

CITY OF

PORTAGE

A Place for Opportunities to Grow

**PLANNING
COMMISSION**

April 21, 2011

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**April 21, 2011
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * April 7, 2011

SITE/FINAL PLANS:

- * 1. Site Plan (reapproval): Fifth-Third Bank, 2610 East Centre Avenue

PUBLIC HEARINGS:

- * 1. Preliminary Report: Rezoning Application #10-02, 4815 West Milham Avenue and 6027 South 12th Street
- * 2. Final Report: Rezoning Application #10-01, Portage Road and Fairlane Avenue

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

- * 1. Proposed Medical Marihuana Home Occupation Ordinance (referral from City Council)

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

- * March 14, 2011 Zoning Board of Appeals meeting minutes
- * March 22, 2011 City Council meeting minutes
- April 8, 2011 correspondence from City Attorney Brown

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

PLANNING COMMISSION

April 7, 2011

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The City of Portage Planning Commission meeting of April 7, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 30 citizens were in attendance.

MEMBERS PRESENT:

Miko Dargitz, Bill Patterson, Allan Reiff, Rick Bosch, Paul Welch and Chairman James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Jim Pearson, Wayne Stoffer and Mark Siegfried.

IN ATTENDANCE:

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 17, 2011 regular meeting minutes. A motion was made by Commissioner Reiff, seconded by Commissioner Patterson, to approve the minutes as submitted. The minutes were unanimously approved.

Chairman Cheesebro then referred the Commission to the March 28, 2011 special meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Bosch, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Special Land Use Permit: Group Child Care Home (Corner), 5419 West Circlewood Drive. Mr. West summarized the staff report dated March 31, 2011 regarding the request by Ms. Geraldine Corner to establish a group child care home for up to 12 children at her residence located at 5419 West Circlewood Drive. Mr. West also referred the Commission to letters received from several area residents that were included in the original agenda packet and final agenda packet. Mr. West, Attorney Brown and the Commission then discussed various aspects of the application including State statute requirements, Zoning Code provisions including General Standards of Review (Section 42-462) and past special land use permits involving group child care homes.

Ms. Geraldine Corner (applicant) was present to support and explain the application. Ms. Corner stated she understands the concerns of the neighbors and does not want to do anything that will negatively affect the neighborhood. Ms. Corner indicated she agrees with the fencing provision of the Zoning Code for both safety and privacy and has obtained a cost estimate, however, requests additional time to install the fence. If the Commission approves the special land use permit, Ms. Corner stated the State licensing process would still take an additional one-two months.

Chairman Cheesebro opened the public hearing. Six citizens spoke during the public hearing: 1) Duwayne Corner (5419 West Circlewood Drive); 2) Melissa Muha (5418 West Circlewood Drive); 3) Olivia King (3522

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Bellflower Drive); 4) Russell Fomusa (5428 West Circlewood Drive); 5) Inger Thoen (513 North Circlewood Drive) and 6) Damion Smith (3612 Pristine Avenue). Mr. Corner spoke in support of his wife's application and assured the neighbors that the group child care home not adversely impact the neighborhood. Ms. King and Mr. Smith also spoke in support of the group child care home. Ms. Muha, Mr. Fomusa and Ms. Thoen spoke in opposition to the group child care home and expressed concerns regarding traffic and safety impacts, lack of sidewalks and increased noise. No additional citizens spoke in regard to the proposed group child care home. A motion was then made by Commissioner Bosch, seconded by Commissioner Welch, to close the public hearing. The motion was unanimously approved.

After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the Special Land Use Permit for Ms. Geraldine Corner (group child care home), 5419 West Circlewood Drive subject to installation of a 6-foot tall privacy fence within the backyard play area within 60 days (June 7, 2011) and before opening the group child care home. The motion was unanimously approved.

2. Preliminary Report: Rezoning Application #10-01, Portage Road and Fairlane Avenue. Prior to discussion of the agenda item, Commissioner Reiff indicated he has a professional and personal relationship with Keystone Bank, the current owner of the subject property, and asked Attorney Brown whether he should abstain from discussion and voting on the proposed rezoning due to a potential conflict of interest. Attorney Brown stated he had spoken with Commissioner Reiff, prior to the meeting, and given the circumstances believes it would be appropriate that Commissioner Reiff abstain from discussion and voting on the rezoning application. Commissioner Reiff then indicated that he would be abstaining due to a potential conflict of interest and excused himself from the Council Chambers.

Mr. West then summarized the preliminary staff report dated March 31, 2010 regarding the request received from Residential Opportunities, Inc. (ROI) to rezone 9616 and 9602 Portage Road, 1704 South Shore Drive and 1712, 1720, 1726 and 1806 Fairlane Avenue from I-1, light industrial and R-1C, one family residential to OS-1, office service. According to the applicant, Mr. West stated the rezoning was 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. Mr. West reviewed the surrounding zoning/land use pattern, differences between the I-1/R-1C and OS-1 districts and the impacts of the proposed zoning change.

Mr. Scott Schrum (Residential Opportunities, Inc. - ROI) was present to support the rezoning application and explain the planned reuse of the former Moose Lodge building and site. Mr. Schrum discussed the mission of ROI and the other existing residential facilities owned and operated by ROI in the City of Portage. Mr. Schrum stated the planned Great Lakes Center for Autism Treatment and Research represents a two-year planning partnership with Western Michigan University. If rezoned, Mr. Schrum stated the interior of the existing building would be renovated and divided into two sections with the north wing being utilized as a 24-hour inpatient treatment/research facility for severely autistic children, while the south wing would be utilized as an outpatient clinic. Mr. Schrum indicated only minor exterior building changes were planned (no building expansion at this time) and the vacant land to the north would be utilized as an outdoor recreation area for the children.

The public hearing was opened by Chairman Cheesebro. Three citizens spoke in regards to the proposed rezoning: 1) Sue Andres (1816 South Shore Drive); 2) Ed Jamerson, 9553 Sebring Drive and 3) Nancy Lowry, 9604 Bonita Court. Ms. Andres and Mr. Jamerson had several questions regarding the age of the children, nature of the inpatient treatment facility and any plans for future development at the site. Ms. Lowry expressed concerns regarding traffic in the area and whether a traffic signal would be installed at the Portage Road/South Shore Drive intersection. No additional citizens spoke in regards to the proposed rezoning. Mr. Schrum provided additional information regarding the proposed inpatient treatment facility and the nature of the development disabilities experienced by the children receiving treatment. Mr. West stated there were no short-term or long-term plans to install a traffic signal at the Portage Road/South Shore Drive intersection. After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to adjourn the public hearing for Rezoning Application #10-01 to the April 21, 2011 meeting. The motion was unanimously approved.

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PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Farmland and Open Space Preservation Application, 7905 West RS Avenue, Texas Township. Mr. West summarized the March 31, 2011 staff report involving the notification provided by Texas Township regarding a Farmland and Open Space Preservation application for an approximate 20 acre tract of land located at 7905 West RS Avenue. Mr. West indicated the statute stipulates that communities located within three miles of subject property are afforded an opportunity to comment on the application. Mr. West stated that Farmland and Open Space agreements grant property owners certain income or property tax benefits in return for ensuring that the land remains in agriculture or open space for a specified period or time. After a short discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Reiff, to accept and support the Farmland and Open Space Preservation application for 7905 West RS Avenue, Texas Township. The motion was unanimously approved.

2. Proposed 2011 Oshtemo Township Master Plan. Mr. West summarized the staff report dated March 29, 2011 regarding the draft Oshtemo Township Master Plan. In accordance with the Michigan Planning Enabling Act, Oshtemo Township is requesting that adjacent communities and other required agencies review and comment on the draft plan. Mr. West briefly summarized major components of the Oshtemo Township Master Plan and Future Land Use Map designation consistencies along South 12th Street near the southeast corner of Oshtemo Township and the northwest corner of the City of Portage. Following a brief discussion, a motion was offered by Commissioner Reiff, seconded by Commissioner Bosch, to accept the Proposed 2011 Oshtemo Township Master Plan with no comments. The motion was unanimously approved. Mr. West stated a letter will be forwarded to Oshtemo Township on behalf of the Planning Commission.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Michael West, AICP
Assistant City Planner

TO: Planning Commission **DATE:** April 15, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Site Plan (Re-approval): Fifth-Third Bank, 2610 East Centre Avenue.

I. INTRODUCTION

On May 21, 2009 the Planning Commission originally approved a site plan submitted by Progressive AE, on behalf of Fifth-Third Bank, to construct an approximate 4,300 square foot bank building and associated site improvements at 2610 East Centre Avenue. The Fifth-Third Bank project represents the first building within the Centreport Commons commercial development (Unit 2, Centreport Commons Condominium) planned at the southeast corner of Portage Road and East Centre Avenue. At the request of the applicant and since the site plan approvals were about to expire, the site plan was re-approved by the Planning Commission on November 19, 2009, on May 6, 2010 and again on November 4, 2010. Section 42-484 of the Zoning Code requires that construction activities commence within six months of site plan approval or the approval becomes null and void. Although staff has advised the applicant that they could allow the site plan to expire and then resubmit when construction is more definite, the applicant has indicated that Fifth-Third Bank wishes to maintain an "approved" site plan.

Since site plan approval is scheduled to expire on May 4, 2011 the applicant is requesting re-approval. The site plan is being resubmitted with no changes from the December 4, 2010 re-approval.

Per the previously approved site plan for the CentrePort Commons development project, access to the condominium units including the Fifth-Third Bank site will be provided from one full-service driveway and one right-in/right-out only driveway on East Centre Avenue and on Portage Road. The East Centre Avenue full-service driveway is located at the east end of the property and the Portage Road full-service driveway is located at the south end of the property. Storm water from the Fifth-Third Bank site will be collected and conveyed to an underground detention system located beneath the parking lot.

II. RECOMMENDATION

The site plan has been reviewed by the City Administrative departments and staff recommends that the site plan for Fifth-Third Bank, 2610 East Centre Avenue, be re-approved.

Attachments: Site plan sheets

S:\2010-2011 Department Files\Board Files\Planning Commission\PC Reports\Site Plans\5-3 Bank, 2610 East Centre Avenue (April 2011)reapproval.doc

- 4/03/17 SITE PLAN SUBMITTAL
- 10/22/16 SITE PLAN SUBMITTAL
- 07/17/16 SITE PLAN SUBMITTAL
- 07/17/16 SEND TO PREVISION
- 07/27/16 REV. PER PREVISION
- 07/27/16 SITE PLAN SUBMITTAL
- 05/19/16 SITE PLAN SUBMITTAL
- 05/19/16 REVISED B.P. SUBMITTAL
- 03/07/16 SITE PLAN SUBMITTAL
- 03/07/16 REVISED B.P. SUBMITTAL



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SITE GRADING & UTILITIES PLAN

CALL-BID NOTE:
SERVICES AT THIS LOCATION WILL BE PROVIDED TO CONFORM TO EXISTING UTILITIES. DUAL BID.

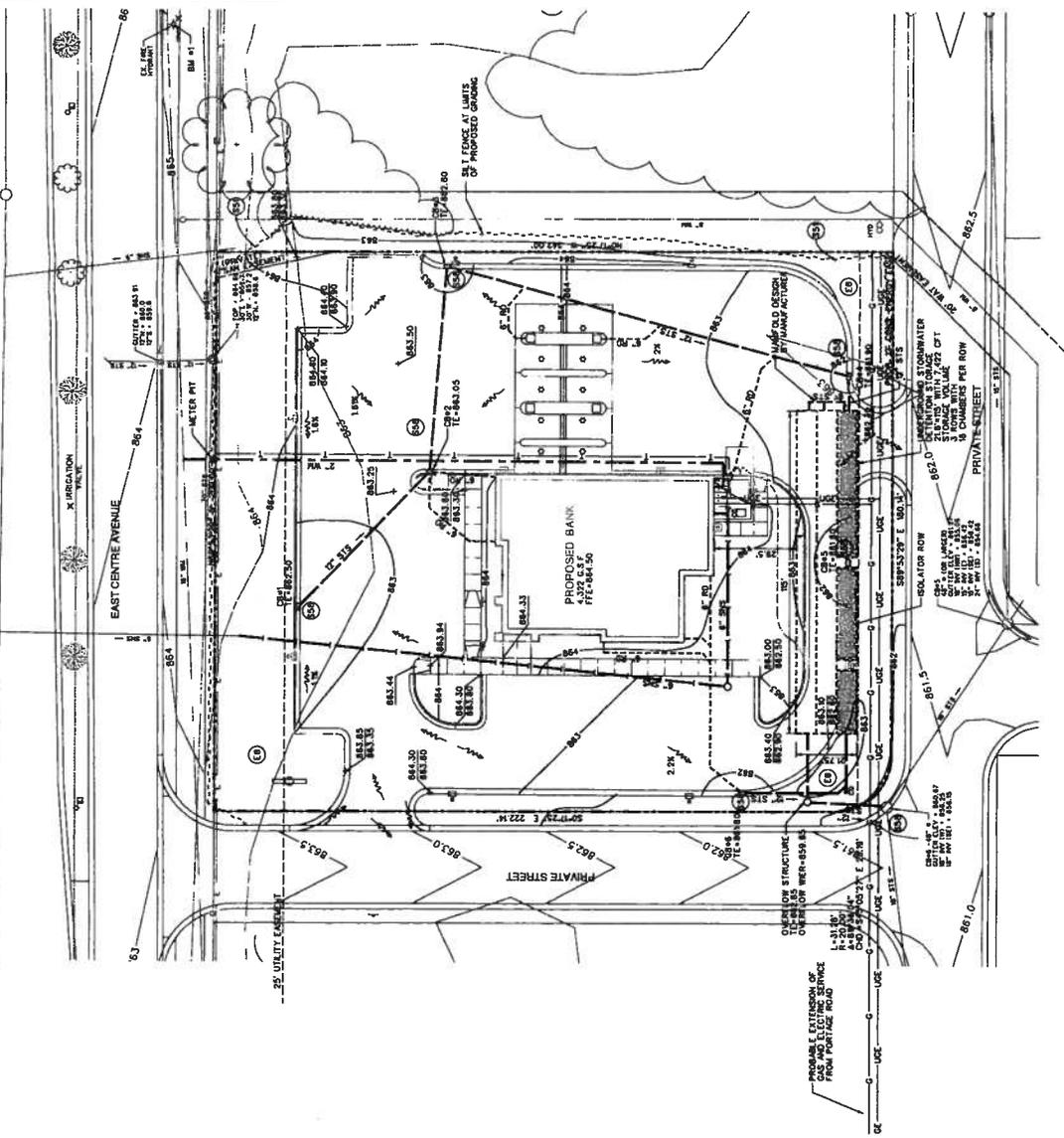
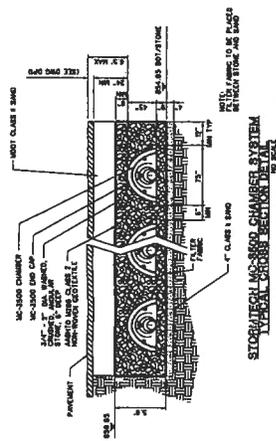
SURVEY PROVIDED BY:
MCDONALD SURVEYING, INC.
1433 EAST WILSON ROAD
KENTON, KY 40021
PHONE: 502-344-9865
BASED ON USGS DATUM

BENCHMARK:
ELEVATION 849.50
DESCRIPTION: HYDRANT ON EAST CENTRE STREET 100' EAST OF EAST PROPERTY LINE

- STORMWATER NOTES:**
- DESIGN FLOOD STORAGE VOLUME = 7200 CFT
 - DESIGN FLOOD STORAGE VOLUME = 7200 CFT

EROSION CONTROLS

ITEM	DESCRIPTION	MARK	DATE
ES1	POURMENT BEARING		
ES2	SOIL EROSION		
ES3	SOIL PROTECTION / EROSION CONTROL		



TO: Planning Commission

DATE: April 15, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Preliminary Report: Rezoning Application #10-01, 4815 West Milham Avenue and 6027 South 12th Street

I. INTRODUCTION:

An application has been received from Milham Crossings, LLC requesting that the following properties be rezoned from B-2, community development to B-3, general business:

Property Address	Owner of Record	Parcel Number	Zoning	
			Existing	Proposed
4815 West Milham Avenue	Milham Crossings, LLC	00007-120-O	B-2	B-3
6027 South 12 th Street	Milham Crossings, LLC	00007-125-O	B-2	B-3
Total: Two parcels (3.46 acres)				

The applicant has indicated the proposed zoning change from B-2 to B-3 is being requested to allow additional land uses that are not otherwise permitted in the B-2 district. The applicant believes this added flexibility will facilitate timelier redevelopment of the properties.

As shown on the attached vicinity map, there are of five parcels located near the southeast corner of South 12th Street and West Milham Avenue zoned B-2. According to city records, 6035 South 12th Street, 4713 West Milham Avenue and 4721 West Milham Avenue are under separate ownership. Prior to submittal of the rezoning application, staff suggested the applicant approach the owners of these three properties to discuss incorporating all five parcels into one rezoning application. Staff believes that consideration of the entire area zoned B-2 is appropriate since a change in zoning to B-3 involving only 4815 West Milham Avenue and 6027 South 12th Street would impact the adjoining property. However, the applicant did not initiate contact. As information for the Commission, these three adjacent property owners did receive formal notice of the proposed rezoning.

II. EXISTING CONDITIONS:

Land Use/Zoning	<p><u>Rezoning Site:</u> Vacant and zoned B-2, community business. An approximate 8,200 square foot retail building was previously located at 4815 West Milham and an approximate 1,300 single family residence was previously located at 6027 South 12th Street. These structures were razed in 2007.</p> <p><u>South:</u> A vacant parcel zoned B-2, community business and single family residences located within the Andover Woods subdivision zoned R-1B, one family residential.</p> <p><u>West:</u> Across South 12th Street in Texas Township, commercial/office land uses zoned C-3, Commercial District – Shopping Center.</p> <p><u>North:</u> Across West Milham Avenue, Sunny Mart convenience store zoned B-3, general business and Westfield Park zoned R-1A, one family residential.</p> <p><u>East:</u> Non-conforming single family residences zoned B-2, community business.</p>
Zoning/Development History	<ul style="list-style-type: none"> In February 2001, City Council approved rezoning of seven parcels (9.7 acres), located at the southeast corner of West Milham Avenue and South 12th Street. Rezoning Application

Zoning/Development History (con.)	#00-08 involved 4613, 4707, 4713, 4721 and 4815 West Centre and 6027 and 6035 South 12 th Street and changed the zoning from B-1, local business, R-1B, one family residential and RM-1, multiple family residential to B-2, community business. <ul style="list-style-type: none"> In March 2005, City Council approved Rezoning Application #04-05 and changed the zoning of 4613 and 4707 West Milham from B-2 and RM-1 to OS-1, office service to accommodate the Portage Bickford Cottage, a residential assisted living facility. The west 10 feet of 4707 West Milham remained zoned B-2 so a future building constructed on 4713 West Milham would not have to be setback 75 feet from the east property line.
Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	<ul style="list-style-type: none"> West Milham Avenue and South 12th Street are both classified as major thoroughfares. West Milham Avenue is designated as a 3-lane minor arterial with approximately 13,340 vehicles per day (2006); capacity of 21,500 vehicles per day (level of service "D"). South 12th Street is designated as a 2-lane minor arterial with approximately 5,320 vehicles per day (2010); capacity of 16,200 vehicles per day (level of service "D"). A Kalamazoo County Road Commission project to construct a vehicular roundabout at the intersection of South 12th Street and West Milham Avenue/Texas Drive is scheduled to begin construction in June 2011.
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 rezoning site, along with other properties at the southeast corner of West Milham/South 12th Street and the one parcel at the northeast corner of West Milham/South 12th Street, as appropriate for general business land use and within a designated secondary commercial node which is intended to encourage and support low intensity local business uses and service establishments.

Properties located to the south and further east, within the Andover Woods subdivision, are designated for low density residential land use, while the Westfield Park property to the north (across West Milham) is designated for park use. To the west (across South 12th Street), Texas Township has designated the properties located north and south of the Texas Drive/South 12th Street intersection as appropriate for Neighborhood Commercial land use.

Development Guidelines -- The Development Guidelines are intended to be used by the Commission and staff when reviewing private development projects, infrastructure improvement programs (i.e. public expenditures on streets, sewers, water mains and others that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and

may suggest adjustments to other policies that influence the use of land for consistency with community development and preservation objectives. An evaluation of the Development Guidelines will be provided with the staff recommendation.

Suitability of Existing B-2 Zone/Impacts of Proposed B-3 Zone

When the seven parcels (9.7 acres) located at the southeast corner of West Milham Avenue and South 12th Street were rezoned to B-2, community business in 2001, a larger, more integrated commercial/business center was envisioned for these properties. While the B-2 district allows for a variety of commercial land uses, the intent of the district is to cater to the needs of a larger consumer population with developments characterized by an integrated or planned cluster of establishments served by a common parking area and generating large volumes of vehicular and pedestrian traffic. In comparison, the B-3 district is designed to provide sites for more diversified businesses and is often located to serve pass-by traffic. Locations for the B-3 district are typically mapped along major traffic arteries and/or adjacent to the B-2 districts. The table below summarizes the building height, setbacks and land use provisions between the B-2 and B-3 districts.

Major Zoning Code Provisions of the B-2 and B-3 Zoning Districts		
Zoning Code Provision	B-2, Community Business	B-3, General Business
Building height	35 feet	35 feet
Building height – When adjacent to a one single-family residential district	25 feet and one story	25 feet and one story
Front yard setback	75 feet	30 feet
Side yard setback – Interior to the district	0 feet ¹	0 feet ¹
Side yard setback – When adjacent to a one single-family residential district	75 feet	10 feet
Side yard setback – When adjacent to a B-3, CPD, I-2 or I-2 zoning district ²	20 feet	0 feet ¹
Rear yard setback ³	Side yard setback provisions apply	20 feet
Land uses permitted	Refer to Section 42-261	Refer to Section 42-262

¹ Building Code requirements must be met

² In all other cases, the building must be setback 75 feet from the outer perimeter of the district

³ Loading and unloading areas must be located in the rear yard

As shown in the table above, the building height requirements in both zoning districts are the same, but regarding building setbacks, the B-2 zone requires significantly different front and side yard setbacks. For Commission information, if the development site is greater than 3 acres an earthen berm is required to screen adjacent single-family residential zoning districts/uses, the building setback in the B-3 district increases to 40 feet to accommodate the surface area requirements of the berm. With regard to permitted/special land uses, several uses permitted in the B-3 district are not allowed in the B-2 district. For example, uses such as gas stations, veterinary hospitals/clinics and kennels/animal shelters are prohibited in the B-2 zone, but allowed in the B-3 zone subject to conditions. There are uses allowed in the B-3 district that are also allowed in the B-2 district, such as auto repair stations, small animal veterinary clinics, vehicles dealerships and drive-in establishments, but are subject to several conditions. If these land uses are located in the B-3 district, the B-2 conditions are not imposed (or the number of conditions reduced). As a result of the reduced setbacks and additional uses allowed in the B-3 district, the potential impacts on the adjacent Andover Woods residential subdivision to the south could be greater than under the existing B-2 zone.

may suggest adjustments to other policies that 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.

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Front yard setback	75 feet	30 feet
Side yard setback – Interior to the district	0 feet ¹	0 feet ¹
Side yard setback – When adjacent to a one single-family residential district	75 feet	10 feet
Side yard setback – When adjacent to a B-3, CPD, I-2 or I-2 zoning district ²	20 feet	0 feet ¹
Rear yard setback ³	Side yard setback provisions apply	20 feet
Land uses permitted	Refer to Section 42-261	Refer to Section 42-262

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Additionally, rezoning two of the five parcels of land would also impact future commercial development involving 6035 South 12th Street and 4721 West Milham Avenue. The building setback along the west property line of 4721 West Milham Avenue and north and east property lines of 6035 South 12th Street would increase from zero feet (provided building code requirements are fulfilled) to 20 feet. This increased building setback would decrease the building envelope for 4721 West Milham Avenue from 110.8 feet to 90.8 feet and from 73.25 feet to 53.25 feet for 6035 South 12th Street (although 6035 South 12th Street is 148.5 feet in width, the setback from the south property line is 75 feet). Expanding the rezoning consideration to address the zoning classification of the remaining three parcels zoned B-2 should be examined. Also, since it appears this area is not likely to develop as an integrated commercial/business center project as encouraged when the property was rezoned to B-2, the redevelopment potential of the remaining three parcels of land zoned B-2 should be addressed. If these parcels remain zoned B-2 and under separate ownership, the required setback distances will impact redevelopment activities. Staff has prepared the following preliminary rezoning concepts, that are among other potential approaches, as the Commission discusses expanding the rezoning application:

1. Rezoning Concept 1: Retain the current B-2 zoning district.
2. Rezoning Concept 2: Retain the current B-2 zoning near the corner of South 12th and West Milham and rezone the perimeter area to OS-1, office service.
3. Rezoning Concept 3: Rezone the area near the corner of South 12th and West Milham to B-3 and rezone the perimeter area to OS-1, office service.

Attached are maps that illustrate the above referenced rezoning concepts.

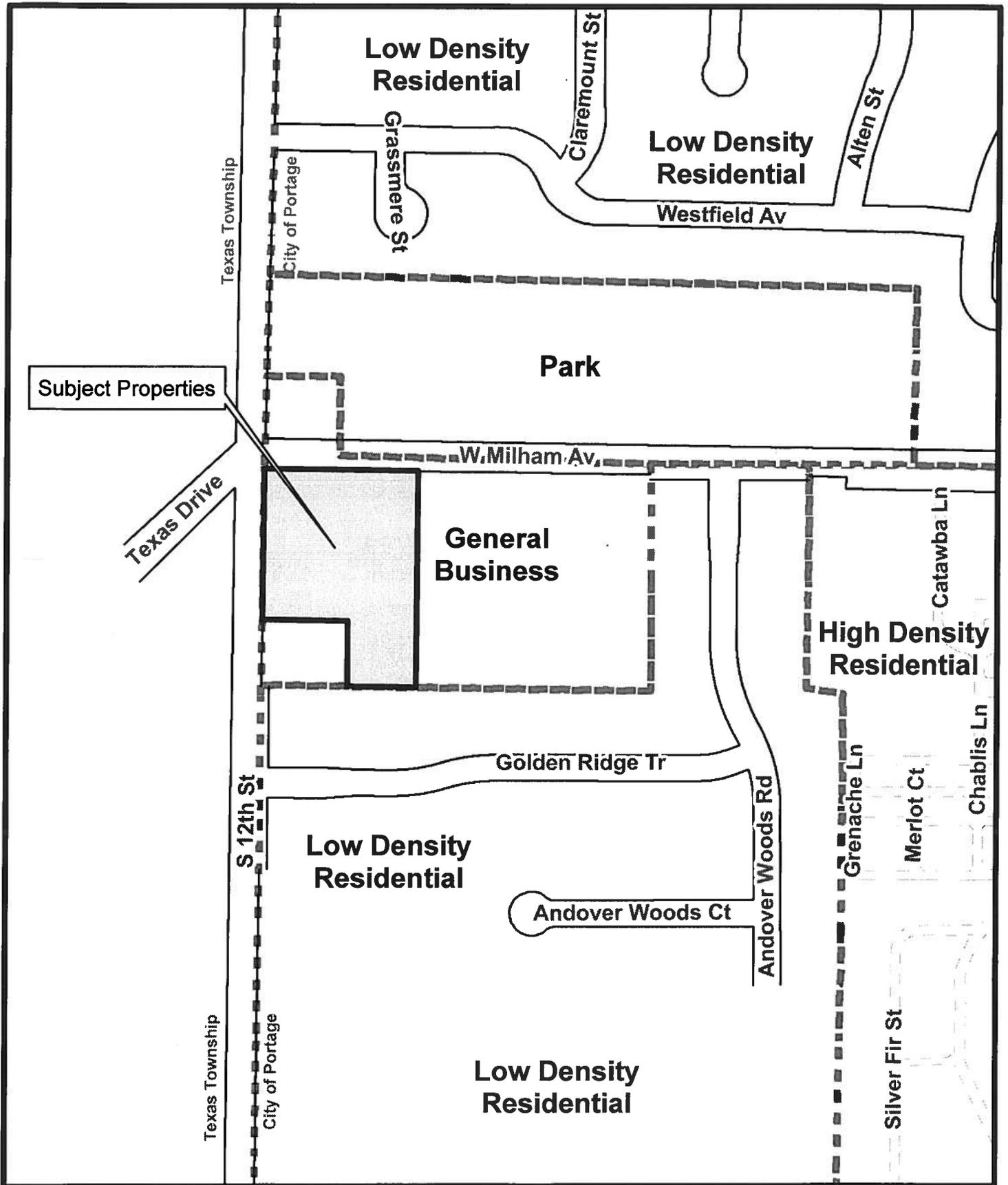
TRAFFIC CONSIDERATIONS

Since similar intensity commercial uses are allowed in the two districts, a change in zoning from B-2, community business to B-3, general business is not anticipated to add any significant traffic volume to the adjacent roadway system.

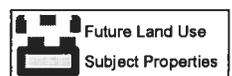
IV. RECOMMENDATION:

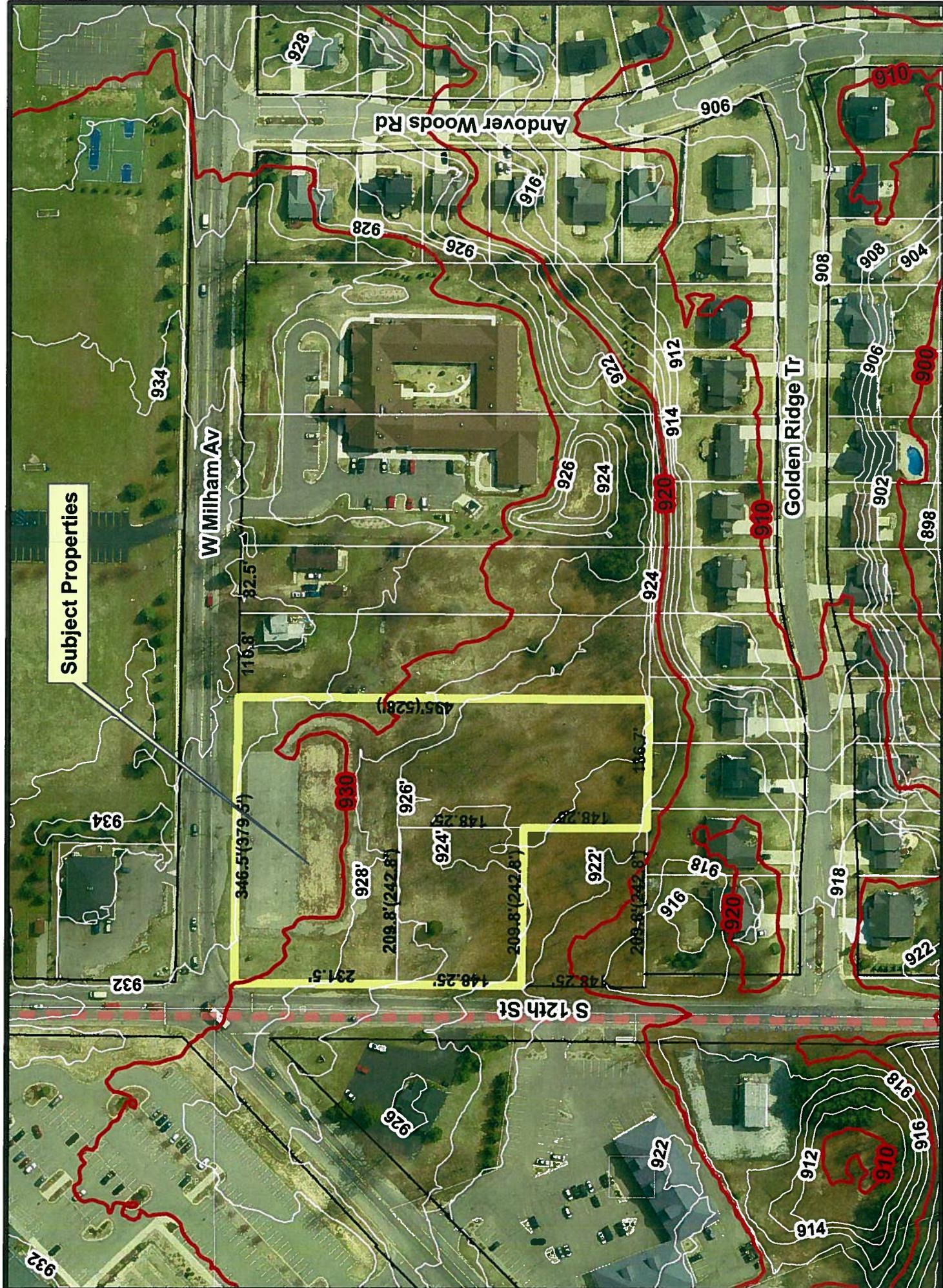
At the request of the applicant and consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, the Commission can receive public comment during the April 21, 2011 meeting and the public hearing then adjourned to the May 5, 2011 meeting. The Commission should also examine expanding the rezoning application to include the remaining property (6035 South 12th Street and 4713 and 4721 West Milham Avenue) zoned B-2 as indicated above. This additional consideration could be accomplished concurrently with this application, or scheduled to occur separately. If the Commission elects to expand the rezoning application, a new public notice would be needed and a public hearing could be scheduled for the May 19, 2011.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial Photograph (rezoning site and surrounding area)
Rezoning Application and supporting materials
Rezoning alternatives
Email communication from Alan Mueller dated March 18, 2011



**Future Land Use Map
4815 West Milham Avenue and
6027 South 12th Street**





Topographic Map
4815 West Milham Avenue and 6027 South 12th Street

2' Contour
 10' Contour

1 inch = 150 feet

APPLICATION FOR ZONING AMENDMENT

Application number #10-2

Date 2-11-11
(accepted 3-25-11)

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

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

b. Unplatted Land:

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

THE LAND LOCATED AT THE SOUTHEAST CORNER OF MILHAM + 12TH ST
COMPRISING APPROXIMATELY 3.77 ACRES. (4815 W. MILHAM & 6027 S. 12TH STREET)
PARCEL NUMBERS: PARCEL A - 39-00007-125-0; PARCEL B - 39-00007-120-0

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

b. Name of the owner of the property to be rezoned: MILHAM CROSSINGS, LLC

Address 7950 MOORSEBIDGE RD., PORTAGE, MI 49024

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: To Allow For Additional Permitted Uses For A
More Timely Development of the Site.

4. CURRENT ZONING: B-2 PROPOSED ZONING: B-3

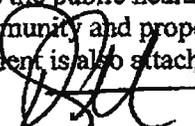
ZONING TEXT AMENDMENT

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

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

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

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



(Signature of Applicant) (Signature of Applicant)
Miwan Crossins, LLC
7950 Moorhackle Rd., Portage, MI 49024

(Address) (Address)
(269) 329-1808

(Phone) (Phone)

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

S:\Department Files\Fair v3308 Form\2008 Application for Zoning Amendment.doc



TREYSTAR™

Tradition. Vision. Growth.

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MAR 25 2011

COMMUNITY DEVELOPMENT

March 25, 2011

Mr. Chris Forth
City of Portage
Department of Community Development
7900 S. Westnedge Ave.
Portage, MI 49002

Re: Re-zoning Application – 4815 W. Milham Ave.

Dear Chris:

Attached please find the Application for Zoning Amendment for the above-mentioned property.

The intersection servicing this property is slated to be reconfigured into a roundabout during the summer of 2011. We support the roundabout plan proposed and look forward to the development of this property.

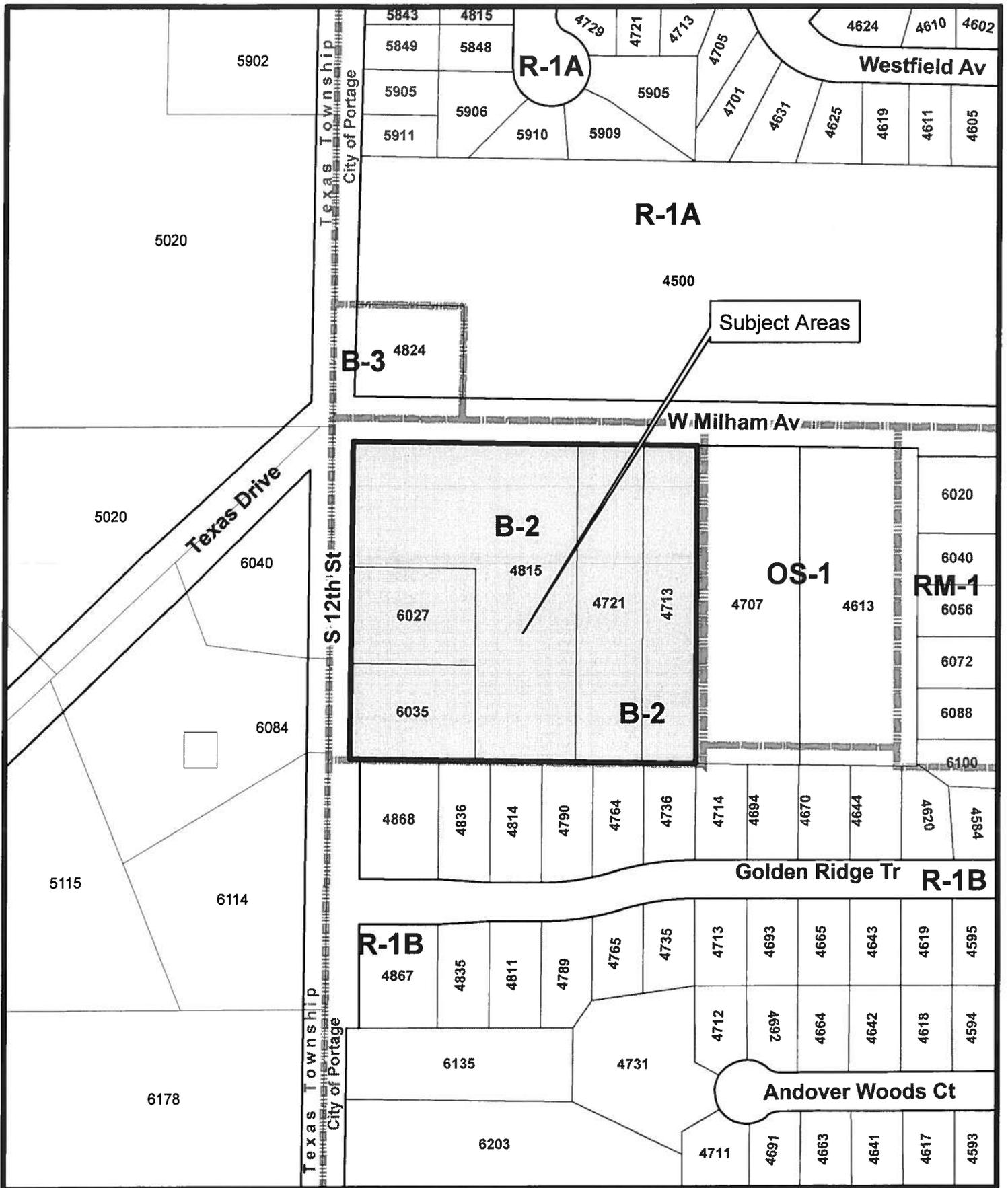
During our meeting held on November 18, 2010, we discussed our desire to change the zoning from B-2 to B-3. It was noted that such a zoning request would be consistent with the City of Portage Comprehensive Plan for General Business at this location. It would be our hope that additional permissible uses would allow a more timely development of the site.

Should you have further questions, please do not hesitate to contact me at (269) 329-1808. Thank you for your assistance.

Sincerely,

Terry Patterson
Treystar, Inc.
On behalf of Milham Crossings, LLC

Attachment: Application For Zoning Amendment

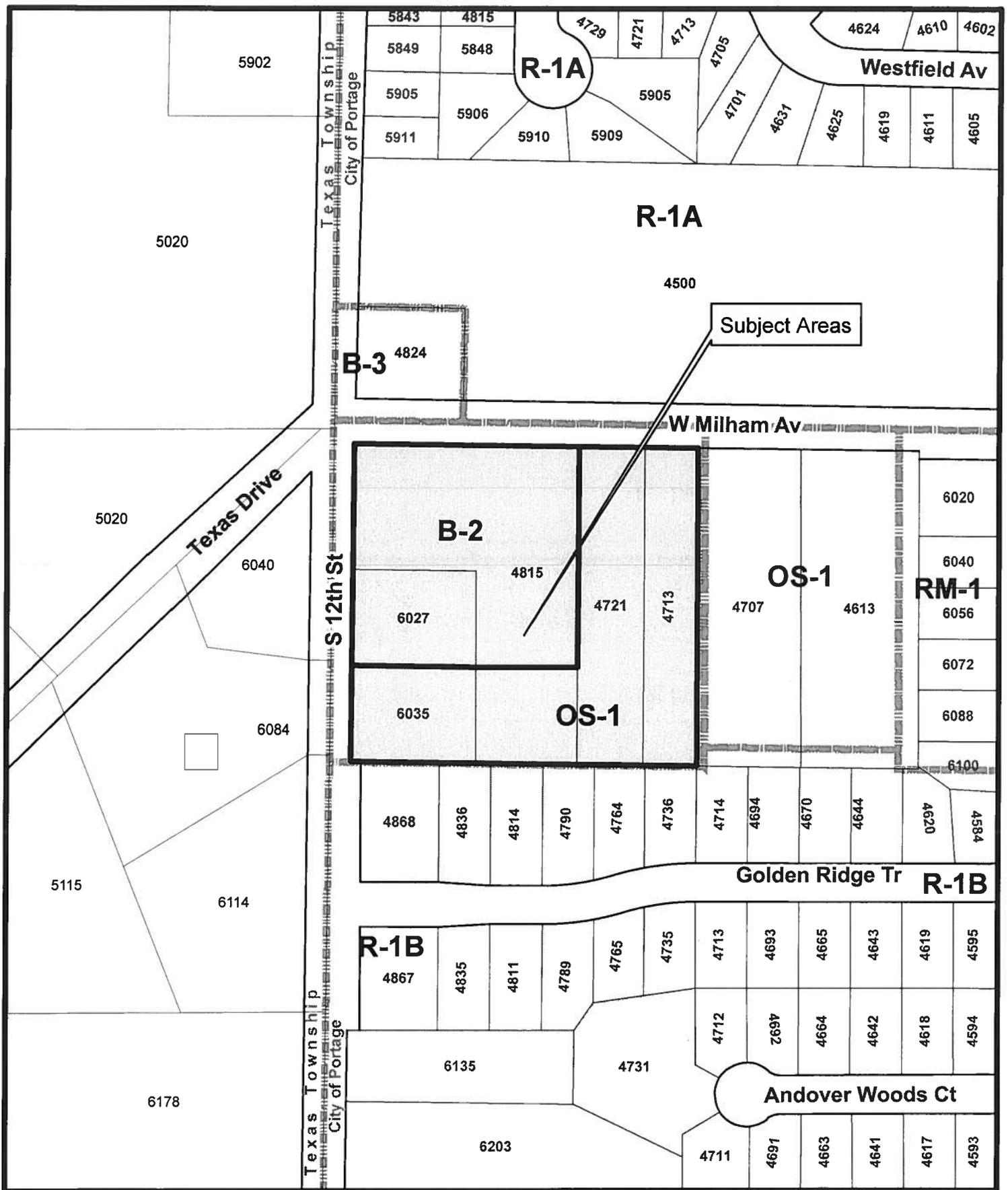


Rezoning #10-02
Concept 1
Retain Current B-2 Zoning

 Subject Areas
 Zoning Boundary



1 inch = 200 feet



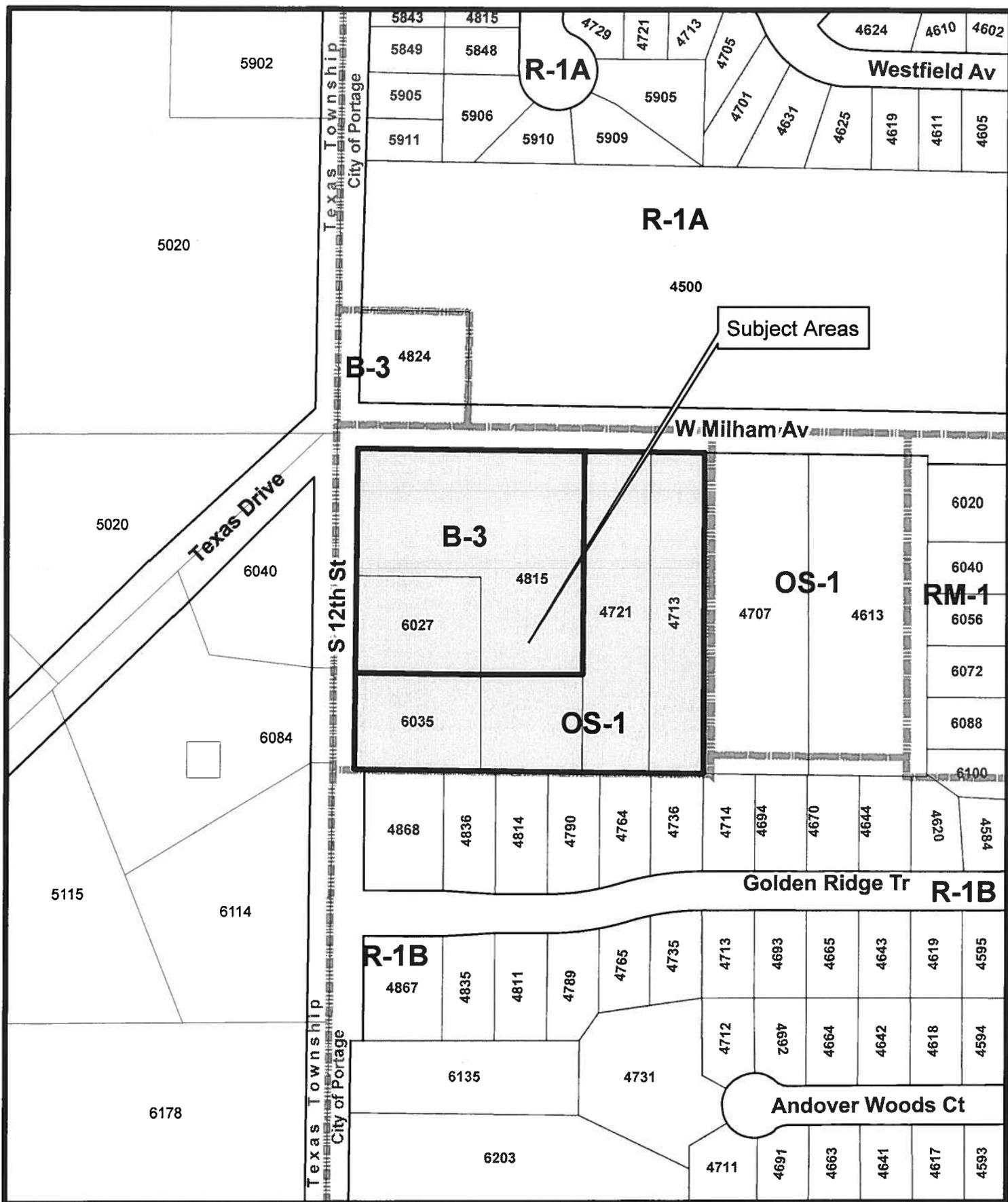
 Subject Areas
 Zoning Boundary

Rezoning #10-02 Concept 2

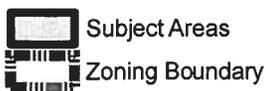


1 inch = 200 feet

Retain B-2 at corner and rezone remainder to OS-1



Rezoning #10-02 Concept 3 Rezone to B-3 and OS-1



1 inch = 200 feet

From: "Alan Mueller" <mueller_alan@yahoo.com>
To: <stephent@portagemi.gov>, <georgeav@portagemi.gov>, <ericksoj@portagemi...>
Date: 3/18/2011 10:02 PM
Subject: Property Development at 12th street and Milham

Greetings,

I am a resident of the Andover Woods neighborhood and it has come to my attention that Treystar, a local real estate development company, has begun the process of getting city approval to have the parcel at 12th street and Milham rezoned from B2 to B3 and that the primary difference between B2 and B3 is that B3 would allow for a gas station. I do have concerns about a gas station and the potential for environmental impact of fuel spills or buried gas tanks either accidentally or unknowingly leaking into the ground. If the gas station business failed and could not find a new owner, our neighborhood and city would be left with an eye sore that could eventually degrade into an environmental problem. Apart from health concerns, a gas station would probably increase traffic congestion at the intersection and likely depress property values of our neighborhood. Gas stations are conveniently available to residents of the area at Centre and Angling, Texas Corners, Milham just west of Westnedge and Stadium just west of 11th street. There is already a convenience store located across the street from the property to provide that service to residents in the area.

Thank you for your consideration.

TO: Planning Commission **DATE:** April 15, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Final Report: Rezoning Application #10-01, Portage Road and Fairlane 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
Total: Seven parcels/lots (7.74 acres)				

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 is a joint venture between ROI and Western Michigan University 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. 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:

Land Use/Zoning	<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> <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"> 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>Fraternities, 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. There have been no rezoning of properties in the surrounding area since adoption of the 2008 Comprehensive Plan.
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. PUBLIC REVIEW/COMMENT

The Planning Commission convened a public hearing during the April 7, 2011 meeting. Mr. Scott Schrum (Residential Opportunities, Inc. - ROI) was present to support the rezoning application and explain the planned reuse of the former Moose Lodge building and site. Three citizens spoke in regards to the proposed rezoning: 1) Sue Andres (1816 South Shore Drive); 2) Ed Jamerson, 9553 Sebring Drive and 3) Nancy Lowry, 9604 Bonita Court. Ms. Andres and Mr. Jamerson had several questions regarding the age of the children, nature of the inpatient treatment facility and any plans for future development at the site. Ms. Lowry expressed concerns regarding traffic in the area and whether a traffic signal would be installed at the Portage Road/South Shore Drive intersection.

IV. FINAL ANALYSIS:

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use Plan Map and Development Guidelines, suitability of the existing zoning classification 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) are appropriate for general industrial land use. Importantly, this portion of the rezoning site is situated along the northern edge of the general industrial land use designation, as identified on the Future Land Use Map. The northern portion of the rezoning site and 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.

The Comprehensive Plan recognizes that the OS-1 district can provide an effective transition between higher intensity uses and major streets and interior residential neighborhoods. The proposed OS-1 zone would provide an effective transition area between Portage Road and industrial land uses to the south and adjacent single family residences to the north (along South Shore) and west (Sterling Oaks condominiums).

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. As an appropriate transition area, the proposed OS-1 district can be considered generally consistent with applicable development guidelines contained in the Comprehensive Plan (attached).

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

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. Also, the OS-1 district would not impact remaining industrial properties to the south in regard to additional setbacks and/or screening requirements.

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 built, Fairlane Avenue is listed as a private street on the recorded plat document. Only the perimeter lots located along Portage Road and South Shore Drive are developed with homes. Although not identified for development by the applicant at this time, rezoning these lots would allow for additional building and/or parking lot expansion use and related impacts. Any future development of these lots under the proposed OS-1 zone would require site plan review, retention and/or installation of appropriate screening and vehicular access would be prohibited from using Fairlane Avenue per Section 42-521.E, Zoning Code.

TRAFFIC CONSIDERATIONS

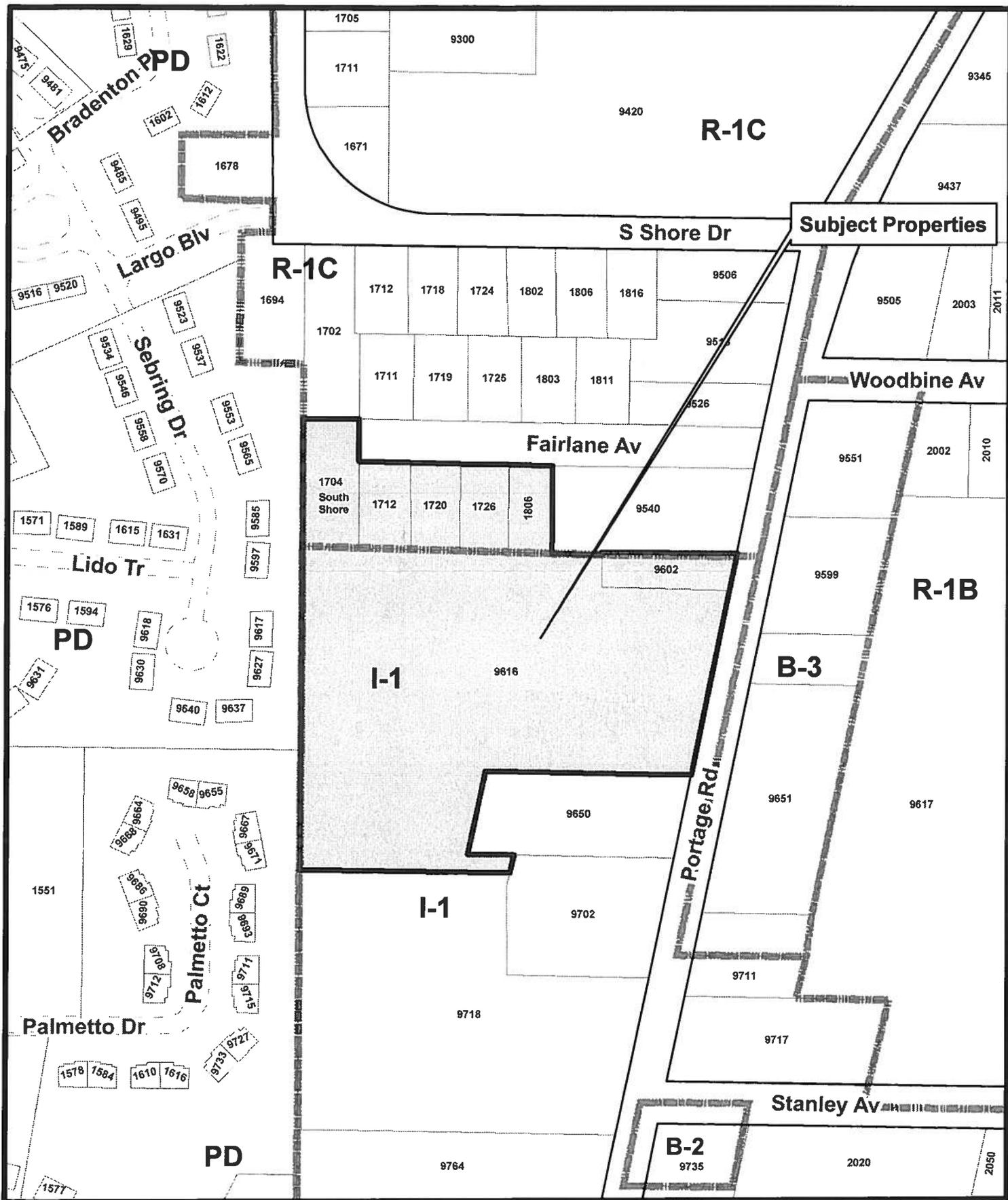
A change in zoning from I-1, light industry and R-1C, one family residential to OS-1, office service and the proposed reuse of the former Moose Lodge site is not anticipated to add any significant traffic volume to the adjacent roadway system. Portage Road is a 4-5 lane minor arterial street and traffic generation from the rezoning site can be accommodated.

IV. RECOMMENDATION:

The Planning Commission is advised to recommend to City Council that Rezoning Application #10-01 be approved and the seven parcels/lots be rezoned to OS-1, office service.

To ensure consistency with the Comprehensive Plan and Future Land Use Plan Map, should the rezoning be approved by City Council, it is further recommended in the planned update of the Comprehensive Plan beginning in FY 2012 that the Plan show the office land use designation as a transition area and be formally considered by the Planning Commission.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial Photograph (rezoning site and surrounding area)
Development Guideline Table (OS-1, Office Service)
Rezoning Application and supporting materials

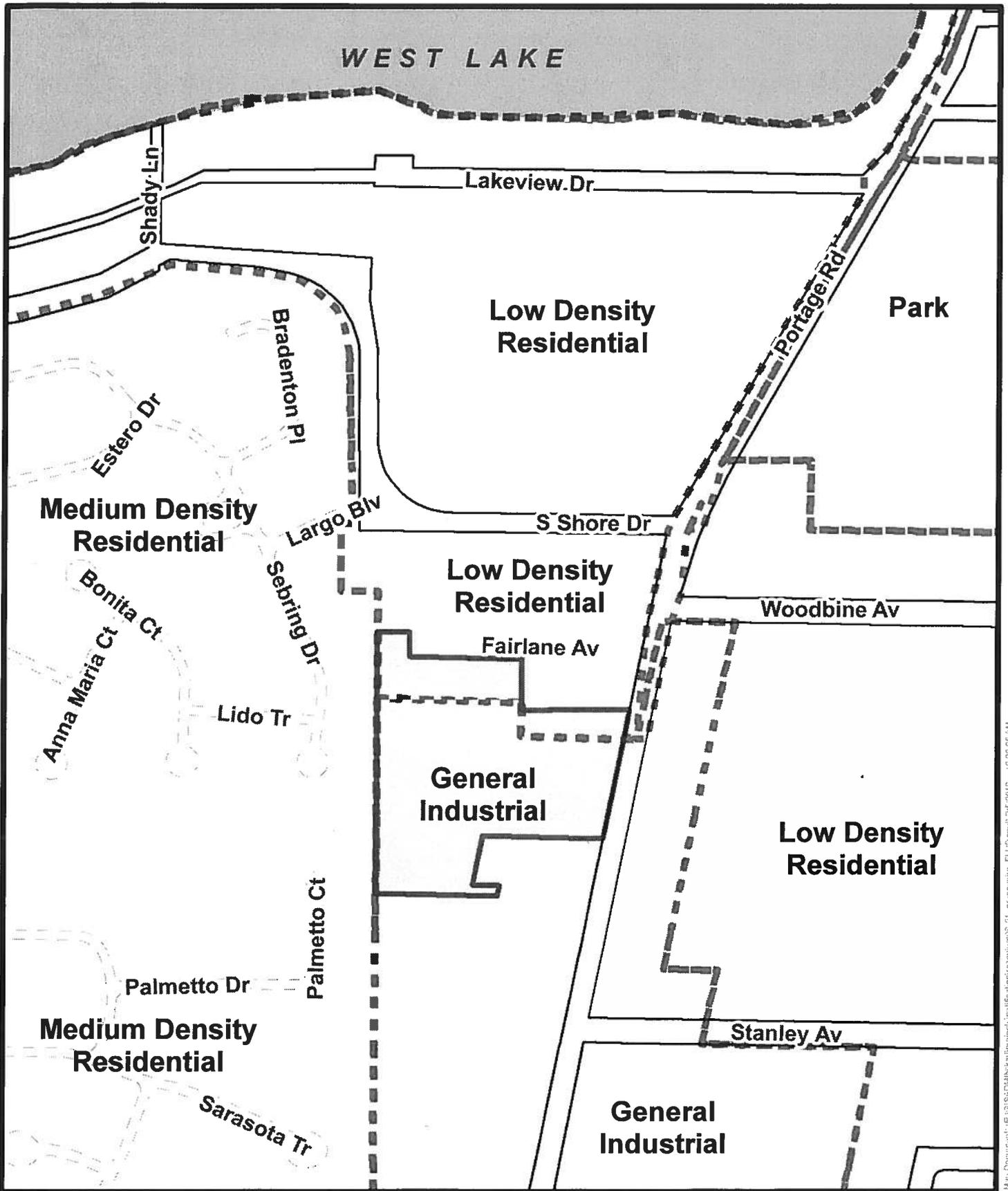




 1 inch = 200 feet

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

 Zoning Boundary
 Subject Properties



Map Document: I:\GIS\3535\kakarip\project\workfile\adentec\entire\031611\GIS\mxd\FUTURE\FUTURE_FUTURE.mxd; 2/2/2011 10:26:05 AM

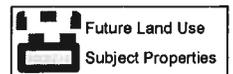


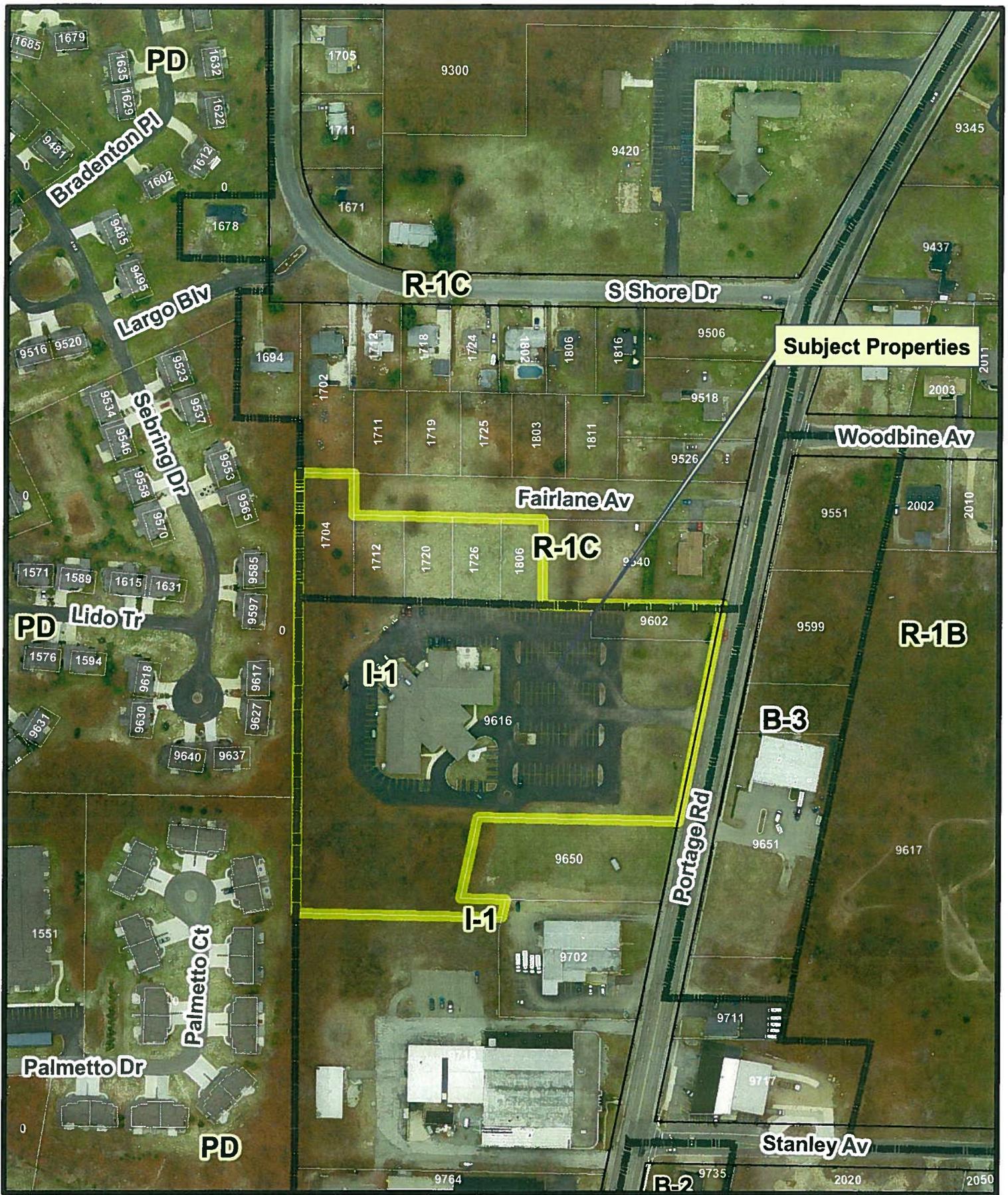
0 85 170 Feet

Future Land Use Map

9602, 9616 Portage Road,

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





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

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

DEVELOPMENT GUIDELINES
Rezoning Application #10-01 (Office Service, OS-1)

Guideline	Description	Consistent	Comments
Rezoning Request – Z-1	Consistency with Future Land Use Plan	See comment	<p>Future Land Use Map designates the majority of the rezoning site, and properties to south and east, as appropriate for general industrial land use. This portion of rezoning site is situated on northern edge of general industrial land use designation. The remaining portion of the rezoning site, and properties to north, are identified for low density residential land use, while properties to the west are medium density residential.</p> <p>The Comprehensive Plan recognizes the OS-1 district provides an effective transition between higher intensity uses and major streets and interior residential neighborhoods. The proposed OS-1 zone would provide an effective transition area between Portage Road and industrial land use to the south and adjacent single family residences to the north and west.</p>
Commercial – 1	Coordinated Development	Yes	Applicant proposes reuse and conversion of former Moose Lodge building and site to accommodate proposed inpatient/outpatient treatment and research center.
Commercial – 2	Commercial/Office Uses in General	Yes	Rezoning site is located along Portage Road, a minor arterial road, with ingress/egress from this major thoroughfare. Also, see Rezoning Z-1 above.
Commercial – 6	Office/Commercial Site Design	Yes	Conflicting land use screening would be required where adjacent to single family residential zoning and/or land use. Issues associated with screening, buffering, landscaping, access, sidewalks, etc would be reviewed when a site plan is submitted.
Natural & Historic Resources - 1	Environmental Protection	Yes	Rezoning site is not characterized by environmentally sensitive areas (wetlands, floodplain, etc).
Natural & Historic Resources - 2	Floodplain	Yes	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	Yes	Existing facility. Any proposed changes would be reviewed as part of a site plan submittal.
Natural & Historic Resources – 4	Noise	Yes	Existing facility. Any proposed changes would be reviewed as part of a site plan submittal.
Natural & Historic Resources – 5	Historic Resource Preservation	N/A	Historic buildings are not present at the rezoning site.
Transportation – 1	Transportation Systems	Yes	Portage Road is a 4-5 lane minor arterial with 22,300 vehicles per day (2010); and a capacity of 32,500 vehicles per day (level of service “D”). Anticipated traffic can be accommodated.
Transportation – 2	Street Design	Yes	Rezoning site has frontage and existing access from Portage Road (minor arterial). Any proposed changes would be reviewed as part of a site plan submittal.
Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	Specifics associated with the inclusion of walkways and pathways will be reviewed at the site plan stage of development.
Transportation – 5	Right-of-Way Preservation	Yes	Existing facility. Any proposed changes would be reviewed as part of a site plan submittal.
Transportation – 6	Parking	Yes	Existing facility. Any proposed changes would be reviewed as part of a site plan submittal.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available.
Municipal Facilities & Services –3	Underground Utilities	Yes	Existing facility. Any proposed changes would be reviewed as part of a site plan submittal.

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:

RECEIVED

MAR 02 2011

COMMUNITY DEVELOPMENT

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

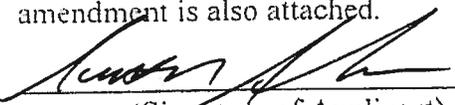
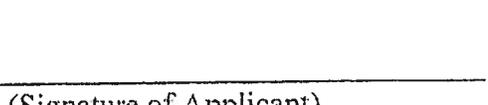
ZONING TEXT AMENDMENT

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

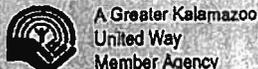
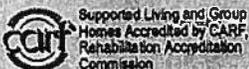


EXHIBIT C
Parcel Chart
Moose Lodge-Portage, MI
Property Included in Sale

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: April 15, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Proposed Medical Marihuana Home Occupation Ordinance

During the April 12, 2011 meeting, City Council referred the medical marihuana ordinance proposal to the Planning Commission for consideration and to initiate the Zoning Code amendment process. The Planning Commission recommendation is to be submitted no later than June 3, 2011. The ordinance language would amend Section 42-129, Home Occupations. Attached is the April 4, 2011 communication from the City Manager to the City Council that includes additional background information and a summary of the principal components of the ordinance, a copy of the proposed zoning ordinance and a draft copy of the April 12, 2011 City Council meeting minutes.

The Planning Commission is advised to review the proposed Medical Marihuana Ordinance and set a public hearing for May 19, 2011. Department Staff and the City Attorney will be present to assist with the preliminary review and discussion on April 21st.

Attachments: April 4, 2011 communication from the City Manager to the City Council
Proposed Medical Marihuana Ordinance
Draft April 12, 2011 City Council meeting minutes

S:\2010-2011 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Ordinance Amendments\Medical Marihuana (No. 10-C)\2010 04 15 JME Medical Marihuana referral to PC.doc

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: April 4, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: Proposed Medical Marihuana Home Occupation Ordinance

ACTION RECOMMENDED: That City Council:

- a. receive the proposed Medical Marihuana Ordinance amendment to the Zoning Code, and
- b. refer the ordinance to the Planning Commission for consideration and initiation of the Zoning Code amendment process, with submission of the recommendation on the amendment not later than June 3, 2011.

On January 11, 2011, City Council enacted a temporary 180 day medical marihuana moratorium. This measure allowed the City Administration and the Office of the City Attorney additional time to continue research and to develop an ordinance that would effectively address medical marihuana activities in the city as permitted by Initiated Law 1 of 2008, Michigan Medical Marihuana Act (MMMA). The moratorium will expire on July 30, 2011.

Since enactment of the moratorium, a City Administration team, including representatives from the Police and Community Development Departments and Office of the City Attorney, met to develop an ordinance that represents the most appropriate method to address medical marihuana use in the community and protect the public health, safety and welfare. The administrative team has concluded that the best option is to amend the City of Portage Code of Ordinances and regulate the use of medical marihuana per the MMMA under the Zoning Code as a home occupation. Administration and enforcement activities will be accomplished by the Community Development and Police Departments in a collaborative manner as is now the practice with zoning, safety, sanitation and health, housing/property maintenance and related ordinance matters when necessary. The advantages of the proposed ordinance include:

- Consistency with the intent and provisions of the MMMA, which establishes a caregiver to patient relationship with privacy and confidentiality safeguards;
- The proposal employs the home occupation approach successfully implemented in other Michigan communities including the City of Kalamazoo and the City of Grand Rapids;
- The prohibition of commercial dispensaries and the potential for illicit drug activities that have been the subject of concern in many Michigan communities due to ambiguities in the statute;
- Action at this time to regulate the use of medical marihuana is appropriate with the likelihood of definitive court decisions and/or action by the Michigan Legislature potentially years away; and

- The home occupation ordinance positions the city to properly address the use of medical marihuana allowed by statute, given the potential for litigation with other regulatory alternatives (ordinances to ban medical marihuana use and/or ordinances to prohibit cultivation of medical marihuana, as examples).

The attached ordinance proposal would amend Section 42-129, Home Occupations, by adding subsection C, Medical Marihuana Home Occupation. The following highlights the principal elements of the proposed ordinance:

- The new chapter would establish specific provisions for medical marihuana home occupations. The provisions for passive and active home occupations would not be applicable. No home occupation permit would be required (due to privacy confidentiality safeguards of the MMMA).
- Location standards establishing minimum distances from schools, youth centers, arcades, adult regulated uses and other specified uses, as well as other medical marihuana home occupations, are specified.
- Only one primary caregiver may operate from a dwelling unit and only assist qualifying patients registered with the Michigan Department of Community Health. A caregiver may assist no more than five patients who are connected to that primary caregiver through the State of Michigan registration process.
- The cultivation, possession, security and related statutory provisions applicable to the use of medical marihuana consistent with the statute are specified.
- Appropriate requirements are established that address caregiver-patient visit/operating hours, off-street parking, exterior site lighting and the prevention of general nuisances by compliance with provisions of the City of Portage Code of Ordinances.
- Appropriate definitions applicable to the use of medical marihuana are also specified in the ordinance.

City Council is advised to receive the proposed ordinance language, refer the ordinance to the Planning Commission for consideration and initiation of the Zoning Code amendment process, with the recommendation by the Planning Commission submitted to City Council not later than June 3, 2011.

Attachment: Proposed Ordinance Language

DRAFT

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING SECTION 42-129 OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Section 42-129 of Chapter 42, Land Development Regulations, is hereby amended to add Section 42-129(C) as follows:

Section 42-129. Home occupations.

- A. No change.
- B. No change.
- C. Medical Marihuana Home Occupation. A primary caregiver acting in compliance with the General Rules of the Michigan Department of Community Health ("General Rules"), the Michigan Medical Marihuana Act, P.A.2008, Initiated Law, MCL 333.26421, et. seq., (the "Act") and the requirements of this section, shall only be allowed as a home occupation. The conditions and requirements contained in Section 42-129(A) and (B) (Passive and Active Home Occupations) shall not be applicable to medical marihuana home occupations under this section and no permit under the Portage Zoning Code is required for a medical marihuana home occupation. The Act was passed by Michigan Voters through the initiative process. Both the summary of the Act appearing on the ballot and the Act as a whole reflect an intent to create a private and confidential patient/caregiver relationship to facilitate the lawful cultivation, distribution and use of marihuana strictly for medical purposes. The Act does not authorize the broad legalization of the cultivation, distribution or use of marihuana and a reading that permits such broad legalization is inconsistent with the fundamental intent of the Act read as a whole in context with generally applicable Michigan law. A primary caregiver may assist only a qualifying patient to whom he or she is connected through the Department of Community Health's ("Department") registration process for the medical use of marihuana. The following requirements for a primary caregiver as a home occupation shall apply:
 - 1. A primary caregiver shall comply at all times and in all circumstances with the Act and the General Rules of the Department as they may be amended from time to time.
 - 2. The home occupation shall only be conducted in a dwelling unit (as defined by the Zoning Code) where no more than one primary caregiver:
 - a. Cultivates up to the maximum number of marihuana plants permitted by the Act (12 for each qualifying patient)
 - b. Possesses up to the maximum amount of marihuana permitted by the Act (2.5 ounces for each qualifying patient), including any incidental amounts of seed, stalks and unusable roots; and

5. All medical marihuana plants shall be contained within the main residential structure in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient. The home occupation shall not be conducted in an attached or detached accessory building or structure.
6. The home occupation shall be conducted consistent with the Portage Code of Ordinances including but not limited to securing all building, electrical, plumbing and mechanical permits for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana, compliance with Article 4, Chapter 24 Noise, Article 5, Chapter 24 Safety, Sanitation and Health as well as Article 14, Chapter 42 Housing/Property Maintenance Code.
7. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11 p.m. and 6 a.m. shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
8. Qualifying patients may visit the site for the purposes permitted under the Act only during the hours of 8:00 a.m. to 8:00 p.m. No more than 5 qualifying patients may visit the site at any one time.
9. Off street parking provided for the home occupation shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions, of the Portage Code of Ordinances, as amended. There shall be no other vehicular parking other than the off street parking facilities normally required for the residential use.
10. There shall be no sign of any nature identifying the home occupation and the use of window displays are not permitted.
11. Nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act and the General Rules and this section. To this end, the sale, distribution, cultivation, manufacture, possession, delivery or transfer of marihuana to treat a qualifying patient shall only be conducted as a home occupation, and shall not be permitted in any other zoning classification of this Zoning Code. Also, since federal law is not affected by the Act or the General Rules, nothing in this section, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law. Neither this ordinance nor the Michigan Medical Marihuana Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution, or from having their property seized by federal authorities under the Federal Controlled Substances Act.

12. Definitions. As used in this section:

a. MARIHUANA

This term shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, MCL 333.7106, as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, PA 2008, Initiated Law, MCL 333.26423(d).

b. PRIMARY CAREGIVER

A person who is at least 21 years old who has agreed to assist with a patient's medical use of marihuana, who has never been convicted of a felony involving illegal drugs and who has been issued and possesses a registry identification card.

c. QUALIFYING PATIENT

A person who has been diagnosed by a physician as having a debilitating medical condition.

d. REGISTRY IDENTIFICATION CARD

A document issued by the Department that identifies a person as a registered qualifying patient or a registered primary caregiver or a document or its equivalent that is issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States that allows the medical use of marihuana by a visiting qualifying patient, or to allow a person to assist with a visiting qualifying patient's medical use of marihuana.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2011.

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to form
Date: _____

City Attorney

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – March 14, 2011

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Rob Linenger at 7:00 p.m. in the Council Chambers. Four people were in the audience.

MEMBERS PRESENT: Timothy Bunch, David Felicijan, Rob Linenger, Betty Schimmel, Marianne Singer, Lowell Seyburn, Daniel Rhodus, Jeff Bright

MEMBERS EXCUSED: Donald Mordas

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

APPROVAL OF THE MINUTES: Felicijan moved and Bunch seconded a motion to approve the February 14, 2011 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA# 10-12, 408 Schuring Road: Staff summarized the request for a variance from the home occupation standards to allow the operation of a woodcraft home-based business in a detached accessory building. Kevin and Amy Braat, were present to explain the request for KAB CNC Creations. Mr. Braat stated they have conducted woodcrafts as a hobby for several years in the barn, and recently acquired a new piece of machinery and now wish to expand their hobby into a home occupation. Bunch inquired if the operation would produce airborne sawdust and if the new equipment would produce significantly more noise. Mr. Braat stated they have a dust collector and the new CNC router would not produce noise beyond current levels.

A public hearing was opened. A letter of support from D&D Greenhouses, 326 Schuring Road, was read. There being no further comments, the public hearing was closed.

A motion was made by Felicijan, supported by Bunch, to grant a variance from the home occupation standards to allow the operation of a woodcraft home-based business in a detached accessory building at 408 Schuring Road for the following reasons: there are exceptional circumstances applying to the property which include the residence is nonconforming in an I-1, Light Industrial zone, and there are adjacent industrial uses to the north, south and east; the variance will not be detrimental to adjacent property as the applicant has been operating woodcraft equipment for several years without any complaints from neighbors; and the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. Upon roll call vote: Linenger-Yes, Schimmel-Yes, Felicijan-Yes, Singer-Yes, Bunch-Yes, Seyburn-Yes, Rhodus-Yes, the motion carried 7-0.

ZBA# 10-13, 3810 West Centre: Staff summarized the request to replace the sign panels on an existing nonconforming freestanding sign. Jerry Tillman with Sign Art was present on behalf of the applicant to answer questions. Bunch inquired if the sign was illuminated. Mr. Tillman said yes.

A public hearing was opened. As no one was present to speak for or against the request the public hearing was closed.

A motion was made by Singer, supported by Seyburn to grant a variance to replace the sign panels on an existing nonconforming sign for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply to other properties in the same zoning district, which include the limited front yard area, the existing landscaping, the location of the existing sidewalk, and the removal or relocation of the existing monument sign presents practical difficulties for the property. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. Upon roll call vote: Linenger-Yes, Schimmel-Yes, Felicijan-Yes, Singer-Yes, Bunch-Yes, Seyburn-Yes, Rhodus-Yes, the motion carried 7-0.

ZBA# 10-14, 741 West Kilgore Road: Staff summarized the request for approval to operate a group child care home on the property. Donna Leversee stated she has operated a family child care business at home for over 20 years and was present to answer any questions. Felicijan inquired what the hours of operation are. Ms. Leversee stated 6:30 am to 5:30 pm. Rhodus inquired if there was adequate parking and if not what the city could do about it if the board approved the request. Ms. Leversee stated she has never had a problem with parking or traffic. Staff stated the city could ask Ms. Leversee to provide more parking, however, the property currently met the parking requirements for group day care businesses reviewed under the more commonly applied 42-182(I)(6) standards (Special Land Use in a residential zone), and based on the experiences from numerous other group child day care operations approved by the Planning Commission, did not anticipate problems with parking at this location.

A public hearing was opened. Gary Marcy read a letter from Reva Williams, 809 West Kilgore Road, in support of the request. A letter from The Hinman Company stating they supported the request, provided the approval did not add any additional burdens on the development and/or rezoning of their adjacent property. There being no further comment the public hearing was closed.

After additional discussion, a motion was made by Felicijan, and supported by Bunch to approve a group child care home at 741 West Kilgore Road, based on the findings that no prior complaints have been received, no structural alterations are proposed, the accessory group child care home is more consistent with the OS-1 district, and the expanded child care use is not anticipated to prolong the nonconforming residential use of the property. Upon roll call vote: Linenger-Yes, Schimmel-Yes, Felicijan-Yes, Singer-Yes, Bunch-Yes, Seyburn-Yes, Rhodus-Yes, the motion carried 7-0.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:40 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM MARCH 22, 2011

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

Mayor Strazdas provided a short synopsis of the Mayor and City Council for the Day Program and called forth the student who was voted Student Mayor for the Day, Nathan Novaria, and City Clerk James Hudson administered the Oath of Office to him. Mayor Strazdas called forth the students who were elected Student Councilmembers for the Day from Portage Northern High School: Youssef Farran, Kelcie Kitchens and Nate Rajpoot, and from Portage Central High School: Zach Cook, Maddy Krenselewski and Jared Szymanski, and Mr. Hudson administered the Oath of Office to them. The Student Mayor and Student Councilmembers took their seats at the dais.

Student Mayor Novaria introduced Pastor Mike Drew of Workplace Chaplains U.S., who 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, Claudette S. Reid and Terry R. Urban, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

The City Clerk called the Student Mayor and Student Councilmember roll with the following members present: Student Councilmembers Youssef Farran, Kelcie Kitchens, Nate Rajpoot, Zach Cook, Maddy Krenselewski and Jared Szymanski, and Student Mayor Nathan Novaria.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Campbell, to approve the March 8, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0 with Councilmember Reid abstaining.

* **CONSENT AGENDA:** Student Mayor Navaria asked all of the Student Councilmembers to share in the reading of the Consent Agenda. Councilmember Reid asked that Item F.2, City-owned Property - 7130 South Westnedge Avenue, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF MARCH 22, 2011:** Motion by Urban, seconded by Reid, to approve the Check Register of March 22, 2011. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **SPECIAL ASSESSMENT BOND REDEMPTION:** Motion by Urban, seconded by Reid, to adopt the Resolutions Approving Redemption of all Callable Outstanding City of Portage Special Assessment Bonds, Series 1992, 1993, 1995, 1997, 1998, 1999, and 2000, Prior to Maturity. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on pages 129, 135, 141, 147, 153, 159 and 165 of City of Portage Resolution Book No. 44.

CITY-OWNED PROPERTY - 7130 SOUTH WESTNEDGE AVENUE: Councilmember Reid noted that the property appraisal for this property was \$835,000 in 2008, but the current asking price is \$435,000, so she asked what is the cost to the City of Portage to continue to hold on to this property. City Manager Evans responded that to raze the building would cost \$30,000; that there is an ongoing cost of maintenance of the building and the grounds; that there is no real estate agent; that we are marketing it globally; and that it may be a good time to sell because of declining values. Discussion

followed. Councilmember Randall added that there has been and continues to be a loss of tax revenue on the property; that there have been complaints regarding grass cutting and the deterioration of the building; that other lots in the area are for sale; that there is a need to enhance this section of the business corridor; and that there would be no realtor fee. Councilmember Campbell concurred saying that there is development occurring on land in the area so it is a good time to sell in conjunction with increased activity in the area. Mayor Pro Tem Sackley indicated that by contract, once Portage Community Outreach Center left the site, the City assumed the responsibility to pay the costs associated with the property, and that the building no longer has value.

Motion by Reid, seconded by Campbell, to authorize the City Manager to advertise the sale of an approximate 2.5 acre portion of 7130 South Westnedge Avenue at \$430,000 and solicit bids from interested parties. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

* **APPOINTMENT OF DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT:** Motion by Urban, seconded by Reid, to confirm the appointment of Vicki Georgeau as the Director of Community Development, effective July 1, 2011. Upon a roll call vote, motion carried 7 to 0.

* **APPLICATION FOR SPECIAL LICENSE FOR THE SALE OF BEER, WINE AND SPIRITS:** Motion by Urban, seconded by Reid, to resolve to submit an application to the Michigan Liquor Control Commission for a Special License for the sale of beer and wine for consumption on the premises at Portage Central Park, 7800 Shaver Road, for *The Taste of Portage* on June 25, 2011, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **LABOR COUNSEL SERVICES:** Motion by Urban, seconded by Reid, to renew the contract with McCarthy Smith Law Group for Labor Counsel Services through Fiscal Year 2013-14 and authorize the City Manager to execute all documents related to the contract renewal. Upon a roll call vote, motion carried 7 to 0.

* **FISCAL YEAR 2011-2012 PROPOSED BUDGET REVIEW SCHEDULE:** Motion by Urban, seconded by Reid, to establish April 19 from 2 to 5 p.m. and 6 to 9 p.m. for review of the proposed Fiscal Year 2011-2012 Budget. Upon a roll call vote, motion carried 7 to 0.

* **FEBRUARY 2011 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the February 2011 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Urban, seconded by Reid, to receive the Department Monthly Reports from the various city departments. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION:

TEXAS TOWNSHIP SUPERVISOR DAVID HEALY: After an explanation by Mayor Strazdas and a short discussion of the benefits of the request to both communities, motion by Urban, seconded by Reid, to grant the request from Texas Township Supervisor David Healy to support the 2011 MDNR Trust Fund grant application for the trails system connection between Texas Township and the City of Portage. Upon a roll call vote, motion carried 7 to 0. Discussion followed regarding a forthcoming letter of support from Mayor Strazdas.

POINT OF ORDER: Mayor Pro Tem Sackley took exception to the use of the word “consider” in the agenda outline for items H.2, Senior Citizen Advisory Board Ordinance and Rules, and H.3, Ordinance Amendment, Chapter 24, Article 5, Safety, Sanitation and Health. Discussion followed regarding the language used in the Consent Agenda Motions which reflects the actual vote of City Council unless the item is removed from the Consent Agenda.

UNFINISHED BUSINESS:

- * **SALE OF EXCESS CITY-OWNED PROPERTY, 2125 BENDER ROAD:** Motion by Urban, seconded by Reid, to reconfirm the Resolution to sell excess city-owned property, 2125 Bender Road. Upon a roll call vote, motion carried 7 to 0.
- * **SENIOR CITIZENS ADVISORY BOARD ORDINANCE AND RULES:** Motion by Urban, seconded by Reid, to approve an Amendment to the Code of Ordinances of the City of Portage, Michigan, on second reading by amending Chapter 2, Article 7, Section 2-293, for the Senior Citizens Advisory Board to lower the age for advisory board members and Section 2-297, to clarify distribution of records, and approve the revised Senior Citizen Advisory Board rules of operation. Upon a roll call vote, motion carried 7 to 0.
- * **ORDINANCE AMENDMENT, CHAPTER 24, ARTICLE 5, SAFETY, SANITATION AND HEALTH:** Motion by Urban, seconded by Reid, to approve an Amendment to the Code of Ordinances of the City of Portage, Michigan, on second reading by amending Chapter 24, Article 5, Section 24-113, Safety, Sanitation and Health, with provisions for nuisance abatement and cost recovery, and adopt the resolution establishing the nuisance abatement fee. Upon a roll call vote, motion carried 7 to 0. Ordinance recorded on page 157 of City of Portage Ordinance Book No. 12. Resolution recorded on page 171 of City of Portage Resolution Book No. 44.
- * **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the:
 - Portage Historic District Commission of January 5, 2011.
 - Portage Zoning Board of Appeals of February 14, 2011.
 - Portage Park Board of February 16, 2011.
 - Portage Youth Advisory Committee of February 28, 2011.
 - Kalamazoo County Board of Commissioners Regular and Committee of the Whole of March 1, 2011.
 - Portage Planning Commission of March 3, 2011.

AD-HOC COMMITTEE REPORT:

CITY COUNCIL SIGN ORDINANCE COMMITTEE: City Council received the presentation by Councilmember Urban regarding an update on the recent activity of the City Council Sign Ordinance Committee.

BID TABULATION:

- * **DOCUMENT MICROFILMING, IMAGING AND DESTRUCTION:** Motion by Urban, seconded by Reid, to approve the contract with Microsystems, Inc., for document microfilming, imaging and destruction for the low bid of \$19,747.95 for a one-year period with the option of two annual

extensions and authorize the City Manager to execute all documents related to this action. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF STUDENT MAYOR AND STUDENT CITY COUNCIL FOR THE DAY AND FACULTY ADVISOR: Mayor Strazdas introduced Portage Central High School Student Senate Adviser Mark Sutherland, who provided brief review of the Mayor and City Council for the Day Program experiences and thanked Mayor Strazdas and City Council for the opportunity to learn about local government through hands-on participation.

At the request of Mayor Strazdas, the Student Councilmembers and the Student Mayor expressed their appreciation for the opportunity to participate in the Student Council and Mayor for the Day Program. Each of them indicated that the experience was enjoyable, rewarding and enlightening. Discussion followed.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Mayor and City Council expressed their appreciation to the students who participated in the Student Council and Mayor for the Day Program and the Faculty Advisors for their efforts with the Program, extended congratulations to Transportation & Utilities Director Chris Barnes for winning Public Servant of the Year from the Kalamazoo Chamber of Commerce and congratulated Vicki Georgeau as Community Development Director.

Councilmember Randall posed a question about the use of City Hall by the public saying that the current policy seems too restrictive. She complimented the Board of Review Members and the City Assessor staff for their efforts during the 2011 Board of Review sessions.

At the request of Mayor Strazdas, City Manager Maurice Evans noted that the use of City Hall after hours requires paying overtime and that staff time for the Congressman Upton visit was minimal as it took place during working hours.

Councilmember Reid indicated that the \$100 million gift to Western Michigan University for a Medical School would have a huge impact on the Region. Mayor Strazdas concurred. As mentioned in the invocation by Pastor Mike Drew, she expressed her concern for the people of Japan, who are facing new challenges each day as a result of the recent earthquake and subsequent tsunami and the people of Libya, who are in the midst of a military struggle for power.

City Manager Evans indicated that the recent Census 2010 revealed that the City of Portage population grew from 44,897 to 46,292 with a 4.9% increase in Kalamazoo County.

Mayor Pro Tem Sackley invited the public to the detailed line by line Budget Review Sessions, Tuesday, April 19, 2011, from 2 to 5 p.m. and 6 to 9 p.m.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:27 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.