

CITY OF  
**PORTAGE**  
*A Place for Opportunities to Grow*

# **PLANNING COMMISSION**

**April 7, 2011**

# **CITY OF PORTAGE PLANNING COMMISSION**

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

**April 7, 2011  
(7:00 p.m.)**

**Portage City Hall Council Chambers**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES:**

- \* March 17, 2011 Regular Meeting
- \* March 28, 2011 Special Meeting

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

### **PUBLIC HEARINGS:**

- \* 1. Special Land Use Permit: Ms. Geraldine Corner (group child care home), 5419 West Circlewood
- \* 2. Preliminary Report: Rezoning Application #10-01, Portage Road and Fairlane Avenue

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

### **OLD BUSINESS:**

### **NEW BUSINESS:**

- \* 1. Farmland and Open Space Preservation Application, 7905 West RS Avenue, Texas Township
- \* 2. Proposed 2011 Oshtemo Township Master Plan

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

1. 2010-2011 Planning Commission Goals and Objectives Update (April 2011) and Recommended 2011-2012 Goals and Objectives – PC memo to CC dated March 17, 2011
2. City of Portage FY 2011-2021 Capital Improvement Program – PC memo to CC dated March 31, 2011
3. FY2011-2021 Capital Improvement Program – Follow-up Questions/Comments
4. March 8, 2011 City Council meeting minutes
5. February 2011 Summary of Environmental Activities Report

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

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## PLANNING COMMISSION

March 17, 2011

The City of Portage Planning Commission meeting of March 17, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

### **MEMBERS PRESENT:**

Miko Dargitz, Wayne Stoffer, Bill Patterson, Allan Reiff, Jim Pearson, Mark Siegfried and Chairman James Cheesebro.

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Rick Bosch and Paul Welch.

### **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 Cheesebro referred the Commission to the March 3, 2011 meeting minutes. A motion was made by Commissioner Dargitz, seconded by Commissioner Stoffer, to approve the minutes as submitted. The minutes were unanimously approved.

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

None.

### **PUBLIC HEARINGS:**

None.

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

None.

### **OLD BUSINESS:**

1. 2011-2021 Capital Improvement Program. Mr. Forth provided an overview of the 2011-2021 Capital Improvement Program (CIP) document that was provided to the Planning Commission during the March 3, 2011 meeting. Mr. Forth summarized each category of the CIP with emphasis on the FY 2011-2012 budget year:

- Streets Category – Commissioner Pearson asked what impact the CIP would have on the percentage of streets rated good, fair and poor and whether the overall condition of city streets would improve, degrade or remain stable. Mr. Forth stated he did not have that information readily available so a follow-up response would be prepared and provided to the Commission.
- Sidewalks/Bikeways Category – The Commission did not have any questions or comments regarding this category.

- Water Category – The Commission did not have any questions or comments regarding this category.
- Sanitary Sewer Category – Commissioner Dargitz asked if there were any sanitary sewer projects planned for the same roadway segments that are included in the Local Street and Major Street Reconstruction Programs for FY2011-12. Mr. Forth stated no and indicated that sewer projects and roadway reconstruction projects are coordinated since the sanitary sewer main is typically installed beneath the roadway.
- Police Category – The Commission did not have any questions or comments regarding this category.
- Fire Category – The Commission did not have any questions or comments regarding this category.
- Public Facilities Category – Commissioner Reiff asked whether the City would be selling the former Portage Community Outreach Center property located on South Westnedge Avenue after the building was demolished. Mr. Forth stated that City Council will be considering the sale of this property during the March 22, 2011 meeting.
- Parks & Recreation Category – Commissioner Pearson asked whether the City has built any new softball fields since the last citizen survey was conducted where softball recreation was ranked high. Mr. Forth stated that he did not believe any new fields had been constructed, but would confirm with the Parks & Recreation Department. Commissioner Pearson also asked for clarification regarding the Parks & Recreation Department budget. Commissioner Pearson stated that City Council had earmarked Parks & Recreation for budget cuts; however, the spending proposed for FY2011-2012 (\$144,000) represents a substantial increase compared to the current FY2010-2011 budget year (\$80,000). Mr. Forth stated he would research and provide a response to the Commission. Chairman Cheesebro asked why the planned spray park had been removed from the CIP. Since Commissioner Pearson was personally involved with this project, he responded by stating that efforts to secure private funding were not successful.
- Debt Services Category – Mr. Forth discussed the decrease in debt service over the past several years from \$62.7 million in the 2006-2016 CIP to \$45.2 million in the proposed 2011-2021 CIP. Mr. Forth stated that debt reduction continues to be a high priority of the City Administration and progress has been made over the past several years. Commissioner Pearson asked for clarification regarding the debt service figures cited by Mr. Forth. In speaking with the City Manager and as indicated in a January 2011 report to the City Council, Commissioner Pearson stated that \$8.8 million in debt was paid in 2010-2011 and \$98 million in debt remained, of which approximately two-thirds (\$65 million) was CIP debt. Commissioner Pearson did not understand the difference in remaining CIP debt (\$45.2 million vs. \$65 million) and asked for clarification. Mr. Forth stated he would research and provide a response to the Commission. Commissioner Stoffer asked how much debt is being added with the 2011-2012 CIP budget year projects. Mr. Forth indicated he would discuss the question with the Finance Department and provide a response to the Commission.

The Commission discussed a recommendation to City Council. Commissioner Reiff stated that he believes the questions asked and follow-up information to be provided by staff would not affect the ability of the Commission to formulate a recommendation to City Council regarding the CIP document. The Commission concurred and asked that staff responses to questions be provided in a subsequent communication. After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Reiff, to recommend to City Council that the FY 2011-2021 CIP be approved (FY2011-2012 budget year and remaining nine year planning projects). Mr. Forth stated a formal communication with answers to Commissioner questions would be provided with subsequent agenda materials. The motion was unanimously approved.

## 2. 2011 Major Thoroughfare Plan Status Update Report and 2011-2021 Capital Improvement Program.

Mr. Forth referred the Commission to the 2011 Major Thoroughfare Plan Status Update Report that was previously provided during the March 3, 2011 meeting. Mr. Forth summarized the report and asked the Commission if there were any questions or comments. Commissioner Pearson inquired about the high vehicle crash rate for West Melody, between Shaver and Dolphin. Mr. Forth indicated the high crash rate is partially attributed to the short roadway segment (.077 mile) and referred the Commission to Table C-6, bottom page A-6. Mr. Forth stated this roadway segment experienced a total of three crashes (non injury/fatality) during the three

year period. After additional discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Dargitz, to accept the 2011 Major Thoroughfare Plan Status Update Report. The motion was unanimously approved.

**NEW BUSINESS:**

1. Mixed-Use Zoning Ordinance Proposal (referral from City Council). Mr. Forth reviewed the March 11, 2011 staff report and the three mixed-use ordinance proposals recommended by the Housing and Neighborhood Ad Hoc Committee. Mr. Forth summarized the major provisions of the three proposals: 1) City Centre Area – Mixed Use Floating Zone; 2) Commercial Corridor Mixed-Use Floating Zone; and 3) Work/Live Accommodations. Mr. Forth suggested a special meeting of the Planning Commission to further discuss the three mixed-use ordinance proposals. The Commission briefly discussed the preliminary concepts contained in the three ordinance proposals and reviewed potential special meeting dates. After additional discussion, a motion was made by Commissioner Reiff, seconded by Commissioner Patterson, to schedule a special meeting for Monday, March 28, 2011 at 7:00pm to discuss the Mixed-Use Zoning Ordinance proposals subject to the availability of Commissioner Welch and Commissioner Bosch. Chairman Cheesebro indicated he would contact Commissioner Welch and Commissioner Bosch to confirm their availability and suggested an alternative date of Tuesday, March 29, 2011. The motion was unanimously approved.

2. 2010-2011 City Council Assigned Goals and Objectives Update (April 2011) and Recommended 2011-2012 Goals and Objectives. Mr. West introduced the item and summarized the staff report dated March 11, 2011. Mr. West then reviewed the draft memo from the Planning Commission to City Council and asked for comments. Commissioner Stoffer suggested Item 8 be added to the Recommended 2011-2012 Goals and Objectives that would reference the conveyance of updates to the City Council in November 2011 and April 2012 and recommended goals for FY 2012-2013 in April 2012. Commissioner Dargitz suggested a revision to the third bullet under Item 2 in the Recommended 2011-2012 Goals and Objectives to read as follows: “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.” After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to forward the 2010-2011 City Council Assigned Goals and Objectives Update (April 2011) and Recommended 2011-2012 Goals and Objectives to City Council with the above changes. The motion was unanimously approved.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

Commissioner Stoffer asked when update of the Comprehensive Plan was scheduled. Mr. Forth stated the Comprehensive Plan was scheduled for review and update in FY 2012-2013. Mr. Forth indicated that U.S. Census information should be available and the City would retain the services of a consultant to assist in the process.

Chairman Cheesebro congratulated Commissioner Welch and his wife and the recent birth of their twins.

There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Christopher Forth, AICP  
Deputy Director of Planning and Development Services

PLANNING COMMISSION

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March 28, 2011

The City of Portage Planning Commission special meeting of March 28, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Conference Room No. 1 of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

**MEMBERS PRESENT:**

Miko Dargitz, Wayne Stoffer, Rick Bosch, Paul Welch, Bill Patterson, Allan Reiff, Jim Pearson, Mark Siegfried and Chairman James Cheesebro.

**MEMBERS ABSENT:**

None.

**MEMBERS EXCUSED:**

None.

**IN ATTENDANCE:**

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

**APPROVAL OF MINUTES:**

None.

**SITE/FINAL PLANS:**

None.

**PUBLIC HEARINGS:**

None.

**PLATS/RESIDENTIAL CONDOS:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. Mixed-Use Zoning Ordinance Proposals. Mr. Forth referred the Commission to the previously provided March 11, 2011 staff report and the three mixed-use ordinance proposals referred by City Council and the Housing and Neighborhood Ad Hoc Committee. Mr. Forth discussed the origins for the three mixed-use ordinance proposals including the Portage 2025 Visioning project and the 2008 City Centre Area Plan. Mr. Forth and Attorney Brown stated changes to ordinance language and format would be forthcoming and asked that the Commission discussion focus on concepts contained in the three proposals. Mr. Forth and Attorney Brown indicated the Commission would have opportunities to comment on specific ordinance language at future meetings.

 DRAFT

Mr. Forth began with a review of the City Centre Area (CCA) – Mixed Use Floating Zone, a voluntary, incentive-based floating zone that could be initiated by a property owner or developer in a manner similar to the PD, planned development district. Mr. Forth stated the detailed plan area portion of the City Centre Area encompasses approximately 175 acres and then reviewed areas where redevelopment was likely to occur. Commissioner Pearson asked for the rationale behind the ten acre minimum project area provision contained in the draft language. Mr. Forth stated the ten acre provision was intended to encourage a larger, more coordinated form of development and would likely require parcel assemblage and redevelopment activities. Mr. Forth also indicated the ordinance contains a provision whereby City Council can waive the ten acre minimum. The Commission discussed the pros and cons of the ten acre minimum standard, redevelopment areas within the CCA where ten acres could be readily assembled and whether a reduction to a five acre minimum project area would be more appropriate. The Commission next discussed the differences between the CCA and older, more urban communities where integrated commercial/residential development has occurred. Commissioner Pearson stated he believes the CCA needs to include a “catalyst” such as a large feature, landmark and/or building to help encourage development. Commissioner Welch asked what incentives were being offered with the proposed ordinance. Mr. Forth discussed the various incentives including allowance for residential uses in the commercial development, reduced building setbacks, no maximum lot coverage and no building height restrictions. Commissioner Reiff asked why the ordinance only allowed for one type of outdoor lighting (Shepard’s hook). Mr. Forth stated the intent was to establish a consistent and unifying theme. Mr. Forth concluded with a short description of the project review and approval process.

Mr. Forth reviewed the Commercial Corridor Mixed-Use (CCMU) Floating Zone, another voluntary, incentive-based floating zone that could be initiated by a property owner or developer in a manner similar to the PD, planned development district. Mr. Forth stated the CCMU zone would allow for up to 20% residential land use in any of the business zoning districts (B-1, B-2, B-3, CPD and OS-1 zones) located within a designated commercial corridor or primary/secondary commercial node. Mr. Forth indicated the CCMU could not be applied to any property located within the CCA. Mr. Forth stated a five acre minimum project area was required in the CCMU zone and briefly reviewed the site development incentives including integration of residential land use, mixed use buildings and reduced building setbacks. Mr. Forth concluded with a short description of the project review and approval process. At this time, the Commission did not have any comments on the CCMU Floating Zone.

Mr. Forth reviewed the Work/Live Accommodations (WLA) ordinance and its applicability in the business zoning districts (B-1, B-2, B-3, CPD and OS-1 zones). Mr. Forth reviewed the general provisions of the WLA proposal and stated it would be allowed as a special land use subject to Planning Commission review and approval after a public hearing. Commissioner Pearson suggested modification to Section 42-137.A to allow the living quarters to be occupied by the owner of the business and/or employee. The Commission concurred that additional flexibility should be built into the living quarters section of the ordinance. The Commission then also discussed allowing the living area to be more than 1/3 of the total floor area, possibly up to 50%. Mr. Forth discussed the intent of the WLA ordinance not to allow the living quarters to be rented or leased to any individual, but rather provide flexibility to the owner of the business to also live at the premises. Attorney Brown suggested allowing him and the staff to consider a broader scope of options for the living quarters portion of the WLA ordinance. The Commission and staff discussed various sections of the proposal including the provision that prevented the business portion of the use from being situated on a floor above the residential portion of the use.

At the conclusion of the Commission review, Mr. Forth indicated that staff and the City Attorney would consider Commission comments and make appropriate modifications to the proposals and schedule another special meeting for future Commission discussion in either April or May.

**STATEMENT OF CITIZENS:**

None.

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**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Christopher Forth, AICP  
Deputy Director of Planning and Development Services

**TO:** Planning Commission **DATE:** March 31, 2011  
**FROM:** Jeffrey M. Erickson, Director of Community Development  
**SUBJECT:** Special Land Use Permit: Group Child Care Home, 5419 West Circlewood Drive

**I. INTRODUCTION:**

An application has been submitted by Ms. Geraldine Corner requesting approval to establish a group child care home for up to 12 children at her residence. The applicant is in the process of finalizing a group child care home license with the State of Michigan, pending Planning Commission review/approval. According to Ms. Corner, the group child care home will operate Monday to Friday from 7:00 a.m. to 6:00 p.m. with one non-resident assistant, as required by the state, and as explained in the accompanying March 10, 2011 letter from the applicant.

**II. BACKGROUND INFORMATION:**

Existing Land Use/Zoning	<ul style="list-style-type: none"> <li>The 0.40 acre parcel is zoned R-1C, one-family residential and occupied by a 1,544 square foot ranch-style, walk-out home with an attached two-car garage and finished basement. The parcel is rectangular, about 100-feet wide by 175-feet deep. Single-family residences zoned R-1C border the site to the north, south, east and west.</li> </ul>
Comprehensive Plan	<ul style="list-style-type: none"> <li>The Future Land Use Map of the Comprehensive Plan identifies the subject site and surrounding properties are appropriate for low density residential land use.</li> </ul>
Environmental/Historic District	<ul style="list-style-type: none"> <li>These characteristics/issues are not applicable in this instance.</li> </ul>
Land Development Regulations	<ul style="list-style-type: none"> <li>The application is submitted pursuant to Section 42-182(I), Special Land Uses in the R-1C, One-Family Residential District. Subject to review and approval by the Planning Commission, this section permits "Group child care homes" subject to conditions; and</li> <li>Section 42-462, General Standards for Review of Special Land Uses.</li> </ul>

**III. ANALYSIS:**

Michigan statute (PA 116 of 1973, as amended – Child Care Organizations) permits family and group child care homes in residential zoning districts: The Portage Zoning Code permits these uses in the R-1C zone. The application fulfills the conditions set forth in the Zoning Code for issuance of a special land use permit. Although a family child care home is located at the corner of South Circlewood and Woodmont, the subject parcel is not situated within 500 feet (measured from nearest property line) or within 1,500 feet (measured as a traveled distance along public streets) from another licensed group child care home, adult foster care home or other similar use. The site has a U-shaped driveway from West Circlewood and an attached two-car garage that provides adequate drop-off, pick-up and parking for the site.

An outdoor play area is planned in the rear yard of the site, which is essentially unfenced (sections have 4-foot chain link fence). While staff has discussed with the applicant Zoning Code Section 42-182(I)(3) that allows the Planning Commission to consider installation of up to a six foot tall screening fence around an outdoor play area "...in order to mitigate and/or avoid possible adverse impacts on surrounding property and to improve safety", she has referenced financial constraints in her March 10, 2011 correspondence. The applicant has proposed to divide the children into two smaller groups (6 or fewer children each) and alternate taking them outside to play. Although this proposal would minimize the number of children playing outside at any one time, impacts will increase and compliance will be difficult to confirm. The

attached aerial map and photographs identify areas of natural vegetation/screening on the site and elevation differences between adjacent parcels.

In addition to the special land use requirements, the special land use permit application is also subject to the General Standards of Review contained in Section 42-462. A listing of the General Standards of Review, along with a brief analysis, is presented below:

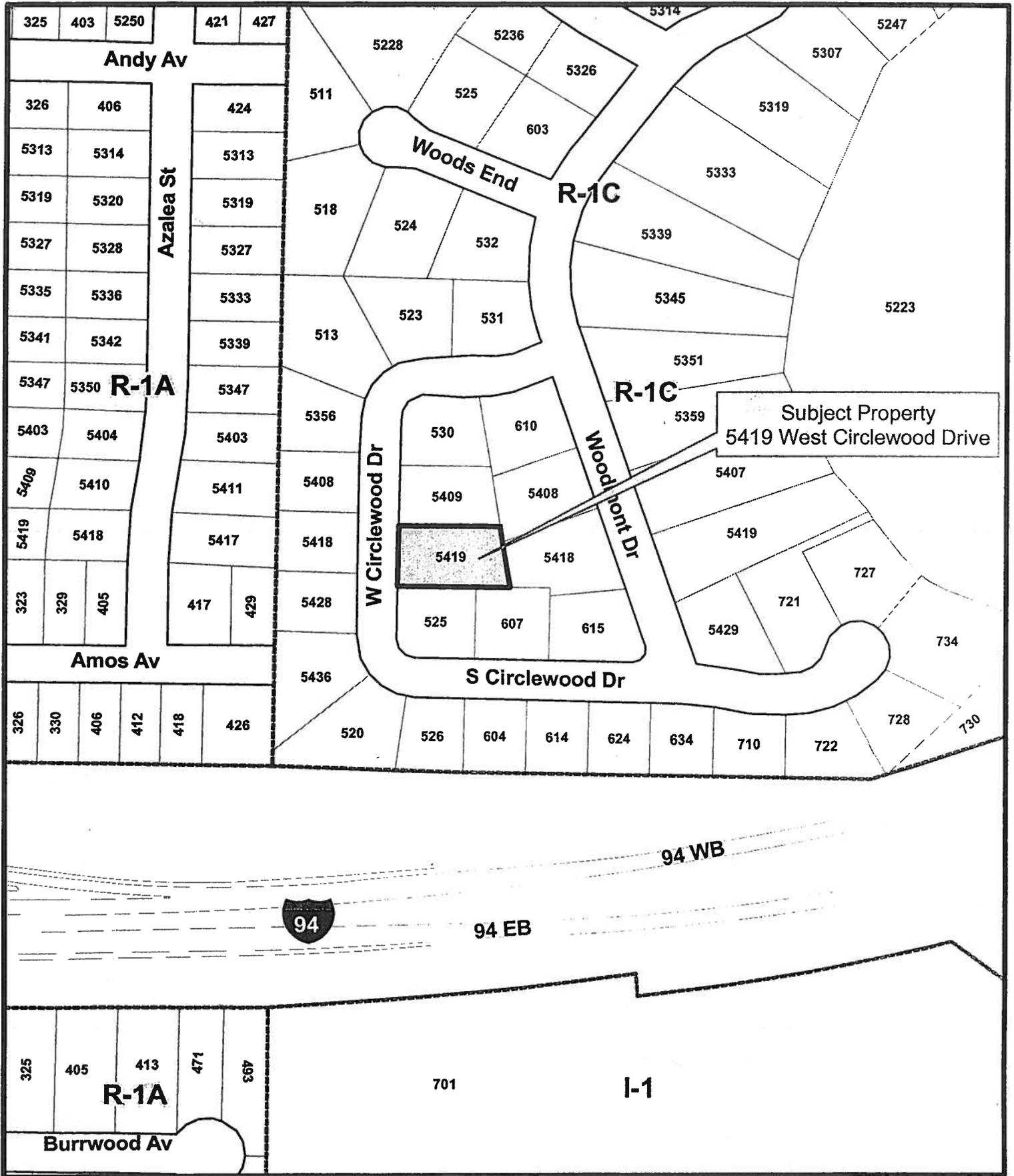
- Promote the intent and purpose of this article. Article 4, Zoning, promotes the public health, safety, comfort, convenience and general welfare through orderly development. A group child care home promotes this article by providing a valuable service for working parents who desire quality child care in a residential setting.
- Be compatible with adjacent uses of land and the natural environment. The care of children in a residential setting is compatible with adjacent uses and the natural environment since children are associated with most every residential neighborhood. Recognizing that higher concentrations of children beyond those normally associated with a single-family residential home may impact adjacent homeowners, reasonable conditions such as screening can be required as part of the special land use approval process.
- Not unduly affect the capacities of public services or facilities. The group child care home will not affect the capacities of public services or facilities.
- Be consistent with the public health, safety and welfare. Operation of a group child care home from a single-family residence located in the neighborhood would be consistent with the public health, safety and welfare.
- Be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan. Establishment of group child care homes specifically promotes Goal 2, Housing - Objective 2.6, which is intended to address housing and services for special groups such as families in need of child day care.
- Be planned and designed to ensure that the nature and intensity of the principal use and all accessory uses, and the site layout and its relation to the streets giving access to it, shall not be hazardous or otherwise detrimental to the area or unduly conflict with normal traffic to and from the use. The operation of a group child care home from this location will not be detrimental to the area or unduly conflict with normal traffic. The care for up to twelve children at this location will likely result in a maximum of 48 vehicle trips (drop-off and pick-up) during an average weekday. For comparison purpose, a single family residence will generate between 8-12 vehicles trips during an average weekday. These additional vehicles at various times during the day is considered minimal and will not negatively impact traffic flow and safety within the Ridgebrook neighborhood.

Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. A notice was also placed in the local newspaper. Several letters from adjacent neighbors expressing concerns regarding the proposed group child care home have been received that express concerns including the “business” nature of use, increased traffic and safety hazard, noise, loss of property value and altering the character of the residential neighborhood. However, group child care home provisions such as no signage, distance/separation requirements and fencing of the outdoor play area help ensure the group child care home is compatible within a residential neighborhood. The Michigan Department of Human Services web site identifies 21 licensed group child care homes operating in Portage that provide additional options for parents desiring quality child care services in a residential setting.

#### **IV. RECOMMENDATION:**

Based upon the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends that the Special Land Use Permit for Ms. Geraldine Corner (group child care home), 5419 West Circlewood Drive, be approved. The Commission is also advised to consider the screening fence provision of Section 42-182(I)(3) of the Zoning Code.

Attachments: Vicinity/Zoning Map  
Aerial Photograph and Topography Maps  
Digital Photographs of Subject Site  
Special Land Use Permit Application and Supporting Documentation  
Correspondence received from surrounding neighbors



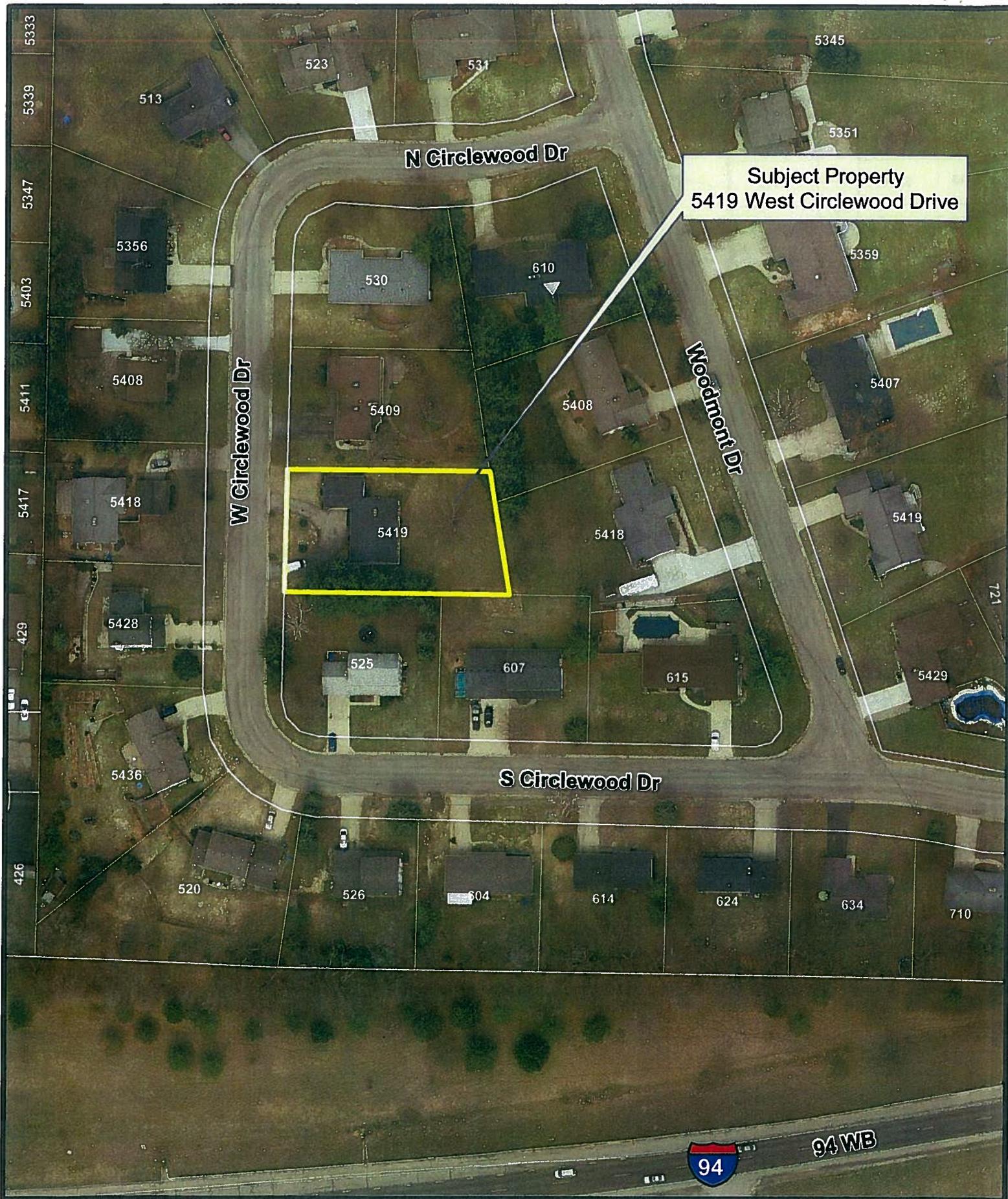
Subject Property  
5419 West Circlewood Drive



1 inch = 200 feet

# Special Land Use Permit 5419 West Circlewood Drive

- Legend**
-  Zoning Boundary
  -  Subject Property



Subject Property  
5419 West Circlewood Drive

W Circlewood Dr

N Circlewood Dr

Woodmont Dr

S Circlewood Dr



1 inch = 100 feet

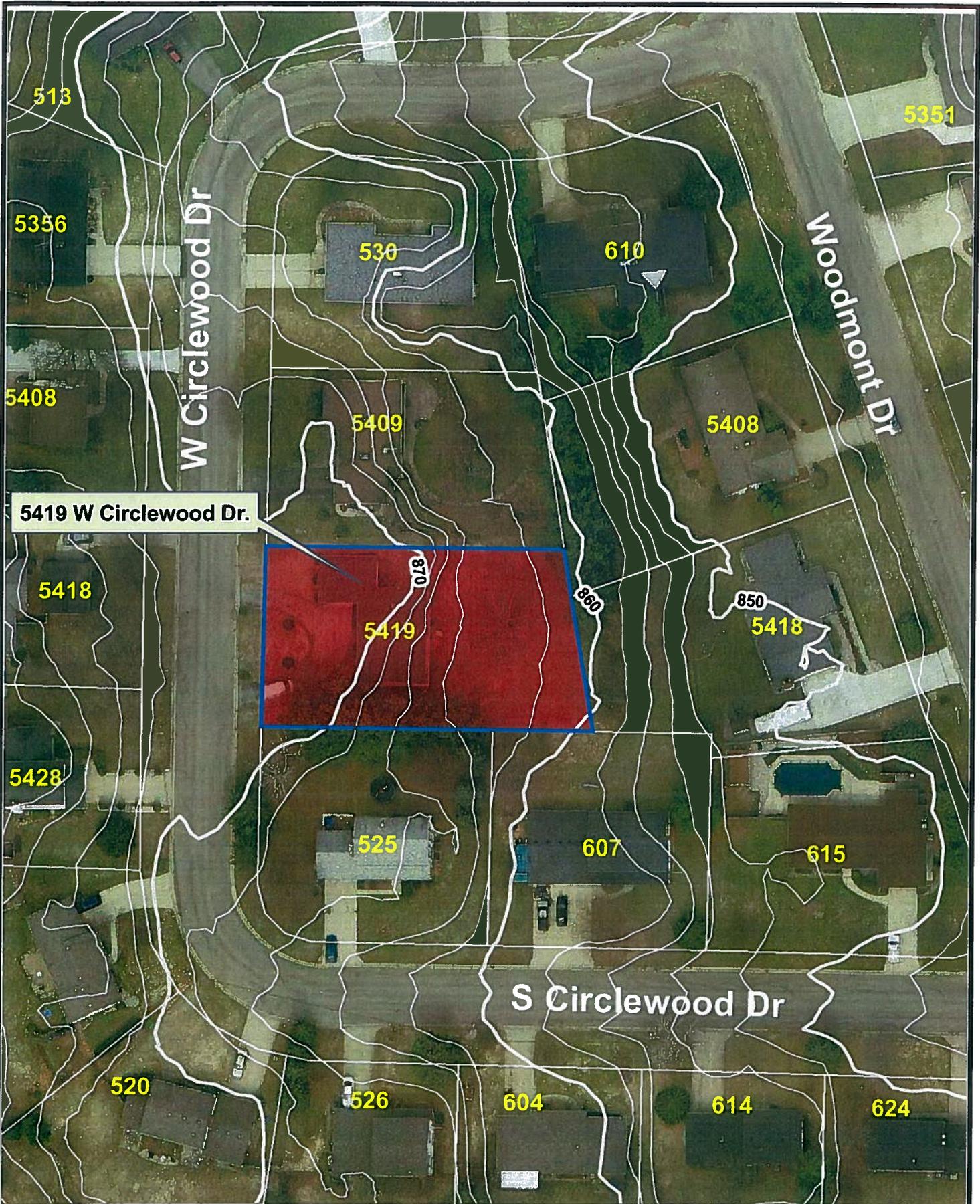
# Vicinity Map - Aerial Photography

## 5419 West Circlewood Drive

### Legend

Subject Property

Date of Photography:  
March, 2009



Imagery: March 2009

**Topographic Map**  
**5419 West Circlewood Dr**

1 inch = 70 feet









RECEIVED

MAR 11 2011

CITY OF  
**PORTAGE**  
A Place for Opportunities to Grow

COMMUNITY DEVELOPMENT  
Department of Community Development

**APPLICANT INFORMATION**

Name Geraldine Corner		Telephone Number 269-744-2342	
Address 5419 W. Circlewood Dr.	City Portage	State MI	Zip code 49002

**OWNER INFORMATION (if different)**

Name Duwayne + Geraldine Corner		Telephone Number 269-366-4560	
Address 5419 W. Circlewood Dr.	City Portage	State MI	Zip code 49002

**PROPERTY INFORMATION**

Address of property 5419 W. Circlewood Dr.	Zoning District R-1C	Land Area (acres)
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Legal Description (or attach separate page)

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**PROPOSED USE**

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

To open and run a license group home day care  
To be licensed by the State of Michigan for  
7-12 children with an assistant

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**OWNER CERTIFICATION**

I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true and accurate. I further acknowledge that approval of this Special Land Use Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.

Signature <i>DuWayne E. Corner</i> Geraldine Corner	Date 3-10-11
---	-----------------

March 10, 2011

RECEIVED

MAR 11 2011

Dear Portage Planning Commission,

My name is Geraldine Corner, and I reside at 5419 W. Circlewood Drive. I am seeking zoning approval for a Special Land Use Permit. I am in the process of applying for a group childcare license through the State of Michigan, which upon approval I would be licensed to care for up to 12 children in my home. It also means that I need to obtain zoning approval.

I am currently working a job where I walk and stand on a concrete floor for 8 hours a day. It has started to have some affects on my physical body, so I feel that this is an opportune time to start my home business.

The hours of operation would be Monday through Friday from 7am – 6pm. The state of Michigan requires an assistant for 7 – 12 children.

My assistant, Ezell Price, and I are both grandmothers. I have 3 sons, and 2 grandsons, and she has 6 grandchildren. We both know the value of assisting a parent in the development of a child.

I am looking forward to caring for children in my home, and providing a safe atmosphere for them to play. At this time, my backyard is only partially fenced in with a chain link fence. I am aware that the Planning Commission could require us to put a 6ft privacy fence. I agree that a 6ft privacy fence would be an ideal addition to the daycare. It would provide more security for the children and privacy for the neighbors. But unfortunately, at this time I do not have the funds to purchase a fence.

Without the backyard being completely fenced in, my assistant and I have come up with this solution:

When supervising a large group of children (7-12), we would divide them up in 2 groups, and take turns taking them outside to play. In smaller supervised groups the children could stay closer to the back of the house, and still have plenty of room to play. I have a very large back yard. I have submitted a couple of pictures.

I've only lived here on Circlewood for 3 years, but I have enjoyed it here. I love working in the yard in the warm weather months. I have never had a problem with any of my neighbors, and I plan on it staying that way. If a problem arises, I will do my best to work at a solution.

I will run a good business in child care, and stay in compliance with the rules and regulations set by the State of Michigan.

Thank you for your time and consideration.

Sincerely,

*Geraldine Corner*

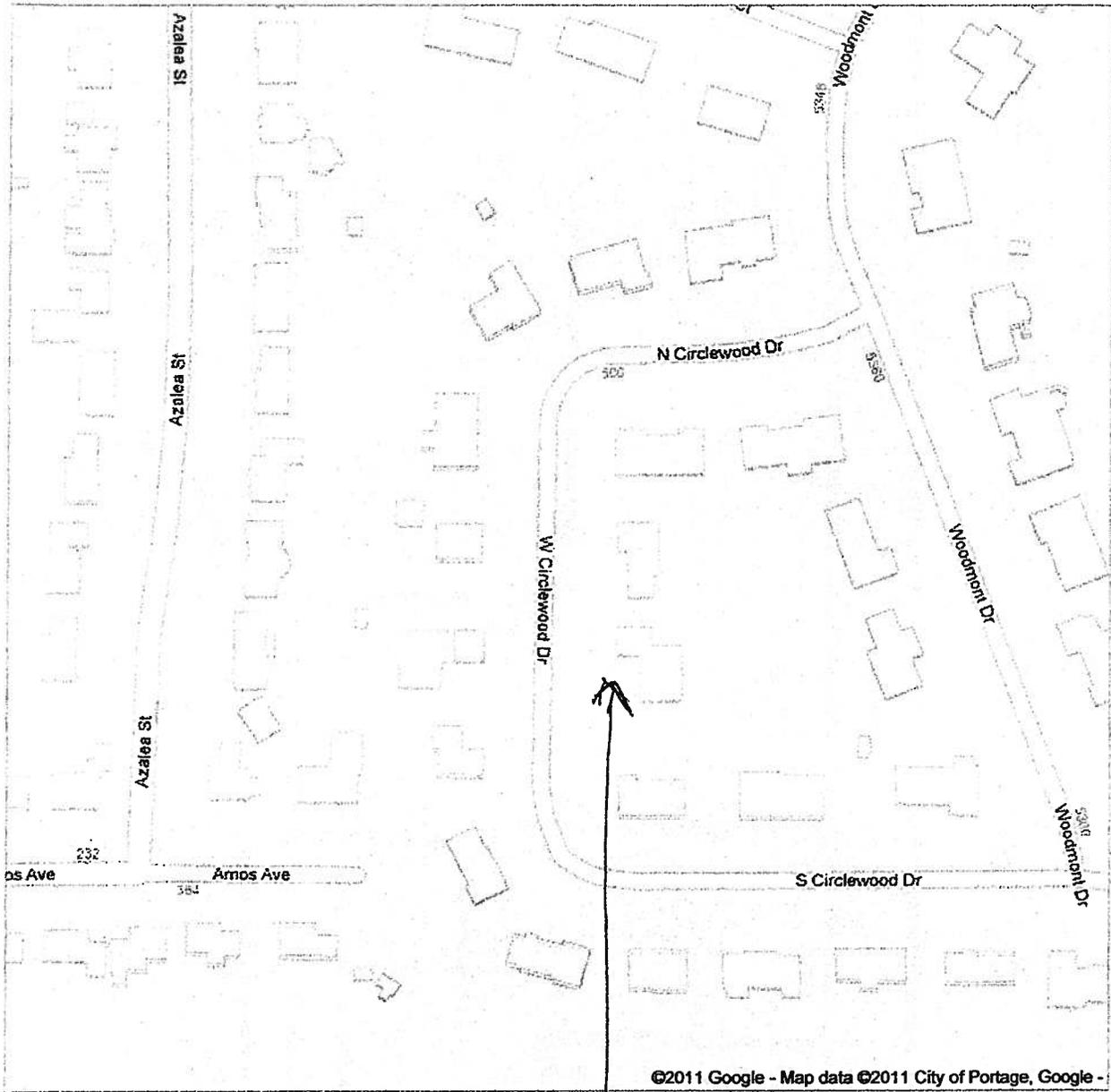
Geraldine Corner  
5419 W. Circlewood Drive  
Portage, MI 49002  
269-366-4560  
269-744-2342

# Google maps

Get Google Maps on your phone



Text the word "GMAPS" to 466453

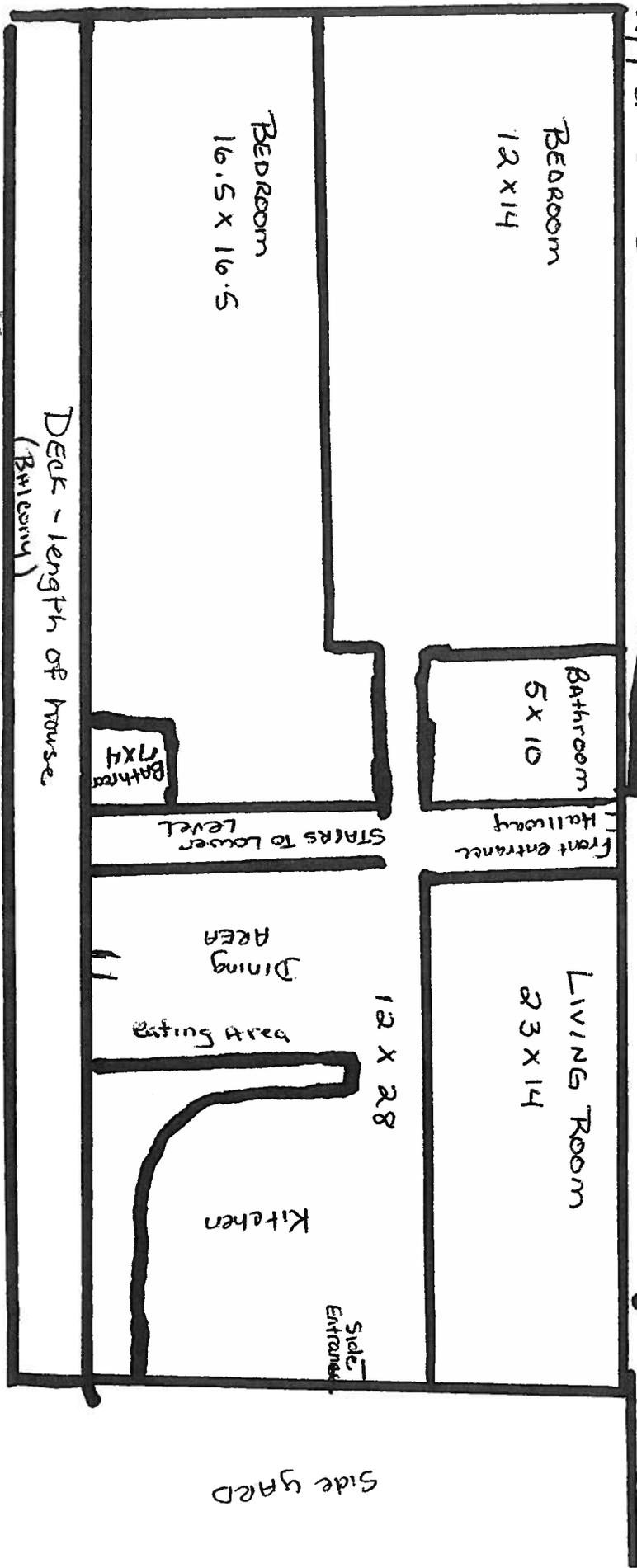


5419 W.  
Circlewood Dr.

5419 W.

Circlewood Dr.

Ranch Walkout  
Upper Level



Off street parking  
Circle Drive way

GARAGE

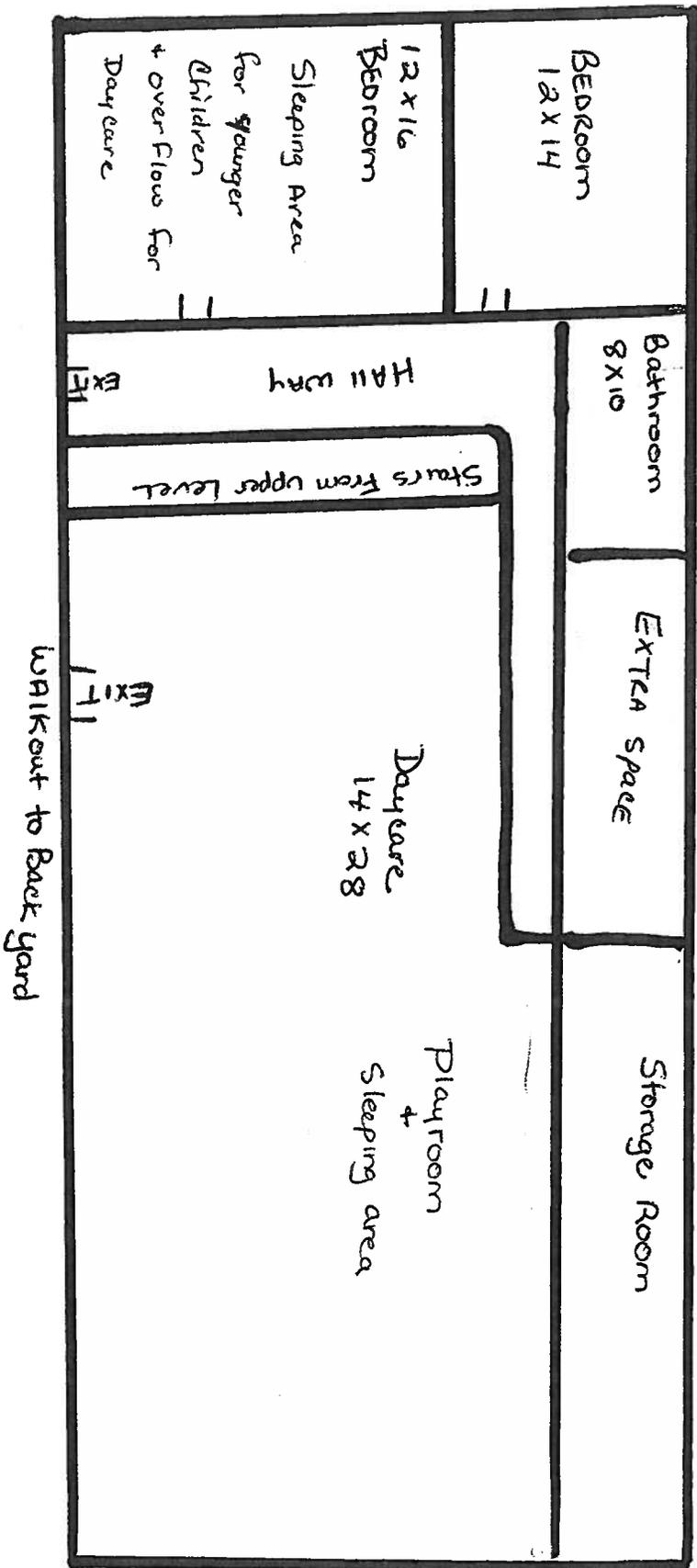
Side yard

Deck - length of house  
(Balcony)

RECEIVED  
MAR 11 2011  
COMMUNITY DEVELOPMENT

5419 W. Circlewood Dr.

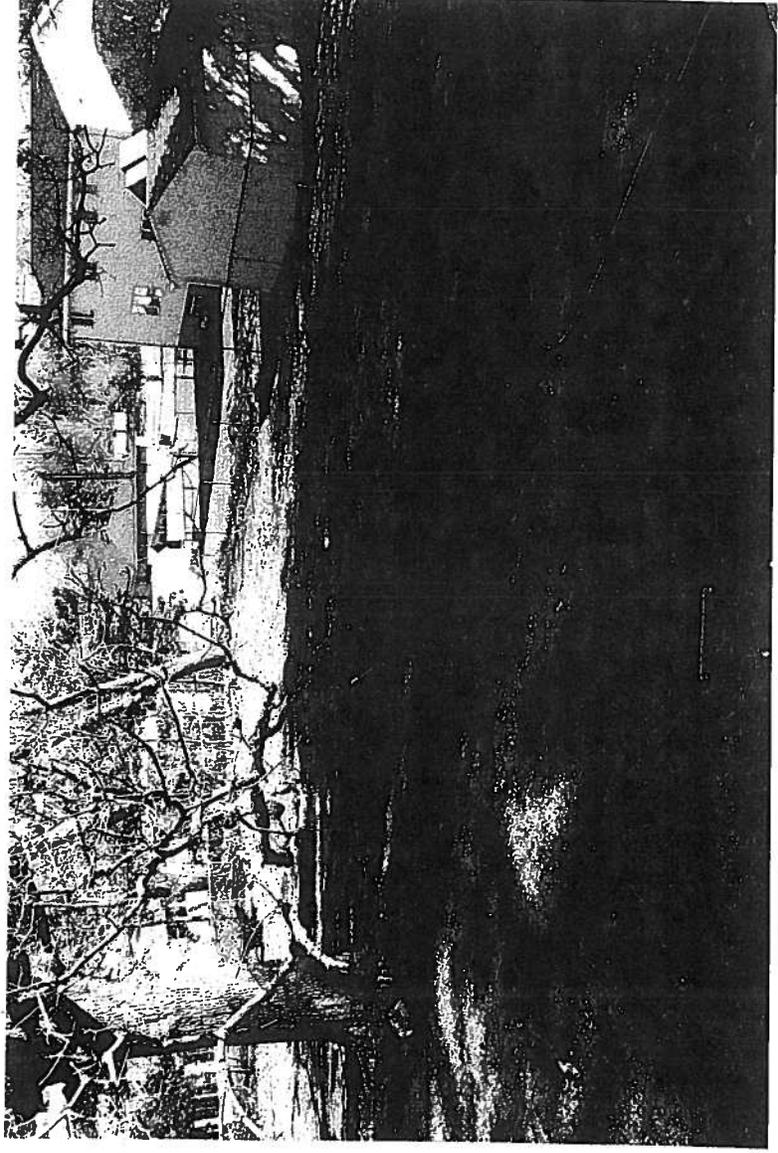
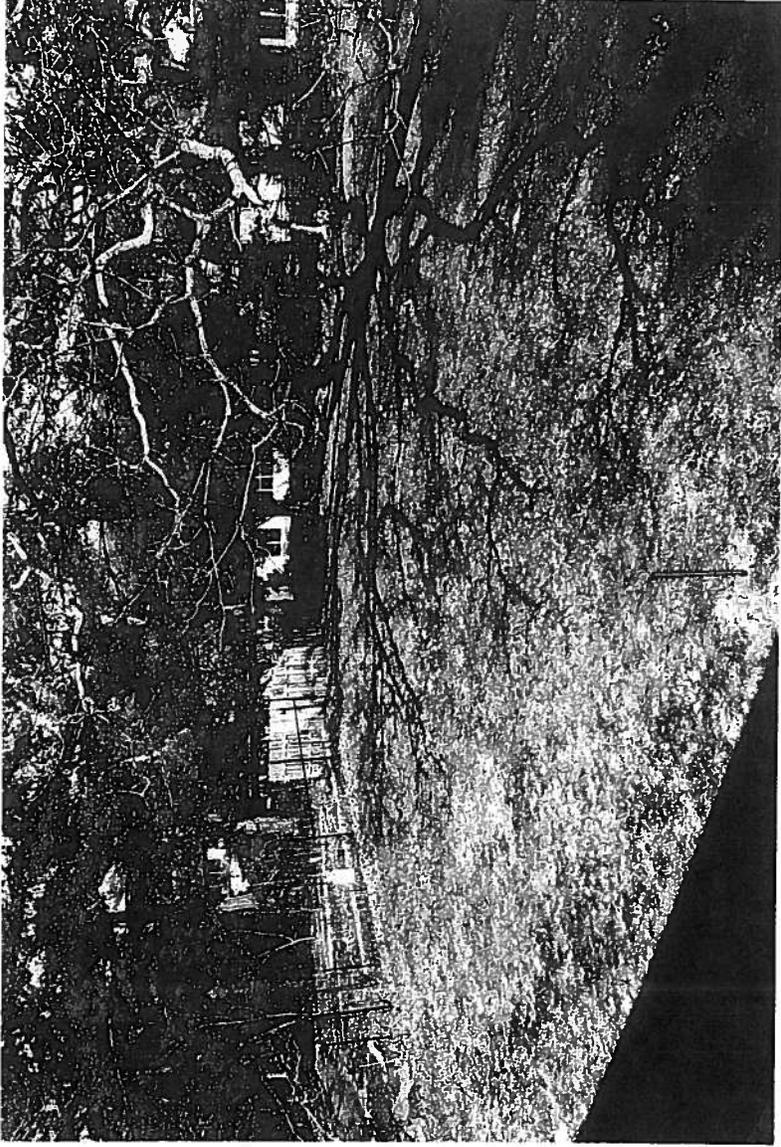
Lower Level



Side yard stairs to back yard

Pictures of back yard  
to show the size

Take from balcony



**ZONING APPROVAL FOR GROUP CHILD CARE HOMES**

Michigan Department of Human Services  
Bureau of Children and Adult Licensing

Licensee Name: Geraldine Corner  
Licensee Address: 5419 W. Circlewood Dr.  
Portage, MI 49002

License Type: DG – Group Child Care Home (capacity 7-12 children)

Zoning Authority:

According to the Michigan Zoning Enabling Act, 2006 PA 110, a group child care home located in a county or township shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meet specific standards. A group child care home located in a city or village may be issued a special use permit, conditional use permit, or other similar permit.

Please complete the lower portion of this form and return this completed form to the licensee/applicant.

If you have any questions or concerns, please contact the Michigan Department of Human Services, Bureau of Children and Adult Licensing, at 517-373-8300.

Thank you.

- Location is APPROVED by the local zoning authority.  
 Location is DISAPPROVED by the local zoning authority.

\_\_\_\_\_  
Signature of Zoning Authority

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Printed Name of Zoning Authority

\_\_\_\_\_  
Jurisdiction (City, Township)

Authority: 1973 PA 116  
Completion: Required  
Penalty: Applicant cannot be licensed/registered

Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.

*Kupiecki*  
5409 Circlewood Dr. W  
Portage, MI 49002

RECEIVED  
MAR 08 2011  
COMMUNITY DEVELOPMENT

7 March 2011

Portage Planning Commission:  
Department of Community Development  
7900 South Westnedge Ave  
Portage MI 49002

Dear Sirs,

I am writing to you in regard to the application by Geraldine Corner for a permit to have a home group daycare at 5419 Circlewood Dr. W. for 7-12 children. Her property adjoins mine. She has asked for my support in her endeavor and I regret that I cannot support her in this.

More than 40 years ago, we built our home in this residentially zoned neighborhood because we wanted the benefits that residential zoning provides. What Geraldine Corner is proposing is definitely a business, which will generate significant daily traffic and commotion and thus alter the character of our neighborhood. Our homes have already lost significant value from the recent economic events and this business will create an additional loss of value.

We already have an active child care facility within one block at 5429 Woodmont.

I am writing to you because I will be in Clackamas, Oregon from March 12 through April 10. If you need to reach me, I can be contacted by e-mail at [rmkupiec@gmail.com](mailto:rmkupiec@gmail.com) or by phone at 269-568-1646.

Sincerely,



Rose Mary Kupiecki

Portage Planning Committee  
Department of Community Services  
7900 S. Westnedge  
Portage, MI 49002

March 8, 2011

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MAR 10 2011

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To whom it may concern:

This week I received a letter from my next door neighbor asking that I help her qualify for a home group daycare license by writing a letter of support. I am not in favor of the extra traffic and noise this would cause on our street and I ask that you put this item on your agenda for the first week of April. It is my understanding that some of my neighbors will be in attendance to discuss this issue although I will not be able to attend myself.

Thank you for your time,



Amber Morris  
525 S. Circlewood Dr  
Portage, MI 49002

5408 Circlewood Drive West  
Portage, Michigan 49002  
March 15, 2011

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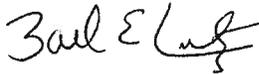
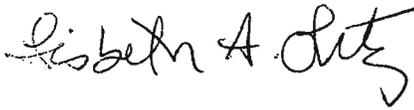
Department of Community Development  
City of Portage  
7900 South Westnedge Avenue  
Portage, Michigan 49002

To whom it may concern:

It is our understanding that an application has been, or will be, filed by Geraldine Corner to operate a home group daycare center housing 7-12 children in the residence located at 5419 Circlewood Drive West.

As long-time residents whose home is located on the same block, we urge the commission to reject any such application. The additional traffic and noise caused by this business operation would adversely affect the character of our neighborhood and the value of nearby residential property. The resultant increase in through traffic could also create a safety hazard within a purely residential area having no sidewalks.

Sincerely,

   
Zael & Lisbeth Lutz

March 21, 2010

Portage Planning Committee  
Department of Community Development Services  
7900 S. Westnedge  
Portage MI 49002

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COMMUNITY DEVELOPMENT

Dear Committee Members,

I am writing in regard to a request to operate a home group daycare business in my neighborhood. The property, 5419 Circlewood, adjoins mine with a yard that is clearly visible from my backyard. I don't view a small daycare as an imposition on neighbors, but this request concerns me because of the number of children allowed. With as many as twelve children, this business poses several problems.

Families choose this neighborhood because of its residential character. The roads are very lightly traveled with virtually no through traffic and no sidewalks. With twelve children in transit twice a day, there will be increased traffic in the neighborhood.

My latest property assessment reflects the already declining value of this once desirable location. Our neighborhood is bordered by a business/commercial zone, Loy Norrix High School and I-94, forming a residential "oasis" within that border. It's reasonable to expect that introducing a business of this size in such close proximity will further affect property values, something we can ill afford.

Finally, I am concerned about increased noise and loss of privacy. We already contend with traffic noise from the highway, and the addition of a group of twelve children will produce even more. We can all see into each others' yards, yet I've never felt particularly exposed. That will no longer be true with a small-scale playground next-door.

I support Mrs. Corner's entrepreneurial efforts and have no problem if the cap on the number of children is well below twelve. I appreciate her plans to build a privacy fence and hope any group care permit would not be granted without that having been done.

Thank you for taking these issues into consideration as you review the application for this permit.

Christina Martinez  
5408 Woodmont  
Portage MI 49002

Thomas N. and Barbara L. Roy  
5418 Woodmont Drive  
Portage, Michigan 49002

March 23, 2011

Portage Planning Commission,

I am writing this letter in response to the proposed child care proposal at 5419 Circlewood Drive. We are the backyard neighbor to that residence. As we will be out of town on April 7, 2011 we ask that you accept this letter in lieu of our personal attendance at your meeting. While we are reluctant to object to the proposal, we have some serious concerns.

We feel that a child care home for up to 12 children will have a harmful effect on our neighborhood. We are very concerned about the impact on our home value. While the current economy has had a negative effect on all property values, a child care business of this size would likely further deteriorate values in the immediate area.

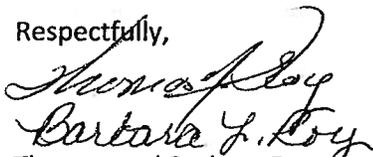
It is evident that this type of business will cause an increase of vehicle traffic in the neighborhood. Unlike home businesses that require only a home office, this type of business will result in a noticeable increase in traffic throughout the area.

As it would be unfair to keep the children inside all day, this type of business would clearly increase noise levels during the day. While we are back yard neighbors this would disrupt the normal peace and tranquility in the immediate area.

While we believe that child care is a valuable and needed service in any community. It is our opinion that a child care business of this size would be better suited to a more commercial setting. Once again, it is the effect on home values, traffic and noise that brings us to this conclusion.

Thank you very much for your time in considering these objections. We personally believe that as a property owner, one should be able to do as they choose with their property within reason. The exception is when that activity will negatively impact others in the neighborhood.

Respectfully,

  
Thomas and Barbara Roy

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MAR 25 2011  
COMMUNITY DEVELOPMENT

March 23, 2011

Department fo Community Development  
Portage Planning Committee

Acknowledging your letter regarding the request for a special land use permit at the location of 5419 West Circlewood Drive.

I feel to make such an exception in a totally residential plat is extremely inappropriate. It could lead to other such requests and detract from the value of exsisting properties. It would also be counter to the original objective of the current R-1C goal of maintaining the area as one family residential.

I am sympathetic to Ms Corner's desire to provide this service but this is inconsistant with the nature of the area and could open the door for more exceptions.

Sincerely,



John D.Dobbie  
610 N. Circlewood Drive  
Portage, MI 490002

**TO:** Planning Commission

**DATE:** March 31, 2011

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

**SUBJECT:** Preliminary Report: Rezoning Application #10-01, Portage Road and Fairfield Avenue.

**I. INTRODUCTION:**

An application has been received from Residential Opportunities, Inc. (ROI) requesting that the following properties be rezoned from I-1, light industry and R-1C, one family residential to OS-1, office service:

Property Address	Owner of Record	Parcel Number	Zoning	
			Existing	Proposed
9616 Portage Road	T.I. Sub, LLC/Keystone Bank	00026-070-A	I-1	OS-1
9602 Portage Road	T.I. Sub, LLC/Keystone Bank	05100-024-O	I-1	OS-1
1704 South Shore Drive	T.I. Sub, LLC/Keystone Bank	05100-001-B	R-1C	OS-1
1712 Fairlane Avenue	T.I. Sub, LLC/Keystone Bank	05100-017-O	R-1C	OS-1
1720 Fairlane Avenue	T.I. Sub, LLC/Keystone Bank	05100-018-O	R-1C	OS-1
1726 Fairlane Avenue	T.I. Sub, LLC/Keystone Bank	05100-019-O	R-1C	OS-1
1806 Fairlane Avenue	T.I. Sub, LLC/Keystone Bank	05100-020-O	R-1C	OS-1
<b>Total: Seven parcels/lots (7.74 acres)</b>				

The rezoning is being requested to facilitate reuse of the former Moose Lodge building/site for The Great Lakes Center for Autism Treatment and Research, a residential treatment center for up to 12 children combined with an outpatient clinic for children with autism. The proposal represents a joint venture between ROI and Western Michigan University's Psychology Department. If rezoned, a special land use permit/site plan to establish the use at the site under the OS-1, office service zoning designation will be submitted. The existing building and parking lot are located at 9616 and 9602 Portage Road. The applicant has indicated the vacant lots to the north, along the south side of Fairlane Avenue (a private/undeveloped street), may be fenced and used as an outdoor exercise area for the children and staff.

ROI has entered into a buy/sell agreement with Keystone Bank to purchase this foreclosed property. In addition to the properties requested for rezoning, the buy/sell agreement between Keystone Bank and ROI also includes the four vacant lots located along the north side of Fairlane Avenue (1711, 1719, 1725 and 1803 Fairlane Avenue).

**II. EXISTING CONDITIONS:**

<b>Land Use/Zoning</b>	<p><u>Rezoning Site:</u> Former Moose Lodge building (approximately 18,500 square feet) and associated parking lot occupy 9616 and 9602 Portage Road and zoned I-1, light industry, while the remaining lots along the south side of Fairlane Avenue are vacant, undeveloped land zoned R-1C, one family residential.</p> <p><u>South:</u> Various industrial uses zoned I-1, light industry.</p> <p><u>West:</u> Single family attached residential condominiums located within the Sterling Oaks Planned Development zoned PD, planned development.</p>
------------------------	---

Land Use/Zoning (cont.)	<p><u>North:</u> Vacant land and single-family residences located along South Shore Drive and zoned R-1C, one family residential.</p> <p><u>East:</u> Across Portage Road, commercial building site and vacant land zoned B-3, general business.</p>
Zoning/Development History	<ul style="list-style-type: none"> <li>On August 4, 1994, the Planning Commission approved a site plan that authorized the construction of the approximate 18,500 square foot Moose Lodge building and associated site improvements. At the time, the Zoning Code allowed "<i>Fraternalities, clubs, lodge, social or recreational buildings or properties not operated for profit</i>" as permitted uses in the I-1, light industry district. This provision was removed from the Zoning Code with the 2003 Zoning Code Update.</li> <li>There have been no rezoning of properties in the surrounding area since adoption of the 2008 Comprehensive Plan.</li> </ul>
Historic District/Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	Portage Road is designated as a 4-5 lane minor arterial with approximately 22,300 vehicles per day (2010); capacity of 32,500 vehicles per day (level of service "D").
Public Utilities	Municipal water and sewer are available.
Environmental	The City of Portage Sensitive Land Use Inventory Map does not identify any potential wetland or floodplain areas near the rezoning site.

**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

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 majority of the property being considered for rezoning, along with adjacent properties situated to the south and to the east (across Portage Road) as appropriate for light industrial land use. The northern portion of the rezoning site, along with adjacent properties to the north, are identified for low density residential land use, while adjacent properties to the west are designated for medium density residential.

**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 which influence the use of land for consistency with community development and preservation objectives. An evaluation of the Development Guidelines will be provided with the staff recommendation.

Suitability of Existing I-1 and R-1C Zones/Impacts of Proposed OS-1 Zone

The 9616 and 9602 Portage Road parcels are zoned I-1, light industry and occupied by the former Moose Lodge building and associated parking lot. Reuse of the former Moose Lodge building by a traditional light industrial user is limited given the nature of the building design (configuration, one-story, low ceilings, etc). More likely, redevelopment under the existing I-1 zoning designation would necessitate demolition of the existing building and construction of a new industrial facility. Depending upon the type of industrial user(s), impacts on adjacent residential land uses to the north and west would likely be much greater under the existing I-1 zone compared to the proposed OS-1 zone.

The R-1C zoned lots that are part of this rezoning application and located along the south side of Fairlane Avenue (1704 South Shore Drive and 1712, 1720, 1726 and 1806 Fairlane Avenue) are part of the Supervisor's Plat of McCamley's Gardens that was platted in 1951. Although never developed, Fairlane Avenue is listed as a private street on the recorded plat document. With the exception of the perimeter lots located along Portage Road and South Shore Drive that are developed with homes, the remaining interior lots located along this private "paper" street remain vacant. Although not identified for development by the applicant at this time, a change in zoning from R-1C to OS-1 for the five interior lots located along the south side Fairlane Avenue (1704 South Shore Drive and 1712, 1720, 1726 and 1806 Fairlane Avenue) would allow for additional building and/or parking lot expansion use and related impacts. Importantly, any future development of these lots under the proposed OS-1 zone would require site plan review, installation of appropriate screening and vehicular access would be prohibited from using Fairlane Avenue per Section 42-521.E of the Zoning Code.

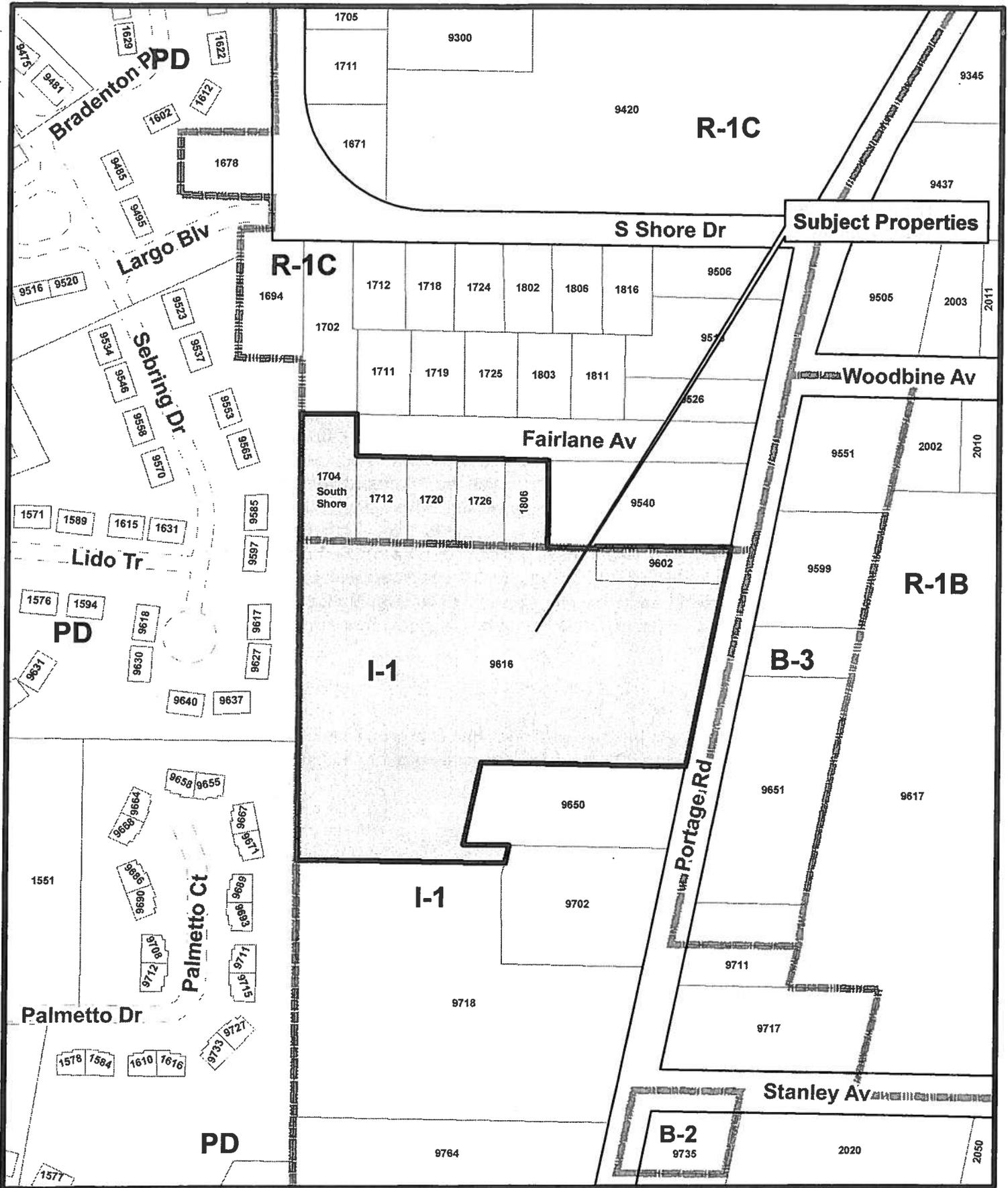
TRAFFIC CONSIDERATIONS

A change in zoning from I-1, light industry and R-1C, one family residential to OS-1, office service and the proposed reuse of the former Moose Lodge site is not anticipated to add any significant traffic volume to the adjacent roadway system.

**IV. RECOMMENDATION:**

With the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, it is recommended that public comment be received during the April 7, 2011 meeting and the public hearing be adjourned to the April 21, 2011 meeting.

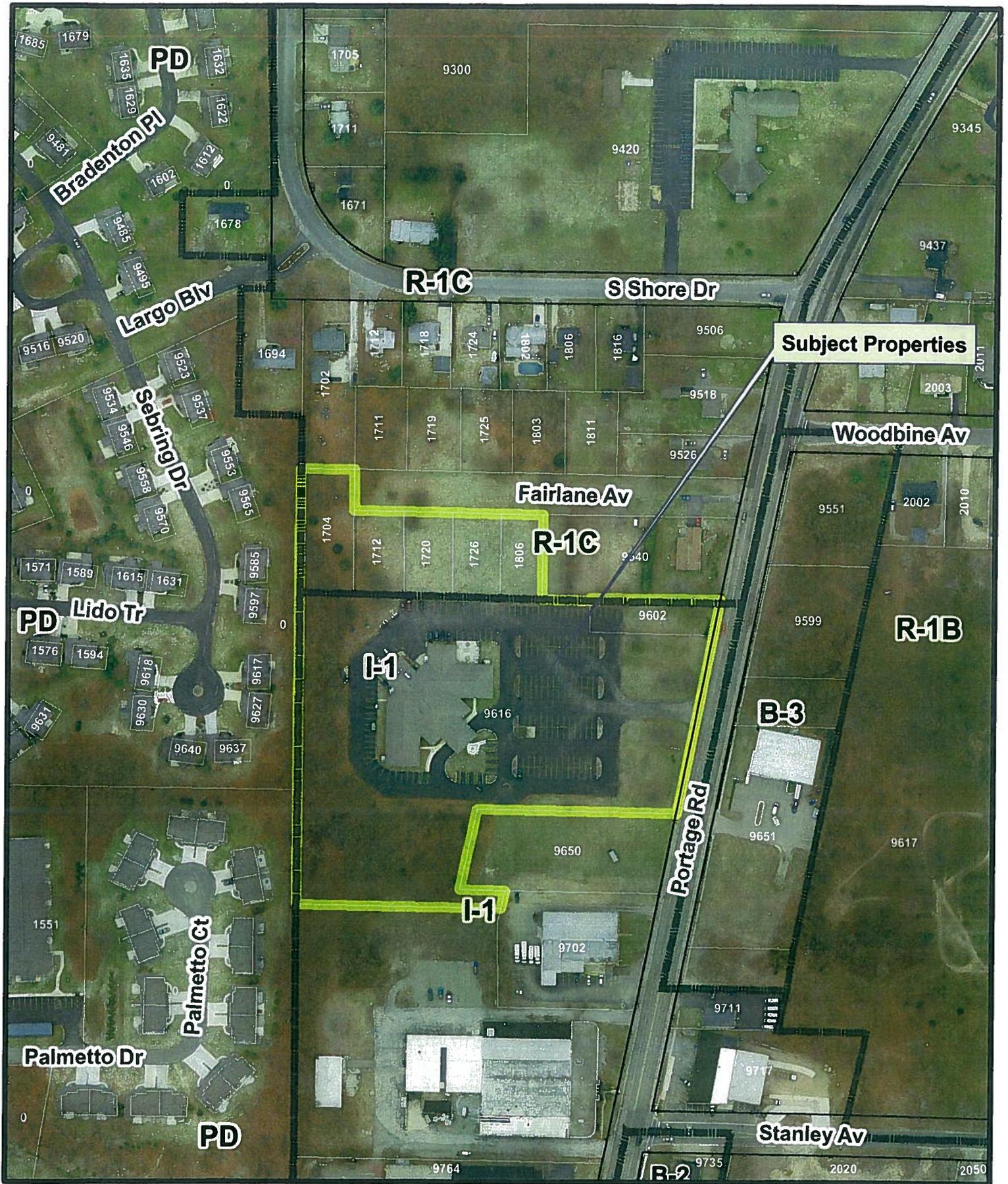
Attachments: Zoning/Vicinity Map  
Future Land Use Map  
Aerial Photograph (rezoning site and surrounding area)  
Rezoning Application and supporting materials




**Rezoning #10-01**  
**9602, 9616 Portage Road,**  
**1704 South Shore Drive & 1712, 1720, 1726, 1806 Fairlane Avenue**

1 inch = 200 feet
 
 Zoning Boundary  
 Subject Properties





1 inch = 200 feet

# Rezoning #10-01

## 9602, 9616 Portage Road,

## 1704 South Shore Drive & 1712, 1720, 1726, 1806 Fairlane Avenue

	Zoning Boundary
	Subject Properties

**APPLICATION FOR ZONING AMENDMENT**

Application number 10-1

Date March 3, 2011

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:

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**ZONING MAP AMENDMENT**

1. a. Platted Land: The property is partly platted and partly unplatted. See legal description attached under tab 1.  
The property is part of the recorded plat: The property sought to be rezoned is located at 9616 Portage Road between Woodbine Street and Bacon Street on the west side of the street, and is known as Lot Number(s) \_\_\_\_\_ of \_\_\_\_\_ Plat (Subdivision). It has a frontage of approx. 361 feet and a depth of approx. 667 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 tab 1 for parcel numbers. Acreage is 8.727 according to tax records.

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

b. Name of the owner of the property to be rezoned: Keystone T.I., Sub, LLC

Address 107 W. Michigan Avenue, Kalamazoo, MI

Keystone approves of the rezoning. Please see tab 2.

7900 South Westnedge Avenue • Portage, Michigan 49002 • (269) 329-4477

www.portagemi.gov

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Prospective buyer under an executed Buy and Sell Agreement

4. CURRENT ZONING: I-1 PROPOSED ZONING: OS-1

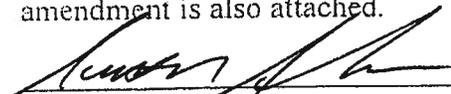
**ZONING TEXT AMENDMENT**

1. The proposed language to be considered is (attach additional sheets as necessary):  
Not applicable; zoning classification change to the zoning map for the subject property.

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

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

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>Residential Opportunities, Inc.</u>	
<u>1100 S. Rose St., Kalamazoo, MI 49001</u>	
(Address)	(Address)
<u>269-343-3731, ext. 223</u>	
(Phone)	(Phone)

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



## RESIDENTIAL OPPORTUNITIES, INC.

1100 SOUTH ROSE STREET • KALAMAZOO, MI 49001 • 269-343-3731 • 269-343-2940 (FAX) • WWW.RESIDENTIALOPPORTUNITIES.ORG

March 8, 2011

Mike West, AICP  
Assistant City Planner  
Community Development Department  
City of Portage  
7900 South Westnedge Avenue  
Portage, Michigan 49002

Dear Mr. West:

Residential Opportunities, Inc. would like to amend our application for rezoning the Moose Lodge property. The original application included four residential lots on the north side of Fairlane Avenue (1711, 1719, 1725, & 1803), which we would like to remove from our request for rezoning. We would like for those lots to remain zoned as residential. Please find attached: a revised list of legal descriptions for the rezoning request (tab 1 in the original application).

Sincerely,



Scott Schrum  
CEO

EXHIBIT C  
Parcel Chart  
Moose Lodge-Portage, MI  
Property Included in Sale

Address	Parcel ID#	Legal Description
9616 Portage Road	00026-070-A	SECTION 26-3-11 BEG AT A PT 500.9 FT NELY OF INT OF STANLEY & PORTAGE RD, TH W 335.44 FT, TH SWLY PAR @L PORTAGE RD 132 FT, TH E 71.91 FT, TH SWLY 28.9 FT, TH W 331.61 FT TO W LI OF SEC 26, TH N ALG SD LI TO S LI MCCAMLEY GARDENS PLAT, TH E ALG SD LI TO NW COR OF LOT 24, TH S 70 FT, TH E TO CL OF PORTAGE RD, TH SWLY 290 FT TO P.O.B.
9602 Portage Road	05100-024-O	Supervisors Plat of McCamley's Gardens Lot #24
1712 Fairlane Avenue	05100-017-O	Supervisors Plat of McCamley's Gardens Lot #17
1720 Fairlane Avenue	05100-018-O	Supervisors Plat of McCamley's Gardens Lot #18
1726 Fairlane Avenue	05100-019-O	Supervisors Plat of McCamley's Gardens Lot #19
1806 Fairlane Avenue	05100-020-O	Supervisors Plat of McCamley's Gardens Lot #20
1704 South Shore Drive	05100-001-B	Supervisors Plat of McCamley's Gardens Lot #1



February 22, 2011

Vicki Georgeau, AICP  
Deputy Director of Neighborhood Services  
Department of Community Development  
City of Portage  
7900 S. Westnedge Avenue  
Portage, MI 49002

**RE: LETTER OF AUTHORIZATION  
RE-ZONING APPLICATION – FORMER MOOSE LODGE**

Dear Ms. Georgeau,

Keystone Community Bank currently owns The Former Moose Lodge (and surrounding property) at 9616 Portage Road. We currently have a signed purchase agreement with Residential Opportunities Inc. (ROI). Keystone Community Bank is in full support of ROI's application to re-zone this property to the OS-1 zone to operate a residential treatment and out patient clinic.

Sincerely,

A handwritten signature in black ink, appearing to read "Brendan P. Byford".

Brendan Byford  
Assistant Vice President  
Keystone Community Bank

## **STATEMENT REGARDING REZONING & IMPACT**

The Great Lakes Center for Autism Treatment and Research (GLCATR) is an anticipated residential treatment center for up to twelve children, combined with an outpatient clinic for children, with autism. It is a joint venture between Residential Opportunities, Inc., and Western Michigan University's Psychology Department. The requested OS-1 zoning designation, combined with a special use permit, would allow this property (the site of the old Moose Lodge) to be used for this purpose.

The proposed use of the property is equivalent or possibly less intensive than the use as the former Moose Lodge.

The site currently has a zoning classification of I-1 (light industrial), and is designated as General Industrial on the future land use plan. This property is the northern most property in these designation areas, and is directly adjacent to a planned unit development to the west, and single family residential to the north. We believe rezoning to the OS-1 designation will, among other matters, provide an additional buffer between these residential neighborhoods, and the current and future planned use as industrial properties. The businesses allowed in the OS-1 zoning will be quieter, and should result in less heavy traffic than those allowed in industrial zoning. Overall, the rezoning would allow for a positive transition from industrial to other nearby uses. As a "transition area", the rezoned site would reduce the impact of industrial noise, traffic, etc., on the residential neighborhoods. This seems to the applicant to be a positive impact on the community and property of other persons in the vicinity of the site.

The applicant believes that the rezoning is necessary to preserve and enjoy a substantial property right because the anticipated facility will not otherwise be able to be located on this site, leaving the site vacant. Ultimately, a use similar to the old Moose Lodge or a light industrial use could be made at the site, which seems possibly more detrimental and/or inconsistent with surrounding property uses.

For the above reasons, the rezoning will advance the public health, safety and welfare.

The applicant is also willing to consider conditional rezoning if deemed appropriate or necessary to the Planning Commission or City Council.

**TO:** Planning Commission

**DATE:** March 31, 2011

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

**SUBJECT:** Farmland and Open Space Preservation Application: 7905 West RS Avenue, Texas Township

## **I. INTRODUCTION:**

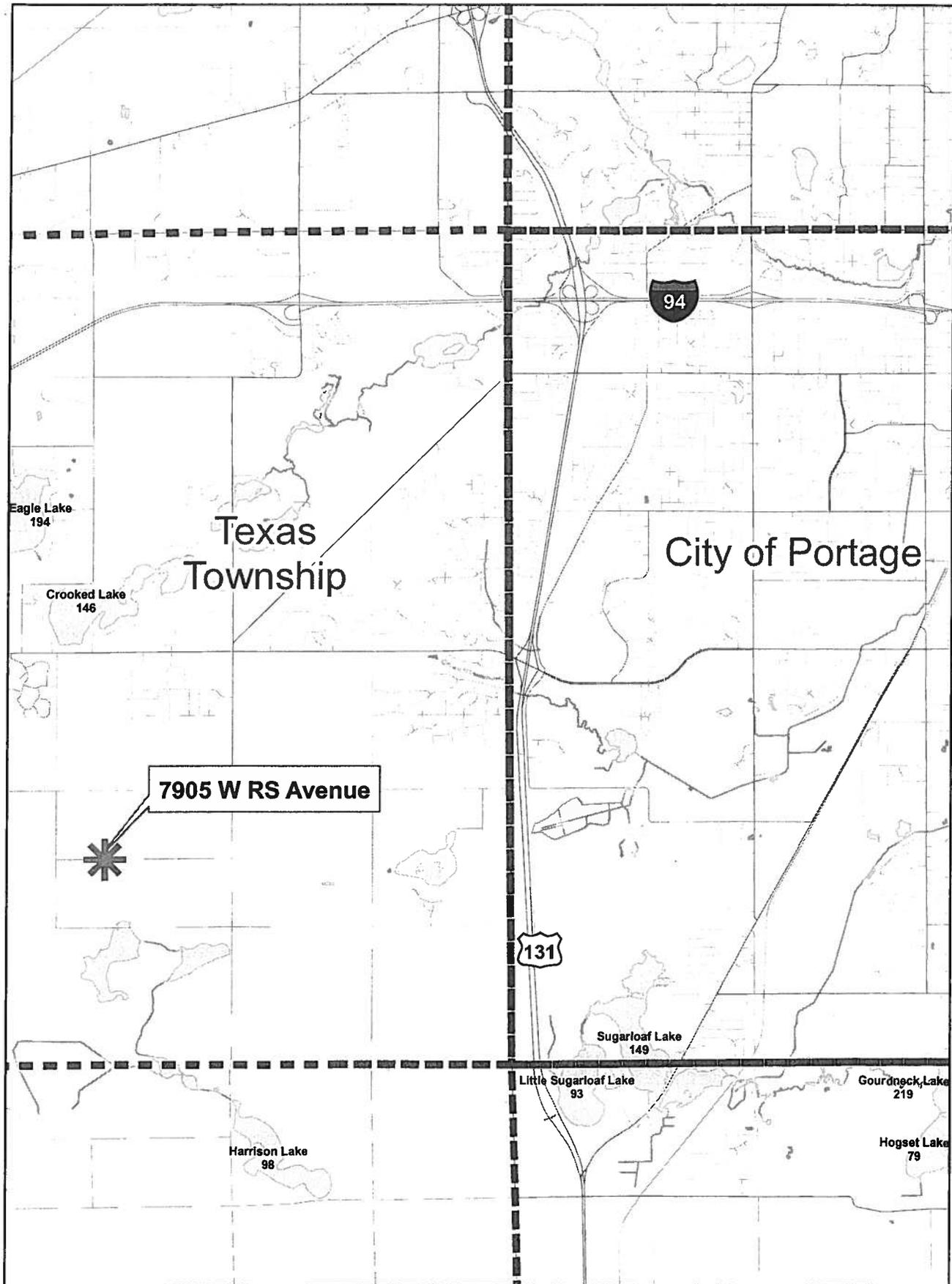
Consistent with Part 361 (Farmland and Open Space Preservation) of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, notification has been received from Texas Township involving an application by Stephen Woollam for this property. The 20 acre property is located on the south side of West RS Avenue, between South 8<sup>th</sup> Street and South 6<sup>th</sup> Street, within Section 27, Texas Township. Farmland and Open Space Preservation Agreements are executed in order to grant property owners certain income or property tax benefits in return for an agreement ensuring that the land will remain in agricultural and/or open space land use for a specified period of time.

For Commission information, Public Act 116 referenced in the attached information was repealed in 2000 and the Farmland and Open Space Preservation provisions incorporated into the Natural Resources and Environmental Protection Act. The statute stipulates that if the subject property is located within three miles of the boundary of a city then that city is afforded the opportunity to comment on the application. In this instance, the subject property is located approximately 2½ miles west of the City of Portage corporate boundary (South 12<sup>th</sup> Street), as shown on the attached vicinity map.

## **II. RECOMMENDATION:**

Staff has reviewed the application and supports the PA 451 Farmland and Open Space Preservation request. Preserving open space/farmland within rural areas is one method to focus development within urban areas and to take advantage of existing infrastructure. The Planning Commission is advised to review this matter. Comments from the Planning Commission will be forwarded to City Council for consideration.

**Attachments:** Vicinity Map  
Communication from Texas Township dated March 22, 2011  
Farmland and Open Space Preservation Application materials (Stephen Woollam)



Texas Township

City of Portage

7905 W RS Avenue

131

94

Eagle Lake  
194

Crooked Lake  
146

Harrison Lake  
98

Little Sugarloaf Lake  
93

Sugarloaf Lake  
149

Gourdonck Lake  
219

Hogset Lake  
79

Vicinity Map  
7905 West 'RS' Avenue  
Texas Township





7110 West "Q" Avenue  
Kalamazoo, Michigan 49009  
Phone (269) 375-1591  
Fax (269) 375-0791

---

March 22, 2011

Stephan Woollam  
132 Pretty lake Drive  
Mattawan, MI 49071

RE: Farmland and Open Space Program – Application for Farmland Agreement

Dear Mr. Woollam:

The Charter Township of Texas received your Application for Farmland Agreement on March 15, 2011. Your application has been forwarded to the Kalamazoo County Planning Commission and Kalamazoo Conservation District, which have 30 days to review your application.

The Township Board will take action on your application at their regularly scheduled meeting on April 25, 2011 at 6:00 p.m.

Sincerely,

A handwritten signature in black ink that reads "Linda M. Kerr".

Linda M. Kerr, CMC, MPA  
Texas Township Clerk

cc: Kalamazoo County Planning Commission  
Kalamazoo Conservation District

3707-21-000-112



# FARMLAND AND OPEN SPACE PRESERVATION PROGRAM

## Application for Farmland Agreement

Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116.

Please print or type. Attach additional sheets as needed. Please read the Eligibility and Instructions document before filling out this form.

OFFICIAL USE ONLY	
Local Governing Body:	
Date Received:	3-15-11
Application No:	001-11
State:	
Date Received:	
Application No:	
Approved:	Rejected:

ALL APPLICATIONS MUST BE APPROVED BY LOCAL GOVERNING BODY ON OR BEFORE NOVEMBER 1 IN ORDER TO BE EFFECTIVE FOR THE CURRENT TAX YEAR

RECEIVED  
MAR 17 2011  
TEXAS TOWNSHIP

### I. Personal Information:

1. Name(s) of Applicant: WOOLLAM STEPHEN L.  
Last First Initial

(If more than two see #15) \_\_\_\_\_  
Last First Initial

Marital status of all individual men listed on application, if more than one, indicate status after each name:

Married  Single

2. Mailing Address: 132 PRETTY LAKE DR MATTAWAN MI 49071  
Street City State Zip Code

3. Telephone Number: (Area Code) ( ) 269-720-0600

4. Alternative Telephone Number (cell, work, etc.): (Area Code) ( ) \_\_\_\_\_

5. E-mail address: woolly44@comcast.net

### II. Property Location (Can be taken from the Deed/Land Contract)

6. County: KALAMAZOO 7. Township, City or Village: TEXAS TOWNSHIP

8. Section No. 27 Town No. 3 SOUTH Range No. 12 WEST

### III. Legal Information:

9. Attach a clear copy of the deed, land contract or memorandum of land contract. (See #14)

10. Attach a clear copy of the most recent tax assessment or tax bill with complete tax description of property.

11. Is there a tax lien against the land described above?  Yes  No

If "Yes", please explain circumstances: \_\_\_\_\_

12. Does the applicant own the mineral rights?  Yes  No

If owned by the applicant, are the mineral rights leased?  Yes  No

Indicate who owns or is leasing rights if other than the applicant:  
Name the types of mineral(s) involved: \_\_\_\_\_

13. Is land cited in the application subject to a lease agreement (other than for mineral rights) permitting a use for something other than agricultural purposes:  Yes  No If "Yes", indicate to whom, for what purpose and the number of acres involved: \_\_\_\_\_

14. Is land being purchased under land contract  Yes  No: If "Yes", indicate vendor (sellers):

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Street City State Zip Code

14a. Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, states that the vendor (sellers) must agree to allow the land cited in the application to be enrolled in the program. Please have the land contract sellers sign below. (All sellers must sign).

Land Contract Vendor(s): I, the undersigned, understand and agree to permit the land cited in this application into the Farmland and Open Space Preservation Program.

Date

Signature of Land Contract Vendor(s) (Seller)

15. If the applicant is one of the following, please check the appropriate box and complete the following information (if the applicant is not one of the following - please leave blank):

- 2 or more persons having a joint or common interest in the land
- Corporation
- Estate
- Limited Liability Company
- Trust
- Partnership
- Association

If applicable, list the following: Individual Names if more than 2 Persons; or President, Vice President, Secretary, Treasurer; or Trustee(s); or Members; or Partners; or Estate Representative(s):

Name: STEPHEN L. WOOLLAM Title: MEMBER

Name: PATRICIA A. WOOLLAM Title: MEMBER

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

(Additional names may be attached on a separate sheet.)

IV. Land Eligibility Qualifications: Check one and fill out correct section(s)

This application is for:

- a. 40 acres or more → complete only Section 16 (a thru g);
- b. 5 acres or more but less than 40 acres → complete only Sections 16 and 17; or
- c. a specialty farm → complete only Sections 16 and 18.

16. a. Type of agricultural enterprise (e.g. livestock, cash crops, fruit, etc):

LIVESTOCK

b. Total number of acres on this farm: 20

c. Total number of acres being applied for (if different than above): 13

d. Acreage in cultivation: \_\_\_\_\_

e. Acreage in cleared, fenced, improved pasture, or harvested grassland: 13

f. All other acres (swamp, woods, etc.) 7

g. Indicate any structures on the property: (If more than one building, indicate the number of buildings):

No. of Buildings 6 Residence: 1 Barn: 4 Tool Shed: \_\_\_\_\_

Silo: \_\_\_\_\_ Grain Storage Facility: \_\_\_\_\_ Grain Drying Facility: \_\_\_\_\_

Poultry House: 1 Milking Parlor: \_\_\_\_\_ Milk House: \_\_\_\_\_

Other: (Indicate) \_\_\_\_\_

17. To qualify as agricultural land of 5 acres or more but less than 40 acres, the land must produce a minimum average gross annual income of \$200.00 per acre from the sale of agricultural products.

Please provide the average gross annual income per acre of cleared and tillable land during 2 of the last 3 years immediately preceding this application from the sale of agricultural products (not from rental income):

\$45,000<sup>00</sup> : 15 = \$ 3461<sup>00</sup> (per acre)  
total income total acres of tillable land

18. To qualify as a specialty farm, the land must be designated by the Michigan Department of Agriculture, be 15 acres or more in size, and produce a gross annual income from an agricultural use of \$2,000.00 or more. If a specialty farm, indicate average gross annual income during 2 of the last 3 years immediately preceding application from the sale of agricultural products: \$ \_\_\_\_\_

Please note: specialty farm designation may require an on-the-farm site visit by an MDA staff person.

19. What is the number of years you wish the agreement to run? (Minimum 10 years, maximum 90 years); 10

V. Signature(s):

20. The undersigned declare that this application, including any accompanying informational material, has been examined by them and to the best of their knowledge and belief is true and correct.

[Signature]  
(Signature of Applicant)

Member  
(Corporate Name, If Applicable)

Patricia A. Woolham  
(Co-owner, If Applicable)

Member  
(Signature of Corporate Officer)

3-15-2011  
(Date)

(Title)

**ALL APPLICATIONS MUST BE APPROVED BY LOCAL GOVERNING BODY ON OR BEFORE NOVEMBER 1 IN ORDER TO BE EFFECTIVE FOR THE CURRENT TAX YEAR.**

**RESERVED FOR LOCAL GOVERNMENT USE: CLERK PLEASE COMPLETE SECTIONS I & II**

I. Date Application Received: 3-15-11 (Note: Local Governing Body has 45 days to take action)

Action by Local Governing Body: Jurisdiction: Texas Township  
 County  Township  City  Village

This application is  approved,  rejected Date of approval or rejection: \_\_\_\_\_

(If rejected, please attach statement from Local Governing Body indicating reason(s) for rejection.)

Clerk's Signature: \_\_\_\_\_

Property Appraisal: \$ 397,200 is the current fair market value of the real property in this application.

II. Please verify the following:

Upon filing an application, clerk issues receipt to the landowner indicating date received. 3-22-11

Clerk notifies reviewing agencies by forwarding a copy of the application and attachments 3-22-11

Note: Review Agencies have 30 days in which to respond before local governing body can proceed.

If rejected, applicant is notified in writing within 10 days stating reason for rejection and the original application, attachments, etc. are returned to the applicant. Applicant then has 30 days to appeal to State Agency.

If approved, applicant is notified and the original application, all supportive materials/attachments, and letters of review/comment from reviewing agencies (if provided) are sent to:

MDA-Farmland and Open Space Program, PO Box 30449, Lansing 48909

\*Please do not send multiple copies of applications and/or send additional attachments in separate mailings without first contacting the Farmland Preservation office.

<p>Please verify the following regarding Reviewing Agencies (sending a copy to reviewing agencies is required):</p> <p><b>COPY SENT TO:</b></p> <p><input checked="" type="checkbox"/> County or Regional Planning Commission</p> <p><input checked="" type="checkbox"/> Conservation District</p> <p><input type="checkbox"/> Township (if county has zoning authority)</p> <p><input checked="" type="checkbox"/> City (if land is within 3 miles of city boundary) <u>Portage</u></p> <p><input checked="" type="checkbox"/> Village (if land is within 1 mile of village boundary) <u>VA</u></p>	<p><b>Before forwarding to State Agency, FINAL APPLICATION SHOULD INCLUDE:</b></p> <p>___ Copy of Deed or Land Contract (most recent showing <u>current ownership</u>)</p> <p>___ Copy of most recent Tax Bill (must include <u>tax description</u> of property)</p> <p>___ Map of Farm</p> <p>___ Copy of most recent appraisal record</p> <p>___ Copy of letters from review agencies (if available)</p> <p>___ Any other applicable documents</p>
--	--

Map of Farm with Structures and Natural Features:

- A. Show boundary of land cited in application. (Grid below is designed to represent a 5280 ft<sup>2</sup> (1 mile<sup>2</sup>) Section)
- B. Show all buildings (house(s), barn(s), etc.); also label roads and other avenues of travel (i.e. utility access, etc.).
- C. Outline and designate the current uses of the property (crops, pasture, forest, swamp, etc.).
- D. Clear copies of map(s) provided by USDA Farm Service Agency are acceptable, but please label any roads visible on map, structures and their use, etc.

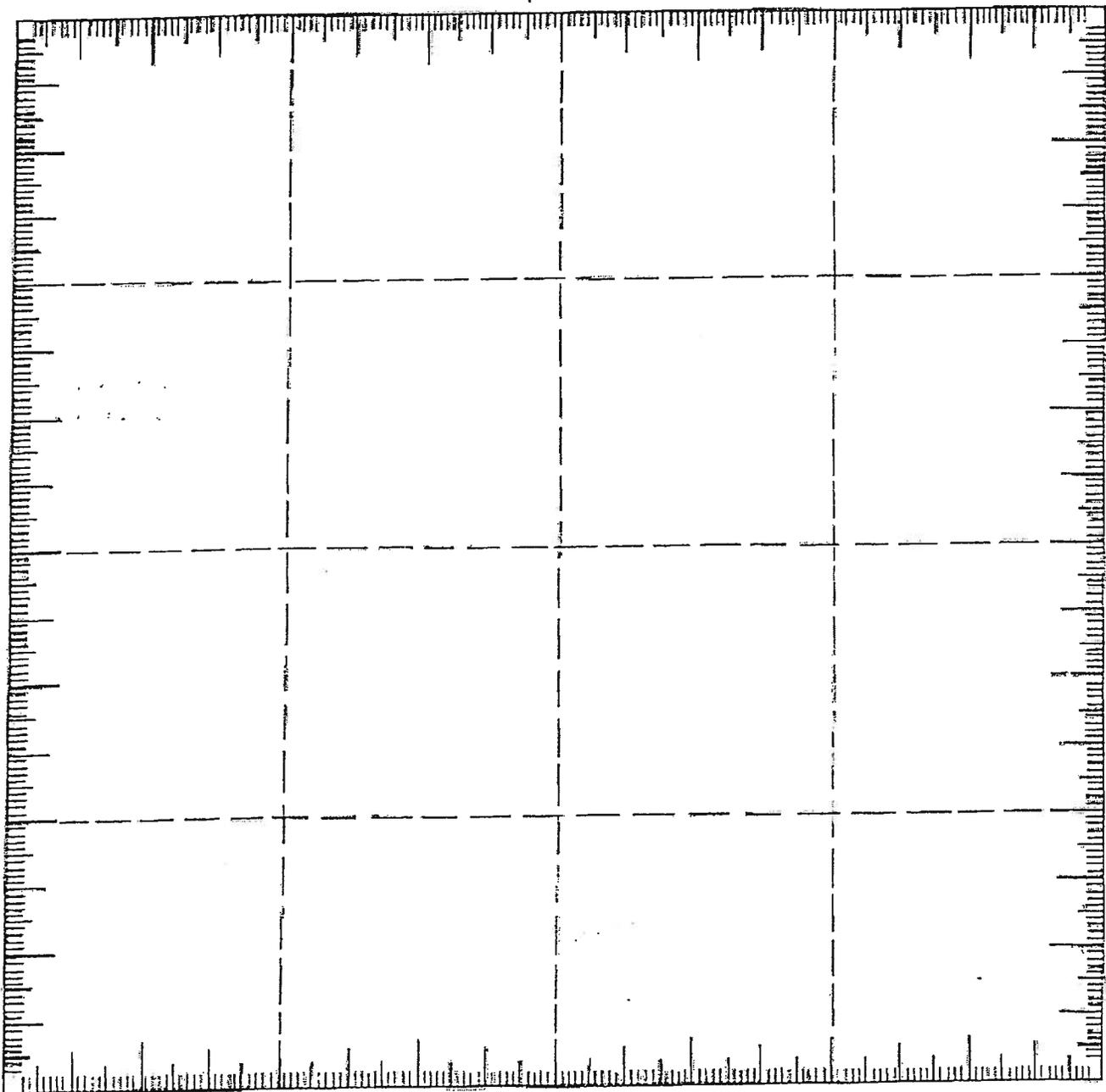
**Note:** Any residential structures housing persons not directly associated with the farm operation must be excluded from the application. Please indicate if a building falls in this category and provide the appropriate property description for its exclusion. Unless the appropriate description is included, your application cannot be processed.

.....  
County \_\_\_\_\_

Township \_\_\_\_\_

T \_\_\_\_\_ R \_\_\_\_\_ Section \_\_\_\_\_

↑ North



*2 dyl*

*27-301-012*

RECEIVED

2010 APR -5 AM 10: 23

COUNTY OF KALAMAZOO



2010-009200

Page: 1 of 2  
04/05/2010 12:01P

QUIT CLAIM DEED

The Grantors, STEPHEN L. WOOLLAM, a married man and PATRICIA A. WOOLLAM, his wife, whose address is: 132 Pretty Lake Drive, Mattawan, Michigan, 49071, quit claim to SERENITY FARMS, LLC, a Michigan Limited Liability Company, whose address is: 132 Pretty Lake Drive, Mattawan, Michigan, 49071, the following described premises situated in the Township of Texas, County of Kalamazoo, and State of Michigan:

SEE ATTACHED FOR LEGAL DESCRIPTION

Subject to easements, conditions, restrictions, reservations, rights of way, and limitations of record; further subject to taxes and assessments, which constitute a lien, but are not yet due and payable, and further subject to any state of facts and conditions that a survey, any environmental assessment, and inspection of the premises has or would disclose.

This instrument is exempt from County and State transfer tax under MCL 207.505(a) and MCL 207.526(a); consideration less than \$100.00.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan Right to Farm Act.

LEGAL DESCRIPTION

Property located in the Township of Texas, County of Kalamazoo, and State of Michigan, described as follows:

The West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 27, Town 3 South, Range 12 West.

Tax No. 3909-27-301-012



2004-053544  
Page: 1 of 1  
10/27/2004 03:39P

①  
2236. -

WARRANTY DEED

STATUTORY FORM FOR INDIVIDUALS

**This Indenture,**

Dated this day of:

**KNOW ALL MEN BY THESE PRESENTS THAT:**

October 15, 2004

Charles R. Wolthuis and Pamela Wolthuis, husband and wife  
7905 W. RS Avenue  
Schoolcraft, MI 49087

**Convey(s) and Warrant(s) To:**

Stephen L. Woollam  
7905 W. RS Ave  
Schoolcraft, MI 49087

**for the sum of**

TWO HUNDRED FIFTY NINE THOUSAND NINE HUNDRED SIXTY SIX AND 00/100 DOLLARS --- (\$259,966.00)

**the following described premises situated in**

The Township of Texas, County of Kalamazoo and State of Michigan to wit:

The West 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 27, Town 3 South, Range 12 West.

P.P. 3909-27-301-012

Subject to easements, reservations, restrictions and limitations of record, if any. And further subject to: none

Signed by

*Charles R. Wolthuis*

**MICHIGAN STATE OF REAL ESTATE ★**

SERENITY FARMS, LLC

TEXAS TOWNSHIP

2010 Winter

09-27-301-012

MESSAGE TO TAXPAYER

TAX PAYABLE 12-01-2010 THRU 02-14-2011 WITHOUT PENALTY. ON 02-15-2011 ADD 3% PENALTY. ON AND AFTER 03-01-2011 ALL UNPAID TAXES MUST BE PAID TO THE KA CO TREAS AT 201 W. KALAMAZOO AVE

PAYMENT INFORMATION

This tax is due by:02/14/2011

Pay by mail to: CHARTER TOWNSHIP OF TEXAS PAUL V. CUTTING, TREASURER 7110 WEST Q AVE KALAMAZOO, MI 49009 269-978-0712

PROPERTY INFORMATION

Property Assessed To: SERENITY FARMS, LLC 132 PRETTY LAKE DR MATTAWAN, MI 49071

Map #: 09-27-301-012 School: 80150 Map Addr: 7905 W RS AVE

Legal Description: EC 27-3-12 W1/2 NW1/4 SW1/4 \*1-92 1992 SPLIT FROM 27-301-011\*

TAX DETAIL

Taxable Value: 191,349 State Equalized Value: 198,700 Class: 101 PRE/MBT %: 100.0000

Bill #: 05543 Mort Co

Taxes are based upon Taxable Value. 1 mill equals \$1.00 per \$1000 of Taxable Value. Amounts with no millage are either Special Assessments or other charges added to this bill.

Table with 3 columns: DESCRIPTION, MILLAGE, AMOUNT. Rows include PUBLIC SAFETY, V B ISD, KVCC, SCHOOL OPERATING, SCHOOL DEBT, TOWNSHIP OPER, JUVENILE HOME, CNTY TRANSPORT, FIRE IMPROVEMENT, ROAD MAINTENANCE.

OPERATING FISCAL YEARS

The taxes on bill will be used for governmental operations for the following fiscal year(s):

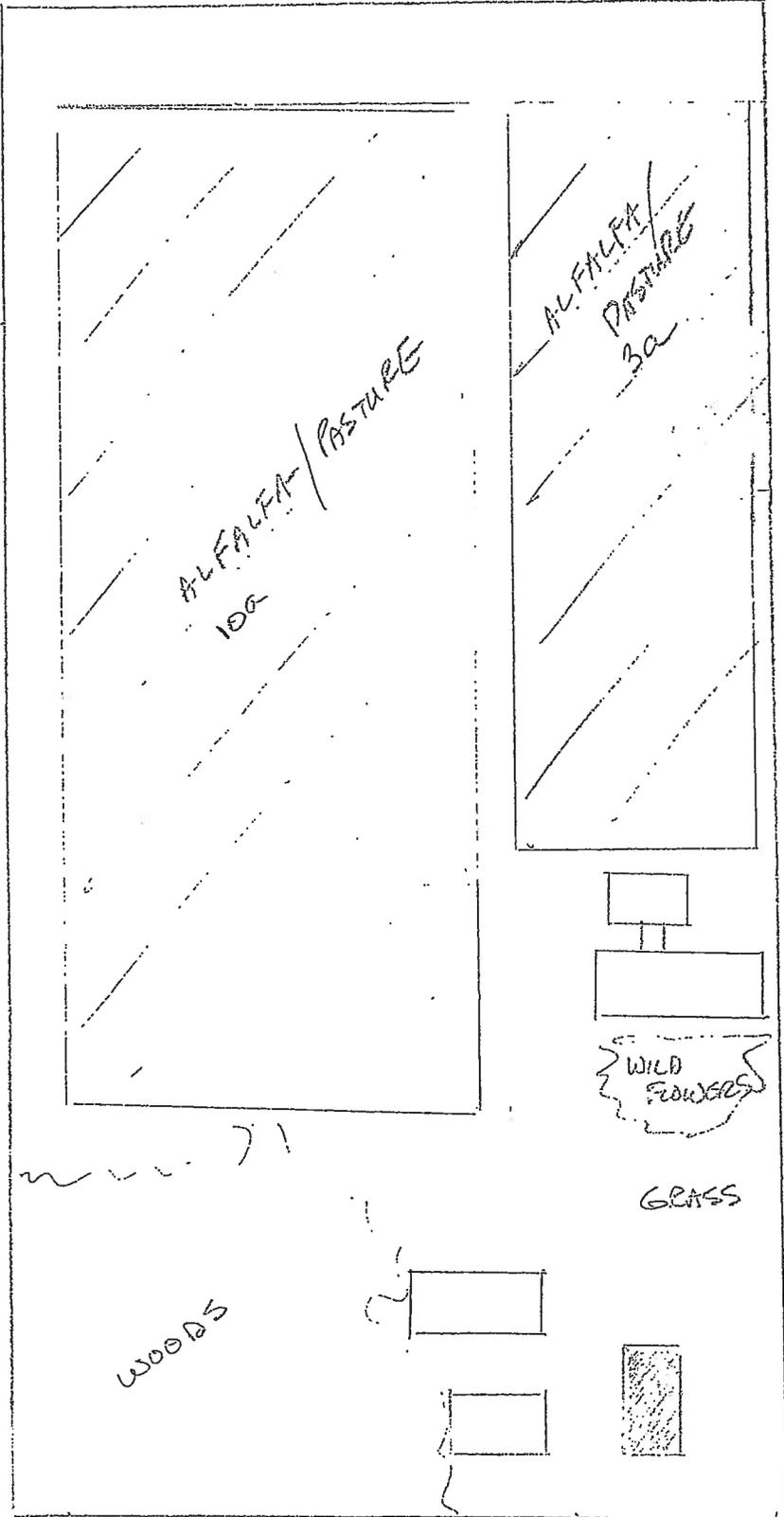
County: JAN 1 - DEC 31
Town/Cty: JAN 1 - DEC 31
School: JULY 1 - JUNE 30
Date: OCT 1 - SEPT 30
Does NOT affect when the tax is due or its amount

Summary table with 3 columns: Description, Amount, Total. Rows include Total Tax (34,798.70), Administration Fee (32.14), TOTAL AMOUNT DUE (3,306.51), PREV. PAYMENTS, BALANCE DUE (3,306.51).

Please detach along perforation. Keep the top portion.

660

1320



884

660



# Kalamazoo County, MI Online Mapping

Welcome  
Map Layers  
Current Selection  
Printable Map

JPG image

Generate a map image that you can copy to the Clipboard

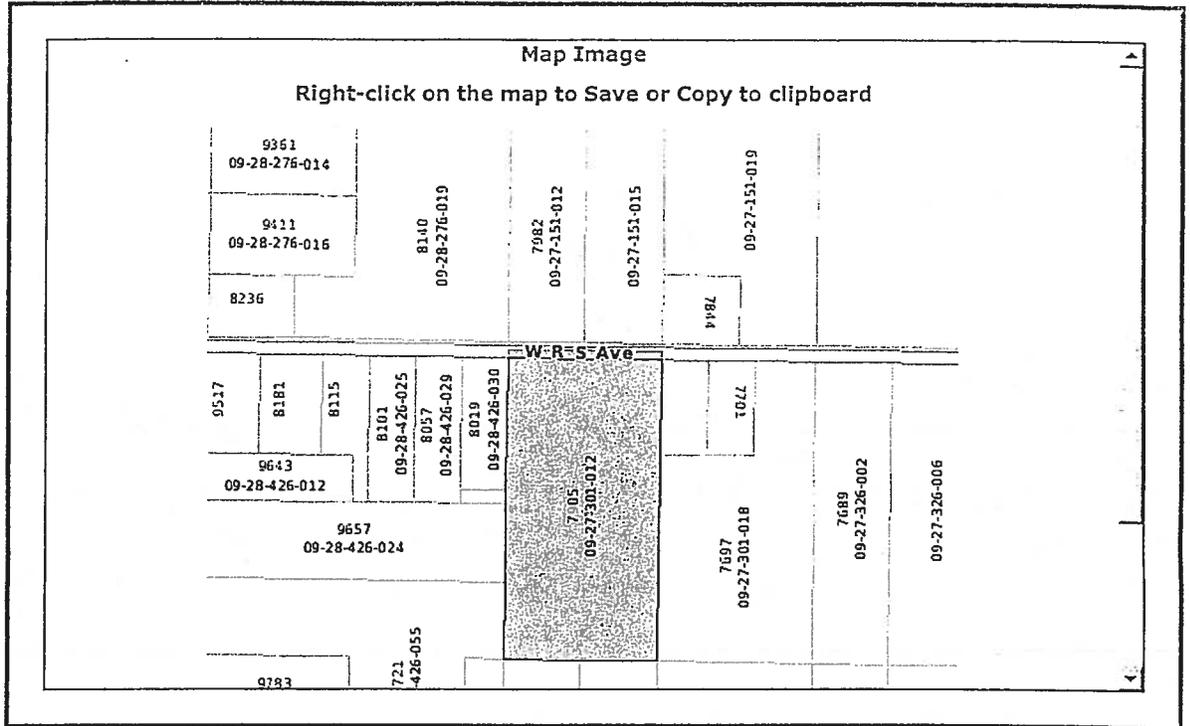
Width: 500

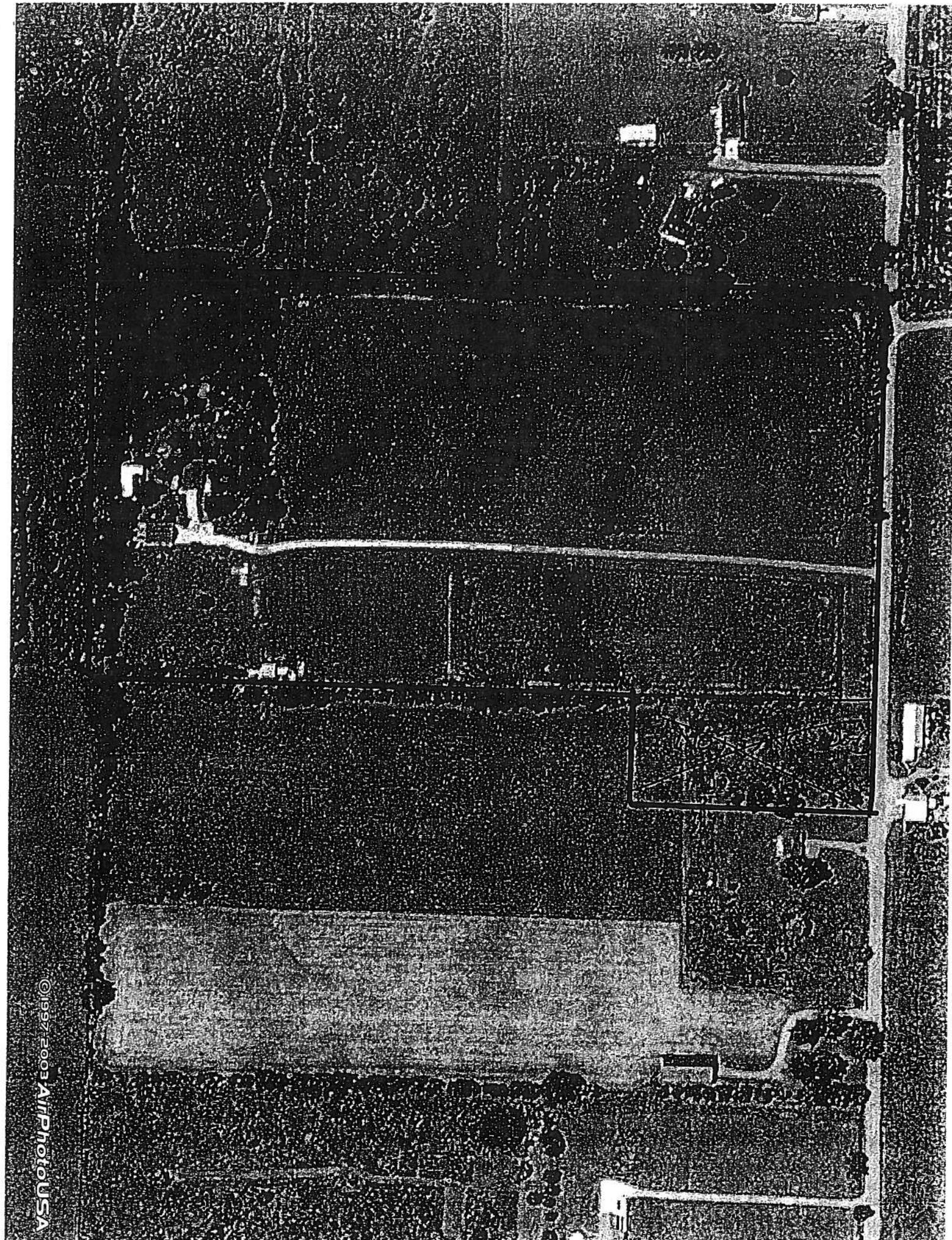
Height: 500

Specify image width and height in pixels



Map Annotation  
About This Website





**TO:** Planning Commission

**DATE:** March 29, 2011

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

**SUBJECT:** Proposed 2011 Oshtemo Township Master Plan

## **I. INTRODUCTION**

The Charter Township of Oshtemo provided notice that was received February 28, 2011 to all contiguous communities and other required agencies that a draft copy of the 2011 Oshtemo Township Master Plan has been completed and is being considered for adoption. A copy of the draft Master Plan was provided to the Department of Community Development during the week of March 7<sup>th</sup>. Per the Michigan Planning Enabling Act, Oshtemo Township is requesting review and comment on the draft Master Plan. Comments must be submitted to the Oshtemo Township Planning Commission by April 29, 2011.

The Master Plan contains approximately 200 pages, plus a supplemental document of approximately 100 pages. In order to reduce costs and paper usage, Oshtemo Township has provided a link to the document located on their website, which is [www.oshtemo.org](http://www.oshtemo.org) (click on "Master Plan") or [www.mcka.com/oshtemo](http://www.mcka.com/oshtemo) (click to "Master Plan"). There are two options to review the 2011 Oshtemo Township Master Plan:

- Access the Master Plan through the above Oshtemo Township 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.

## **II. COMMUNITY DEVELOPMENT REVIEW**

The process to update the Oshtemo Township Master Plan began in Fall 2008 with the Township obtaining thoughts and opinions from the public regarding the current state of the community and desires for the future. On October 23, 2008, a Community Visioning Session occurred with approximately 50 residents, business owners, community members and Township officials participating in a series of brainstorming exercises. In March 2009, the Planning Commission prepared and distributed a Master Plan Public Input Survey to 1,390 randomly selected citizens and 468 surveys (33.7%) were returned. Finally, a dedicated Master Plan website was created with a prominent link placed on the Township home page. The Master Plan website provides updates on progress throughout the planning project, reminders/notices of upcoming meetings and copies of reports and Master Plan draft chapters. From these various public input mechanisms, the following "common themes" emerged that helped shape the vision of the Master Plan Update:

- 1) Preserve rural character.
- 2) Manage growth and development.
- 3) Protect natural features and environment.
- 4) Provide open space/green space for residents.
- 5) Establish connections (paths and sidewalks).
- 6) Ensure quality development.
- 7) Maintain quality services and infrastructure.
- 8) Provide safe and convenient access in and around the Township.

While detailed community demographic information for 2010 from the U.S. Census Bureau was not available during preparation of the draft Master Plan document, Oshtemo Township did analyze "unique residential address" and "building permits" issued between 2000 and 2009 in an attempt to obtain estimated

2009 population. The draft Master Plan estimates the January 2010 population for Oshtemo Township at approximately 23,000, which represents an approximate 35% increase from 2000 (17,003). Other demographic information contained in the draft Master Plan reference 2000 U.S. Census Bureau data. Since 1993, average annual value of new construction in Oshtemo Township has been approximately \$47.8 million per year. In 2008 and 2009, new construction values slowed to \$32.1 million and \$18.2 million, respectively. Total state equalized value (SEV) of property in Oshtemo Township has also slowed since a high of \$832.7 million in 2007. From 2007 to 2008, Oshtemo Township experienced a decrease in aggregate SEV by 10% (\$751.9 million), which coincides with the overall economic downturn. From 2008 to 2009, total SEV increased approximately 1% (\$758.0 million). Per capita SEV experienced similar trends during this same period decreasing 12.3% from 2007 to 2008 and decreasing 2% from 2008 to 2009.

Chapter 2 (Existing Land Use) provides 2008 estimates of land use categories with the majority of Oshtemo Township (59%) classified as undeveloped land. Of the remaining 41% of the land area that is classified as developed: residential (26%), infrastructure (8%), commercial/industrial (4%), and public/semi-public (3%). Between 1993 and 2008, the residential category experienced the largest acreage change increasing from 3,405 acres (1993) to 6,006 acres (2008). The commercial/industrial category experienced the largest percentage change in acres, 234%, increasing from 266 acres (1993) to 890 acres (2008). Most of the growth in commercial and industrial land use has occurred east of 8<sup>th</sup> Street along, West Main Street (M-43), 9<sup>th</sup> Street and 11<sup>th</sup> Street south of KL Avenue. These commercial areas directly compete with the South Westnedge Avenue Commercial Corridor in the City of Portage. The Oshtemo Township Master Plan also includes updates to two sub-area plans: Genesee Prairie Sub-Area Plan (Chapter 9) and West Main Street Sub-Area Plan (Chapter 10). These sub-area plans are individual components of the overall Master Plan and include unique circumstances or conditions that the Township believes requires more in depth evaluation and planning. The Genesee Prairie Sub-Area encompasses approximately 700 acres in the southeast portion of the Township, while the West Main Street Sub-Area involves properties along the north and south sides of West Main Street, between US-131 and 9<sup>th</sup> Street. Visioning and design workshops for were held in September 2010 for the Genesess Prairie Sub-Area Plan and in November 2010 for the West Main Street Sub-Area Plan. In addition to these two sub-areas, the Oshtemo Township Master Plan also includes three other sub-areas: Maple Hill Drive South Sub-Area, Century Highland Sub-Area and 9<sup>th</sup> Street Sub-Area.

While Oshtemo Township and the City of Portage do not share a common corporate border other than at the northwest corner of Portage/southeast corner of Oshtemo, the Future Land Use Maps for Oshtemo Township and Portage were compared. This review identified consistent and compatible land use designations along this limited shared corporate boundary with “conservation residential” land use identified along the west side of South 12<sup>th</sup> Street (Oshtemo Township) and “medium density residential” land use identified along the east side of South 12<sup>th</sup> Street (City of Portage). Consistencies also exist between Oshtemo Township and the City of 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 (Chapter 5 – Transportation and Community Services). A planned bike lane along South 12<sup>th</sup> Street (Figure 5.9, page 94) within the southeast corner of Oshtemo Township would connect with the existing bike lane located along South 12<sup>th</sup> Street within the City of Portage.

### III. RECOMMENDATION

The Planning Commission is advised to review the 2011 Oshtemo Township Master Plan. For Commissioners who would prefer a paper copy of the Master Plan for review and do not wish to print the document, or portions of thereof, themselves, 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 Oshtemo Township for consideration by April 29, 2011.

CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN

**NOTICE OF TRANSMITTAL OF  
PROPOSED MASTER PLAN  
AND REQUEST FOR COMMENT**

**FROM OSHTEMO CHARTER TOWNSHIP TO**  
**ALL INTERESTED ENTITIES**

**RECEIVED**  
**FEB 28 2011**  
**COMMUNITY DEVELOPMENT**

Dear Recipient:

This communication will serve to transmit a copy of the proposed Oshtemo Charter Township Master Plan for review and comment by your organization. Enclosed herewith is a CD containing the complete Master Plan. It may be opened as a PDF file.

The purpose of the Charter Township of Oshtemo Master Plan is to guide future planning and development activities for the forthcoming 20-year period. To achieve such, the Plan reviews current conditions and trends, and establishes goals, recommendations and maps for the future use of land within the Township. Finally, the Master Plan serves as a basis for Township land development regulations.

The Master Plan was submitted to the Township Board by the Oshtemo Charter Township Planning Commission at its meeting of February 10, 2011, and the Township Board authorized its distribution, under Section 41 of the Michigan Zoning Enabling Act, at a special meeting of February 15, 2011.

The Plan was formally approved for submission for your comment commencing February 25, 2011, and we formally request that your organization review the proposed Master Plan and submit comments on its contents. Pursuant to Section 41 of the Michigan Planning Enabling Act, you have 63 days after the proposed Master Plan was submitted under which to provide any written comments. Therefore, we should receive your comments no later than April 29, 2011. Please direct any correspondence to:

OSHTEMO CHARTER TOWNSHIP  
ATTN: JODI STEFFORIA, PLANNING DIRECTOR  
7275 WEST MAIN STREET  
KALAMAZOO, MI 49009  
269-375-4260

If you would like a printed copy, in addition to the hard copy CD which is provided with this Notice, please contact us, and we will forward a copy to you immediately. You may also review the proposed Master Plan on the Oshtemo Charter Township Website at [www.oshtemo.org](http://www.oshtemo.org) and click on "Master Plan," or [www.mcka.com/oshtemo](http://www.mcka.com/oshtemo) and click on "Master Plan."

If you have any questions, please feel free to contact Jodi Stefforia.

Respectfully submitted,

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

By: Fred Gould, Secretary

# **MATERIALS TRANSMITTED**

**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

**DATE:** March 17, 2011

**SUBJECT:** 2010-2011 Planning Commission Goals and Objectives Update (April 2011) and Recommended 2011-2012 Goals and Objectives

The purpose of this communication is two-fold. First, to update Council on the progress made during the second part of the 2010-2011 fiscal year regarding the City Council assigned goals and objectives. Second, to recommend 2011-2012 goals and objectives for City Council consideration.

### **2010-2011 Planning Commission Goals and Objectives Update**

*1. Continue to guide development to appropriately planned area of the community.*

The Planning Commission continues to guide development consistent with the 2008 Comprehensive Plan Update and Future Land Use Map. Additionally, the Planning Commission also continues to ensure new development projects are designed consistent with applicable ordinances through review of site plans, plats and other development proposals.

Since the last update (November 2010), the Planning Commission has reviewed/approved the following private development projects: Fifth-Third Bank, 2610 East Centre Avenue (site plan); Sackett's Fireplace, 7696 South Sprinkle Road (special land use permit); Air Zoo (expansion), 6151 Portage Road (site plan/special land use permit); Valley Family Church-Kalamazoo, 2500 Vincent Avenue (special land use permit review); Centre Meadows of Portage Senior Apartments, 1405-1419-1503 East Centre Avenue (site plan); Auto World of Portage, 7940 South Sprinkle Road (special land use permit); Greenspire Retail (Phase I), 3201 West Centre Avenue (final plan); and Noggle Auto Repair, 6902 Lovers Lane (special land use permit).

*2. Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.*

Since the last update (November 2010), one rezoning application has been received. Rezoning Application #10-01 involves several properties in and around the former Moose Lodge on Portage Road near Fairlane Avenue. Residential Opportunities, Inc. requests a zoning change from R-1C, one family residential and I-1, light industry to OS-1, office service to accommodate a proposed research and treatment facility for autistic children. The Planning Commission will begin consideration of this rezoning request at the April 7, 2011 meeting.

In addition to Zoning Map amendments, the Commission also reviewed and recommended to City Council Zoning Code text amendments including a revised Home Occupation Ordinance and a new Keeping of Chickens or Other Animals Ordinance. The Commission is also beginning the review of the mixed-use ordinances referred by City Council. The South Sprinkle Road Commercial Revitalization Plan (Zylman Avenue to the Long Lake Drain) remains under development by staff and it is expected that additional progress will occur later this spring.

3. *During project plan review, consider parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.*

The Planning Commission continues to implement provisions of the Access Management Ordinance during site plan review to achieve ordinance objectives. Site plans approved since the last update (November 2010) include access management related improvements involving Fifth Third Bank, 2610 East Centre Avenue; Senior Meadows of Portage Senior Apartments, 1405 East Centre Avenue; and Greenspire Retail (Phase I), 3201 West Centre Avenue.

4. *Review and recommend the annual Capital Improvement Program.*

The Planning Commission was provided the 2011-2021 Capital Improvement Program (CIP) at the March 3, 2011 meeting. At the March 17, 2011 meeting, the Planning Commission reviewed, discussed and then recommended to City Council approval of the 2011-2021 Capital Improvement Program (first year budget and conceptually the remaining nine year planning level projects).

5. *Review/update of the Major Thoroughfare Plan components of the Comprehensive Plan, where necessary.*

In conjunction with the annual CIP review, the Planning Commission was also provided the 2011 Major Thoroughfare Plan Status Report at the March 3, 2011 meeting. At the March 17, 2011 meeting, the Planning Commission reviewed, discussed and accepted the 2011 Major Thoroughfare Plan Status Report.

6. *Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).*

Attached.

### **Recommended 2011-2012 Goals and Objectives**

1. Continue to guide development to appropriately planned area of the community.
2. 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.

3. Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high tech development opportunities, as appropriate.
4. Review/recommend Zoning Code text amendments including, but not limited to, the City Council referred mixed-use ordinances and the Landscaping and Screening ordinance.
5. When appropriate, engage the Youth Advisory Committee in the community planning process.
6. Prepare the 2012 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update.
7. Review and recommend the annual Capital Improvement Program.
8. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).

If Council needs any further information, please advise.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION



James Cheesebro  
Chairman

**To:** Honorable Mayor and City Council

**From:** Portage Planning Commission

**Date:** March 31, 2011

**Subject:** City of Portage FY 2011-2021 Capital Improvement Program

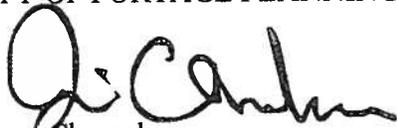
The Planning Commission has reviewed the proposed FY 2011-2021 Capital Improvement Program (CIP), which is a comprehensive municipal budget and planning document that contains important capital projects to contain essential public services and enhance the quality of the community. In order to reflect changes in community needs, service requirements, availability of funding, among other factors, the CIP is annually prepared by the City Administration and presented to the Planning Commission for review and recommendation to City Council.

The Planning Commission remains cognizant of the very weak local, state and national economies and appreciates the efforts of the City Administration, as outlined in the letter from City Manager Evans, to meet the most important capital improvement needs of the community.

The Planning Commission carefully reviewed the FY 2011-2021 CIP that was presented at the March 3, 2011 meeting and considered at the March 17, 2011 meeting and, in particular, the eight project categories, multiple project profiles and related information. The Planning Commission raised several issues through review of the CIP at the March 17, 2011 meeting that are referenced in the meeting minutes that are attached to this transmittal. The Planning Commission voted unanimously to recommend to City Council that the FY 2011-2021 CIP be approved (FY 2011-2012 budget year, and remaining nine-year planning projects).

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION



James Cheesebro  
Chairman

Attachments: March 3 and 17, 2011 Planning Commission meeting minutes

**PLATS/RESIDENTIAL CONDOS:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. 2011 Major Thoroughfare Plan Status Update Report and 2011-2021 Capital Improvement Program. Mr. Forth referred the Commission to the two documents provided with the final agenda packet. Mr. Forth briefly discussed the proposed 2011-2021 Capital Improvement Program and the role of the Planning Commission in review and recommendation of the document. Mr. Forth indicated the Planning Commission needs to provide a formal recommendation to City Council by the end of March. Mr. Forth then briefly discussed the 2011 Major Thoroughfare Plan Status Update Report that includes updated traffic volume and three-year crash data for various street segments, a summary of the 2010 Holiday Traffic Study and an update of motorized and non-motorized improvement projects programmed in FY 2010-2011. Mr. Forth advised the Commission to review the two documents for further discussion/action at the March 17, 2011 meeting. Mr. Forth asked the Commission to contact the Department of Community Development in advance of the March 17<sup>th</sup> meeting with any questions or clarifications. Commissioner Welch also suggested that any questions be directed to the Department of Community Development prior to the meeting, if possible. Chairman Cheesebro asked the Commission to focus on the 2011-2021 Capital Improvement Program since this document requires formal action by the Commission.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

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

Respectfully submitted,

Christopher Forth, AICP  
Deputy Director of Planning and Development Services

## PLANNING COMMISSION

March 17, 2011

The City of Portage Planning Commission meeting of March 17, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

### MEMBERS PRESENT:

Miko Dargitz, Wayne Stoffer, Bill Patterson, Allan Reiff, Jim Pearson, Mark Siegfried and Chairman James Cheesebro.

### MEMBERS ABSENT:

None.

### MEMBERS EXCUSED:

Rick Bosch and Paul Welch.

### 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 Cheesebro referred the Commission to the March 3, 2011 meeting minutes. A motion was made by Commissioner Dargitz, seconded by Commissioner Stoffer, to approve the minutes as submitted. The minutes were unanimously approved.

### SITE/FINAL PLANS:

None.

### PUBLIC HEARINGS:

None.

### PLATS/RESIDENTIAL CONDOS:

None.

### OLD BUSINESS:

1. 2011-2021 Capital Improvement Program. Mr. Forth provided an overview of the 2011-2021 Capital Improvement Program (CIP) document that was provided to the Planning Commission during the March 3, 2011 meeting. Mr. Forth summarized each category of the CIP with emphasis on the FY 2011-2012 budget year:

- Streets Category – Commissioner Pearson asked what impact the CIP would have on the percentage of streets rated good, fair and poor and whether the overall condition of city streets would improve, degrade or remain stable. Mr. Forth stated he did not have that information readily available so a follow-up response would be prepared and provided to the Commission.
- Sidewalks/Bikeways Category – The Commission did not have any questions or comments regarding this category.

- Water Category – The Commission did not have any questions or comments regarding this category.
- Sanitary Sewer Category – Commissioner Dargitz asked if there were any sanitary sewer projects planned for the same roadway segments that are included in the Local Street and Major Street Reconstruction Programs for FY2011-12. Mr. Forth stated no and indicated that sewer projects and roadway reconstruction projects are coordinated since the sanitary sewer main is typically installed beneath the roadway.
- Police Category – The Commission did not have any questions or comments regarding this category.
- Fire Category – The Commission did not have any questions or comments regarding this category.
- Public Facilities Category – Commissioner Reiff asked whether the City would be selling the former Portage Community Outreach Center property located on South Westledge Avenue after the building was demolished. Mr. Forth stated that City Council will be considering the sale of this property during the March 22, 2011 meeting.
- Parks & Recreation Category – Commissioner Pearson asked whether the City has built any new softball fields since the last citizen survey was conducted where softball recreation was ranked high. Mr. Forth stated that he did not believe any new fields had been constructed, but would confirm with the Parks & Recreation Department. Commissioner Pearson also asked for clarification regarding the Parks & Recreation Department budget. Commissioner Pearson stated that City Council had earmarked Parks & Recreation for budget cuts; however, the spending proposed for FY2011-2012 (\$144,000) represents a substantial increase compared to the current FY2010-2011 budget year (\$80,000). Mr. Forth stated he would research and provide a response to the Commission. Chairman Cheesebro asked why the planned spray park had been removed from the CIP. Since Commissioner Pearson was personally involved with this project, he responded by stating that efforts to secure private funding were not successful.
- Debt Services Category – Mr. Forth discussed the decrease in debt service over the past several years from \$62.7 million in the 2006-2016 CIP to \$45.2 million in the proposed 2011-2021 CIP. Mr. Forth stated that debt reduction continues to be a high priority of the City Administration and progress has been made over the past several years. Commissioner Pearson asked for clarification regarding the debt service figures cited by Mr. Forth. In speaking with the City Manager and as indicated in a January 2011 report to the City Council, Commissioner Pearson stated that \$8.8 million in debt was paid in 2010-2011 and \$98 million in debt remained, of which approximately two-thirds (\$65 million) was CIP debt. Commissioner Pearson did not understand the difference in remaining CIP debt (\$45.2 million vs. \$65 million) and asked for clarification. Mr. Forth stated he would research and provide a response to the Commission. Commissioner Stoffer asked how much debt is being added with the 2011-2012 CIP budget year projects. Mr. Forth indicated he would discuss the question with the Finance Department and provide a response to the Commission.

The Commission discussed a recommendation to City Council. Commissioner Reiff stated that he believes the questions asked and follow-up information to be provided by staff would not affect the ability of the Commission to formulate a recommendation to City Council regarding the CIP document. The Commission concurred and asked that staff responses to questions be provided in a subsequent communication. After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Reiff, to recommend to City Council that the FY 2011-2021 CIP be approved (FY2011-2012 budget year and remaining nine-year planning projects). Mr. Forth stated a formal communication with answers to Commissioner questions would be provided with subsequent agenda materials. The motion was unanimously approved.

## 2. 2011 Major Thoroughfare Plan Status Update Report and 2011-2021 Capital Improvement Program.

Mr. Forth referred the Commission to the 2011 Major Thoroughfare Plan Status Update Report that was previously provided during the March 3, 2011 meeting. Mr. Forth summarized the report and asked the Commission if there were any questions or comments. Commissioner Pearson inquired about the high vehicle crash rate for West Melody, between Shaver and Dolphin. Mr. Forth indicated the high crash rate is partially attributed to the short roadway segment (.077 mile) and referred the Commission to Table C-6, bottom page A-6. Mr. Forth stated this roadway segment experienced a total of three crashes (non injury/fatality) during the three

**TO:** Planning Commission

**DATE:** March 28, 2011

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

**SUBJECT:** FY2011/2021 Capital Improvement Program – Follow-up Questions/Comments

During the March 17, 2011 Planning Commission meeting, the Commission reviewed the proposed FY2011/2021 Capital Improvement Program (CIP) and requested information/clarification involving several CIP categories. The following information is provided.

Streets Category

1. *Question* – What impact will the proposed CIP have on the condition of streets throughout the city? Any change to the percentage of streets rated good, fair or poor? Will city streets improve, degrade or remain stable with proposed CIP projects from last year to this year?

*Response* – As outlined in the proposed FY2011/2021 CIP, it is anticipated that the overall average street quality will increase modestly for both major streets and local streets. As shown, when comparing the current CIP Streets category to the proposed CIP Streets category, \$1.77 million of additional resources have been proposed in the first four years of the proposed CIP. If funding were to be highly accelerated where more than \$5 million could be allocated, overall street quality could be improved substantially. Given the current fiscal situation being experienced by the city, added funding will be problematic absent additional millage capacity, however.

Some degradation in Pavement Surface Evaluation Ratings (PASER) occurred over the recent several year period. Major Street pavement conditions are rated each year using the PASER procedure, a nation-wide system used in many jurisdictions. The PASER system uses a 1 – 10 rating system with ratings between 1 and 3 to indicate poor quality, between 4 and 5 to identify fair quality and between 6 and 10 to indicate good to excellent quality roads. The FY2009/10 average Portage PASER rating for major streets is 5.2, while the FY2009/10 average PASER rating for local streets is 5.1 (both of which indicate fair condition). The FY2005/06 average PASER rating for major streets was 6.1, while the FY2005/06 average PASER rating for local streets was also 6.1.

For several years, the city funded large scale road widening (expansion) projects, which included new curb and gutter, storm drainage, sidewalk construction, streetlights, etc. The emphasis will now be replacement or preservation actions with limited, or no widening (expansion) projects. With the emphasis on preserving current roadways, it is expected particularly for major streets that PASER ratings will improve slightly over the next five-year period due in part to reduced overall construction costs per mile with preservation projects as compared to expansion projects. It is anticipated that more miles of major street construction activities (replacement/preservation) can be accomplished for each dollar expended.

Act 51 revenues for major and local streets have declined 8% since FY2005/06. The City of Portage continues to meet the funding challenges to ensure the existing roadway network is properly maintained. In addition to the planned CIP roadway projects, the city also budgets operational funds in the form of an annual roadway maintenance program that includes various accepted maintenance activities including road patching techniques, milling and overlaying shorter pavement segments that have deteriorated and periodic/seasonal pothole repairs, among other maintenance approaches.

### Parks and Recreation Category

1. *Question* – Has the city built any new softball fields since the last citizen survey where softball recreation was ranked high?

*Response* – No new softball fields have been constructed since 1995. The adopted 2008 Parks and Recreation Plan indicates that nine softball fields are needed based on a ratio of one field per 5,000 persons. The City of Portage currently has an inventory of 12 softball fields. Although the City of Portage softball program is highly rated, adult softball use has peaked given other available recreational alternatives for both young and old. The current softball fields are in excellent condition and readily serve the needs of the community. Additional fields are not warranted at this time.

2. *Question* – Although City Council has earmarked Parks & Recreation for budget cuts, why is the spending proposed for FY2011/12 (\$144,000) significantly more compared to the current FY2010/11 budget year (\$80,000)?

*Response* – No new publicly financed parks and recreation facilities are proposed. The City Administration focus is to maintain the quality of existing facilities. Of the \$144,000 budgeted for FY2011/12, \$55,000 is from private donations. The actual city share for FY2011/12 Parks and Recreation projects is only \$9,000 more than budgeted for FY2010/11.

### Debt Service Category

1. *Question* – During the introductory remarks involving the Debt Service category, staff summarized the decrease in total debt service from \$62.7 million in the FY2006/2016 CIP to \$45.2 million in the proposed FY2011/2021 CIP. Commissioner Pearson commented he was informed that \$8.8 million in debt will be paid in FY2010/11, \$98 million in debt remains and two thirds of this debt (approximately \$65 million) is CIP debt. Why is there a difference in the amount of CIP debt?

*Response* – As a point of clarification, the \$45.2 million of debt service mentioned by staff did not include an additional \$6.4 million in Michigan Transportation Fund debt. When combined, the total proposed FY2011/2021 CIP debt service is \$51.6 million.

The difference in the amount of FY2011/2021 CIP debt service in relation to the total amount of city debt (\$98 million as of June 30, 2010) is a result of the CIP program years compared to the length of time CIP projects are financed. The CIP is a ten year program. However, many CIP projects are funded over a 20 year period so the actual amount of CIP debt service extends beyond the ten year period resulting in higher amount of debt service than indicated in the ten year CIP program. In the context of the discussion mentioned by Commissioner Pearson, the total amount of CIP debt service represents approximately two-thirds of the total city debt.

2. *Question* – How much debt is being added with the FY2011/12 CIP budget year projects?

*Response* – Approximately \$705,000 will be added as a result of the planned FY2011/12 CIP budget year projects. However, the amount of principal planned to be paid off is approximately \$3.6 million resulting in a \$3 million net reduction of outstanding CIP debt.

If the Commission has any further questions or comments regarding the proposed FY2011/2021 CIP, additional information will be provided by staff.

## **CITY COUNCIL MEETING MINUTES FROM MARCH 8, 2011**

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

At the request of Mayor Strazdas, Elder Del Belcher of the Cherry Creek Community Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Cory A. Bailes, Elizabeth A. Campbell, Patricia M. Randall and Terry R. Urban, 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 Randy Brown and City Clerk James R. Hudson.

**APPROVAL OF MINUTES:** Motion by Sackley, seconded by Urban, to approve the February 22, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember Urban asked that Item L.1, Police Protective Ballistic Vests, be removed from the Consent Agenda. Mayor Strazdas added J.4, Presentation by Councilmember Campbell Regarding the Customer Service Committee, and K.1, City Manager Salary Review/Evaluation Committee, to the Agenda. Discussion followed. Motion by Urban, seconded by Sackley, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 8, 2011:** Motion by Urban, seconded by Sackley, to approve the Accounts Payable Register of March 8, 2011. Upon a roll call vote, motion carried 6 to 0.

### **PUBLIC HEARING:**

**ORDINANCE AMENDMENT 10-B, HOME OCCUPATION ORDINANCE:** Mayor Strazdas opened the public hearing and introduced Community Development Director Jeffrey Erickson, who provided background information on the ordinance and an overview of the process involved to initiate an ordinance through the Planning Commission. He acknowledged several non-substantive changes and mentioned that the Planning Commission recommended two full-time non-occupant employees be allowed under Section B.1. He also covered the Administration recommendation under B.5 that outlines the limitations on outdoor activities associated with an active home occupation business. He distinguished the new resolution requiring a fee of \$150.00 and referred to his cost analysis regarding staff resources, required legal notices and document preparation and retention costs in his communication to City Manager Maurice Evans dated February 14, 2011. He distinguished active versus passive home occupations and Mayor Strazdas opened the public hearing for comment by the public. There being no comment, motion by Sackley, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Councilmember Urban discussed the deliberations of the City Council Neighborhood Revitalization and Engagement Ad Hoc Committee regarding retail sales, coffee shops, outside buildings for storage only and the fact that the committee recommended only one full-time non-occupant

employee for an active home occupation permit. He said the guideline throughout the discussion by the Committee was, "When does it become a business that needs to move on?"

Mayor Pro Tem Sackley indicated that the initial requirement that the active home occupation abut a major street was deemed as not necessary, and an active home occupation could be conducted at any residential property in the city. He also pointed out that the resident could also have a sign directly mounted on the home, but it cannot be lighted. He cited the ordinance as an opportunity for Portage citizens as a stimulant to start or grow a business and still protect the neighborhoods. Discussion followed.

Motion by Sackley, seconded by Urban, to approve an Ordinance to amend the City of Portage Code of Ordinances by amending Section 42-112 and 42-129 of Chapter 42, Land Development Regulations, known as Ordinance Amendment 10-B, Home Occupations, and adopt the resolution establishing an application fee of \$150.00 for home occupations, and to receive the communication from the City Manager in response to Councilmember Reid regarding the proposed Home Occupation Ordinance Application Fee. Discussion followed regarding the fee by Councilmember Urban.

City Council received a communication from the City Manager in response to Councilmember Reid regarding the proposed Home Occupation Ordinance Application Fee, and Councilmember Urban asked how the \$150.00 fee compares with other fees since the actual cost is reflected as \$415.00. Mr. Erickson indicated that the effort of the Administration over time has been to recover a portion of the cost associated with services of this nature, and the one cost that can be quantified for recovery, the legal publication cost, is reflected in the \$150.00. He surmised that a balance is necessary, so the Administration asks what constitutes the best cost recovery effort, knowing that full recovery would create a difficulty. He pointed out that the General Fund comes from the city property tax and helps offset the cost for the staff to review and process applications, so the \$150.00 represents a balance of the actual \$415.00, and is a reasonable cost recovery amount to attempt to collect for an active home occupation. Discussion followed. Mayor Strazdas called for the question. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 151 of City of Portage Ordinance Book No. 12. Resolution recorded on page 127 of City of Portage Resolution Book No. 44.

**PETITIONS AND STATEMENTS OF CITIZENS:** Former Mayor Betty Lee Ongley, 8620 Tozer Court, mentioned that today is the 100<sup>th</sup> Anniversary of National Women's Day celebrated around the world and personally thanked Councilmember Reid in her absence, Councilmembers Randall and Campbell and former Councilmember and State Representative O'Brien, who was present. Discussion followed.

#### **REPORTS FROM THE ADMINISTRATION:**

\* **ORDINANCE AMENDMENT, CHAPTER 24, ARTICLE 5, SAFETY,**

**SANITATION AND HEALTH:** Motion by Urban, seconded by Sackley, to accept the Ordinance Amendment to Chapter 24, Article 5, Safety, Sanitation and Health, with provisions for nuisance abatement and cost recovery, for first reading; subsequent to the second reading on March 22, 2011, consider approval of the Ordinance Amendment; and consider adoption of the resolution establishing the nuisance abatement fee. Upon a roll call vote, motion carried 6 to 0.

\* **ORDINANCE AMENDMENT 10-A, KEEPING OF CHICKENS AND OTHER**

**ANIMALS:** Motion by Urban, seconded by Sackley, to accept Ordinance Amendment 10-A, Keeping of Chickens and Other Animals, for first reading and set a public hearing for April 12, 2011, at 7:30 p.m.

or as soon thereafter as may be heard; subsequent to the public hearing, consider approval of Ordinance Amendment 10-A, Keeping of Chickens and Other Animals; and consider adoption of the resolution establishing a permit fee for the keeping of chickens and other animals. Upon a roll call vote, motion carried 6 to 0.

\* **SENIOR CITIZEN ADVISORY BOARD ORDINANCE AND RULES REVISIONS:** Motion by Urban, seconded by Sackley, to accept the proposed amendments to Chapter 2, Article 7, Section 2-293 of the Code of Ordinances for the Senior Citizens Advisory Board to lower the age for advisory board members and Section 2-297 to clarify distribution of records, for first reading; subsequent to the second reading on March 22, 2011, consider approval of the proposed amendments; and consider approval of the revised Senior Citizen Advisory Board rules of operation. Upon a roll call vote, motion carried 6 to 0.

\* **FINAL PLAN FOR GREENSPIRE RETAIL (PHASE I), 3201 WEST CENTRE AVENUE:** Motion by Urban, seconded by Sackley, to reapprove the Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue. Upon a roll call vote, motion carried 6 to 0.

\* **MIXED USE ZONING ORDINANCE PROPOSALS:** Motion by Urban, seconded by Sackley, to refer three mixed use Zoning Code proposals, as recommended by the Housing and Neighborhoods Ad Hoc Committee, to the Planning Commission for consideration and to initiate the Zoning Code amendment process. Upon a roll call vote, motion carried 6 to 0.

\* **COMPREHENSIVE LIABILITY, PROPERTY AND AUTO FLEET INSURANCE COVERAGE:** Motion by Urban, seconded by Sackley, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority at a total not-to-exceed cost of \$531,557 for the period of March 1, 2011, to March 1, 2012, 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.

\* **ANDOVER WOODS RESIDENTIAL SUBDIVISION SIGNS:** Motion by Urban, seconded by Sackley, to approve the installation of the Andover Woods residential subdivision signs in the public right-of-way and authorize the City Manager to execute the Portage Andover Woods Sign Islands Agreement. Upon a roll call vote, motion carried 6 to 0.

\* **BUDGET AMENDMENT FOR STORM DAMAGE CLEANUP:** Motion by Urban, seconded by Sackley, to approve the budget amendment to the Leaf Pickup Spring Cleanup Fund to provide funds needed to clean up storm damage which occurred on February 20 and 21, 2011. Upon a roll call vote, motion carried 6 to 0.

#### **COMMUNICATION:**

**COMMUNICATION FROM MR. DAVID ARTLEY, DIRECTOR OF THE KALAMAZOO COUNTY OFFICE OF RESOURCE DEVELOPMENT:** David Artley, Director of the Office of Resource Development for the Kalamazoo County Government, provided a review of the Kalamazoo Local Housing Assistance Fund Four Year Report. Discussion followed.

Motion by Urban, seconded by Sackley, to receive the communication from Mr. David Artley, Director of the Office of Resource Development for the Kalamazoo County Government, regarding the

Kalamazoo Local Housing Assistance Fund Four Year Report, and to receive the communication from the City Manager with additional background information regarding the Kalamazoo County Local Housing Assistance Fund as information only. Upon a voice vote, motion carried 6 to 0.

\* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Board of Education Special and Regular of January 24, Special of January 31, Special and Committee of the Whole Work Session of February 7 and Special of February 9, 2011.  
Portage Human Services Board of February 3, 2011.  
Portage Planning Commission of February 17, 2011.

**AD HOC COMMITTEE REPORTS:**

**COMMUNITY SURVEY COMMITTEE:** City Council received the presentation by Mayor Strazdas regarding the recent activity of the City Council Community Survey Committee.

**HOUSING AND NEIGHBORHOODS COMMITTEE:** City Council received the presentation by Councilmember Urban regarding the recent activity of the City Council Housing and Neighborhoods Committee.

**CITY COUNCIL PROPERTY COMMITTEE:** City Council received the presentation by Councilmember Randall regarding the recent activity of the City Council Property Committee.

**CUSTOMER SERVICE COMMITTEE:** City Council received the presentation by Councilmember Campbell regarding the Customer Service Committee.

**NEW BUSINESS:**

**ANNUAL CITY MANAGER SALARY REVIEW/EVALUATION COMMITTEE:** Mayor Strazdas asked that City Council engage the Annual City Manager Salary Review/Evaluation Committee, consisting of Councilmembers Reid and Urban and Mayor Pro Tem Sackley, to perform a salary review and to initiate discussion of the contract renewal with City Manager Maurice Evans. Motion by Sackley, seconded by Urban, to engage the City Manager Salary Review/Evaluation Committee to review the salary and contract with City Manager Evans. Upon a voice vote, motion carried 6 to 0.

**BID TABULATION:**

**POLICE PROTECTIVE BALLISTIC VESTS:** Councilmember Urban asked if the use of these vests was part of the collective bargaining agreement and was the level of protection part of the collective bargaining agreement. City Manager Evans answered in the affirmative to both inquiries. Motion by Urban, seconded by Campbell, to award a contract to CMP Distributors, Inc., in the amount of \$43,394.40 for replacement protective ballistic vests for all sworn police officers and authorize the City Manager to execute all documents related to this contract 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 Randall reminded Portage citizens that the Assessment Change Notices have been sent to Portage taxpayers and that the Board of Review begins Friday, March 14, 2011.

Councilmember Bailes reminded everyone that the 2011 Home Expo will be held March 9 through 12, 2011, at 665 Mall Drive, in the former Sam's Club building.

City Manager Maurice Evans indicated that cleanup from the ice storm of February 20 and 21 would be folded into the regular April brush pick-up operation.

Mayor Strazdas implored Portage residents who qualify, or who know of someone who qualifies, to apply for up to \$25,000 from the \$135,000 received from the Michigan State Housing Development Authority to rehabilitate their home.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:45 p.m.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.

SUMMARY ENVIRONMENTAL ACTIVITY REPORT  
February 2011 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<ul style="list-style-type: none"> <li>-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling performed in June 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future.</li> </ul>
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.	<ul style="list-style-type: none"> <li>-Coordination with property owners and City or State agencies ongoing.</li> <li>-<i>Review of 1 site/building plan and/or plat completed in February 2011.</i></li> </ul>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<ul style="list-style-type: none"> <li>-<i>Sanitary sewer hookup permits issued in February 2011: 0 commercial and 1 residential. No monthly connections made as part of the Mandatory Sewer Program. Three properties have court appearances scheduled in response to non-compliance.</i></li> </ul>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<ul style="list-style-type: none"> <li>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008 . On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. <i>The 2009/2010 lake treatments are complete.</i> The 2011 lake survey and treatment preparations are under way.</li> </ul>
Retention Basin Sampling Program	Investigation regarding potential impact of retention basins on groundwater levels.	<ul style="list-style-type: none"> <li>-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on June 25, 2010. <i>The 2010 year report received in January 2011. The 2010 results show declining groundwater levels throughout the city. Declining levels</i></li> </ul>

range from 6" to 3' - 0". Surface storm water outfall sampling shows stable results

#### Wellhead Protection Program (WHPP)

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

-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. City staff made a presentation to the American Water Works Association at their April 25, 2008 meeting to highlight current city initiatives. *Currently working with MDNRE to incorporate data from 7022 South Westmedge Avenue into the plan.* Plan 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 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. The 2010 report was received with results showing minimal impact on groundwater. Next sampling scheduled for July 2011.

#### National Pollution Discharge Elimination System (NPDES) permit implementation

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 permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year time frame with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice MDNRE rescinding the 2008 permit due to a recent court case ruling. MDNRE reinstated the 2003 permit for implementation. *Information on new permit requirement was received February 2011. MDNRE expected to issue new permit in 2012. City staff working with other local agencies at the 2011 Home Expo on March 9 - 12, 2011.*

#### National Pollution Discharge Elimination System (NPDES)

Kalamazoo River Mainstem Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and

permit implementation

a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. *No update on application status.*

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. 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. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009.

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP).

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI.

Garden Lane Arsenic Removal Facility

Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on

September 11, 2007. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were received on November 25, 2008. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Start up activities began in May 2010. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day.

**Environmental Incident/Spill  
Clean Up Notification**

Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.

*-The number of environmental incident/spill investigations performed in February 2011 – 0. No investigations and none requiring emergency cleanup. Emergency spill response contract for 2011-13 with Terra Contracting was renewed.*

**Localized Groundwater Table Investigation**

Hydrogeologic study of the Portage area, especially in the Sprinkle Woods plat area, to determine causes of increase in groundwater elevation.

-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24" from spring 2009 levels and level has stabilized through December 2010. Current sampling continued to show a slight decline in the groundwater table. *Sampling will continue through the winter and spring months as weather allows.*

**Hampton Wetland Area Water Level**

Assistance with the Inverness Condominium Association to Review Surface Water Levels

-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. *Met with MDNRE staff to determine feasible method to lower water levels.* Association currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association.

Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. *Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. Condo association letter under review for response.*

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 MDNRE 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.