

CITY OF

**PORTAGE**

*A Place for Opportunities to Grow*

**PLANNING  
COMMISSION**

**May 20, 2010**

# **CITY OF PORTAGE PLANNING COMMISSION**

## **A G E N D A**

**May 20, 2010  
(7:00 p.m.)**

**Portage City Hall Council Chambers**

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES:**

- \* May 6, 2010

### **SITE/FINAL PLANS:**

### **PUBLIC HEARINGS:**

- \* 1. Final Report: Rezoning Application 09-02, 9804, 9810 (eastern portion), 9818, 9832 and 9842 Oakland Drive, and 2180–2408 Oakland Farms Trail (all lots).

### **PLATS/RESIDENTIAL CONDOS:**

### **OLD BUSINESS:**

### **NEW BUSINESS:**

- \* 1. City of Kalamazoo Master Plan Update

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

April 27, 2010 City Council meeting minutes

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

 **DRAFT**

## PLANNING COMMISSION

May 6, 2010

The City of Portage Planning Commission meeting of May 6, 2010 was called to order by Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Eight citizens were in attendance.

### **MEMBERS PRESENT:**

Cory Bailes, James Cheesebro, Paul Welch, Jim Pearson, Miko Dargitz, Bill Patterson, Wayne Stoffer and Chairman Thomas Fox.

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Rick Bosch.

### **IN ATTENDANCE:**

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

### **PLEDGE OF ALLEGIANCE:**

The Planning Commission, staff and the audience recited the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

Chairman Fox referred the Commission to the April 15, 2010 meeting minutes. A motion was made by Commissioner Cheesebro, seconded by Commissioner Welch, to approve the minutes as submitted. The minutes were approved 6-0-2 with Commissioners Dargitz and Stoffer abstaining since they were not present at the April 15<sup>th</sup> meeting.

### **SITE/FINAL PLANS:**

1. Site Plan (re-approval): Fifth-Third Bank, 2610 East Milham Avenue. Mr. West summarized the staff report dated May 6, 2010 involving a site plan to construct an approximate 4,300 square foot bank building and associated site improvements. Mr. West indicated the site plan had been previously reviewed and approved by the Planning Commission on May 21, 2009 and again on November 19, 2009, however, construction had not yet commenced and the approval was scheduled to expire on May 19, 2010. Mr. West stated construction of the Fifth-Third Bank project has been delayed due to the construction schedule of the Centreport Commons infrastructure. Since construction of the Centreport Commons infrastructure has begun, Mr. West indicated that Fifth-Third Bank is now ready to move forward with the project. Mr. West stated the site plan is being resubmitted for approval with no changes from the November 19, 2009 approval.

Mr. Craig Hondorp, Progressive AE, was present to support the plan. After a brief discussion, a motion was made by Commissioner Cheesebro, seconded by Commissioner Bailes, to re-approve the Site Plan for Fifth-Third Bank, 2610 East Centre Avenue. The motion was unanimously approved.

 **DRAFT**

**PUBLIC HEARINGS:**

1. Preliminary Report: Rezoning Application #09-02, 9810 Oakland Drive (eastern portion), 9804, 9818, 9832 and 9842 Oakland Drive and 2180 – 2408 Oakland Farms Trail. Mr. Forth summarized the preliminary staff report dated April 30, 2010 regarding the request received by Hyland Associates, LLC to rezone the east 5.91 acres of 9810 Oakland Drive from R-1C, one family residential to R-1B, one family residential. Mr. Forth also summarized the Planning Commission review on April 1, 2010 and the decision to expand the rezoning consideration to include a total of 25 parcels/lots along Oakland Drive and Oakland Farms Trail comprising approximately 30 acres. Mr. Forth reviewed the surrounding zoning/land use pattern, differences between the R-1A, R-1B and R-1C districts and the impacts of the proposed zoning change.

Mr. Dan Martz (Hyland Associates, LLC) was present to support the rezoning application. Mr. Martz discussed the fragmented zoning pattern in the area, reviewed his March 8<sup>th</sup> communication that identified supporting reasons for the rezoning request and read two quotes from building publications regarding the state of the housing industry and the shift toward smaller, more affordable dwellings.

The public hearing was opened by Chairman Fox. One citizen (Ms. Becky Argue, 9708 Oakland Drive) spoke in regards to the proposed rezoning. Ms. Argue stated that she opposed the original rezoning request in 2006-2007 and still opposes the change in zoning to R-1B. Ms. Argue indicated she prefers maintaining the existing R-1C zone and the larger lot and construction standards. No additional citizens spoke in regards to the proposed rezoning. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Bailes, to adjourn the public hearing for Rezoning Application #09-02 to the May 20, 2010 meeting. The motion was unanimously approved.

**PLATS/RESIDENTIAL CONDOS:**

1. Preliminary Plat: The Homestead III, 3820 Hollow Wood Drive. Mr. Forth summarized the staff report dated April 30, 2010 regarding the request American Village Development II, LLC to construct The Homestead III subdivision. Mr. Forth stated the preliminary plat represented the final phase of the single-family residential portion of The Homestead of Portage planned development (PD) and involved 23 lots on approximately 19 acres with the westerly extension of Hollow Wood Drive and creation of two new cul-de-sac streets (Hollow Wood Court and Tullymore Lane). Mr. Forth indicated the plat was previously reviewed by the Planning Commission and approved by City Council in 2006. Mr. Forth stated that since construction did not commence within the required time periods, the approvals have expired. Mr. Forth indicated the preliminary plat was being resubmitted for approval with no changes from the original 2006 approval. In response to an email communication from Commissioner Dargitz, Mr. Forth stated that background information regarding the original 2001 PD rezoning/tentative plan approval for The Homestead of Portage PD, 2006 approved tentative plan amendment and initial 2006 approval of The Homestead III preliminary plat was included in the final agenda materials. Mr. Forth reviewed these previous approvals and indicated staff was recommending approval of the preliminary plat subject to the condition listed in the staff report regarding construction vehicle traffic.

Mr. Jack Gesmundo (American Village Development) was present to support the preliminary plat. Mr. Gesmundo briefly discussed the original property acquisition and zoning change from R-1B to PD in 2001. Mr. Gesmundo also discussed the other elements of the PD (multiple family residential condos and theme restaurant) that have not been constructed due to economic and financing issues. The public hearing was opened by Chairman Fox. No citizens spoke in regards to the preliminary plat. A motion was made by Commissioner Patterson, seconded by Commissioner Welch, to close the public hearing. The motion was unanimously approved.

The Commission, staff and applicant discussed issues associated with the PD and proposed plat including construction of only portions of the previously approved tentative plan, phasing, land ownership and the use of performance bonds. After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Welch, to recommend to City Council approval of the Preliminary Plat for The Homestead No. 3, 3820 Hollow Wood Drive, subject to the one condition listed in the Department of Community Development staff report dated April 30, 2010. The motion was unanimously approved.

 **DRAFT**

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. Accessory Building: Mikkel Neeb, 1921 Wetherbee Avenue. Mr. West summarized the staff report dated April 30, 2010 regarding the request from Mr. Mikkel Neeb to construct a 13-foot tall, 28-foot wide by 32-foot long (896 square foot) accessory building at his residence located at 1921 Wetherbee Avenue. Mr. West summarized the application materials and indicated the accessory building would be used for storage of personal items and a small work area and would be situated 17-feet from the west (side) property line, 130-feet from the south (front) property line and approximately 90-feet from the nearest single family residence. Mr. West stated the size and configuration of the parcel combined with the wooded nature of the site and setback distances from adjacent residences and property lines will mitigate any impacts on adjacent properties. Mr. West indicated that a letter of support was obtained by the applicant from the adjacent property owner to the west (Michael and Marcella Eidson, 1861 Wetherbee Avenue) and was included with the agenda materials

Mr. Mikkel Neeb was present to explain the accessory building request and support the application. Mr. Neeb reiterated that the accessory building would not be used for any business related purpose. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Bailes, to approve the Accessory Building for Mr. Mikkel Neeb, 1921 Wetherbee Avenue. The motion was unanimously approved.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

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

**TO:** Planning Commission

**DATE:** May 14, 2010

**FROM:** Jeffrey M. Erickson, Director of Community Development

**SUBJECT:** Final Report: Rezoning Application #09-02, 9804, 9810 (eastern portion), 9818, 9832 and 9842 Oakland Drive and 2180-2408 Oakland Farms Trail (all lots).

**I. INTRODUCTION**

Hyland Associates, LLC, requested that the east 5.91 acres of 9810 Oakland Drive be rezoned from R-1C, one family residential to R-1B, one family residential. According to the applicant, the rezoning would facilitate Phase II of the Oakland Farms subdivision and provide a transition zone between the I-1, light industry zoning/land use along the east side of Oakland Drive and the interior land area.

At the April 1, 2010 meeting, the applicant and the Planning Commission expanded the rezoning area to include several properties along Oakland Drive and Oakland Farms Trail. The expanded rezoning consideration was initiated to foster growth and establish a more coherent zoning pattern in this area of the city. The properties included in the expanded rezoning consideration are as follows:

Address	Parcel Number	Existing Use	Existing Zoning	Proposed Zoning
9810 Oakland Drive	00029-415-C (portion)	Vacant	R-1C/R-1T	R-1B
9804 Oakland Drive	00029-510-A	One-family unit	R-1C	R-1B
9818 Oakland Drive	00029-505-A	One-family unit	R-1C	R-1B
9832 Oakland Drive	00029-500-A	Vacant	R-1T	R-1B
9842 Oakland Drive	00029-491-A	Adult foster care	R-1T	R-1B
2180 Oakland Farms Trail	05945-019-O	Vacant	R-1T	R-1B
2201 Oakland Farms Trail	05945-001-O	Vacant	R-1T	R-1B
2212 Oakland Farms Trail	05945-018-O	Vacant	R-1T	R-1B
2236 Oakland Farms Trail	05945-017-O	Under construction	R-1T	R-1B
2235 Oakland Farms Trail	05945-002-O	Vacant	R-1T	R-1B
2259 Oakland Farms Trail	05945-003-O	Vacant	R-1T	R-1B
2258 Oakland Farms Trail	05945-016-O	Under construction	R-1T	R-1B
2282 Oakland Farms Trail	05945-015-O	One-family unit	R-1T	R-1B
2281 Oakland Farms Trail	05945-004-O	Vacant	R-1T	R-1B
2309 Oakland Farms Trail	05945-005-O	Under construction	R-1T	R-1B
2310 Oakland Farms Trail	05945-014-O	One-family unit	R-1T	R-1B
2334 Oakland Farms Trail	05945-013-O	One-family unit	R-1T	R-1B
2333 Oakland Farms Trail	05945-006-O	One-family unit	R-1T	R-1B
2355 Oakland Farms Trail	05945-007-O	One-family unit	R-1T	R-1B
2356 Oakland Farms Trail	05945-012-O	One-family unit	R-1T	R-1B
2380 Oakland Farms Trail	05945-011-O	One-family unit	R-1T	R-1B
2379 Oakland Farms Trail	05945-008-O	One-family unit	R-1T	R-1B
2407 Oakland Farms Trail	05945-009-O	One-family unit	R-1T	R-1B
2408 Oakland Farms Trail	05945-010-O	One-family unit	R-1T	R-1B
<b>Total: 29.5 acres (25 properties)</b>				

**II. EXISTING CONDITIONS**

Land Use/Zoning	<p><u>Rezoning Site:</u> Vacant land, one-family residences and an adult foster care large group home (20-bed) zoned R-1C, one family residential and R-1T, attached residential.</p> <p><u>West:</u> Vacant land, City of Portage wellfield and Gourneck State Game Area zoned R-1C.</p> <p><u>North:</u> Single family residence on unplatted parcel (9708 Oakland Drive) zoned R-1C.</p> <p><u>East:</u> Across Oakland Drive, gas station, auto repair facility and industrial buildings zoned I-1, light industry.</p> <p><u>South:</u> Storm water retention pond, vacant land and industrial land use zoned I-1. Further south, Maestro Acres subdivision zoned R-1B, one family residential.</p>
Zoning/Development History	<p>In 2006-2007, the Planning Commission and City Council considered a request by Hyland Associates to rezone a 34.5 acre tract of land that included 9810, 9818 and 9838 Oakland Drive from R-1C, to R-1B to facilitate smaller lot/affordable housing. While not preferred, Hyland Associates presented an alternative that proposed rezoning only an irregularly-shaped portion of the property (eastern approximate 13.5 acres) to R-1B and retaining the interior 21 acres as R-1C. Attached is a map of the original rezoning request and alternative provided by the applicant.</p> <p>Staff recommended the rezoning request not be approved and the site remain zoned R-1C, one family. The Planning Commission also recommended to City Council that the rezoning request not be approved. The recommendations cited a fragmented zoning pattern, the availability of more R-1B zoned land in the community than R-1C zoned land, and requests for additional R-1B zoning requests in this area. Other Zoning Code alternatives such as the PD, planned development district and Subdivision and Open Space Plan section were also presented. Opposition from adjacent property owners to rezoning was also evident. City Council subsequently voted 7-0 to deny the request and retain the R-1C district.</p>
Historic District/ Structures	<p>The subject site is not located within a historic district and does not contain any historic structures.</p>
Public Streets	<p>Oakland Drive is designated as a two-lane minor arterial with approximately 7,800 vehicles per day (2005); capacity of 16,200 vehicles per day (level of service "D").</p>
Public Utilities	<p>Municipal water and sewer are available.</p>
Environmental	<p>The City of Portage Sensitive Land Use Inventory Map does not identify any potential wetland or floodplain areas near the rezoning site.</p>

**III. PUBLIC REVIEW/COMMENT**

The Planning Commission convened a public hearing during the May 6, 2010 meeting. Mr. Dan Martz of Hyland Associates, LLC was present to support the rezoning request. Mr. Martz discussed the fragmented zoning pattern in the area, reviewed his March 8<sup>th</sup> communication that identified supporting reasons for the rezoning request and read two quotes from building publications regarding the state of the housing industry and the shift toward smaller, more affordable dwellings. Ms. Becky Argue, 9708 Oakland Drive spoke in opposition to the proposed zoning change stating that she prefers maintaining the existing R-1C zone and the larger lot/dwelling unit standards.

**IV. FINAL 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, impacts of the proposed zoning change, traffic considerations, neighborhood considerations and environmental considerations.

Comprehensive Plan

Prior to recommending a zoning change, a determination that the proposed change is consistent with the

Comprehensive Plan is appropriate. In the case of a rezoning, consistency is evaluated based on the Future Land Use Plan Map and also the Development Guidelines.

**Future Land Use Plan Map** -- The Future Land Use Plan Map component of the Comprehensive Plan indicates the property being considered for rezoning, along with adjacent properties situated to the north, south and west, as appropriate for low density residential land use. The Comprehensive Plan defines the low density residential classification as typical of traditional single-family detached dwelling unit subdivisions with a development density of 1-4 units per acre and generally corresponding to the R-1B, R-1C, R-1D and R-1E zoning districts. The proposed R-1B or current R-1C districts are consistent with the Future Land Use Map and low density residential classification.

**Development Guidelines** -- The Development Guidelines are intended to be used by the Commission and staff when reviewing private development projects, infrastructure improvement programs (i.e. public expenditures on streets, sewers, water mains and others 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), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies that influence the use of land for consistency with community development and preservation objectives. The proposed R-1B district is consistent with applicable development guidelines contained in the Comprehensive Plan. Attached for Commission review is the completed Guideline Table.

Suitability of Existing R-1C and R-1T Zones/Impacts of Proposed R-1B Zone

The various residential zoning districts in Portage regulate and facilitate varying lot/parcel sizes with varying minimum floor area sizes. The R-1C district promotes larger lots/parcels with larger residential dwelling units. The R-1B district specifies somewhat smaller land area and correspondingly smaller dwelling unit floor area. Finally, the R-1T district permits the smallest lots/parcels and smallest floor area and, also permits two-family dwelling units and attached residential dwelling units. Single family residential lots/parcels and dwelling unit floor areas in the R-1T, attached residential zone must meet minimum standards established for the R-1A zone. The following table compares the minimum development requirements in the R-1C, R-1B and R-1A zoning districts.

Zoning District	Minimum Lot Width <sup>1</sup>	Minimum Lot Size <sup>2</sup>	Minimum Dwelling Size	Front Yard Setback	Side Yard Setback	Rear Yard Setback
R-1C	100-feet	12,000 sq. ft.	<u>One-Story:</u> 1,600 sq. ft. <u>Two-Story:</u> 1,000 sq. ft. (1 <sup>st</sup> floor) 1,000 sq. ft. (2 <sup>nd</sup> floor)	30-feet	12-feet	40-feet
R-1B	80-feet	9,600 sq. ft.	<u>One-Story:</u> 1,280 sq. ft. <u>Two-Story:</u> 900 sq. ft. (1 <sup>st</sup> floor) 900 sq. ft. (2 <sup>nd</sup> floor)	30-feet	10-feet	40-feet
R-1A	65-feet	7,800 sq. ft.	<u>One-Story:</u> 1,040 sq. ft. <u>Two-Story:</u> 800 sq. ft. (1 <sup>st</sup> floor) 720 sq. ft. (2 <sup>nd</sup> floor)	27-feet	8-feet	40-feet

<sup>1</sup> Corner lots are required to be 20 feet wider

<sup>2</sup> With both public water and sanitary sewer service

With regard to the 2010 expanded rezoning application, the application and community circumstances are significantly different than in 2006, when the prior application was received. While the economy and ensuing recession over the past several years can be a consideration, land use objectives and the most appropriate development for this area of the community are primary considerations. The capability to correct a confusing zoning pattern, while ensuring conforming development with the recent single-family home construction and future single family home construction planned for this area, is also available. Moreover, preservation of the maximum amount of R-1C-zoned land in this area continues to remain an important priority.

The rezoning of the expanded rezoning area to the R-1B district can be recommended to the Planning Commission. This staff recommendation is based on the following considerations:

- The fragmented zoning pattern that is present in this area, and would have continued with either the original or alternative proposal previously submitted by the applicant, will be corrected.
- The existing R-1T district, within which 10 single family homes have been constructed and three more are under construction, which meet R-1B district standards, will be changed to a zoning district that will ensure conforming development within this general area.
- The future phase of the Oakland Farms plat (to the immediate north of the first phase) will be zoned R-1B and very different zoning districts that allow very different residential uses across a common public street will be precluded.
- Elimination of the R-1T zone will result in more similar residential development between the adjacent R-1C-zoned area and the proposed R-1B zone.
- Given the nonresidential zoning pattern and uses across Oakland Drive and in the sounding area, the area proposed for rezoning is considered to be better suited for the smaller, more affordable homes planned by the applicant, while the larger interior land area adjacent to the Gourneck State Game area can remain available for larger lot, larger dwelling development.
- The area proposed for rezoning is limited and provides the opportunity to preserve a significant amount of R-1C-zoned land in this vicinity for future residential development.
- The 2010 proposed rezoning area is preferable to the oddly configured land area in the rezoning application proposed in 2006.

With regard to the existing adult foster care home located at 9842 Oakland Drive, the use was originally constructed as a 12-bed facility (adult foster care small group home), which is permitted in the R-1T district. In 1988, the Zoning Board of Appeals (ZBA) granted a variance that allowed the use to expand to a 20-bed facility (adult foster care large group home). The R-1B district also permits adult foster care family homes, but with a maximum of six beds. A change in zoning from R-1T to R-1B would continue the existing adult foster care large group home as a lawfully nonconforming use.

#### TRAFFIC CONSIDERATIONS

Depending on the design of the preliminary plat, a change in zoning to R-1B could result in a slight increase in the number of lots, although with the recommended rezoning, the smaller lot and more dense attached residential development pattern available in the R-1T district will be eliminated. In any case, any resulting change in traffic is not considered significant and can be accommodated by the major thoroughfares in this area of the community. According to The ITE Trip Generation Manual, Sixth Edition, a single family residential dwelling generates approximately 10-12 vehicle trips per day. Oakland Drive is designated a two-lane minor arterial with approximately 7,800 vehicles per day (2005) and a capacity of 16,200 vehicles per day (level of service "D").

#### ENVIRONMENTAL CONSIDERATIONS

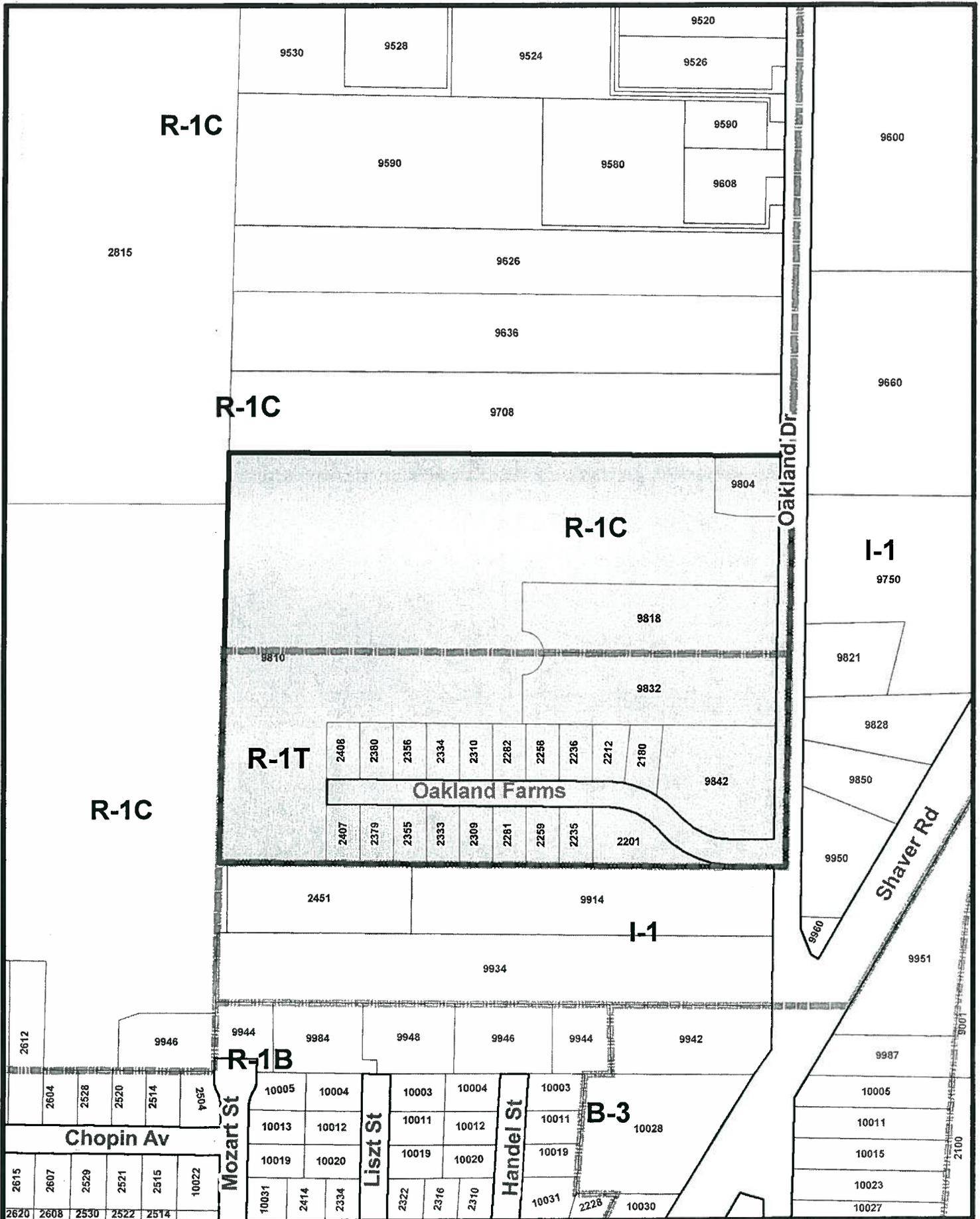
The City of Portage Sensitive Land Use Map does not identify any potential wetland and/or floodplain areas near the rezoning site.

## V. RECOMMENDATION

There are several options available to the Planning Commission including recommending approval of the rezoning, recommending disapproval of the application and recommending approval of an alternative zoning district pattern. The expanded rezoning, as recommended by staff, is consistent with the Comprehensive Plan and Future Land Use Map, will create a cohesive zoning pattern, fosters development and will result in preserving a substantial amount of R-1C-zoned area. With specific regard to the adult foster care use addressed as 9842 Oakland Drive, the property and use are legally nonconforming and will continue to be legally nonconforming if rezoned as part of Rezoning Application #09-02. Retention of the R-1T district designation for 9842 Oakland Drive, if that is preferred, can be accomplished by recommending that this property not be rezoned. Of principal importance is the most appropriate zoning designation for the remaining properties involved in this rezoning consideration, however.

Based on the foregoing information and analysis, staff advises the Planning Commission to recommend to City Council that Rezoning Application #09-02 be approved and that 9804, 9810 (eastern portion), 9818, 9832 and 9842 Oakland Drive and 2180–2408 Oakland Farms Trail (all lots) be rezoned from R-1C, one family residential and R-1T, attached residential to R-1B, one family residential.

Attachments:     Zoning/Vicinity Map  
                      Future Land Use Map  
                      Aerial Photograph (rezoning site and surrounding area)  
                      Development Guideline Table (R-1B)  
                      Rezoning Application and supporting materials  
                      Map of 2006 original rezoning request and alternative submitted by applicant  
                      Ordinance Amendment

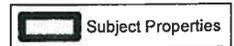


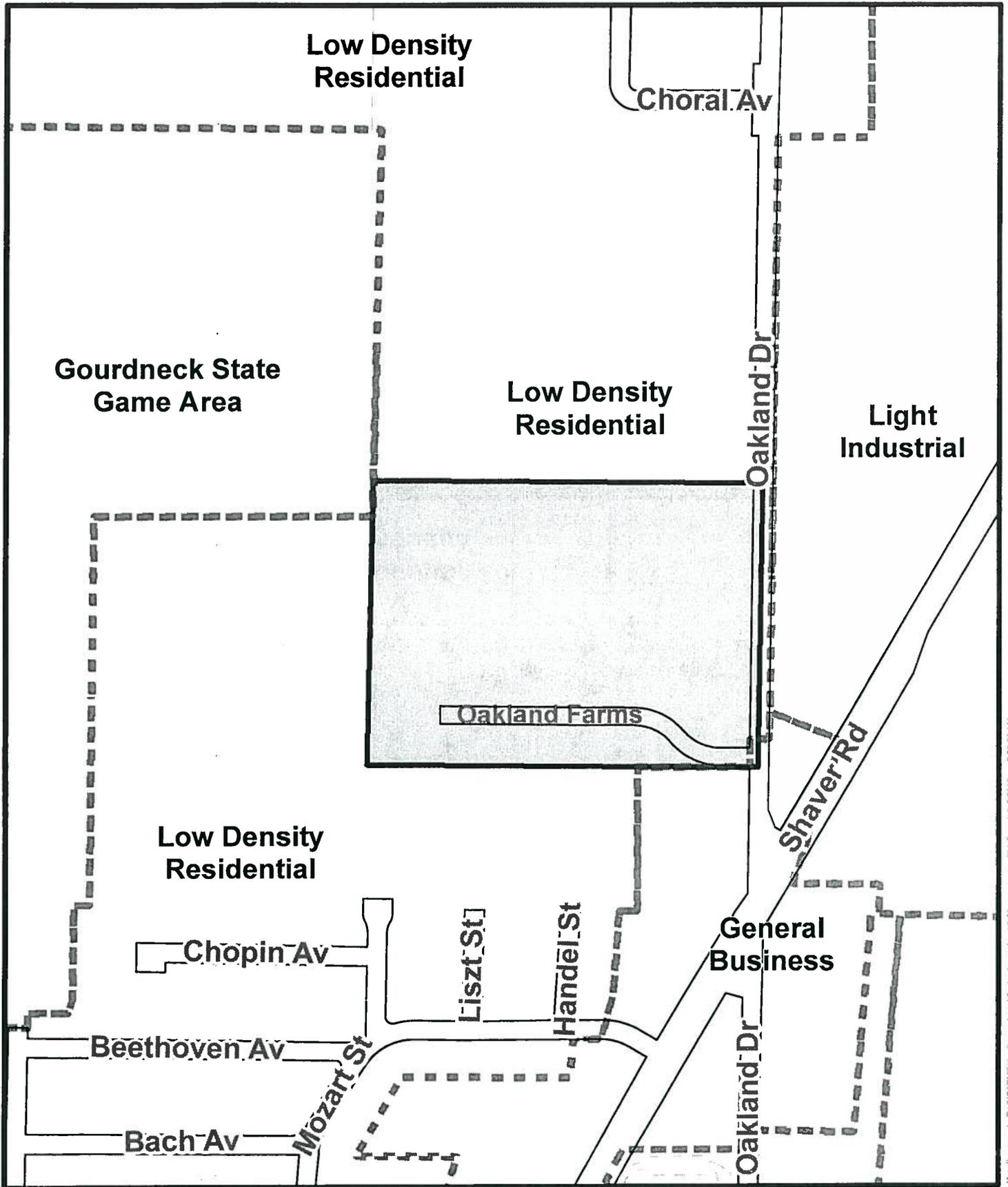
**Rezoning #09-02**

**9804, 9810, 9818, 9832, 9842 Oakland Dr.  
2180-2408 Oakland Farms Trail (All lots)**



1 inch = 300 feet

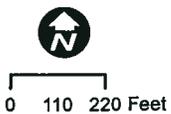




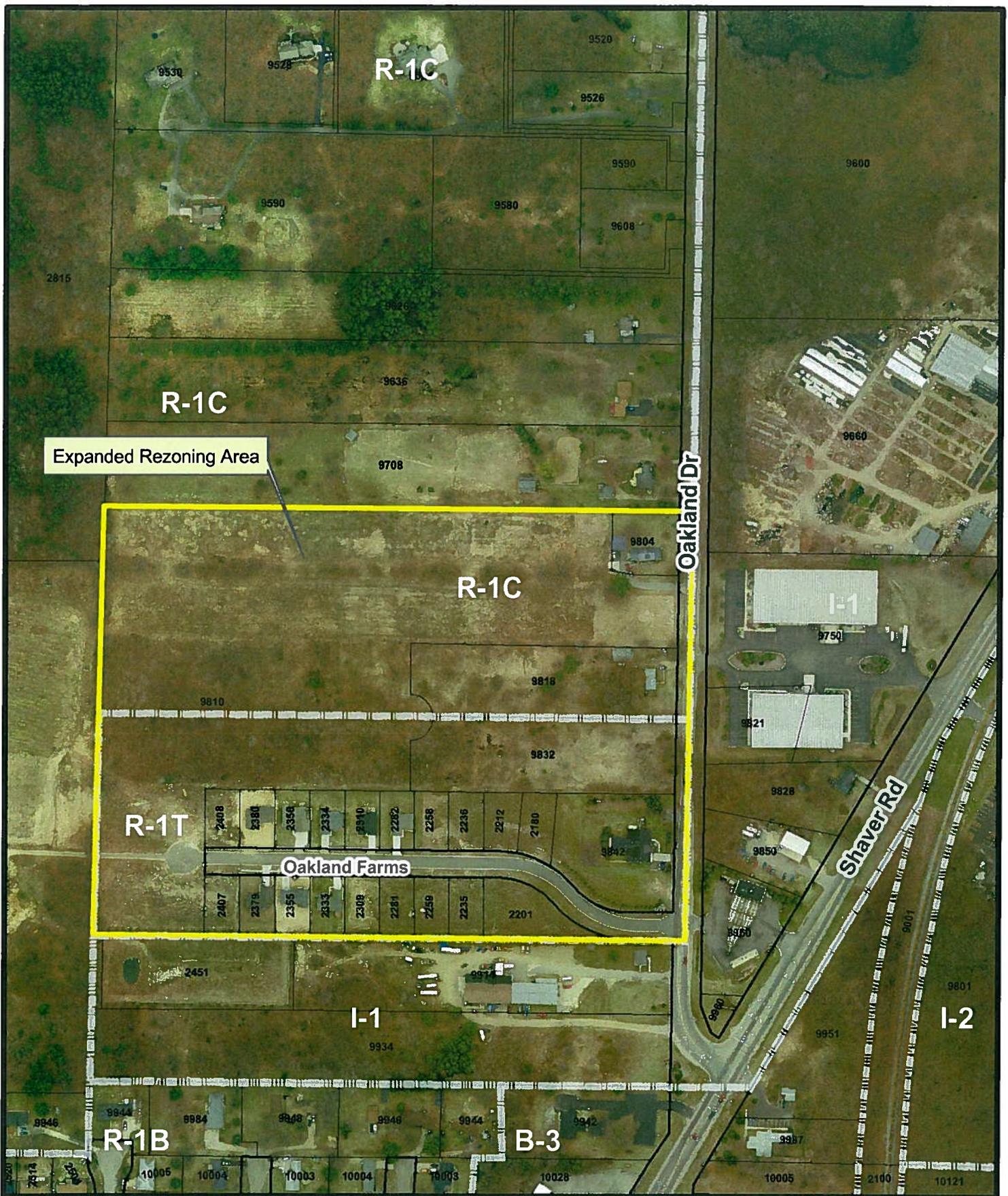
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## Rezoning #09-02

**9804,9810,9818, 9832,9842 Oakland Dr.  
2180-2408 Oakland Farms Trail (All lots)**



	Future Land Use
	Subject Properties



 Subject Properties

## Rezoning #09-02

**9804, 9810, 9818, 9832, 9842 Oakland Dr.  
2180-2408 Oakland Farms Trail (All lots)**



1 inch = 293 feet

# DEVELOPMENT GUIDELINES

## Rezoning Application #09-02 (R-1B, One Family Residential)

<b>Guideline</b>	<b>Description</b>	<b>Consistent</b>	<b>Comments</b>
Rezoning (Z-1)	Rezoning Request	Yes	Comprehensive Plan/Future Land Use Map designates rezoning site as appropriate for low density residential land use and proposed R-1B zone is consistent with this designation.
Residential (R-1)	Protection of Residential Neighborhoods	Yes	Proposed R-1B zone is consistent with surrounding land use/zoning pattern and will facilitate Phase II of the Oakland Farms subdivision while providing a transition area between Oakland Drive and adjacent industrial land uses and the interior land area to the west that is zoned R-1C.
Residential (R-2)	Residential Development along Arterial Roadway	Yes	Access to the rezoning site will be provided from Oakland Drive, a two-lane minor arterial street. Future extension and interconnection with the interior street network of the Oakland Farms subdivision will occur, where appropriate.
Residential (R-3a)	Locational Criteria for Residential Uses	Yes	Rezoning site has locational criteria consistent with the low density residential development category. The proposed R-1B zone is consistent with this category and the Comprehensive Plan/Future Land Use Map designation. Both sanitary sewer and municipal water are available.
Residential (R-4)	Compatibility with Adjacent Land Use	Yes	Proposed R-1B zone is consistent with adjacent R-1C zone and will not result in abrupt changes in lot/housing size, height, mass and scale.
Residential (R-5)	Open Space and Natural Resource Protection	Yes	To be determined at preliminary plat/plot plan stage of development.
Residential (R-6)	Streets and Pedestrian Systems	Yes	Access to rezoning area will be provided from Oakland Drive. Interior street design within future phases of the Oakland Farms subdivision will include interconnections, street trees and sidewalks, as specified in the subdivision regulations.
Natural & Historic Resources (N-1)	Environmental Protection	Yes	Environmentally sensitive areas including potential wetlands and floodplains are not situated near the rezoning site.
Natural & Historic Resources (N-2)	Floodplain	Yes	See Natural & Historic Resources (N-1) above.
Natural & Historic Resources (N-3)	Water Quality	Yes	To be determined at preliminary plat/plot plan stage of development.
Natural & Historic Resources (N-4)	Noise	N/A	Proposed zoning change from R-1C/R-1T to R-1B does not create a noise concern.
Natural & Historic Resources (N-5)	Historic Resource Preservation	N/A	Rezoning site is not situated within a historic district and does not contain and historic structures.
Natural & Historic Resources (N-6)	Open Space Preservation	Yes	See Natural & Historic Resources (N-1) above.

<b>Guideline</b>	<b>Description</b>	<b>Consistent</b>	<b>Comments</b>
Transportation (T-1)	Transportation Systems	<b>Yes</b>	Oakland Drive is a two-lane, minor arterial street with 7,800 vehicles per day (2005) and a capacity of 16,200 vehicles per day. Traffic generation from rezoning site can be accommodated by adjacent roadway network.
Transportation (T-2)	Street Design	<b>Yes</b>	To be determined at preliminary plat/plot plan stage of development. Interior street design within future phases of the Oakland Farms subdivision will comply with all applicable requirements.
Transportation (T-3)	Access Management	<b>Yes</b>	See Transportation (T-1) and (T-2) above.
Transportation (T-4)	Non Motorized Travel	<b>Yes</b>	See Residential (R-6) above.
Municipal Facilities & Services (M-1)	Sound Fiscal Growth	<b>Yes</b>	Existing and proposed public infrastructure is adequate to accommodate residential development.
Municipal Facilities & Services (M-2)	Sanitary Service	<b>Yes</b>	Sanitary sewer is available and will serve future residential development.
Municipal Facilities & Services (M-3)	Underground Utilities	<b>Yes</b>	Underground utilities will serve future residential development.

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**APPLICATION FOR ZONING AMENDMENT**

Application number: 09-02 (expanded)

Date April 1, 2010

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:

**ZONING MAP AMENDMENT**

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located between 2180 and 2408 Oakland Farms Trail, also known as Lots 1 thru 19 of Oakland Farms Trail (Phase 1) Subdivision.

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).

9810 (eastern portion), 9804, 9818, 9832 and 9842 Oakland Drive

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

b. Name of the owner of the property to be rezoned: 25 properties (various owners)

Address \_\_\_\_\_

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Hyland Associates, LLC (original applicant), City of Portage Planning Commission (expanded rezoning consideration at meeting of April 1, 2010).

4. CURRENT ZONING:  R-1C and R-1T  PROPOSED ZONING:  R-1B

**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.

Hyland Associates LLC

(Signature of Applicant)

City of Portage Planning Commission

(Signature of Applicant)

7545 South 10<sup>th</sup> Street, Kalamazoo, MI 49007

(Address)

7900 South Westnedge, Portage, MI 49002

(Address)

269-207-2920

(Phone)

269-329-4477

(Phone)

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

**APPLICATION FOR ZONING AMENDMENT**

RECEIVED

Application number 09-2

Date 3/8/10

COMMUNITY DEVELOPMENT  
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:

**ZONING MAP AMENDMENT**

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at \_\_\_\_\_ between \_\_\_\_\_ Street and \_\_\_\_\_ Street on the \_\_\_\_\_ side of the street, and is known as Lot Number(s) \_\_\_\_\_ of \_\_\_\_\_ Plat (Subdivision). It has a frontage of \_\_\_\_\_ feet and a depth of \_\_\_\_\_ 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).

See attached legal description and map

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

b. Name of the owner of the property to be rezoned: Hyland Associates, LLC

Address Proposed split of 9810 Oakland Farms Drive

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: See Zoning Text Amendment #3

4. CURRENT ZONING: R1-C PROPOSED ZONING: R1-B

**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.  
See attached Application Letter

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.

Hyland Associates, LLC  
(Signature of Applicant)

Daniel Martz  
(Signature of Applicant)

7545 S. 10<sup>th</sup> St., Kal, MI.  
(Address)

Same  
(Address)

269-207-2920  
(Phone)

(Phone)

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

Requesting the 1<sup>st</sup> Thursday of April for consideration.

Don Martz

HYLAND ASSOCIATES, L.L.C.

7545 S 10<sup>th</sup>. St.  
Kalamazoo, MI. 49009  
(269) 207-2920 or (269) 207-2239

RECEIVED

MARCH 8 2010

COMMUNITY DEVELOPMENT

MARCH 8, 2010

TO: Portage City Community Development

SUBJECT: Rezoning Application for portion of 9810 Oakland Drive

Attention: Chris Forth:

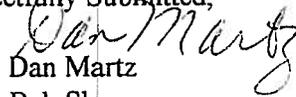
The zoning request by Hyland Associates is for 5.91 acres. It is at the entrance to our proposed 2<sup>nd</sup> phase of Oakland Farms We are requesting the land be rezoned from R1-C to R1-B. Our arguments are as follows:

- 1)The proposed entrance to Phase 2 of Oakland Farms is directly across from I-1 Industrial zoning. This condition is very rare if non-existent in Portage where R1-C zoning is directly across from business or light industrial. Rather than an R1-C, which carries one of the highest zoning lot and home size requirements, an R1-B zoning is much better planning and would provide a transition buffer zoning at the entrance to the second phase. This would allow for the slightly reduced R1-B lots to lead to the larger R1-C parcel to the west in future phases
- 2)With high unemployment our area has lost high paying tech and white collar jobs. Typically the group that would afford the larger homes built in an R1-C area.
- 3)As the stimulus program expires in June- interest rates could rise over the next year. Homebuyers may have to reduce their price range of prospective homes.
- 4)With the current financial disaster our country is going through, trillions of dollars have left the system, never to be seen again. This will have a huge impact on decisions made for housing. Leaders in the industry and current trends are showing people will be looking for smaller, high quality, more efficient homes along with smaller yards to maintain. People will be living with less.
- 5)Tighter lending standards make it more difficult to get larger mortgages with less down, forcing homebuyers to buy smaller homes and borrow less.
- 6)Declining market values. Our experience in Oakland Farms I is that new homes being built are not appraising at sale price. This is forcing us to build as efficiently as possible fearing that building larger homes would be even more difficult to keep costs in line with the market values. Even though market values have gone down it still costs the same to build a new home as it did 3 years ago. In certain cases material costs have gone up.

7) Moving from the southerly plat of Maestro Acres, which is R-1B, north, the current zoning map shows I-1, then R1-T then R-1C. It makes for better planning to have a transition from R1-T to R1-B then to R1-C. Not the smallest zoning next to one of largest.

Thank you for your consideration regarding this matter.

Respectfully Submitted,



Dan Martz

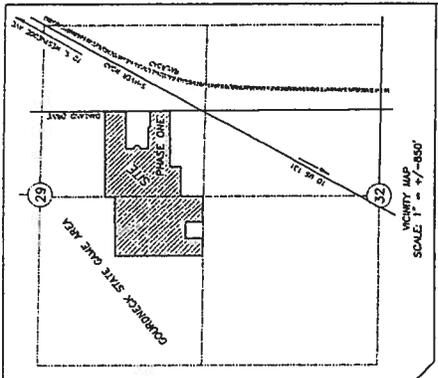
Bob Shave

Hyland Associates, L.L.C.

# CONSTRUCTION PLANS for OAKLAND FARMS



**FIRE DEPT. NOTES**  
 CONSTRUCTION OF THIS DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND FIRE DEPARTMENT ORDINANCES. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND FIRE DEPARTMENT ORDINANCES. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND FIRE DEPARTMENT ORDINANCES.



**NOTES**

- 1) PROPERTY OWNER SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PORTLAND AND THE STATE OF OREGON.
- 2) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND FIRE DEPARTMENT ORDINANCES.
- 3) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND FIRE DEPARTMENT ORDINANCES.
- 4) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND FIRE DEPARTMENT ORDINANCES.
- 5) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND FIRE DEPARTMENT ORDINANCES.

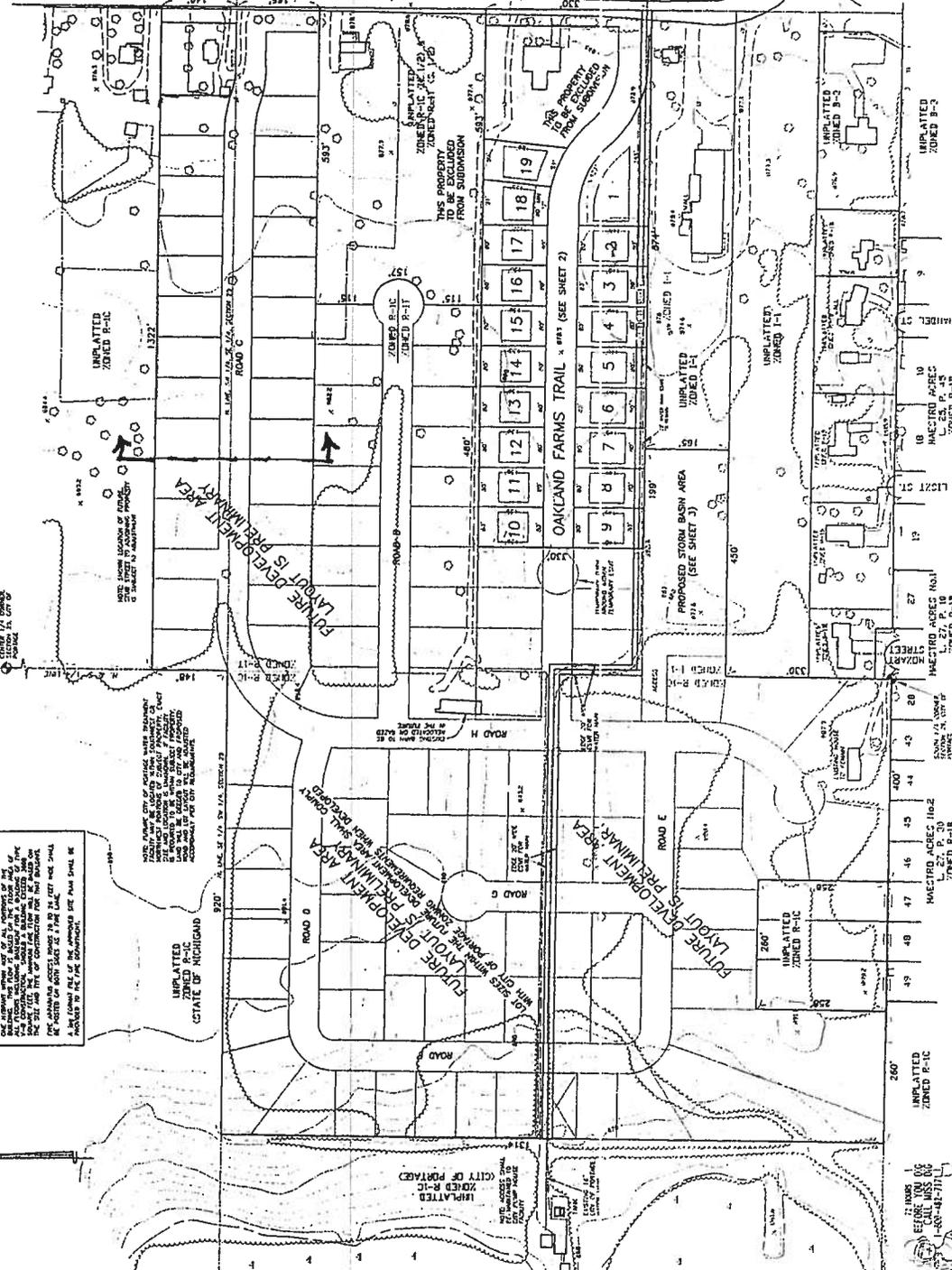
**SHEET INDEX**

- 1) COVER SHEET
- 2) STREET PLAN & PROFILE
- 3) GRADING AND EROSION CONTROL PLAN
- 4) CONSTRUCTION DETAILS & NOTES
- 5) CONSTRUCTION DETAILS & OAKLAND DRIVE

**PLAT ZONING INFORMATION:**  
 UNPLATTED ZONED R-1C  
 UNPLATTED ZONED R-1B  
 UNPLATTED ZONED R-1A  
 UNPLATTED ZONED R-1  
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 UNPLATTED ZONED R-100

**OWNER/APPLICANT:**  
 HYLAND ASSOCIATES, LLC  
 7545 SOUTH 10th STREET  
 KALAMAZOO, MI 49009  
 (269) 207-2239

**COVER SHEET**  
 OAKLAND FARMS  
 DATE: 7/18/2006  
 SHEET: 1  
 OF: 1  
 PROJECT: OAKLAND FARMS  
 PREPARED BY: INGERSOLL, WALSON & MCLACHLEN, INC.  
 1100 EAST MAIN STREET - PORTLAND, OREGON 97202 - TEL: 503-251-2100 - FAX: 503-251-2108



# *Ingersoll, Watson & McMachen, Inc.*

CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS

RECEIVED

35067

MAR 16 2010

March 5, 2010

COMMUNITY DEVELOPMENT

## PARCEL DESCRIPTION for PROPOSED REZONING

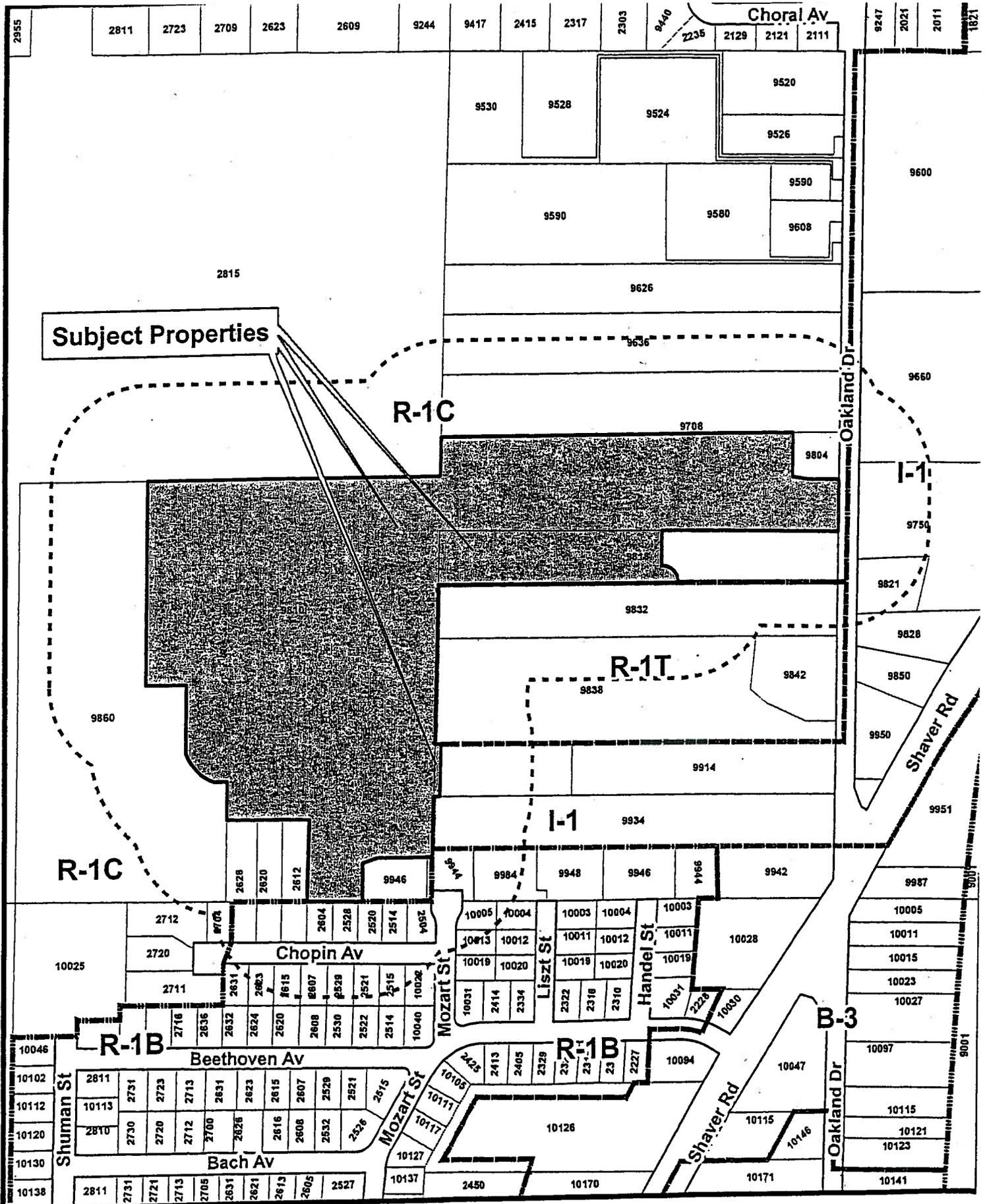
A parcel of land situated in the Southeast quarter of Section 29, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, being more particularly described as follows:

Commencing at the South quarter corner of Section 29, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; thence S.  $89^{\circ} 47' 20''$  E. 1325.64 feet along the South line of the Southeast quarter of said Section to the East line of the West half of said Southeast quarter; thence N.  $00^{\circ} 04' 14''$  E. 1327.70 feet along said East line of the West half of the Southeast quarter to the Place of Beginning; thence N.  $89^{\circ} 55' 46''$  W. 124.64 feet perpendicular with said East line; thence Northwesterly 54.92 feet along the arc of a curve to the right having a radius of 170.00 feet, a central angle of  $18^{\circ} 30' 31''$  and a chord of N.  $80^{\circ} 40' 30''$  W. 54.68 feet; thence Northwesterly 2.38 feet along the arc of a reverse curve to the left having a radius of 230.00 feet, a central angle of  $00^{\circ} 35' 38''$  and a chord of N.  $71^{\circ} 43' 04''$  W. 2.38 feet; thence N.  $00^{\circ} 04' 14''$  E. 138.59 feet parallel with said East line to the South line of the North 16.50 feet (perpendicular measure) of the South 5 acres of the Northwest quarter of said Southeast quarter according to the Government survey thereof; thence N.  $89^{\circ} 49' 11''$  W. 720.00 feet along said South line; thence S.  $00^{\circ} 10' 49''$  W. 314.94 feet perpendicular with said South line to the North line of the South 5 acres of the North 10 acres of the Southwest quarter of said Southeast quarter according to the Government survey thereof; thence S.  $89^{\circ} 48' 46''$  E. 901.48 feet along said North line to said East line of the West half of the Southeast quarter; thence N.  $00^{\circ} 04' 14''$  E. 167.26 feet along said East line to the Place of Beginning. Containing 5.91 acres of land. Parcel is subject to highway easement for Oakland Drive. Parcel is subject to easements, restrictions and conditions of record.



5.91 ACRES

PLACE OF  
BEGINNING



**Subject Properties**

**R-1C**

**R-1B**

**I-1**

**R-1C**

**R-1B**

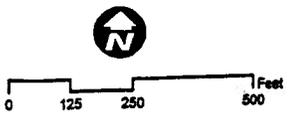
**R-1B**

**B-3**

# Rezoning #06-02

## 9810 and portions of 9818 and 9838 Oakland Drive

	Subject Properties
	300' Notification Area
	Zoning Boundary





**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF  
PORTAGE, MICHIGAN BY AMENDING ARTICLE 4 OF CHAPTER 42,  
LAND DEVELOPMENT REGULATIONS OF THE CODIFIED ORDINANCES  
OF PORTAGE, MICHIGAN**

**THE CITY OF PORTAGE ORDAINS:**

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

Tract of land located in Section 29, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
9810 Oakland Drive	00029-415-C (eastern portion)
9804 Oakland Drive	00029-510-A
9818 Oakland Drive	00029-505-A
9832 Oakland Drive	00029-500-A
9842 Oakland Drive	00029-491-A
2180 Oakland Farms Trail	05945-019-O
2201 Oakland Farms Trail	05945-001-O
2212 Oakland Farms Trail	05945-018-O
2236 Oakland Farms Trail	05945-017-O
2235 Oakland Farms Trail	05945-001-O
2259 Oakland Farms Trail	05945-003-O
2258 Oakland Farms Trail	05945-016-O
2282 Oakland Farms Trail	05945-015-O
2281 Oakland Farms Trail	05945-004-O
2309 Oakland Farms Trail	05945-005-O
2310 Oakland Farms Trail	05945-014-O
2334 Oakland Farms Trail	05945-013-O
2333 Oakland Farms Trail	05945-006-O
2355 Oakland Farms Trail	05945-007-O
2356 Oakland Farms Trail	05945-012-O
2380 Oakland Farms Trail	05945-011-O
2379 Oakland Farms Trail	05945-008-O
2407 Oakland Farms Trail	05945-009-O
2408 Oakland Farms Trail	05945-010-O

From R-1C, one family residential and R-1T, attached residential to R-1B, one family residential.

FIRST READING:  
SECOND READING:  
EFFECTIVE DATE:

---

Peter J. Strazdas, Mayor

STATE OF MICHIGAN     )  
                                  ) SS  
COUNTY OF KALAMAZOO )

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
James R. Hudson, City Clerk

(App #09-02)

Approved as to Form:  
Date: 4/22/2010  
By: [Signature]  
City Attorney

**TO:** Planning Commission

**DATE:** May 14, 2010

**FROM:** Jeffrey M. Erickson, Director of Community Development

**SUBJECT:** Proposed 2010 City of Kalamazoo Master Plan

## **I. INTRODUCTION**

The City of Kalamazoo has provided notice to all contiguous communities and other required agencies that a draft copy of the 2010 Kalamazoo Master Plan has been completed. Per the Michigan Planning Enabling Act, the City of Kalamazoo is requesting review and comment on the draft Master Plan. Comments must be submitted to the City of Kalamazoo by June 10, 2010.

The Master Plan contains approximately 90 pages, plus an appendix, although the appendix is not yet available as advised by the Kalamazoo planning staff. In order to reduce costs and paper usage, the City of Kalamazoo has not provided copies of the Master Plan, but has instead provided a link to the document located on their website, which is [www.kalamazoocity.org/PlanKalamazoo](http://www.kalamazoocity.org/PlanKalamazoo). There are two options to review the 2010 Kalamazoo Master Plan:

- Access the Master Plan through the above City of Kalamazoo website, or
- Receive a paper copy of the Master Plan for review.

Planning Commissioners are requested to advise Community Development staff as to which option is most convenient/preferred. If a paper copy is most convenient/preferred, a copy will be provided by staff for your use.

## **II. COMMUNITY DEVELOPMENT REVIEW**

Update of the 1998 City of Kalamazoo Master Plan began more than a year ago and considerable effort was devoted to “listening and learning” through a “varied and widescale” public involvement process that included media outreach programs, working group sessions, and extensive one-on-one public meetings with community residents and business owners. From this public input process as well as input from the Steering Committee and working groups, the Plan Vision and Guiding Principles that form the foundation of the Plan were developed. Following is a summary of the vision/principles:

- 1) Ensure Kalamazoo is socially, environmentally, and economically sustainable in the long term.
- 2) Reinforce Kalamazoo’s position as a regional entertainment and cultural destination.
- 3) Protect established quality neighborhoods and enhance others including housing for all ages and incomes.
- 4) Continue to build on the synergy of success of the downtown.
- 5) Lead partnerships between Kalamazoo and other entities toward becoming a “world class” city and region that is inclusive regardless of personal differences.
- 6) Expand highly-paid professional jobs that will indirectly create other jobs and entice those employees to live in the city.

- 7) Enhance the overall environment quality and access to greenspace.
- 8) Provide a safe and convenient transportation system that provides travel choices.
- 9) Provide fiscally sound, high-quality municipal facilities and services, sharing services with other entities where beneficial.
- 10) Transform distressed or excessive commercial and industrial areas to new vibrant mixed uses or hold for future use.

Of note, the Master Plan incorporates some population and related demographic information. Kalamazoo lost population (4,966 residents) between 2000 and 2008 and has a population of about 70,000 people per the Master Plan (US Census estimates show 72,179 people in 2008, the most recent estimate). The Master Plan also indicates corresponding losses in economic sectors as well – retailers, industries – that translates into lost jobs and realistic but “modest” projections for the future. As a policy/strategy plan, protecting/nurturing and the transition/reuse of residential, commercial and industrial areas are identified throughout (Chapter 2 – Regional Framework and Marketplace; Chapter 3 – Neighborhoods and Land Use, as examples).

With regard to growth and development along the shared border (Kilgore Road), the Future Land Use Maps for Kalamazoo and Portage were compared. This review identified consistent and compatible land use designations along the corporate boundary with residential and institutional classifications identified west of South Westnedge; commercial classifications near the South Westnedge/Kilgore Road and Portage Road/Kilgore Road intersections; residential, park and office classifications between South Westnedge and Portage Road; and industrial classifications between the airport and Sprinkle Road. Consistencies also exist between Kalamazoo and Portage in regards to transportation and access management related goals and to expand non-motorized methods of transportation through the development of trails, walks, bike lanes and “greenways.” (Chapter 4 – Transportation). The Open Space Framework Plan map located on page 61 references four Greenway Corridors within the City of Portage including the Portage Creek Bicentennial Park Trail. Development of several of these “greenway” connections in the City of Portage would likely be challenging, however, given physical barriers such as US-131 and I-94, lack of publically owned land, potential resident impacts along the West Fork of the Portage Creek, among other considerations.

### **III. RECOMMENDATION**

The Planning Commission is advised to review the 2010 Kalamazoo Master Plan. For Commissioners who would prefer a paper copy of the Master Plan for review, please contact Department Secretary Stephens at 329-4477, or at [StephenT@portagemi.gov](mailto:StephenT@portagemi.gov), and a copy will be mailed, or can be picked up at City Hall. Any comments by the Planning Commission on the Master Plan will be forwarded to the City of Kalamazoo for consideration by June 10, 2010.

# **MATERIALS TRANSMITTED**

## CITY COUNCIL MEETING MINUTES FROM APRIL 27, 2010

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

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Patricia M. Randall and Terry R. Urban and Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmember Claudette S. Reid was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

Mayor Strazdas introduced Pastor Mike Drew of the First Reformed Church of Portage, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

**APPROVAL OF MINUTES:** Motion by O'Brien, seconded by Sackley, to approve the Special Meeting Minutes of April 13, 2010, as presented. Upon a voice vote, motion carried 6 to 0. Motion by O'Brien, seconded by Sackley, to approve the Regular Meeting Minutes of April 13, 2010, as presented. Upon a voice vote, motion carried 6 to 0. Motion by O'Brien, seconded by Sackley, to approve the Budget Meeting Minutes of April 20, 2010, as presented. Upon a voice vote, motion carried 6 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Motion by Urban, seconded by Campbell, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

\* **APPROVAL OF CHECK REGISTER OF APRIL 27, 2010:** Motion by Urban, seconded by Campbell, to approve the Check Register of April 27, 2010. Upon a roll call vote, motion carried 6 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Dale Shugars, 1185 Tanager Lane, Oshtemo, and Justin Vander Ark, 803 Fletcher Avenue, Kalamazoo Township, thanked City Council for their support for the Home Expo that recently took place at the former Sam's Club Building on Mall Drive. They also expressed their appreciation for the efforts of city staff and the Meyer C. Weiner Company for the excellent venue that the location provided. They indicated that 190 companies participated, ten non-profit booths, including the Portage Rotary, with over 15,000 visitors which is 30% more than last year. Discussion followed.

Gary Wager, 5936 Concord Street, expressed concerns regarding cut-through traffic and car stereo boom box noise on Concord Street and traffic noise on Milham Avenue. Discussion followed. Mayor Strazdas referred the matter to the Administration for review. Discussion followed.

### REPORTS FROM THE ADMINISTRATION:

\* **PUBLIC HEARING ON FISCAL YEAR 2010-11 BUDGET:** Motion by Urban, seconded by Campbell, to adopt the Resolution setting a public hearing on May 11, 2010, at 7:30 p.m. or as soon thereafter as may be heard for the Fiscal Year 2010-11 proposed city budget and the proposed 2010 tax levy, as computed in accordance with Public Act 5 of 1982. Upon a roll call vote, motion carried 6 to 0.

\* **2010 UTILITY RATE FINANCIAL STUDY:** Motion by Urban, seconded by Campbell, to establish a public hearing for May 11, 2010, at 7:30 p.m. or as soon thereafter as may be heard to consider resolutions to adopt a sewer commodity rate increase from \$3.95 to \$4.65 per 1,000 gallons of metered water; adopt a water commodity rate increase from \$2.60 to \$3.01 per 1,000 gallons of metered

water; adopt the recommendation that adjustments be made to both the sewer and water basic quarterly charges; and adopt the recommended water and sewer franchise area fees and other service fees and charges as outlined in the 2010 Utility Rate Financial Study. Upon a roll call vote, motion carried 6 to 0.

\* **TELEPHONE SERVICES AGREEMENT:** Motion by Urban, seconded by Campbell, to approve the agreement between TDS Metrocom and the City of Portage for the provision of telephone services for a three-year period at an approximate annual cost of \$51,637 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **TRANSFER OWNERSHIP OF ESCROWED 2009 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, (RYR PARTNERS KALAMAZOO, INC.):** Motion by Urban, seconded by Campbell, to grant the request to transfer ownership of the 2009 Class C Licensed Business with Dance-Entertainment Permit, (RYR Partners Kalamazoo, Inc.), located in escrow at 241 Kalamazoo, Suite 101, Kalamazoo, MI 49007, Kalamazoo County, from Gary Fields Club II, L.L.C., to RYR Partners Kalamazoo, Inc., and transfer location (Governmental Unit) (MCL 436.1531(1)) to 7638 South Westnedge Avenue, Portage, MI 49002. Upon a roll call vote, motion carried 6 to 0.

\* **MARCH 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Campbell, to receive the communication from the City Manager regarding the March 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

\* **MONTHLY REPORTS:** Motion by Campbell, seconded by Reid, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

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

Portage Environmental Board of March 10, 2010.

Portage Senior Citizen Advisory Board of March 17, 2010.

Portage Board of Education Special and Regular of March 22 and Special of March 25 and April 25, 2010.

**BID TABULATIONS:**

\* **CITY HALL AND FIRE STATION #2 BOILER AND AIR CONDITIONING UPGRADES:** Motion by Urban, seconded by Campbell, to accept the low bid submitted by Suburban Mechanical Company in the amount of \$47,550 for boiler and air conditioning upgrades at Fire Station #2 and boiler replacement in City Hall and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **FIRE DEPARTMENT PERSONAL PROTECTIVE CLOTHING:** Motion by Urban, seconded by Campbell, to award a contract to the sole responsive bidder, First Due Fire Supply, of Leslie, Michigan, in the amount of \$46,484.50 for the replacement of Fire Department personal protective clothing and authorize the City Manager to execute all documents relating to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **CITY SIDEWALKS REPAIRS - RECOMMENDATION:** Motion by Urban, seconded by Campbell, to award a contract to the low bidder C. L. Moberley Construction in the not-to-exceed amount of \$37,762.32 for the repair of selected city sidewalks and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **SENIOR CENTER REPLACEMENT WINDOWS – BID RECOMMENDATION:** Motion by Urban, seconded by Campbell, to accept the low bid submitted by Clear Visions, Incorporated, in the amount of \$32,000 for replacement windows at the Portage Senior Center and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

**OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Campbell thanked Councilmembers O'Brien and Urban for attending the Opening Day Ceremony at South Portage Little League.

Councilmember O'Brien reciprocated by thanking her for all of her efforts with the success of the Opening Day Ceremony at South Portage Little League. She also thanked all of the volunteers at the high schools and all sports leagues and expressed her amazement of the talent on the various teams as a result of these volunteer efforts in Portage. She thanked Councilmember Randall for bringing the issue of assessments to the attention of City Council, as all of City Council share a desire for accuracy in assessments, and she personally received a valuable education as a result.

City Manager Evans expressed his gratitude to Parks Director Bill Deming and his staff for putting on the fishing camp at Ramona Park.

Mayor Strazdas thanked Councilmember Randall for raising the awareness of assessments over the past months. He also expressed special kudos to Deputy City Clerk Adam Herringa for his fine Greenathon Event at Celery Flats with the Youth Council, and he thanked Councilmember O'Brien for forming the Youth Advisory Committee. He noted that he attended the Portage Senior Center Annual Volunteer Luncheon event where 259 volunteers were recognized who work on activities for seniors and congratulated all city volunteers. Finally, he mentioned that there are eight (8) young men who will receive their Eagle Scout designation on Sunday, and Councilmember O'Brien interjected that Youth Advisory Committee Member Fatima Mirza received the Star Award.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:17 p.m.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.