed from the Consent Agenda in order for Council to consider appointing a Portage representative to the Lake Board to enable them to get started right away; otherwise, he implied that the delay would be unnecessary and even costly to the lake property owners. Mayor Pro Tem Ansari indicated Council should take some time and discuss the appointment issue. Motion by Urban, seconded by Pearson, to accept the request of the Gourneck Lake Association and adopt a Resolution to establish a lake board for Gourneck Lake, in accordance with Part 309 of Public Act 451 of 1994, Inland Lake Improvements.

Councilmember Reid asked how quickly the Lake Board will get started once Council adopts the Resolution, and is there work that needs to be accomplished this summer, so that identifying a representative sooner rather than later might be advantageous for the Lake Board. Discussion followed. Mayor Pro Tem Ansari invited Transportation & Utilities Director Chris Barnes and Gourneck Lake Association Representatives to address these questions. At the request of Councilmember Ford, Mr. Barnes indicated that Schoolcraft Township adopted their Resolution at an earlier meeting. Mr. Barnes introduced Gourneck Lake Association President Chris Haas, who indicated it would be great to begin right away, explained the process required according to Act 451 and the timeframe for treatment which will be in Spring 2017 at the earliest. Councilmember Urban pointed out that it is too late to get an assessment on the winter tax bill, so it may be as late as 2018 before the Governmental lake Board can begin treatment. Discussion followed.

Councilmember Pearson indicated he was on the Austin Lake Governmental Lake Board and concurred with Councilmember Urban. In response to Councilmember Pearson, Mr. Haas determined that there are 80 Portage properties and 37 Schoolcraft Township properties involved and confirmed that the specific charge of the Lake Board is chemical treatment, that two thirds of the property owners agree with the need for a Governmental Lake Board, but the specific amount owed by each property owner has not yet been determined. Councilmember Pearson advised Mr. Haas to poll to help decide what the property owners want, prior to the first meeting of the Governmental Lake Board in the interest of a cohesive approach to this matter. He also told him that it is debatable whether property owners not on the lake, but having lake access, can be also assessed by the Governmental Lake Board, and mentioned that it has not happened before. Discussion followed.

In answer to Councilmember Randall, Mr. Haas answered that normally there is an annual meeting of the Gourdneck Lake Association where all of the lake property owners are invited in the Spring, and now the Board meets more often, once a month in the evening because of the weed problem, but the meeting dates and times of the Governmental Lake Board will be determined once it is formed. Discussion followed.

Councilmember Urban indicated that Gourdneck Lake will be unique because it has deeded access with no frontage both on Westnedge Avenue and Portage Road in Portage; it has a County park and Department of Environmental Quality land. He offered that the State never participates in an assessment, so how the assessment gets divided up will require a lot of discussion and may not be something that can be determined ahead of time. With that, he volunteered to represent Portage on the Gourdneck Lake Governmental Lake Board owing to his years of experience serving on the Long Lake Governmental Lake Board, as President for fifteen years, and his familiarity with the process involved.

City Attorney Randy Brown indicated that mathematically the assessment of the properties is the responsibility of the Governmental Lake Board and asked that the same Special Assessment rules agree with those of the City.

Councilmember Ford opined that with all due respect for everyone here, Mayor Strazdas needs to be brought into the loop to consider who should be the representative on the Gourdneck Lake Governmental Lake Board since he works with Council regarding appointment to the various Boards and Commissions. He acknowledged that the Gourdneck Lake Association members wish to get things started and Councilmember Urban understands the eminent nature of what they are trying to do, but it would be best to wait on an appointment to get Mayor Strazdas involved. Mayor Pro Tem Ansari concurred.

Councilmember Pearson thanked Councilmember Urban for volunteering as it is a lot of work serving on a Governmental Lake Board, and concurred with Councilmember Urban that the State will not "pitch in any money" not even on Austin Lake where they collect money, the State still does not "pitch in." However, he pointed out that the City of Portage and the County of Kalamazoo do "pitch in" on an assessment on Austin Lake; and, the Austin Lake Governmental Lake Board was very appreciative of recommendations from the Austin Lake Association, so it is a good time for the Gourdneck Lake Association to come up with a plan and present it to the Governmental Lake Board once it is formed in order to have an active dialogue. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 191 of City of Portage Resolution Book No. 46.

CITY COUNCIL WIRELESS DEVICE STIPEND: At the request of Mayor Pro Tem Ansari, Councilmember Reid summarized the proposal, and reviewed the process of producing electronic agenda packets for staff, City Council and the public. She noted that three of the seven Councilmembers have opted to receive the bound paper version of the agenda packet instead of migrating to the electronic version. She indicated that it is important at this time to take a look at the BoardSync Software to determine if it is meeting our needs and, if not, what can be done with the software company to have a software that is more effective for City Council. She recognized that this has been a very effective tool for staff to be able to pull all of the information together and asked for a time to discuss this software as it relates to the Councilmembers. She noted that Council is being asked

to consider \$75 per month for a tablet or laptop and \$50 per month for a cell phone for each Councilmember. For a Councilmember with a four-year term, doing the math, she recognized that it is a “chunk of change” since it amounts to \$3,600 for a tablet or laptop and \$2,400 for the phone. She reflected on her own recent purchase of a laptop that also functions as a tablet for \$600, and asked how staff came up with the amount of the proposed stipend. She also asked how this was going to be managed; that she looked forward to the development of a policy; and she questioned how the policy would be implemented if this recommendation is approved.

At the request of Mayor Pro Tem Ansari, City Manager Shaffer discussed the BoardSync Software used by the Administration to collect all of the information for the Agenda packet, package and manage the agenda process and maintain oversight. He noted that the software also ties in the written agenda packet and the visual of the meeting for the public, but the City Council piece is currently the most challenging piece and no software implementation is successful unless the users are comfortable or confident with it and can successfully utilize it. He mentioned that staff is making progress with the software, emphasized staff commitment to fully bring Council on board with BoardSync. He indicated that the Administration reviewed a number of software packages, but Boardsync was less expensive, many colleagues had already migrated from the more expensive software to BoardSync, and he restated his commitment to making Council’s job as easy as possible and his commitment to the successful implementation of BoardSync. He referred to the survey sent to City Council to allow them to iterate their issues with BoardSync that need to be addressed for Council. He indicated that the future is a paperless, automated system and everybody will be utilizing it someday; so, it becomes very important that Councilmembers become as comfortable as possible using these tools and for the Administration to be responsive to the concerns of Council because your job is very important to us and we need to make sure you are successful at it.

With regard to the amount of the stipend, Mr. Shaffer indicated he is suggesting that the stipend for the cell phone and the tablet or laptop is standard and covers the cost of the hardware and the subscription necessary for the hardware to work. He showed that this would allow Council to use a laptop or tablet of their own at each station at the dais and for the Administration to repurpose the iPads currently provided and get rid of the expense associated with the iPads. In order to authorize the stipend, the Resolution needs to be adopted, City Council needs to adopt a Policy to cover this matter, and an Administrative Order needs to be developed. He summarized some of the many benefits of using BoardSync and welcomed any questions Council might have concerning the matter.

Councilmember Reid asked if the members of the Planning Commission and the Zoning Board of Appeals, who also use BoardSync would also be provided this stipend, and Mr. Shaffer indicated that eventually the Administration would like to get out of providing City hardware and provide a stipend and the plan is to start with the City Council, see how that is and continue through the organization.

In answer to Councilmember Randall, Mr. Shaffer assured Council that the savings exceed the cost of BoardSync because it is expensive to produce, expensive to manage on the Administrative side, expensive to deliver manually to City Council and expensive to archive through the City Clerk. He touted the benefits of becoming paperless, whether through efficiency, cost and/or effectiveness and gave search capability as an example. Discussion followed.

In answer to Councilmember Urban, Mr. Shaffer indicated that the intent of the laptop or the tablet is that they can connect to the internet and the service would be provided by each Councilmember to support that and explained. Mr. Shaffer indicated that the device Council would have would be capable of receiving all forms of information from the Administration: text, the BoardSync agenda packet, and any other information from the City, so it would require that type of service provider. Further, Mr. Shaffer assured Councilmember Urban that he will not have to take his laptop everywhere he goes; the preference would be that you be able to connect through a cell tower with your device; so this is how you would get your information. He indicated a Councilmember would not get a stipend for a laptop or a tablet if you could not download your BoardSync agenda packet in some fashion and manage your own account and explained that this is a permanent device that attaches you to the people you serve and the people who work for you.

City Attorney Randy Brown referred City Council to the specifics of the Resolution which deals with the stipend for cell phone usage, laptop and tablets, then directs the City Manager to prepare a City Council Policy that will deal with the details, so the details iterated by Councilmember Urban may be included in the Policy that will come back to Council for review and consideration. Councilmember Urban objected to the City Manager implying that the laptop be "cell enabled" and Mr. Brown indicated that the term is not used in the Resolution. He then explained City Council will have the opportunity to review such terms in the Policy when it is brought back. Discussion followed.

Motion by Pearson, seconded by Randall, to adopt the resolution establishing a stipend for City Council electronic devices and direct the City Manager to create a City Council policy for administration of the benefit. Discussion followed.

Councilmember Reid expressed her opinion that the \$75 for the laptop or tablet is excessive and expressed her concerns. Councilmember Randall spoke in favor of BoardSync and Councilmember Pearson indicated that Mayor Strazdas indicated he was in favor of BoardSync.

Mr. Shaffer restated his commitment to City Council, his commitment to making BoardSync work for City Council and he expressed his positive anticipation to work with each Councilmember in a successful way to make sure this becomes the preferred tool for each of them.

Councilmember Ford indicated he had a couple of issues with BoardSync, but nothing that prevents him from getting it from the website and views BoardSync as a separate issue from the stipend and whether we want to continue as a Council to use that software; it is different from the information we obtain using our mobile devices; and, he surmised that each Councilmember has stated that he or she has gotten information on line. He also indicated that if a Councilmember wishes to obtain paper packets, it is his observation that Staff is more than happy to oblige and provide that option.

After hearing all of the arguments, Mayor Pro Tem Ansari indicated that he is convinced that there will be big savings with the stipend and spoke in favor of the recommendation. Councilmember Pearson called for the question. Upon a roll call vote, motion carried 4 to 2. Yeas: Councilmembers Ford, Pearson and Randall and Mayor Pro Tem Ansari. No: Councilmembers Urban and Reid. Resolution recorded on page 195 of City of Portage Resolution Book No. 46.

* **SANITARY SEWER PAYBACK AGREEMENT – WHISPER ROCK CONDOMINIUM DEVELOPMENT:** Motion by Urban, seconded by Reid, to approve the payback agreement between the City of Portage and American Village Development II, LLC, for installation of sanitary sewer and authorize the City Manager to sign all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **PORTAGE CREEK BICENTENNIAL TRAIL RELOCATION:** Motion by Urban, seconded by Reid, to approve a change order in the amount of \$33,236.50 to Reith Riley Construction to perform the asphalt paving portion of the Portage Creek Bicentennial Park Trail Relocation Project and authorize the City Manager to sign all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

COMMUNICATION FROM HARRY HAASCH, EXECUTIVE DIRECTOR OF PUBLIC MEDIA NETWORK: Councilmember Reid highlighted the contents of the communication sent to City Council from Harry Haasch, Executive Director of Public Media Network regarding who is responsible for various aspects of the audio/visual program broadcast from Council Chambers. She expressed a concern with the use of the podium for presentations and the need for the user to know how to use the equipment. She indicated that his letter delineates the City responsibility versus the Public Media Network (PMN) responsibility. Motion by Reid, seconded by Randall, to receive the communication from Harry Haasch, Executive Director of Public Media Network, regarding set up,

testing, operation, and troubleshooting of Audio/Visual components by appropriate City of Portage staff. Upon a voice vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of:

Portage Public Schools Board of Education Regular of May 16 and Committee of the Whole of June 13, 2016.

Portage Planning Commission of June 16, 2016.

COUNCIL COMMITTEE REPORTS:

KALAMAZOO COUNTY PUBLIC ARTS COMMISSION MEETING, JUNE 21, 2016:

Councilmember Randall indicated that the Commission had a guest speaker, David Greese, who discussed the Bronson Park Reservation Project, the restoration of the fountain, and the nine square mile (three miles by three miles) Indian Reservation that was historically located downtown Kalamazoo, and the Commission is looking to create an artistic commemorative at points of each of the boundaries. Discussion followed. Motion by Ford, seconded by Reid, to receive the report from Councilmember Randall regarding the Kalamazoo County Public Arts Commission Meeting of June 21, 2016. Upon a voice vote, motion carried 6 to 0.

DISCOVER KALAMAZOO ADVISORY BOARD MEETING, JULY 11, 2016:

Councilmember Randall indicated that the Board had a Bike Friendly Kalamazoo guest speaker, Paul Selden, Director of Road Safety for the Bicycle Club of Kalamazoo, who addressed the recent accidents and the tragedies around bicycling, and the new interest in making non-motorized vehicles safer on our public roads. She highlighted the United States Tennis Association (USTA), Friday, August 5 through Sunday, August 14, as an upcoming event in Kalamazoo. Motion by Ford, seconded by Reid, to receive the report from Councilmember Randall regarding the Discover Kalamazoo Advisory Board Meeting of July 11, 2016. Upon a voice vote, motion carried 6 to 0.

KALAMAZOO AREA TRANSPORTATION STUDY (KATS) MEETING, JUNE 29,

2016: Councilmember Reid indicated that two of the main things that happened at the meeting were the approval of the 2017-2020 Transportation Improvement Program, which is a major document that KATS puts out that covers the whole area and, the second item was the Task Personnel and Procedure Manual. She said that Task Policy Board oversees the personnel issues for all of the employees within the organization and thereby finalized an official personnel policy for the KATS employees. Motion by Reid, seconded by Randall, to accept the report on KATS. Upon a voice vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid reflected that she was asked to tend and work the beer tent at the Portage Third Blue Grass (acoustic) Festival at Celery Flats; the weather was beautiful; and it was a family friendly, fun activity. She commented that it is very frustrating to be in public service because of what is happening across the country, as well as the State, and mentioned the two recent fallen Bailiffs in St. Joseph, Michigan, for example. She noted that as much as we all try to help the community, there are things outside of our control, and others have expressed the same frustration, also. She sought support for one another as a community and as a country, and noted that there are a lot of underlying issues that need to be addressed, asked everyone to be patient with one another and to be strong and be safe.

Councilmember Randall concurred with Councilmember Reid and indicated she happened to experience the unsettling event in South Haven when 90 police officers were trying to deal with a crowd of 10,000 children – teenagers. She also mentioned that she was at the St. Joseph Art Fair the day

before the two Bailiffs were shot and killed by the prisoner, expressed great appreciation for our law enforcement and asked for a brief update on the morale of the Portage Law Enforcement Officers. She asked that all Portage citizens support our Law Enforcement Officers, and disclosed that everyone with whom she has contact expresses appreciation for our Law Enforcement Officers.

City Manager Larry Shaffer announced that the Portage Police Division is very proud to serve Portage citizens and does so with dedication and commitment every day of the week, every week of the month and every month of the year. He cited one example of this as the change in the pursuit policy where the officer breaks off pursuit where it is deemed that the threat to the public or the Police Officer is greater than the benefit of immediate apprehension of the pursuit, especially once we have the license plate number. He acknowledged the work of Police Chief Richard White, and expressed his appreciation for the fine service of his Police Officers; and, he announced that he will be expressing his appreciation personally to both the day and night shifts next week.

Councilmember Pearson concurred with the comments from Councilmembers Reid and Randall regarding recent tragedies in the State and the remarks by Mr. Shaffer and the efforts of the Police Division. He then indicated that they also mentioned a lot of good things that are going on in Portage. He cited some of the good things as the Blue Grass Festival, the Kalamazoo Institute of Art, bringing cultural activities into the community, the Portage Farm Market every Sunday noon until 4 p.m., and said there a lot of good things happening in Portage.

Mayor Pro Tem Ansari took the opportunity to express his appreciation to the Police Division and said, "We are grateful for their service."

MATERIALS TRANSMITTED:

* **MATERIALS TRANSMITTED:** Motion by Urban, seconded by Reid, to receive the Materials Transmitted of June 17 and June 28, 2016. Upon a roll call vote, motion carried 6 to 0.

ADJOURNMENT: Mayor Pro Tem Ansari adjourned the meeting at 8:40 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

**NOTES FROM THE SPECIAL PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF JULY 25, 2016**

Mayor Strazdas called the meeting to order at 9:00 a.m. The following were present: Councilmembers Claudette Reid and Jim Pearson via the conference phone line and Mayor Pro Tem Nasim Ansari. Those not present were: Councilmembers Richard Ford, Patricia M. Randall and Terry Urban. Also in attendance were City Manager Larry Shaffer and City Clerk James Hudson.

Mayor Strazdas asked if there were any questions for the Administration regarding items on the Agenda. In answer to Councilmember Pearson and his question regarding the Committee of the Whole Meeting Agenda topic, City Manager Shaffer indicated that the information he requested regarding who received grants and how much for the last seven years is forthcoming.

With regards to Item F.1, Industrial Tax Abatement Application: Pfizer, Incorporated, Councilmember Reid asked for an early Impact Analysis (actual cost of the abatement, the number of jobs anticipated, etc.) because she wanted to know when and in that format would be utilized for analysis. Mr. Shaffer indicated that he would look at the previously used format, take the information, apply it to the format and have it for City Council by Tuesday. She specified that what she wants is what taxes are abated from the City of Portage, as well as the other jurisdictions, such as Portage Public Schools, Portage District Library, Kalamazoo Valley Community College, etc., and what the breakdown is for the whole period of the abatement. Mayor Strazdas summarized that City Council knows in the past that they were provided how many jobs will be guaranteed through this abatement process and how many dollars will be forgiven by each unit of government. Mr. Shaffer pointed out that there will be a difference between the previous analysis worksheet and the one that will be provided for this abatement since the State has eliminated the personal property tax and is phasing it out. Also, he said we know the general estimates: that the 98,000 square foot warehouse is going to be somewhere in the neighborhood of \$40 million with (approximately) \$38 million as real property and \$2 million as personal property. He indicated that the A.O.V. Work Center, the Autoclave Building, is a much more expensive project, but with more personal property; so, it is only going to be an estimate since we have not actually seen it to know what the split will be, but we do have the ranges, however. City Clerk James Hudson interjected that the impact analysis information is provided with Resolution No. 2 at the public hearing to approve or deny the establishment of the Industrial Development District (IDD). Nevertheless, Mr. Shaffer volunteered to provide a preliminary analysis in preparation of the Regular City Council Meeting on Tuesday since there is already a lot of data available on the project.

Since this is the first application since the State has eliminated the necessity of a Tax Abatement on Personal Property, Councilmember Reid asked how it will work, for example, with the \$44,083,000, since now we are being asked to abate for something that the State is not allowing anymore. Mr. Shaffer responded that some of the personal property may be taxable, but not much; the State has taken over the personal property tax obligation; the City receives a check from the State to compensate the City for what it has lost in personal property tax; so, in some ways asking for an abatement on personal

property taxes is unnecessarily redundant. Mayor Strazdas offered his understanding that the State has promised to make the City whole on personal property tax, so the State requires the data in order to afford the City its proper share of the funds. In answer to Councilmember Reid, Mr. Shaffer agreed that essentially the City Council is being asked to abate approximately \$61 million (tax on 50% of approximately \$61 million), not the whole \$105 million, so the City gets 25% of the true value of the real property investment.

Mayor Pro Tem Ansari expressed his anticipation that someone from the company would come in and speak to the advantages of the abatement and asked if the jobs that are promised are not provided, and Mayor Strazdas explained the claw back provision contained in the Tax Abatement Agreement. In response to Mayor Strazdas, Mr. Shaffer indicated that the Administration hopes never to be in a situation where there is a need to execute a claw back from Pfizer; that the City will review and monitor their expectations for jobs; and, if they are not living up to their representation, then a conversation regarding what compensation may be due. He again emphasized his reluctance to pursue anything like this with Pfizer.

Mayor Strazdas summed up by saying Mr. Shaffer will take a first cut analysis of the data; perhaps a representative from the Assessor's Office or Mr. Shaffer can explain the personal property question on how it works now. He asked Mr. Shaffer to call Pfizer to have a representative at the meeting to talk about the project, as well as the job commitment and what that means.

Councilmember Reid directed everyone to the Pfizer Industrial Development District Project Listing representing \$800 million in investment, likened it to a recent tax abatement request from Stryker Corporation where the investment was high compared to the number of jobs created, and asked whether the old way of looking at abatements based on job creation should be reassessed and not be based so heavily on job creation. Mr. Shaffer concurred as economically large corporations are looking to use capital to displace labor as a cost saving measure since, not to sound crass, their mission is to get a return on investment, not to create jobs. He reflected on the new model where companies displace labor with automation and investment when they can.

Mayor Strazdas offered the perspective that there will be a one-time need for local workers for construction for a year or two and outsourced labor, perhaps local, as service technicians and other contract service providers as necessary. Mayor Pro Tem Ansari stressed the importance of the citizens' point of view who will be sacrificing to make up for the revenue loss owing to the abatement.

ADJOURN: Mayor Strazdas adjourned the meeting at 9:15 a.m.

James Hudson, City Clerk