

CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

July 21, 2011

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

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

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * July 7, 2011

SITE/FINAL PLANS:

- * 1. Site Plan: Great Lakes Center for Autism Treatment and Research, 9616 Portage Road
- * 2. Site Plan: Crossroads Expert Auto Service, 6230 Lovers Lane

PUBLIC HEARINGS:

- * 1. Special Land Use Permit: Great Lakes Center for Autism Treatment and Research, 9616 Portage Road
- * 2. Special Land Use Permit: Crossroads Expert Auto Service, 6224 and 6230 Lovers Lane
- * 3. Rezoning Application #10-02, 4815 West Milham Avenue and 6027 South 12th Street
-- request to withdraw application
- * 4. Preliminary Report: Rezoning Application #10-03, 1316 East Centre Avenue

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

- * 1. Accessory Building (Krueger), 8634 South Westnedge Avenue

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

June 27, 2011 Zoning Board of Appeals meeting minutes
June 28, 2011 City Council meeting minutes

PLANNING COMMISSION

July 7, 2011

 **DRAFT**

The City of Portage Planning Commission meeting of July 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. Three citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Rick Bosch

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services and Randall Brown, City Attorney.

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the June 16, 2011 meeting minutes. A motion was then offered by Commissioner Welch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Valley Family Church-Kalamazoo, 2500 Vincent Avenue (Parking plan and request to exceed maximum parking requirement). Mr. Forth summarized the staff report dated July 1, 2011 regarding a request by Valley Family Church-Kalamazoo (VFC-K) to approve a parking plan that exceeds the maximum number of parking spaces allowed (734 spaces). VFC-K officials are requesting to increase the current number of existing parking spaces from 681 to 768, 34 more spaces than allowed by the Zoning Code. By way of background information, Mr. Forth indicated the original site plan was approved in May 2008 and included 681 off-street parking spaces. The site plan also included an additional 87 parking spaces designated for future use. VFC-K is now requesting to install the 87 spaces shown on the previously approved site.

Mr. Frank Mumford, representing VFC-K, was present to support the parking plan and request to install 87 additional parking spaces. Commissioner Dargitz asked if the 87 additional spaces will meet current needs and at what point in the future will more parking be needed. Mr. Mumford stated the 87 parking spaces are only needed a few times each year to accommodate larger than normal services and Mr. Mumford did not know when more parking might be needed. Commissioner Dargitz also asked if there were plans to change church services. Mr. Mumford stated there were no plans to alter the three weekly services.

There being no further discussion, a motion was then made by Commissioner Welch, seconded by Commissioner Patterson, to approve the parking plan and request to exceed the maximum number of off-street parking spaces by 34 allowing a total of 768 off-street parking spaces. The motion was unanimously approved.

PUBLIC HEARINGS:

1. Final Report: Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances. Mr. Forth summarized the July 1, 2011 final staff report regarding the three mixed-use ordinance proposals referred by City Council. Mr. Forth provided additional information regarding the ordinance provision requiring a minimum of 10% open space required in the City Centre Area district and summarized City Attorney and staff revisions made to the Work/Live Accommodations ordinance since the June 16, 2011 meeting.

Commissioner Pearson commented that he appreciates the changes made to the Work/Live Accommodations ordinance since the June 16th meeting. Commissioner Dargitz indicated that requiring a minimum of 10% open space in the City Centre Area district may not be enough. Mr. Forth indicated that 10% is a minimum and could be more; provides some guidance to the developer; Section 42-437(C)(6) requires additional yard (open) space if the project area is adjacent to natural features; the Standards of Review allow the Planning Commission and City Council to evaluate the amount of open space; and each project is reviewed on a case-by-case basis. Commissioner Patterson concurred with an evaluation based on a case-by-case basis and referenced the Woodlands at Austin Lake as an example. Commissioner Stoffer asked for clarification on the size of the residential unit in the Work/Live Accommodations ordinance if located above or adjacent to the commercial use. Mr. Forth responded. Commissioner Reiff noted that employees from temporary agencies would be excluded from living in the residential unit since the definition of a business owner/employee requires the employee to receive a W-2 tax statement. The Commission discussed this issue and concluded no changes to the definition were necessary. Commissioner Dargitz noted problems could occur if one or more property owners involved in a City Centre Area development project decides to withdraw from the project after the project has been approved and construction commenced. Attorney Brown and Mr. Forth indicated this issue could be addressed in the agreement required between owners during review and approval of the development plan(s).

Chairman Cheesebro opened the public hearing. Mr. Thomas Rogers, 895 Treasure Island Drive, Kalamazoo, Michigan, was present to comment on the Work/Live Accommodations ordinance. Mr. Rogers stated the Commission should consider allowing temporary employees and contract workers to live in the residential unit. No other citizens spoke in support or opposition to the proposed ordinance amendments. The public hearing was closed. There being no further discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances, be approved. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None

OLD BUSINESS:

None

 **DRAFT**

NEW BUSINESS:

1. Election of Officers. The Commission discussed election of officers for the upcoming fiscal year and nominations for the various positions. Commissioner Cheesebro indicated he would like to continue as the chairman of the Planning Commission. No other Commissioners expressed interest in the chairman position. The Commission recognized Commissioner Cheesebro as the chairman of the Planning Commission.

Commissioner Pearson stated he would like to continue as the vice-chairman of the Planning Commission. Commissioner Welch also expressed interest in the position of vice-chairman. Following an anonymous vote, Mr. Forth stated Commissioner Pearson was elected vice-chairman by a 5-3 vote. Chairman Cheesebro next asked for nominations for the position of secretary. Commissioner Welch stated he would like to continue as the secretary of the Planning Commission. Since no other nominations were received, the Commission recognized Commissioner Welch as the secretary.

STATEMENT OF CITIZENS:

None

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

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

TO: Planning Commission **DATE:** July 15, 2011
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: Special Land Use Permit and Site Plan for Great Lakes Center for Autism Treatment and Research, 9616 Portage Road

I. INTRODUCTION:

Special Land Use Permit and Site Plan applications have been submitted by Residential Opportunities, Inc. (ROI) requesting approval to establish a clinic for the treatment and research of children with autism at 9616 Portage Road. For Commission information, a change in zoning from I-1, light industrial to OS-1, office service to accommodate the proposed reuse of the 7.7 acre zoning lot (comprised of several properties shown on the attached Special Land Use Permit map) was approved by City Council on June 14, 2011.

As indicated in the attached application materials, ROI is partnering with Western Michigan University's Psychology Department to develop the Great Lakes Center for Autism Treatment and Research (GLCATR). The GLCATR will include an inpatient residential treatment center for up to 12 children with autism, along with an outpatient clinic. Extensive interior renovations of the former Moose Lodge building are planned; however, no building additions are proposed. A new outdoor activity area for the children is planned along the north side of the existing building and will include a walking path, courtyard, swings and a hard surface area for basketball, four square and funnel ball. This activity area will be contained within a fenced enclosure and setback approximately 300 feet from the nearest residential dwellings located to the north and east and approximately 250 feet from the nearest dwelling to the west.

II. BACKGROUND:

The following information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> Subject site is approximately 7.7 acres, zoned OS-1, office service and occupied by the former Moose Lodge building (approximately 18,500 square feet) and associated parking lot. To the south, various industrial uses zoned I-1, light industry. To the west, single-family attached residential condominiums located within the Sterling Oaks Planned Development zoned PD, planned development. Across Portage Road to the east, commercial building site and vacant land zoned B-3, general business.
Comprehensive Plan	<ul style="list-style-type: none"> Future Land Use Map component of the Comprehensive Plan identifies the subject site along with adjacent properties located to the south and east, across Portage Road, as appropriate for general industrial land use. To the north, properties are designated for low density residential land use, while adjacent properties to the west are designated for medium density residential land use.
Access	<ul style="list-style-type: none"> Existing full service driveway to Portage Road. 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").
Environmental Issues	<ul style="list-style-type: none"> Review of the Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) at the subject site.
Historic District/ Structure	<ul style="list-style-type: none"> The subject site is not located within a historic district and does not contain any historic structures.

<p>Land Development Regulations</p>	<ul style="list-style-type: none"> • The application has been submitted under Section 42-242.A.5, <i>Special Land Use</i> in the OS-1 zoning district: “<i>Institutional uses.....Facilities for human care such as sanatoriums and rest and convalescent homes</i>”. • Section 42-462, <i>General Standards for Review of Special Land Uses</i>, sets forth additional criteria for evaluating a special land use and allows conditions to be established.
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III. ANALYSIS:

The proposal to establish the treatment and research facility for children with autism at the site fulfills the requirements for issuance of a Special Land Use Permit. The reuse of the former Moose Lodge building and site and the establishment of the GLCATR promotes the intent and purpose of the OS-1 zone and is compatible with adjacent land uses and the natural environment. The reuse of the site also represents an efficient use of land that will not unduly affect the capacities of public services and facilities. Finally, the use is consistent with the public health, safety and welfare of the community and harmonious with the objectives of the Comprehensive Plan.

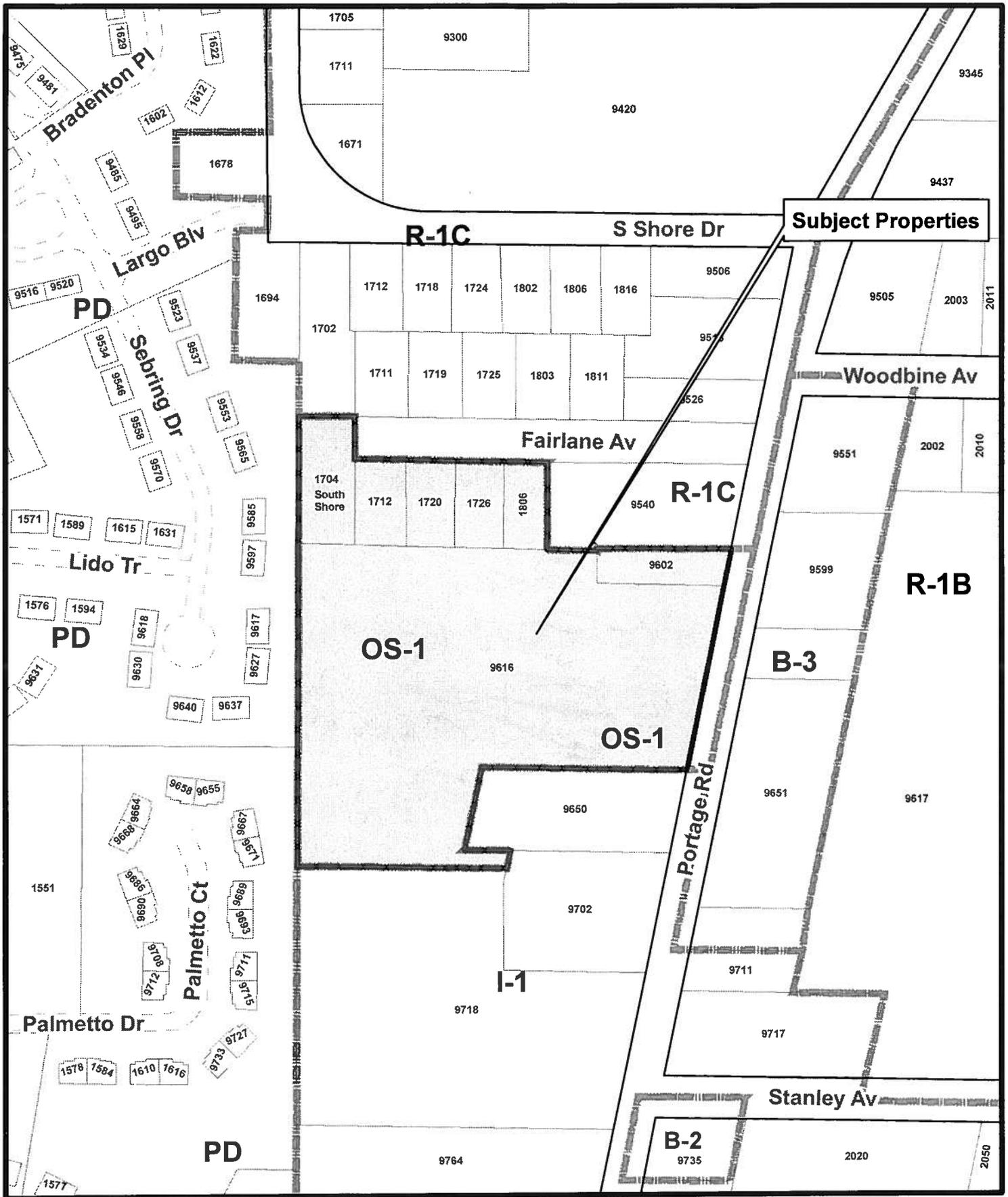
Access to the site will continue through the existing full service driveway from Portage Road. As discussed during the rezoning consideration of the property, traffic generation from the facility will be minimal and can be accommodated by the adjacent roadway. The applicant is proposing to utilize the existing parking lot and associated storm water drainage system that was approved and constructed with the original Moose Lodge development in the mid 1990s. To enhance the overall appearance of the site and consistent with ordinance standards, landscaping will be installed within the Portage Road greenstrip and interior parking lot islands and along the perimeter of the parking lot. Previously approved conflicting land use screening across the site will be maintained and enhanced with the reuse of the property. Existing mature trees and associated vegetation located along the west, southwest and northeast portions of the site, where adjacent residential land uses, will be preserved. Additionally, supplemental evergreen and deciduous tree plantings will be installed along the northern portion of the parking lot, where adjacent the single family residence located at 9540 Portage Road.

Per statutory requirements, residents/property owners within 300 feet of this property have been notified in writing of the special land use permit application and Planning Commission meeting. A notice was also placed in the local newspaper.

IV. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Special Land Use Permit for Great Lakes Center for Autism Treatment and Research, 9616 Portage Road, be approved. Additionally, the Site Plan for Great Lakes Center for Autism Treatment and Research, 9616 Portage Road, is also recommended for approval.

- Attachments:
- Vicinity/Zoning Map
 - Aerial Photograph
 - Special Land Use Permit Application and Supporting Materials
 - Site Plan

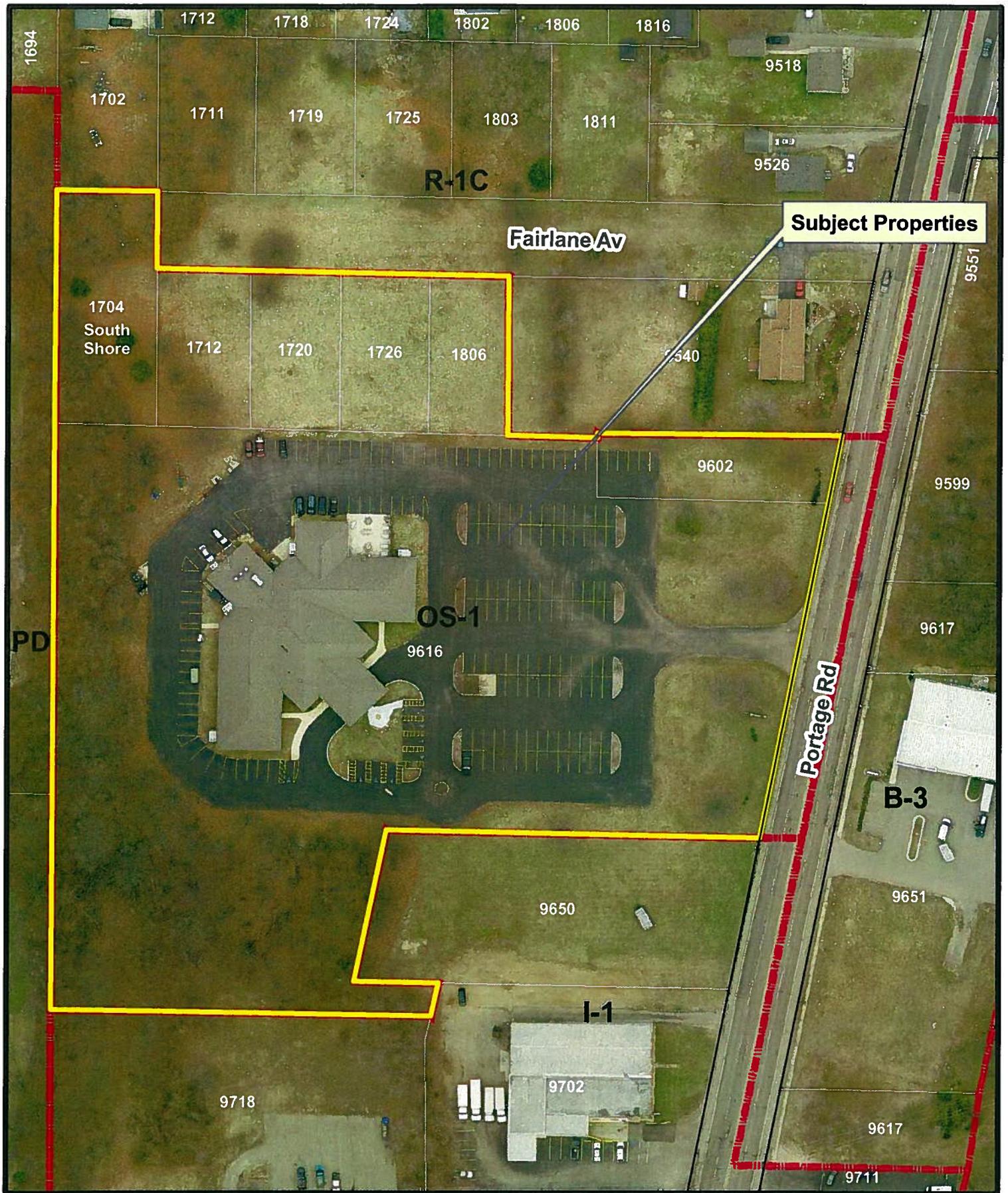


Special Land Use Permit 9616 Portage Road



1 inch = 200 feet

	Zoning Boundary
	Subject Properties



APPLICANT INFORMATION

Name Residential Opportunities, Inc.		Telephone Number 269-343-3731	
Address 1100 South Rose St	City Kalamazoo	State MI	Zip code 49001

OWNER INFORMATION (if different)

Name Keystone Community Bank		Telephone Number 269-553-9100	
Address 107 West Michigan Ave.	City Kalamazoo	State MI	Zip code 49007

PROPERTY INFORMATION

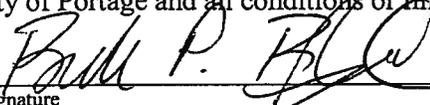
Address of property 9616 Portage Road (see attached list)	Zoning District OS-1	Land Area (acres) 7.74 acres
Legal Description (or attach separate page) See attached list		

PROPOSED USE

Description of proposed Special Land Use (attach additional page(s), if necessary) Residential Opportunities, Inc. is partnering with Western Michigan University's Psychology Department to develop the Great Lakes Center for Autism Treatment and Research (GLCATR). GLCATR will help children across the entire autism spectrum. It will include an outpatient clinic for the treatment of area children with autism, as well as a residential treatment center for up to 12 children with autism that require more intensive treatment. The residential portion of the building will be a licensed Child Care Institution. GLCATR is expected to have a full time staff of 38 generating \$2 million of annual wages. The project will revive a vacant building, and bring positive attention to the City of Portage. The combined outpatient and residential programs are projected to serve approximately 120 children per year.

OWNER CERTIFICATION

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

Signature 	Date 6/16/11
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RESIDENTIAL OPPORTUNITIES, INC.

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

June 15, 2011

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

RECEIVED
JUN 16 2011
COMMUNITY DEVELOPMENT

Dear Mr. West:

Please find attached our application for a special land use permit for the former Moose Lodge at 9616 Portage Road.

Residential Opportunities, Inc. (ROI) has a sales agreement with the current owner (Keystone Community Bank) that is contingent on acquiring a special land use permit for our intended use.

Residential Opportunities, Inc. is partnering with Western Michigan University's Psychology Department to develop the Great Lakes Center for Autism Treatment and Research (GLCATR). GLCATR will help children across the entire autism spectrum. It will include an outpatient clinic for the treatment of area children with autism, as well as a residential treatment center for up to 12 children with autism that require more intensive treatment. The residential portion of the building will be a licensed Child Caring Institution. GLCATR is expected to have a full time staff of 38 generating \$2 million of annual wages. The project will revive a vacant building, and bring positive attention to the City of Portage. The combined outpatient and residential programs are projected to serve approximately 120 children per year.

Sincerely,



Scott Schrum
CEO



June 16, 2011

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

Dear Mr. West:

Keystone Community Bank currently owns the former Moose Lodge (and surrounding property) at 9616 Portage Road. We have a signed purchase agreement with Residential Opportunities, Inc. (ROI). Keystone Community Bank is in full support of ROI's application for a Special Land Use to operate a residential treatment and outpatient clinic.

Sincerely,

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

Brendan P. Byford
Assistant Vice President

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 CL 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

June 21, 2011

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

RECEIVED
JUN 21 2011
COMMUNITY DEVELOPMENT

RE: **Great Lakes Center for Autism Treatment and Research – Site Plan Submittal**
Kingscott Project No.: 02711

On behalf of Residential Opportunities Inc. (ROI) we are pleased to provide the following site plan submittal documents for the development of the Great Lakes Center for Autism Treatment and Research (GLCATR). The following documents are submitted for City of Portage Site Plan Review.

- Site plan drawings C1.0 and C2.0 (8 “full size” sets and 1 “reproduction” set).
- Development Application
- Application Review Fee

Project Description:

ROI is partnering with Western Michigan University's Psychology Department to develop the GLCATR facility. The project involves the renovation and repurposing of a vacant building (9616 Portage Road) along with the development of outdoor activity areas for the children served by this facility.

Building improvements will primarily consist of interior remodeling with new finishes, mechanical and electrical system upgrades, additional windows, and minor exterior improvements.

Site improvements will consist of the development of hard surface play areas that will involve basketball, four square, and funnel ball. Other improvements will be a bituminous pavement walking path, multi-bay accessible swing, and designated outdoor sitting areas. All of the new outdoor activity areas will be fenced as indicated on the site plan drawing.

Please note the existing building and site was originally developed as a Moose Lodge. The original site plan approval for this site was issued on December 16, 1993. The new GLCATR facility is proposing to use the existing building, service drives and parking lot areas. We anticipate that the amount of parking exceeds the parking needs of the repurposed facility. ROI is projecting thirty eight (38) employees with twelve (12) children.

No building additions are proposed or any increase in hard surface areas for the site. All drainage patterns are being maintained. Additional landscaped screening is proposed along the new fence areas for the new outdoor activity areas.

Sincerely,

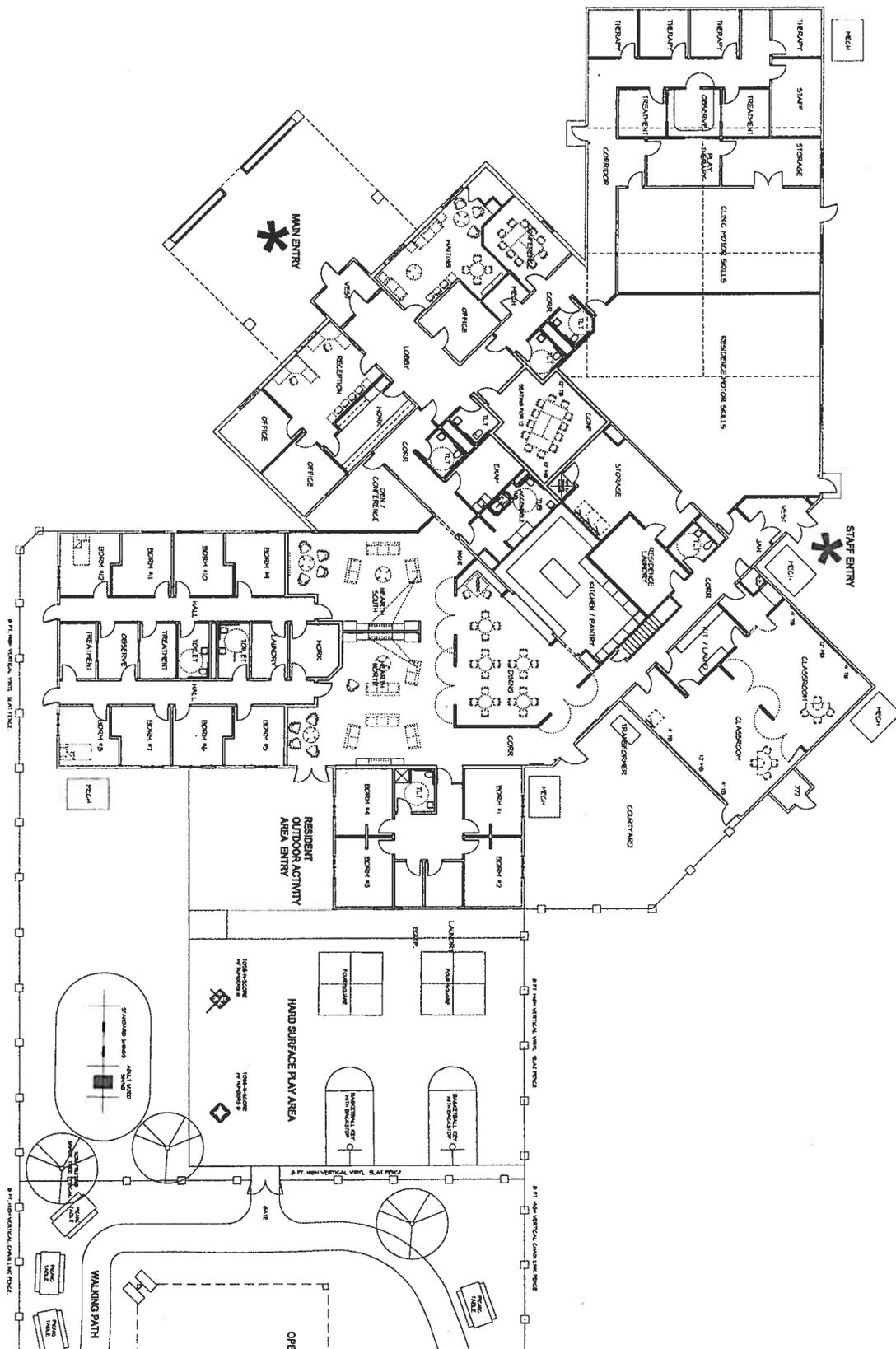
KINGSCOTT ASSOCIATES INC.



Robert L. Atkins, P.E.
Civil Engineer

Enclosures: Site Plan Submittal Package

Cc: Scott Schrum – Residential Opportunities, Inc.
Tom Ihling - Residential Opportunities, Inc.
File



1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

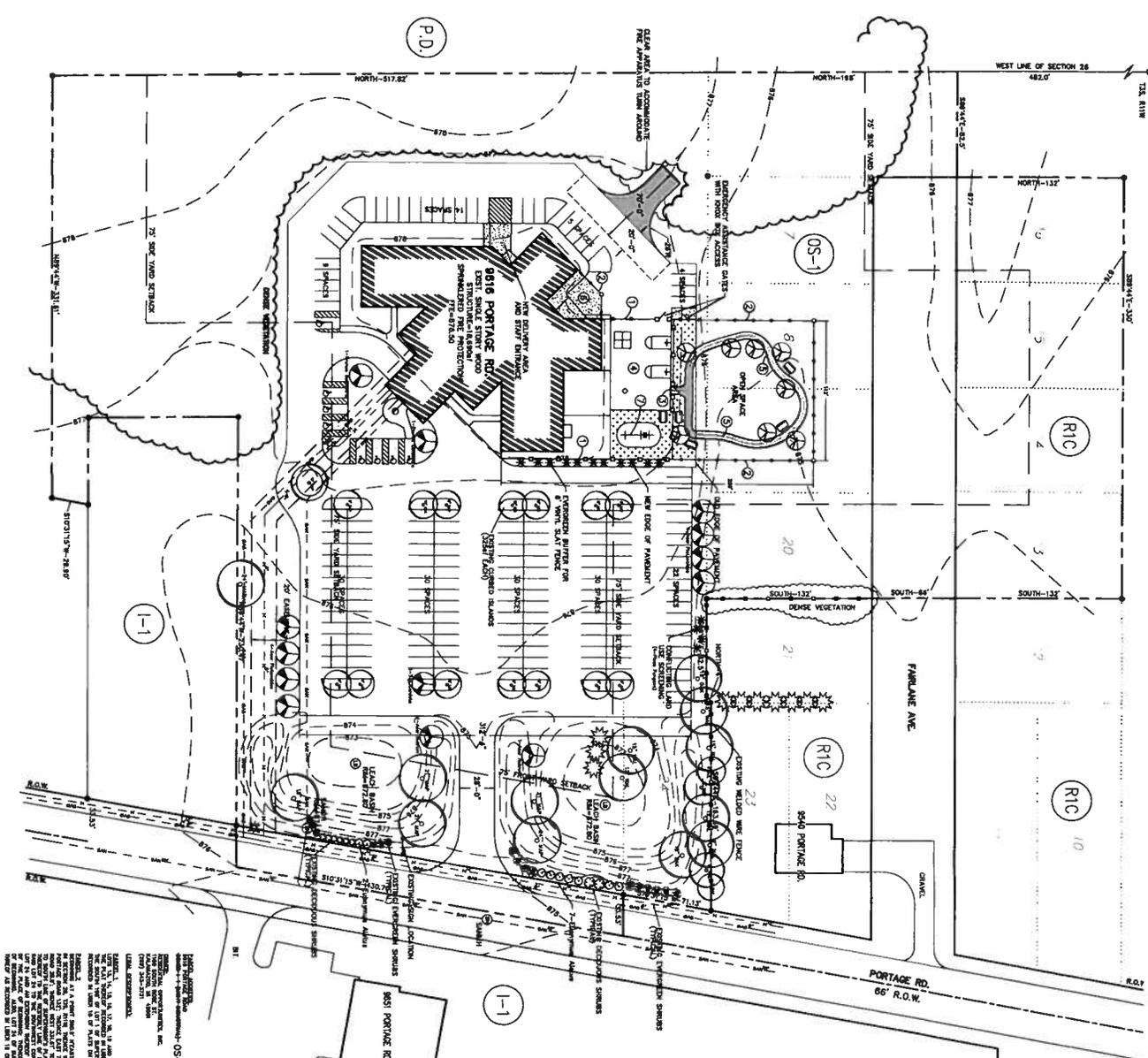
Kingscott
KINGSCOTT ARCHITECTURE | CHICAGO
200 West Madison Street, Suite 200
Chicago, IL 60601
Tel: 312.467.1000 | Fax: 312.467.1001
www.kingscott.com

Great Lakes Center for
**Autism Treatment
and Research**



THE PROJECT
ARCHITECTS
1000 W. Wacker Drive, Suite 1000
Chicago, IL 60601
Tel: 312.467.1000 | Fax: 312.467.1001
www.theproject.com

DATE: 06/15/2011
DRAWN BY: [Name]
CHECKED BY: [Name]
DESIGNED BY: [Name]
PROJECT NO.: [Number]
SHEET NO.: [Number]
JOB NO.: [Number]
FLOOR PLAN
JUNE 15, 2011
FLOOR PLAN



PARKING CALCULATIONS/REQUIREMENTS

SPACES PROVIDED	9,240	174
ACCESSIBLE	182	174
BUILDING USAGE	38 EMPLOYEES @ 1/VEA	38
	12 RESIDENTIAL CLIENTS @ 1/VEA	12
	20 OUTPATIENT CLIENTS @ 1/VEA	20
TOTAL		70

DETERMINED LANDSCAPE (GREENSTRIPE) REQUIREMENTS

1. 312'-4" LINEAR FRONTAGE OF PARKING LOT (LESS 88' FROM DRIVE)

284'-4" / 7'-0" = 40.63

EXISTING DECIDUOUS = 8

PROPOSED DECIDUOUS = 2

NOTE: SEE PLAN FOR LIMIT OF EXISTING STRIPES TO REMAIN CONTIGUOUS W/REARVIEW AT PORTAGE RD. R.O.W.

WATER/LANDSCAPE (PARKING LOT) REQUIREMENTS

1. 107' LINEAR FRONTAGE OF PARKING LOT

107' x 1.75 = 187.25

EXISTING CURBED ISLANDS = 6,235sq-ft

EXISTING BUILDING ENTRANCE = 8,235sq-ft

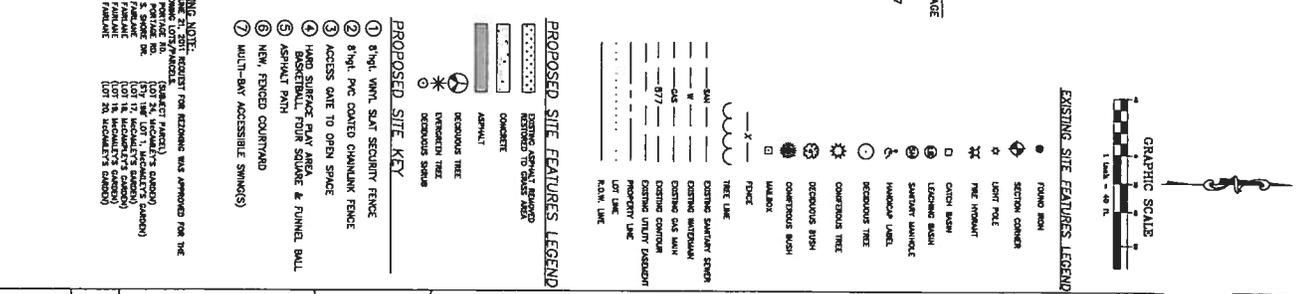
TOTAL PROVIDED = 14,470sq-ft

4,301sf / 150 = 28.67

TREES REQUIRED = 28

EXISTING TREES = 18

TOTAL PROVIDED = 18



ZONING NOTE: ON APRIL 27, 2011 RESIDENTIAL ZONING WAS APPROVED FOR THE 9816 PORTAGE RD. PROJECT. THE ZONING DISTRICT IS RESIDENTIAL-OS-1 (SEE MAP).

PROPOSED SITE PLAN

DATE: 7-12-11

PROJECT: 9816 PORTAGE RD.

CLIENT: [REDACTED]

DESIGNER: [REDACTED]

SCALE: 1" = 40' FT.

Graphic Scale

1" = 40' FT.

Graphic Scale Legend

- FOUND SIGN
- SECTION CORNER
- UTILITY POLE
- PIPE HUBBARD
- OPEN SIGN
- LEADING SIGN
- SANITARY MANHOLE
- HANDICAP LABEL
- RECREATION TREE
- CONIFEROUS TREE
- CONIFEROUS BUSH
- CONIFEROUS BUSH
- MAINTENANCE
- EXISTING SWIMMING POOL
- EXISTING WETLAND
- EXISTING OLD SIGN
- EXISTING COMMON
- EXISTING UTILITY DUCTWORK
- PROPERTY LINE
- RAIN LINE

TO: Planning Commission **DATE:** July 15, 2011
FROM: Vicki Georgeau, ^{WV} Director of Community Development
SUBJECT: Special Land Use Permit/Site Plan: Crossroads Expert Auto Service, 6224/6230 Lovers Lane

I. INTRODUCTION:

Special Land Use Permit and Site Plan applications have been submitted by Crossroads Expert Auto Service requesting approval to establish an automobile repair station and towing business, with Penske truck and trailer rentals as an accessory use to the business, at 6224/6230 Lovers Lane. The approximate 4.1 acre property is zoned I-1, light industry.

According to the applicant, Mr. James Graham, the request will facilitate the relocation of Crossroads Expert Auto Service from its current location at 7060 South Westnedge Avenue to 6224/6230 Lovers Lane. The existing building and site will be utilized as a vehicle repair facility and towing business and will include the following activities: minor and major vehicle repairs, maintenance, light welding, a dispatch center and parking of tow trucks. No storage of wrecked or impounded vehicles will occur at the site as the Zoning Code does not permit this type of activity in the light industrial district. Minor interior building modifications will occur to accommodate the use and limited site improvements including paving an existing gravel parking lot along the north side of the building and construction of a storm water treatment system are proposed. A portion of the building will also continue to be used by Rathco Safety Supply.

II. BACKGROUND INFORMATION:

The following background information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> Subject site is approximately 4.1 acres, zoned I-1, light industrial and vacant (previously occupied by Silva Trailer Sales & Service) and improved with an approximate 7,080 square foot building and associated parking lot. To the south, dental laboratory and vacant land zoned I-1, light industry. To the north, hair salon and vacant land zoned I-1, light industry. To the west, Portage Creek and vacant land within the Portage Creek Bicentennial Park zoned R-1B, one family residential. Across Lovers Lane to the east, vacant land zoned I-2, heavy industry.
Comprehensive Plan	<ul style="list-style-type: none"> Future Land Use Map component of the Comprehensive Plan identifies the subject site along with adjacent properties located to the north and south as appropriate for general industrial land use. Across Portage Creek to the west, properties are designated for park/recreation land use, while adjacent properties to the east (across Lovers Lane) are designated for research, development and technology land use.
Access	<ul style="list-style-type: none"> Existing full service driveway to Lovers Lane, which is also shared by the adjacent dental laboratory property to the south. Lovers Lane is designated as a 4-lane minor arterial with approximately 9,000 vehicles per day (2010); capacity of 32,500 vehicles per day (level of service "D").
Environmental Issues	<ul style="list-style-type: none"> Review of the Sensitive Land Use Inventory Map identifies areas of potential wetland and floodplain along the western portion of the site. A site specific wetland delineation report prepared by Wetland and Coastal Resources confirmed the presence of these wetland and floodplain areas across the western portion of the site. All proposed site related improvements (parking lot paving and storm water treatment cell) will occur outside of confirmed wetland and floodplain areas.

Historic District/ Structure	<ul style="list-style-type: none"> The subject site is not located within a historic district and does not contain any historic structures.
Land Development Regulations	<ul style="list-style-type: none"> The application has been submitted under Section 42-280.C.2, <i>Special Land Use</i> in the I-1 zoning district: “<i>Automobile repair stations (major and minor)</i>”. Section 42-462, <i>General Standards for Review of Special Land Uses</i>, sets forth additional criteria for evaluating a special land use and allows conditions to be established.

III. ANALYSIS:

The proposal to establish the automobile repair station and associated towing business at the site fulfills the requirements for issuance of a Special Land Use Permit. The reuse of the former Silva Trailer Sales & Service building and site and the establishment of the automobile repair station promotes the intent and purpose of the I-1 zone and is compatible with adjacent land uses. Efforts to protect the sensitive land areas located to the west are being implemented including storm water retention/treatment and limiting site activities to the east approximate one-half of the site. The reuse of the site also represents an efficient use of land that will not unduly affect the capacities of public services and facilities. Finally, the use is consistent with the public health, safety and welfare of the community and harmonious with the objectives of the Comprehensive Plan.

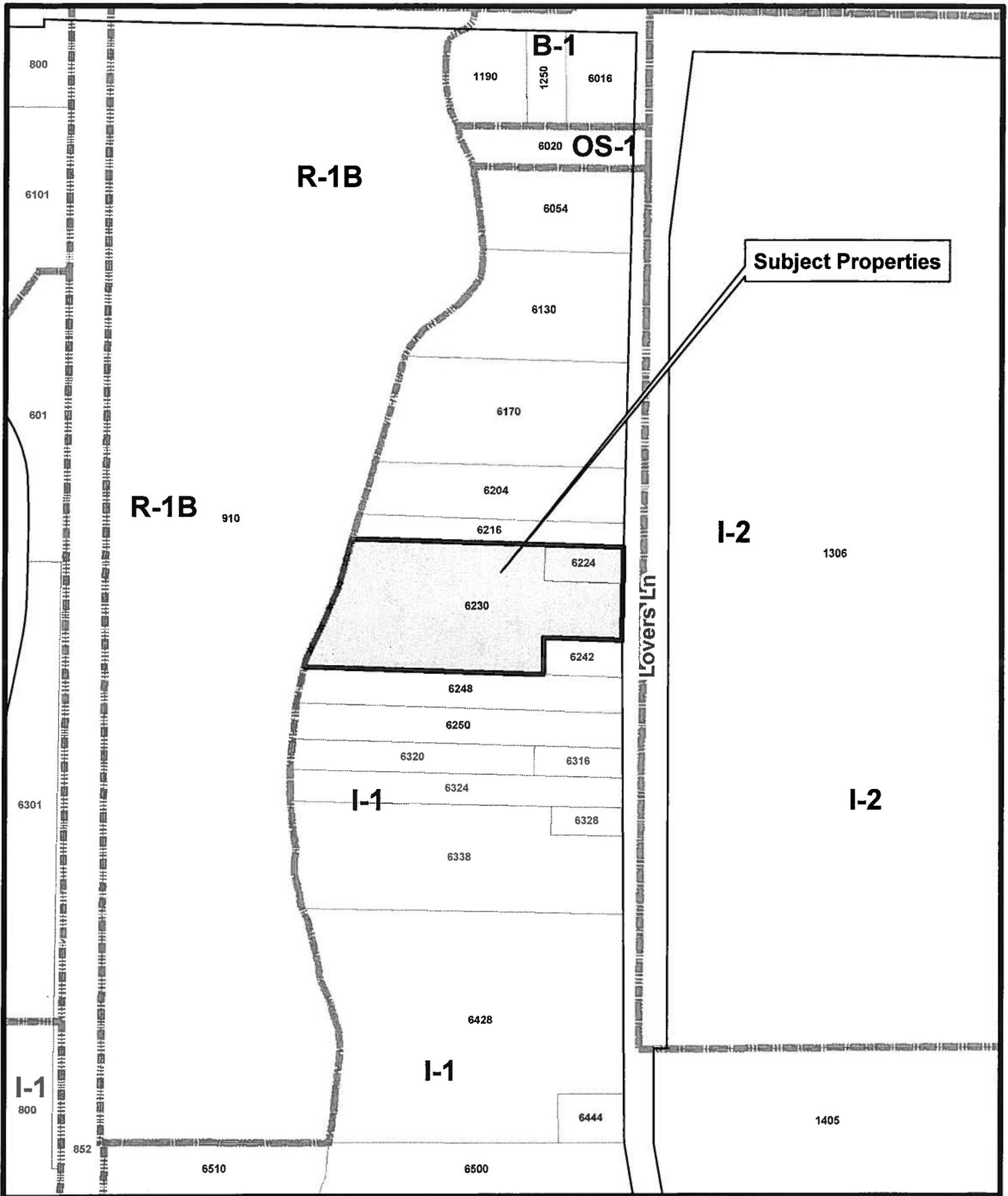
Access to the site will continue through the existing full service driveway from Lovers Lane. This driveway is also shared by the adjacent dental laboratory use located to the south. Anticipated traffic generation from the use can be accommodated by the adjacent roadway. The applicant is proposing to utilize the existing paved parking lot along the east/northeast side of the building and pave an existing gravel parking lot located along the north side of the building. Storm water from the site will be collected and conveyed to a new treatment cell and basin proposed along the west side of the building. All proposed site improvements will occur outside of confirmed wetland and floodplain areas. Existing wooded and natural areas located along the south and west portions of the site will be preserved.

Per statutory requirements, residents/property owners within 300 feet of this property have been notified in writing of the special land use permit application and Planning Commission meeting. A notice was also placed in the local newspaper.

IV. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Special Land Use Permit for Crossroads Expert Auto Service, 6224 and 6230 Lovers Lane, be approved subject to the following conditions: 1) No impoundment of vehicles for any length of time and 2) No storage or parking of vehicles on unimproved surfaces. Additionally, the Site Plan for Crossroads Expert Auto Service, 6224 and 6230 Lovers Lane, is also recommended for approval with the same conditions.

- Attachments: Vicinity/Zoning Map
 Aerial Photograph
 Special Land Use Permit Application
 Site Plan



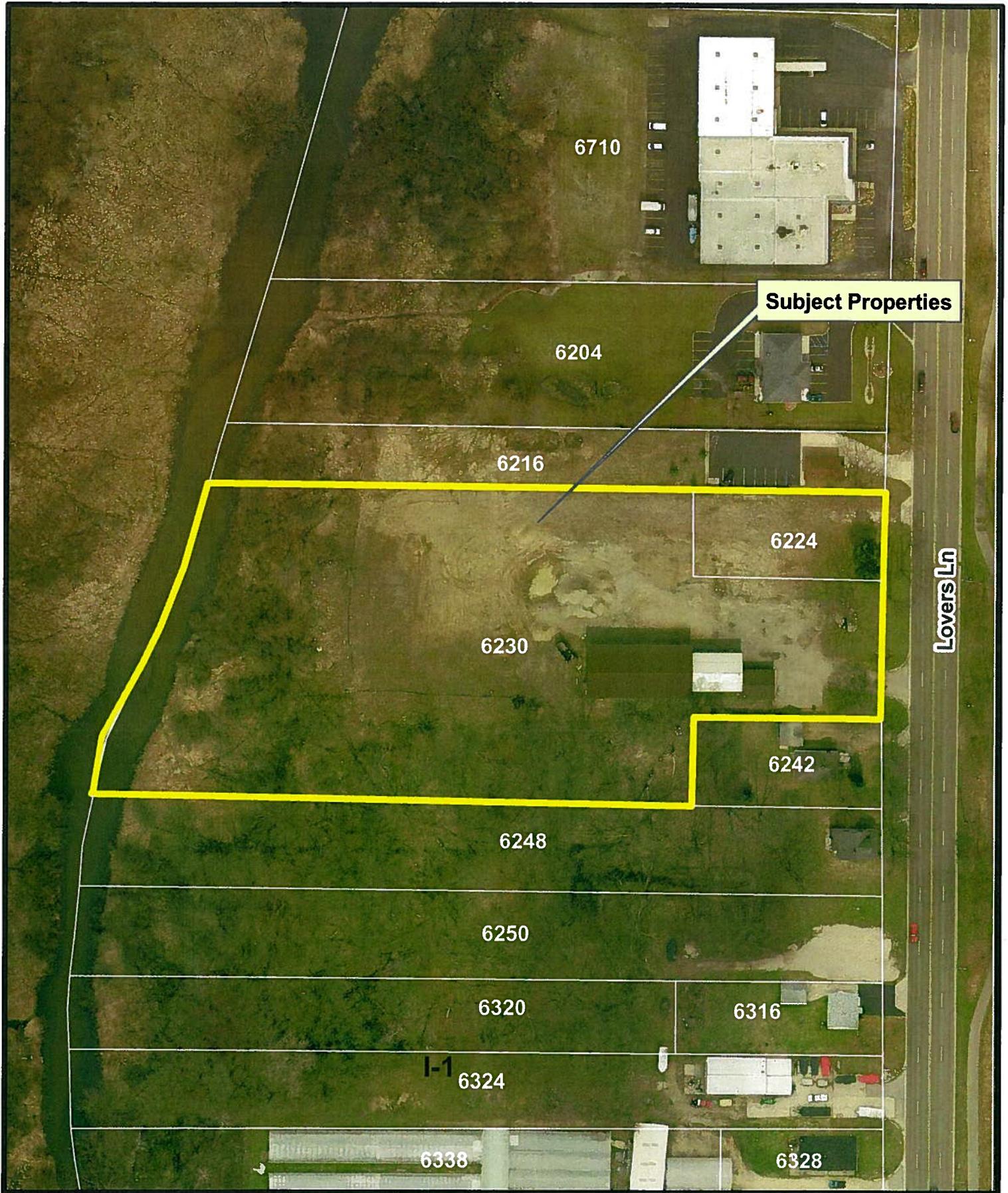
Subject Properties



1 inch = 300 feet

Special Land Use Permit 6224, 6230 Lovers Lane

	Zoning Boundary
	300' Notification Boundary
	Subject Properties

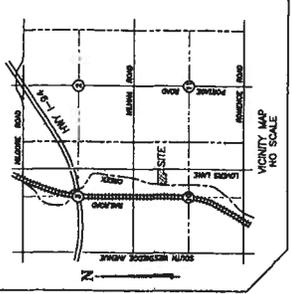


1 inch = 120 feet

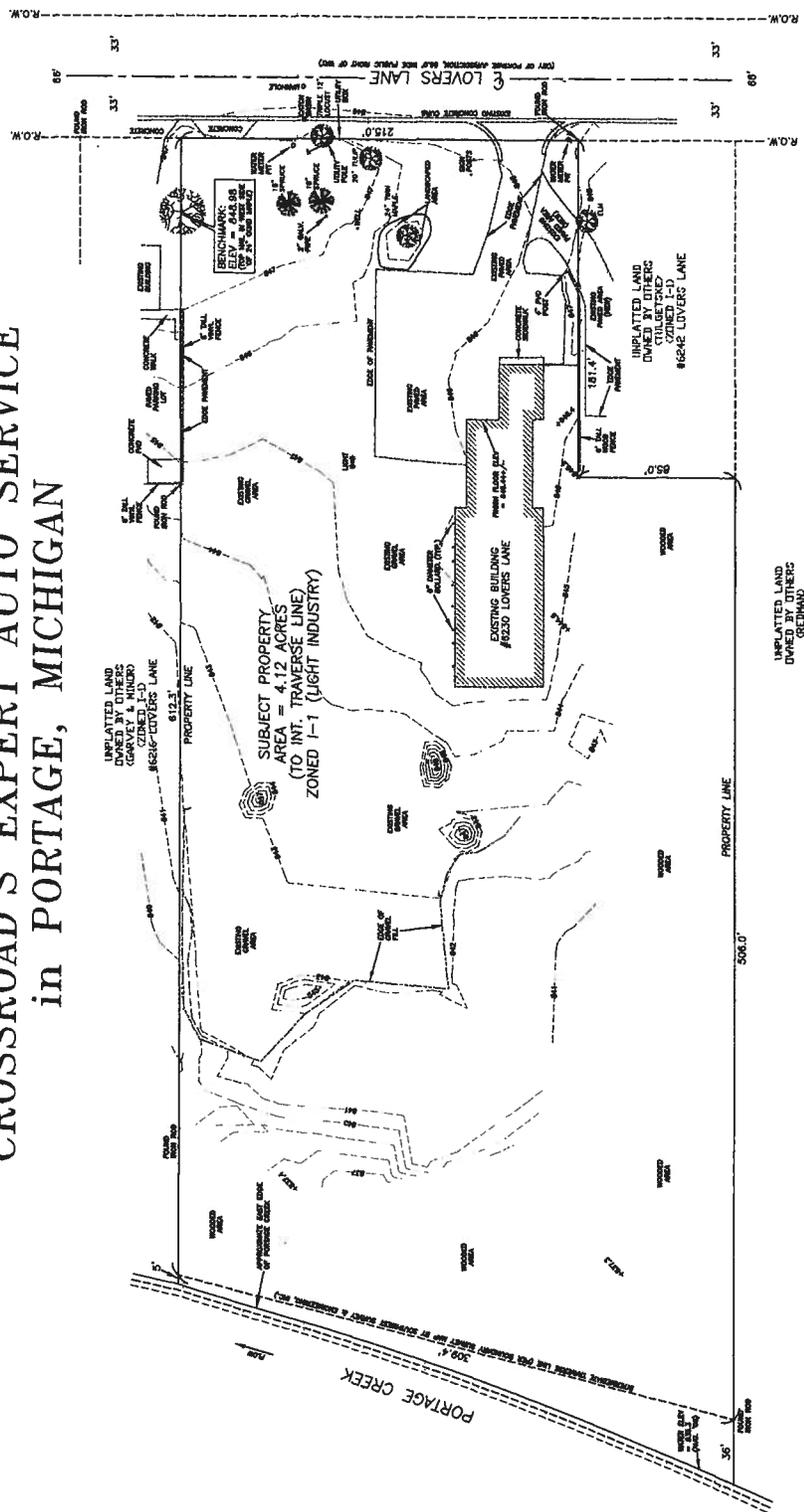
Aerial Photo 6224, 6230 Lovers Lane

APPLICANT INFORMATION				
Name	James Graham		Telephone Number	269-327-4026
Address	City	State	Zip code	
7060 S. Westnedge	Portage	MI.	49002	
OWNER INFORMATION (if different)				
Name	MGL Holdings		Telephone Number	269-323-0153
Address	City	State	Zip code	
3471 Sand Hill	Portage	MI.	49024	
PROPERTY INFORMATION				
Address of property	Zoning District	Land Area (acres)		
6230 Lovers Lane	I-1			
Legal Description (or attach separate page)				
See site plan				
To be used as: "Crossroads Expert Auto Service"				
PROPOSED USE				
Description of proposed Special Land Use (attach additional page(s), if necessary)				
Proposed Use				
<p>The building will be used as a vehicle repair facility and a towing company base. Activities will include vehicle repairs and maintenance, light occasional welding, dispatch center and parking for tow trucks. The facility will not be used for the storage of wrecked or impounded vehicles. Hours of operation will be Monday through Saturday, 7am to 6pm.</p>				
OWNER CERTIFICATION				
I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true and accurate. I further acknowledge that approval of this Special Land Use Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.				
Signature			Date	
James Graham			6.22.2011	

SITE PLAN for CROSSROAD'S EXPERT AUTO SERVICE in PORTAGE, MICHIGAN



RECEIVED
 JUL 15 2011
 COMMUNITY DEVELOPMENT



OWNER:
 MGL HOLDINGS, LLC
 3471 SANDHILL LANE
 PORTAGE, MI 49024
 (269) 323-0153

DATE	DESCRIPTION	COVER SHEET / EXISTING CONDITIONS (for #6230 LOVERS LANE)	DATE
11/20/08	FOR CITY CONSIDERATION	MGL HOLDINGS, LLC	8/06/2009
02/20/09	FOR CITY CONSIDERATION	PROPERTY IN PORTAGE, MI OF APPROX. 11.2, 8, 6, 7.1, 5.1, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16, 6.17, 6.18, 6.19, 6.20, 6.21, 6.22, 6.23, 6.24, 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, 6.35, 6.36, 6.37, 6.38, 6.39, 6.40, 6.41, 6.42, 6.43, 6.44, 6.45, 6.46, 6.47, 6.48, 6.49, 6.50, 6.51, 6.52, 6.53, 6.54, 6.55, 6.56, 6.57, 6.58, 6.59, 6.60, 6.61, 6.62, 6.63, 6.64, 6.65, 6.66, 6.67, 6.68, 6.69, 6.70, 6.71, 6.72, 6.73, 6.74, 6.75, 6.76, 6.77, 6.78, 6.79, 6.80, 6.81, 6.82, 6.83, 6.84, 6.85, 6.86, 6.87, 6.88, 6.89, 6.90, 6.91, 6.92, 6.93, 6.94, 6.95, 6.96, 6.97, 6.98, 6.99, 7.00, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22, 7.23, 7.24, 7.25, 7.26, 7.27, 7.28, 7.29, 7.30, 7.31, 7.32, 7.33, 7.34, 7.35, 7.36, 7.37, 7.38, 7.39, 7.40, 7.41, 7.42, 7.43, 7.44, 7.45, 7.46, 7.47, 7.48, 7.49, 7.50, 7.51, 7.52, 7.53, 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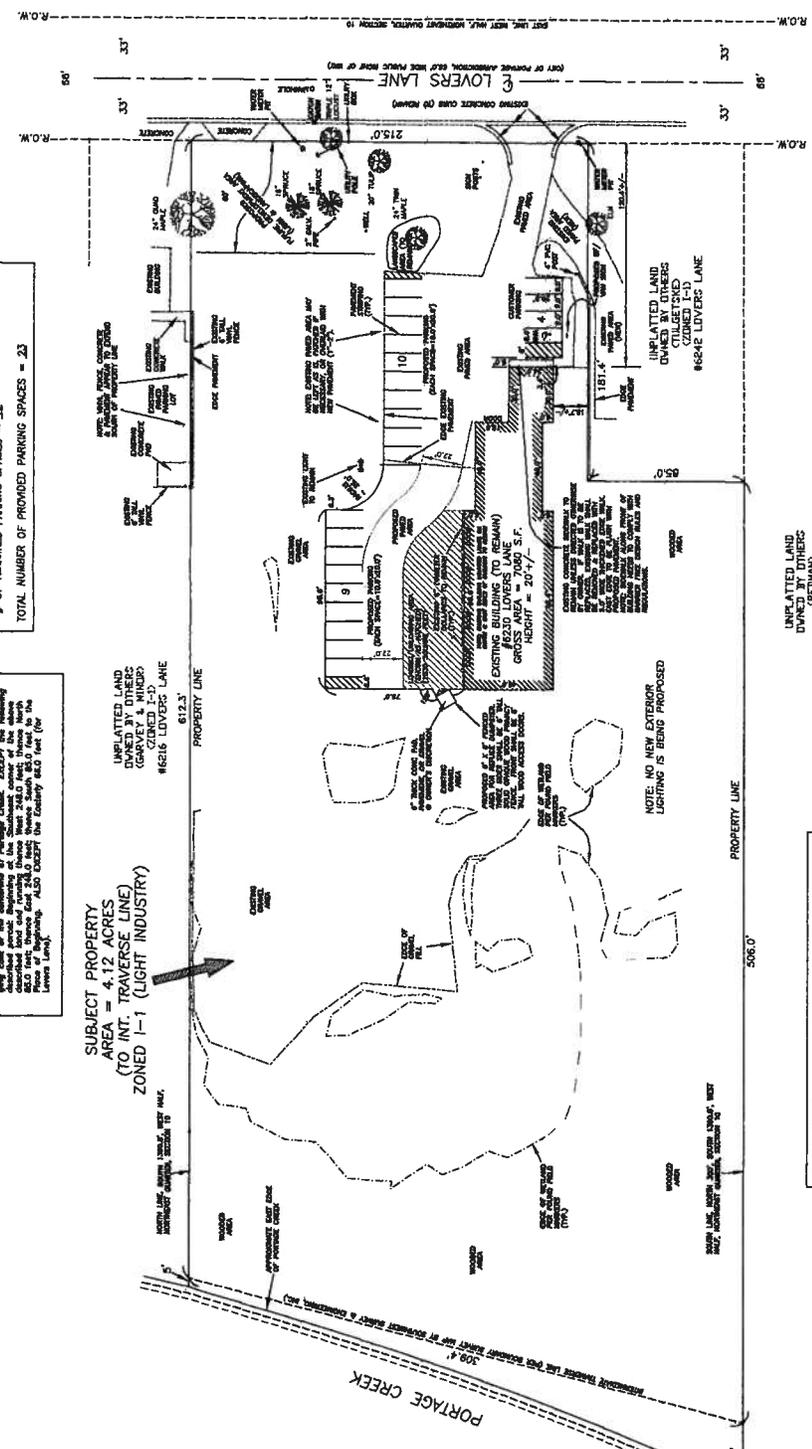
NOTE: THERE ARE NO DIMENSIONS ON THE EAST SIDE OF LOWERS LANE IN THE VICINITY OF SUBJECT PROPERTY.

NOTE: THE MINIMUM SIGHT DISTANCE REQUIREMENT FOR LOWERS LANE (40 MPH POSTED SPEED LIMIT) MUST BE MAINTAINED AT ALL TIMES AND TO BE MAINTAINED MUST BE PROVIDED FOR VEHICLES LEAVING THIS SITE & ENTERING LOWERS LANE.

PARKING CALCULATIONS:
 REQUIRED PARKING SPACES FOR CROSSROAD'S AUTO SERVICE STALLS = 5
 OF REQUIRED PARKING SPACES = 12
 TOTAL NUMBER OF PROVIDED PARKING SPACES = 23

PARCEL DESCRIPTION:
 Situated in the City of Portage, Kalamazoo County, Michigan.
 The North 3/4 of the South 1/2 of the South 1/2 of the West 1/4 of the North 1/2 of Section 10, Town 3 South, Range 11 West, being all or part of the property of the City of Portage, Michigan, as described in the plat of the City of Portage, Michigan, and as described in the plat of the City of Portage, Michigan, and as described in the plat of the City of Portage, Michigan.

SUBJECT PROPERTY
 AREA = 4.12 ACRES
 (TO INT. TRAVERSE LINE)
 ZONED I-1 (LIGHT INDUSTRY)



UNPLATTED LAND DIVIDED BY OTHERS ZONED I-1
 #6248 LOWERS LANE

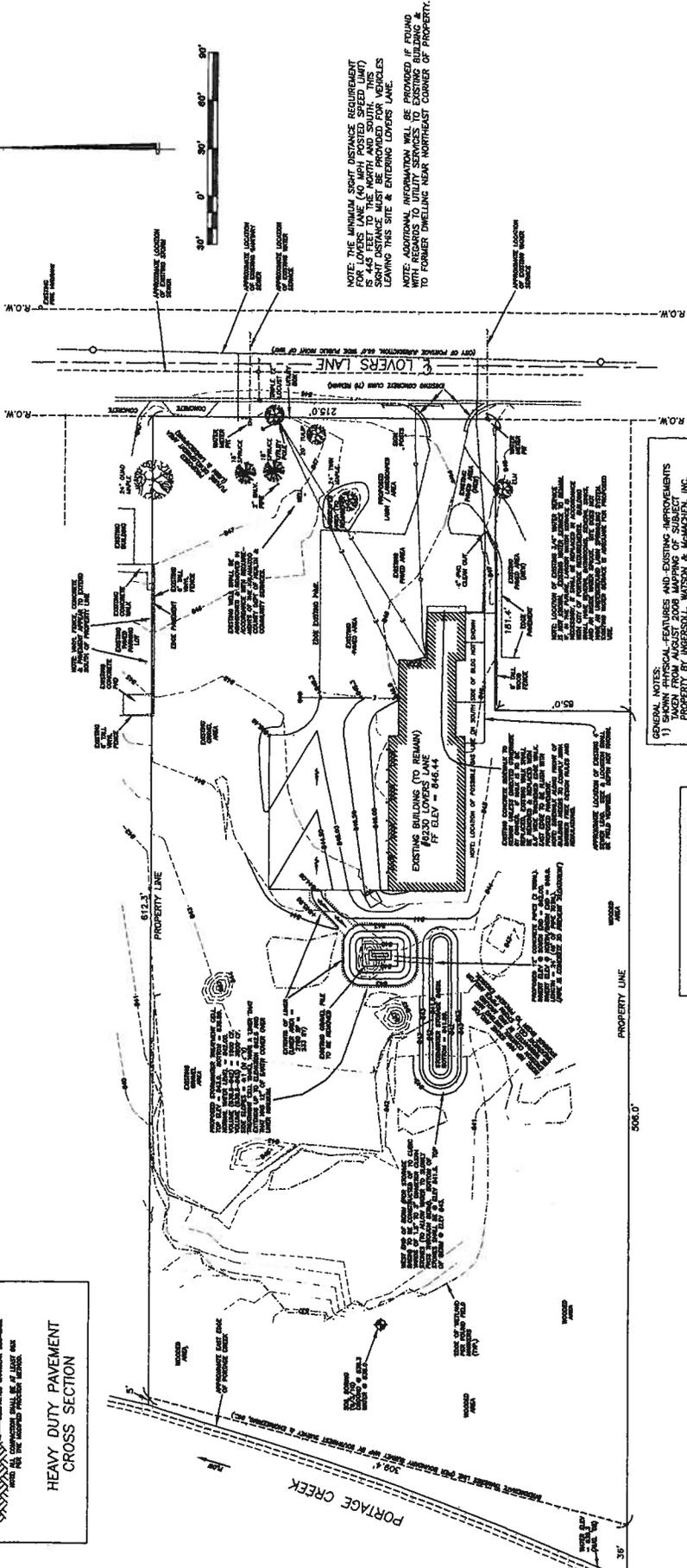
GENERAL CONTRACTOR: (UNKNOWN)	GENERAL CONTRACTOR: (UNKNOWN)
MUNICIPALITY: CITY OF PORTAGE 2500 EAST COVE STREET PORTAGE, MI 49682 (269) 231-4477	ELECTRIC COMPANY: 2500 EAST COVE STREET PORTAGE, MI 49682 (269) 807-1700
TELEPHONE COMPANY: 2500 EAST COVE STREET PORTAGE, MI 49682 (269) 807-1700	CABLE TV COMPANY: 2500 EAST COVE STREET PORTAGE, MI 49682 (269) 807-1700

- GENERAL NOTES:**
- 1) ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 - 2) ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 - 3) ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 - 4) SHOWN PROPERTY LINE LOCATIONS AND DIMENSIONS TAKEN FROM A 2007 SURVEY OF SUBJECT PROPERTY.
 - 5) A HAZARDOUS MATERIALS RIGHT TO KNOW FORM WILL NEED TO BE SUBMITTED TO THE CITY OF PORTAGE PROVIDED TO THE CITY OF PORTAGE FIRE DEPARTMENT.
 - 6) ANY SITE PLAN APPROVALS GRANTED BY THE CITY OF PORTAGE MAY BE CONDITIONAL & SUBJECT TO RECEIPT OF ALL NECESSARY PERMITS AND APPROVALS FROM ANY OTHER APPLICABLE GOVERNING BODIES.
 - 7) ANY ON-SITE TRAFFIC CONTROL, SIGNAGE AND PAVEMENT SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
 - 8) WAREHOUSE USE & AUTOMOTIVE REPAIR WITH NEW USER / TENANT.

LAYOUT PLAN (FOR #6248 LOWERS LANE)
MGL HOLDINGS, LLC
 PROPERTY IN INTEREST OF MICHIGAN, I. L. R. S. 11, IN CITY OF PORTAGE, MICHIGAN
Ingersoll, Watson & McEachern, Inc.
 CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
 1500 East Michigan Street • Kalamazoo, Michigan 49001 • Phone 269 844-0800 • Fax 269 844-0287



DATE: 8/06/2009
 SHEET: 2 OF 3
 JOB NO.: 35553



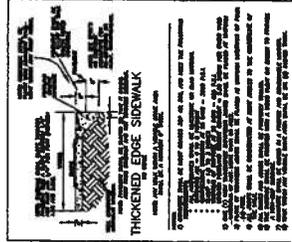
NOTE: THE MINIMUM SHORT DISTANCE REQUIREMENT FOR DISTANCE FROM THE PROPERTY LINE TO THE NORTH AND SOUTH. THIS DISTANCE MUST BE PROVIDED FOR VEHICLES LEAVING THE SITE & ENTERING LOVERS LANE.

NOTE: ADDITIONAL INFORMATION WILL BE PROVIDED IF FOUND TO FORMER DWELLING NEAR-NORTHEAST CORNER OF PROPERTY.

NOTE: AN OIL & GRIT SEPARATOR SHALL BE ADDED TO EXISTING SANITARY SEWER LINE (THAT SERVES EXISTING BUILDING) PER CITY OR PORTAGE REQUIREMENTS. EXACT LOCATION, SIZE AND DETAILS ARE PENDING.

NOTE: MONITORED FIRE ALARM SYSTEM TO BE MAINTAINED WITH NEW USER / TENANT

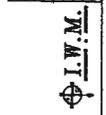
- GENERAL NOTES:
- 1) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
 - 2) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
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 - 8) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.



- GENERAL CONSTRUCTION NOTES:
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 - 10) ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
- RESTORATION NOTES:
- 1) ALL RESTORATION SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
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- PRIVATE UTILITY NOTES:
- 1) ALL PRIVATE UTILITY SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
 - 2) ALL PRIVATE UTILITY SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
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DATE	REVISION
08/06/2009	1.0
08/06/2009	2.0
08/06/2009	3.0
08/06/2009	4.0
08/06/2009	5.0
08/06/2009	6.0
08/06/2009	7.0
08/06/2009	8.0
08/06/2009	9.0
08/06/2009	10.0

GRADING & UTILITY PLAN (FOR #1320 LOVERS LANE)
 MGL HOLDINGS, LLC
 PROPERTY #1320 LOVERS LANE, S.E. 1/4, S.E. 1/4, T. 15 N., R. 15 E., S. 1/4, CITY OF PORTAGE, MICHIGAN
 Ingersoll, Watson & MacEachern, Inc.
 CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
 102 West William Street - Okemos, Michigan 48864 - Phone 517-341-4800 - Fax 517-341-4809



DATE: 08/06/2009
 REVISION: 10.0
 DRAWN BY: J. WATSON
 CHECKED BY: J. WATSON
 PROJECT: GRADING & UTILITY PLAN (FOR #1320 LOVERS LANE)
 SHEET NO.: 3 OF 3
 I.W.M.
 CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
 102 West William Street - Okemos, Michigan 48864 - Phone 517-341-4800 - Fax 517-341-4809

TO: Planning Commission **DATE:** July 15, 2011
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: Rezoning Application #10-02, 4815 West Milham Avenue and 6027 South 12th Street – request to withdraw application

Attached for Commission review is an email communication dated June 21, 2011 from Mr. Terry Patterson, on behalf of Milham Crossings LLC, requesting that Rezoning Application #10-02 be withdrawn from further consideration.

At the request of the applicant, the Planning Commission is advised to accept the withdraw of Rezoning Application #10-02, 4815 West Milham Avenue and 6027 South 12th Street.

Attachment: June 21, 2011 email communication from Mr. Terry Patterson (Treystar/Milham Crossings LLC)

s:\commdev\2011-2012 department files\board files\planning files\pc reports\rezonings\rezoning application 10-02, 4815 west milham & 6027 south 12th street - request to withdraw rezoning application (7-15-11).doc

From: "Terry Patterson" <tpatterson@treystar.com>
To: forthc@portagemi.gov
CC: Lennon@honigman.com; Craig@treystar.com
Date: 6/21/2011 6:51 PM
Subject: RE: 12th/West Milham Rezoning Application

Chris:

At this time we will withdraw the request for rezoning. Thank you for all of your assistance.

Terry

Terry Patterson

7950 Moorsbridge Rd.

Portage, Michigan 49024

269-329-1808 Office

269-488-1715 Direct

269-323-8705 Fax

269-217-1684 Cell

www.treystar.com

From: Christopher Forth [mailto:forthc@portagemi.gov]
Sent: Tuesday, June 21, 2011 8:28 AM
To: Terry Patterson
Cc: Mike West
Subject: 12th/West Milham Rezoning Application

Good morning Terry:

I'm beginning to assemble the agenda items for the July 21st meeting. As you know, on June 2nd the Planning Commission agreed to adjourn the public hearing involving your rezoning request one final time to the 21st meeting. As we discussed following the June 2nd Planning Commission meeting, let me know in the next day or two if you plan to proceed through the Planning Commission and City Council public hearing process.

If you have any questions , please contact me at your earliest

convenience.

Sincerely,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

Department of Community Development

7900 South Westnedge Avenue

Portage, Michigan 49002
Telephone: (269) 329-4474
Facsimile: (269) 329-4506

www.portagemi.gov <<http://www.portagemi.gov/>>

TO: Planning Commission **DATE:** July 15, 2011
FROM: Vicki Georgeau, ^{VP} Director of Community Development
SUBJECT: Preliminary Report: Rezoning Application #10-03, 1316 East Centre Avenue

I. INTRODUCTION:

An application (attached) has been received requesting that 1316 East Centre Avenue be rezoned from R-1B, one family residential to B-1 local business. The rezoning site is located along the south side of East Centre Avenue between Lovers Lane and Newells Lane (refer to the attached vicinity map). According to the applicant, the rezoning is being requested to promote the highest and best use of the property consistent with the Comprehensive Plan.

Applicant	Property Address	Description	Zoning	
			Existing	Proposed
Michigan Commerce Bank, custodian for Thomas Rogers IRA ¹	1316 East Centre Avenue	Parcels 00022-035-O	R-1B	B-1
One parcel of land encompassing .9 acres				

¹ Refer to the attached letter dated June 24, 2011 from Nathan Horjus, Michigan Commerce Bank

II. EXISTING CONDITIONS:

Land Use/Zoning	<u>Rezoning Site:</u> Single family residence (1316 East Centre Avenue) zoned R-1B, one family residential. <u>East/South:</u> Single family residences zoned R-1B, one family residential. <u>West:</u> Vacant land zoned OS-1, office service. <u>North:</u> Across East Centre Avenue, hair salon zoned OS-1, office service; single-family residence zoned R-1B, one family residential; and two nonconforming two-family residences zoned R-1B, one family residential.
Zoning/Development History	<u>Rezoning Application #04-09:</u> In 2005, 1414 and 1422 East Centre Avenue were rezoned from R-1B, one family residential to OS-1, office service properties to accommodate a child day care facility. The rezoning request was consistent with the 2002 Comprehensive Plan designation for office use along this section of East Centre.
Historic District/Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	East Centre Avenue is designated as a five-lane major arterial with 20,070 vehicles per day (2008); capacity of 32,500 vehicles per day (level of service "D").
Public Utilities	Municipal water and sewer are available.
Environmental	Environmentally sensitive areas such as wetlands and floodplains are not present on the subject property.

III. PRELIMINARY ANALYSIS:

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

Comprehensive Plan/Future Land Use Plan Consistency. The Future Land Use Plan Map component of the Comprehensive Plan designates the intersection of East Centre Avenue and Lovers Lane (including the subject property) appropriate for local business use (refer to the attached Future Land Use Plan Map). This intersection is also designated as a secondary commercial node. The proposed B-1, local business zoning classification is consistent with the Comprehensive Plan. East Centre Avenue east of Lovers Lane is designated as an office corridor. To the south, this area is designated for low-density residential land use.

Recognizing the two parcels to the west (1302 and 1306 East Centre) are zoned OS-1 but planned for local business and the parcel to the east (1330 East Centre) is zoned for single-family residential use but planned for office, staff did suggest to the applicant that he inquire with the adjacent property owners (1302 East Centre is owned by the City of Portage) about including these properties in the rezoning application. The applicant, as well as staff, did speak to the property owners to the east and west but the owners were reluctant to be included in the zoning change request.

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

Suitability of Existing R-1B Zone/Impacts of Proposed B-1 Zone. The suitability of the existing R-1B zone should be carefully considered due to traffic volumes along East Centre Avenue and the existing/planned office and commercial land use pattern identified for this segment of East Centre Avenue corridor. The Comprehensive Plan recommends the B-1 zone as an effective transition zone between higher intensity uses and major streets and interior residential areas. Furthermore, local business facilities typically represent low intensity commercial land uses intended to serve the convenience shopping and service needs of people who reside in neighboring residential areas. Buildings would be limited to one-story and 25-feet since the rezoning site is located adjacent to single family residential zoning and access would be from the abutting major thoroughfare. A change in zoning to B-1 and resulting local business development may have some impact on adjacent residences to the east and south (higher intensity land use, increase site activity, noise, traffic and lighting). However, the Zoning Code requirements for screening/buffering would help mitigate impacts on adjacent residences. The B-1 district would not impact the OS-1 district located to the west.

Traffic Considerations. If rezoned and redeveloped, the .9-acre rezoning site could accommodate an approximate 9,800 square foot (based on 25% lot coverage) convenience market. The ITE Trip Generation Manual, Sixth Edition, indicates that a convenience market of this size (open 15-16 hours per day) would generate approximately 320 vehicle trip ends (160 vehicles) during the weekday morning peak hour and approximately 355 vehicle trip ends (178 vehicles) during the afternoon peak hour. Anticipated traffic generation associated with the rezoning request can be accommodated by the surrounding roadway network.

V. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, the Commission is advised to receive public comment during the July 21, 2011 meeting and adjourn the public hearing to the August 4, 2011 meeting.

Attachments: Rezoning Application
Aerial photograph
Zoning/Vicinity Map
Letter from Nathan Horjus, Michigan Commerce Bank, dated June 24, 2011
Future Land Use Map

RECEIVED

APPLICATION FOR ZONING AMENDMENT

JUN 20 2011

Application number #10-033

COMMUNITY DEVELOPMENT

Date JUNE 17, 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:

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).

1316 EAST CENTRE AVE. PARCEL NUMBER: 00022-035-0
.90 ACRES WITH 132' FRONTAGE AND A DEPTH OF 297' NEAR SOUTH EAST
CORNER OF LOVERS LAKE AND CENTRE AVE.

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

b. Name of the owner of the property to be rezoned: MICHIGAN COMMERCE BANK CUSTODIAN
THOMAS C. ROGERS ROTH IRA
Address 240 EAST 8TH ST., HOLLAND, MICH. 49423-3535

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: TO PROMOTE THE HIGHEST AND BEST USE OF THIS PROPERTY WHICH CONFORMS WITH THE CITY OF PORTAGE'S LONG TERM PLANS FOR THE 4 CORNERS.

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

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.

Nathan Hojes Michigan Commerce Bank fbo Thomas Rogers IRA
(Signature of Applicant) (Signature of Applicant)

240 E. 8th Street Holland, MI 49423
(Address)

APPROVED BY Thomas C Rogers
(Address)

616-394-9055
(Phone)

(269) 760-6448
(Phone)

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



MICHIGAN
COMMERCE BANK

Trust & Investments

Friday, June 24, 2011

Michael West
City of Portage

RE: 1316 E. Centre Street Rezoning Request

Dear Mr. West,

The legal owner of record of 1316 E. Centre Street is "Michigan Commerce Bank for benefit of Thomas Rogers Roth IRA".

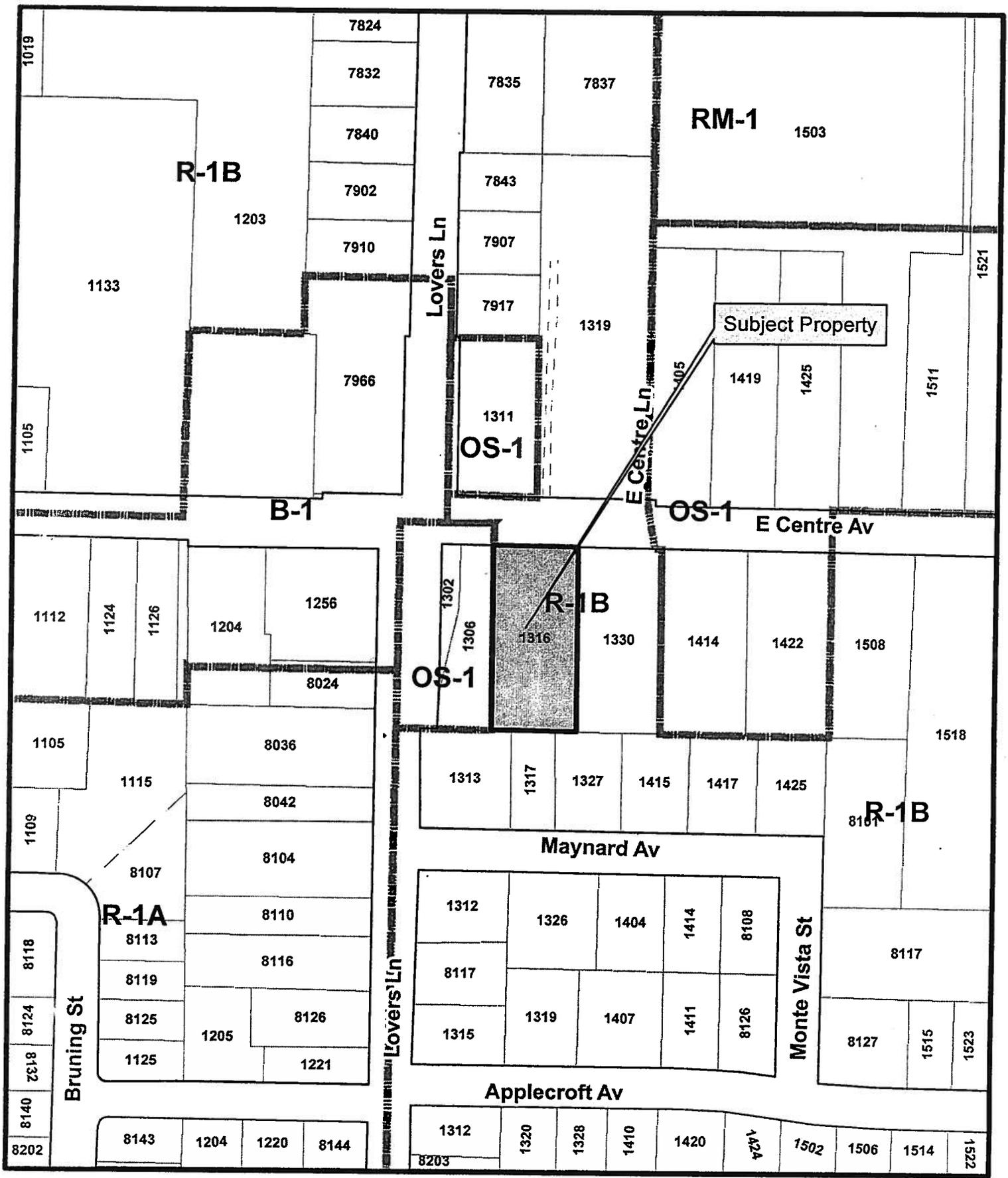
Please be advised that Michigan Commerce Bank is the Custodian of the Thomas Rogers Roth IRA. This is a self-directed IRA and it is allowed to hold Real Estate.

All official documents such as the request for rezoning must be signed by Michigan Commerce Bank with the direction and approval of Thomas Rogers.

Please contact us with any further questions.

Sincerely,

Nathan Horjus
V.P. Trust & Investments
Michigan Commerce Bank
Phone: 616-394-9055



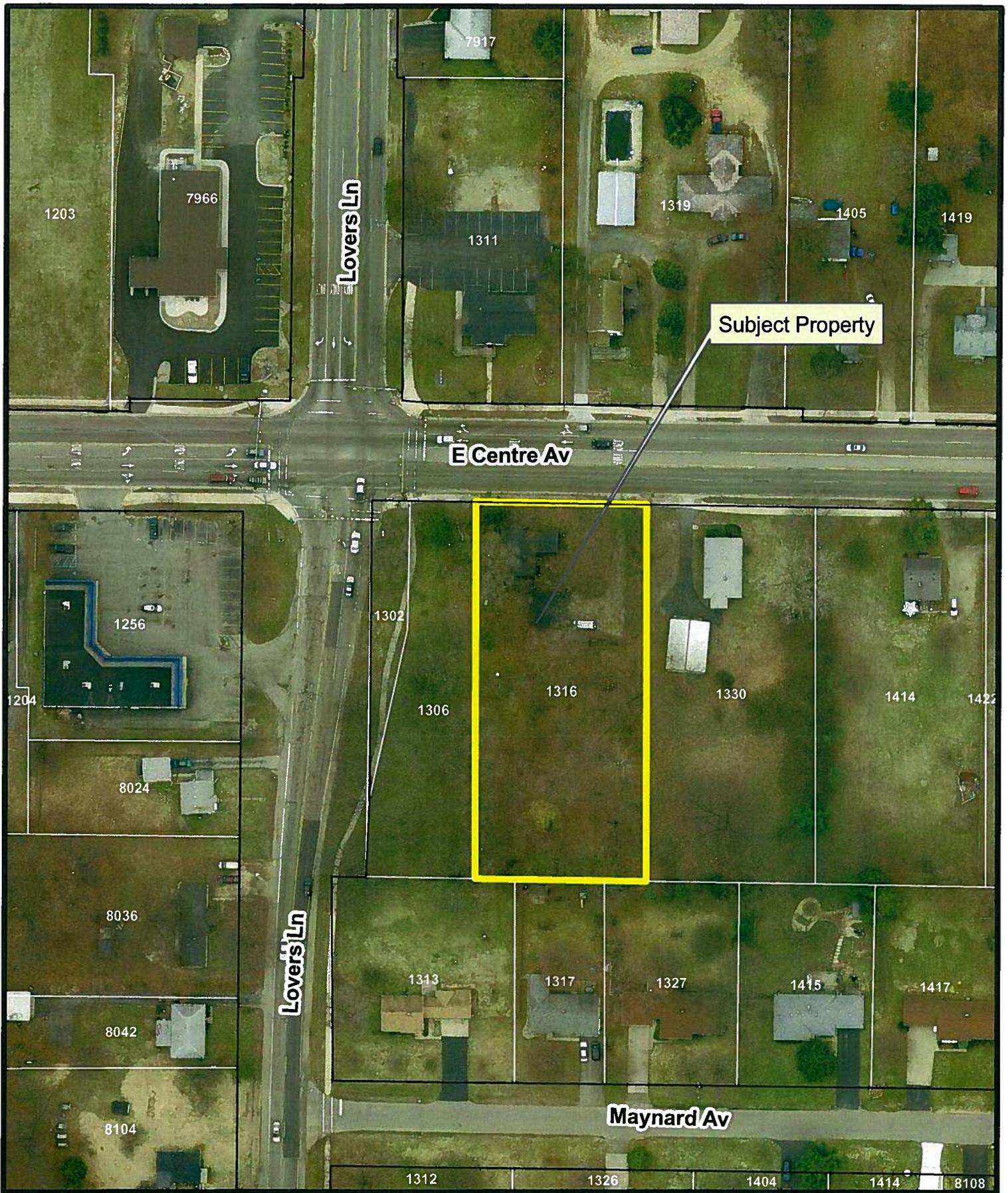
Rezoning #10-03

1316 East Centre Avenue

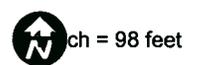
 Zoning Boundary
 Subject Properties



1 inch = 200 feet



Rezoning #10-03
1316 East Centre Avenue



TO: Planning Commission **DATE:** July 15, 2011
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: Accessory Building: Doug and Jan Krueger, 8634 South Westnedge Avenue.

I. INTRODUCTION:

Mr. and Mrs. Krueger have submitted an application to construct a 14-foot high, 23-foot by 22-foot long (506 square feet) addition to an existing horse barn at their place of residence. According to the applicant, the building addition will be used for storage of personal items together with a work area and will not be used for any business related purposes. The 9.75 acre parcel is located on the west side of South Westnedge Avenue between West Melody Avenue and Crocket Avenue and is zoned R-1B, one family residential. Single family residences also zoned R-1B surround the subject site to the north, south, west and east across South Westnedge Avenue.

As background information, in 1992 the Planning Commission approved a 40-foot by 26-foot (1,040 square foot) accessory building for Mr. and Mrs. Krueger. This accessory building was constructed southwest of the residence, approximately 45-feet from the south property line. At the time, the approval of the accessory building resulted in the total area of accessory buildings exceeding the ground floor area of the main residence by 1,326 square feet. Since 1992, an addition to the west side of the house has been constructed and two small accessory buildings have been removed.

II. ANALYSIS:

Section 42-121 of the Zoning Code permits construction of accessory buildings that exceed the ground floor area of the main residence, subject to review and approval by the Planning Commission. To ensure harmonious relationships and minimize conflicts between adjacent land uses, the Commission considers the proposed characteristics and uses of the building in relation to existing land uses and to future land uses as shown in the Comprehensive Plan. The ordinance also allows the Commission to attach requirements/conditions deemed necessary to avoid or mitigate adverse impacts on surrounding properties.

The 9.75 acre parcel contains a 1½ story residence with a ground floor area of 1,154 square feet, a 400 square foot detached garage, a 400 square foot horse barn, a 1,040 square foot storage building and a 78 square foot, permanent play house. The total ground floor area of all accessory buildings (including the proposed addition) will exceed the ground floor area of the main residence by 1,270 square feet [$1,040 + 400 + 400 + 78 + 506 = 2,424 - 1,154 = 1,270$].

The subject parcel is rectangular-shaped with 330-feet of frontage on South Westnedge Avenue and 1,287-feet of depth. The majority of the property is wooded with the single family residence, detached garage, pool and related improvements located along the eastern approximate 200-feet of the property. The storage building, play house, horse barn and associated horse corral are situated in the middle portion of the property, while the western approximate ½ of the property (700-feet) is undeveloped, wooded land. As identified on the attached plan, the proposed horse barn addition will be setback approximately 88-feet from the northern property line and in excess of 200-feet from the southern

property line, 400-feet from the eastern property line and 800-feet from the western property line. Furthermore, the proposed horse barn addition will be situated in excess of 300-feet from the nearest single family residence.

The application fulfills ordinance requirements for issuance of an accessory building approval. The size and configuration of the parcel combined with the wooded nature of the site and setback distances from adjacent residences and property lines will mitigate any impacts on adjacent properties.

Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting to provide them with the opportunity to comment on the proposed accessory building and use.

III. RECOMMENDATION:

Subject to any comments received, staff recommends that the proposed Accessory Building at 8634 South Westnedge Avenue be approved.

Attachments: Vicinity/Zoning Map
 Aerial Photograph
 Application, Sketch Plan and Supporting Documentation

APPLICANT INFORMATION			
Name <i>Doug & Jan Krueger</i>		Telephone Number <i>269-323-2789</i>	
Address <i>8634 S Westnedge</i>	City <i>PORTAGE</i>	State <i>MI</i>	Zip code <i>49002</i>
OWNER INFORMATION (if different)			
Name <i>SAME</i>		Telephone Number	
Address	City	State	Zip code
PROPERTY INFORMATION			
Address of property <i>SAME</i>	Zoning District	Land Area (acres)	
Legal Description (or attach separate page)			
PROPOSED ACCESSORY BUILDING			
Description of proposed accessory building and intended use (attach additional pages, if necessary)			
<i>22' x 23' BARN ADDITION TO BE USED</i>			
<i>FOR TACK ROOM, GARDENING TOOL STORAGE</i>			
<i>& WORK AREA & GENERAL STORAGE</i>			
<i>NO PLUMBING OR HEATING</i>			
OWNER CERTIFICATION			
I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true accurate. I further acknowledge that approval of this Accessory Building Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.			
Signature <i>Doug Krueger</i>		Date <i>7/01/2011</i>	

RECEIVED

JUL 01 2011



Application for Residential Plot/Building Plan Approval

Department of Community Development

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

PROJECT INFORMATION

PROJECT DESCRIPTION <u>23'x22' BARN ADDITION</u>	ADDRESS <u>8634 S. Westnedge</u>
---	-------------------------------------

IDENTIFICATION: OWNER OR LESSEE

NAME <u>Doug & Jan Krueger</u>	ADDRESS " " "		
CITY <u>Portage</u>	STATE <u>MI</u>	ZIP CODE <u>49002</u>	TELEPHONE NUMBER <u>269-323-2789</u>

BUILDING CONTRACTOR

NAME <u>Doug & Jan Krueger</u>	ADDRESS		
CITY	STATE <u>MI</u>	ZIP CODE	TELEPHONE NUMBER

BUILDER'S LICENSE NUMBER	FEDERAL EMPLOYER NUMBER OR REASON FOR EXEMPTION	EXPIRATION DATE
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WORKERS COMP INSURANCE CARRIER OR REASON FOR EXEMPTION	MESC EMPLOYER NUMBER OR REASON FOR EXEMPTION
--	--

NOTE: APPLICANT TO PROVIDE THREE (3) 8.5"X11" PLOT PLANS AND TWO (2) SETS OF BUILDING PLANS

Have the Following Items Been Submitted?

Scale: 10 ACRES

Lot Dimensions 330' W 1320' D A

Setback Dimensions 400' F 88 S 850' R

Location and Dimensions of Existing Structure(s)

Location and Dimension of Proposed Structure(s)

Location of Proposed Paving/Driveway

Location of Access / Curb Cut

Location of Proposed Utilities (water, sewer, gas, elec.)

Location of Existing Utilities and Utility Easements

Building / Structure Height

Elevations: Provide elevations for center line of street; property corners and building corners.

Arrows should be used to show lot drainage.

Building and lot elevations must be provided for all new residential houses and addition projects except for accessory buildings less than 200 square feet in area or open decks where no regrading is proposed.)

Flood Plain:

USGS Data Elevations are required for property within 500 feet of a body of water (i.e., lake, stream, etc.)

For Swimming Pool:

Location of pool

Location and type of fencing

Drainage plan submitted for pool

Are the property corners staked?

Is the project staked (building / structure corners or setback lines)?

If no, date to be staked

Valuation of Project \$5,000

Main Floor Area 396

Second Floor Area 396

Finished Basement Area N/A

Unfinished Basement Area N/A

Screened Porch Area N/A

Deck Area N/A

Garage Area N/A

Shed Area N/A

Energy Code Submitted Yes No

Water Service Size N/A

Meter Size N/A

Applicant Signature _____ Date _____

RECEIVED

JUL 01 2011

COMMUNITY DEVELOPMENT

Yes	No	NA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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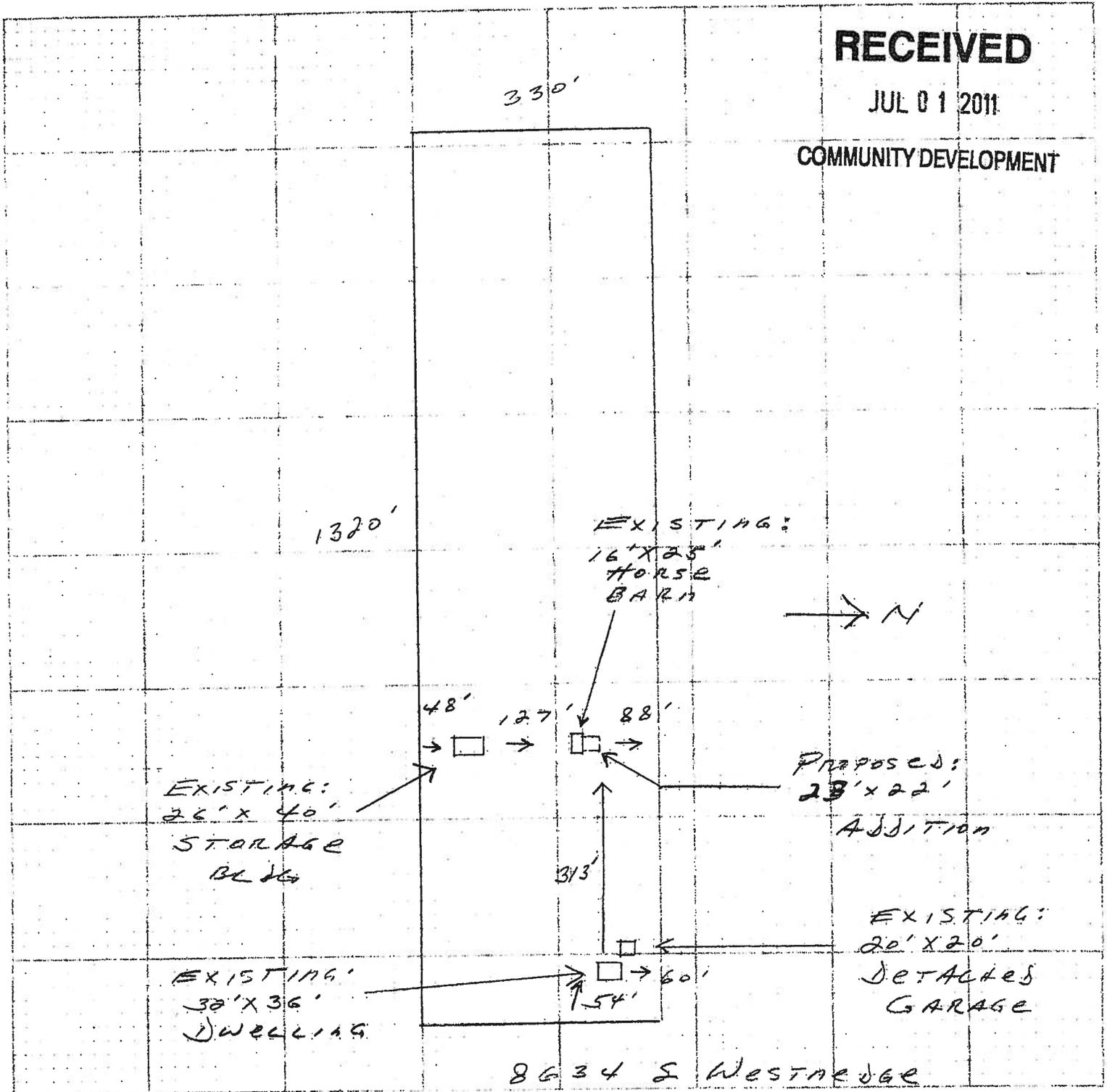
Great Lakes Loss Control

1 Insured: Douglas P. Krueger
 2 Location: 8634 S. Westnedge Ave.
 3 Street: Portage MI 49002
 4 City:

RECEIVED

JUL 01 2011

COMMUNITY DEVELOPMENT



8634 S Westnedge

SCALE 1" = 200'

- (AS) Automatic sprinkler system
- (PS) Partial installation of automatic sprinklers
- (NS) No sprinklers building or section
- (CAS) Chemical storage area

- ⊙ Elevation indicated by number
- ⊙ Sprinkler riser
- ⊙ Fire escape
- ⊙ Fire escape
- ⊙ Fire escape

- [E] Elevator in assembly or combustible area
- [E] Elevator in combustible area

- Passage door
- Standard fire door
- (FA) Fire alarm box
- Fire escape
- Fire escape
- Fire escape

--- Existing Building

--- Proposed Building

Great Lakes Loss Control

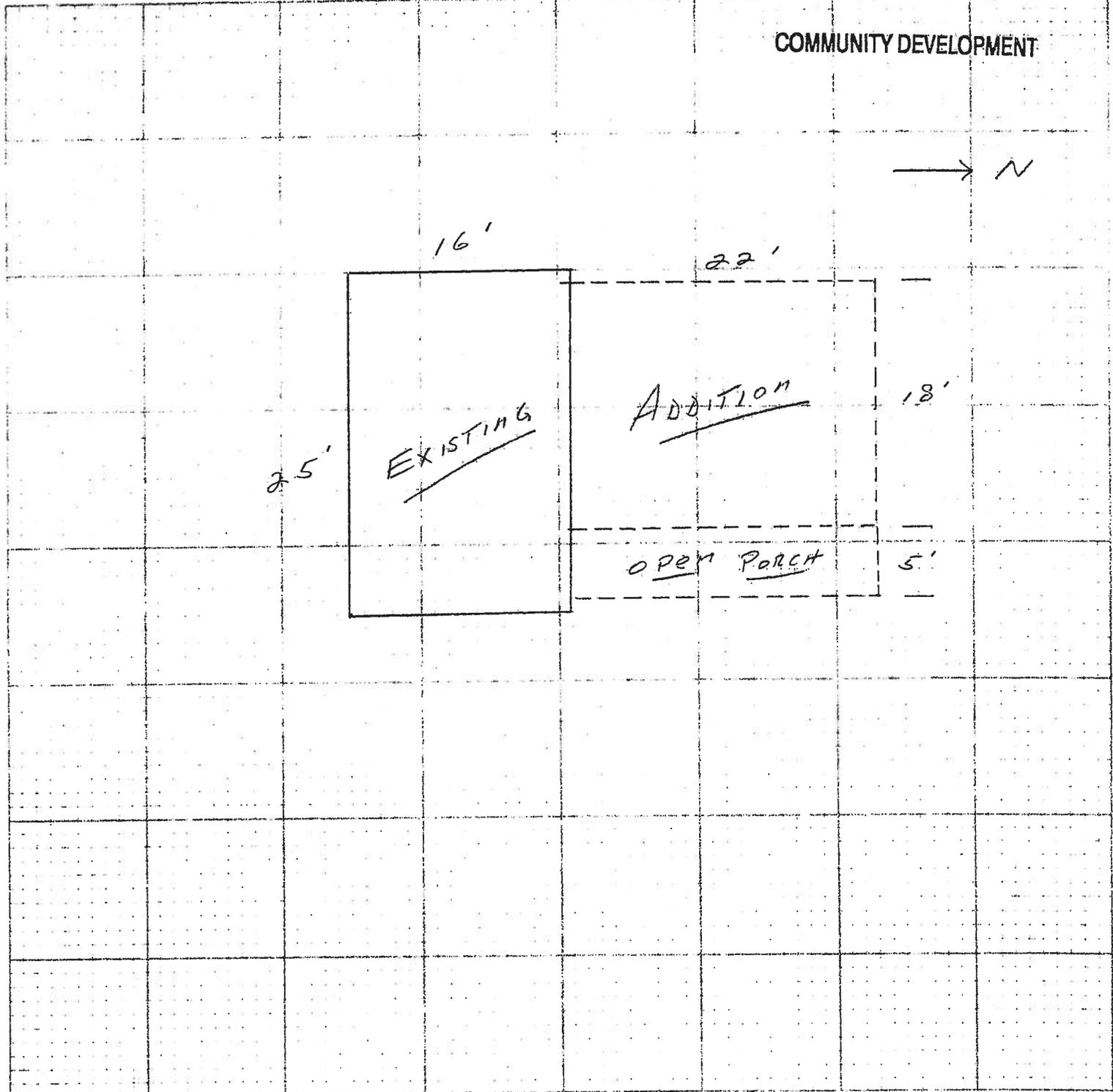
Insurance
 Policy No. 100-1000000000
 Date of Issue
 Renewal Date

Douglas P. Krueger
 8634 S. Westnedge Ave.
 Portage, WI 54901

RECEIVED

JUL 01 2011

COMMUNITY DEVELOPMENT



SCALE 1" = 10'

- (AS) Automatic sprinklered building
- (AS) Partial installation of auto matic sprinklers
- (AS) Not sprinklered building or section
- (CAS) Chemical Auditor

- Publicly front marked fire hydrant (includes fire hydrant symbol)
- Sprinkler riser
- Fire alarm pull station
- Fire alarm control panel

- Elevator masonry or noncombustible shaft
- Elevator in combustible shaft
- Open stairs
- Enclosed stairs

- Passage door
- Standard fire door
- Fire alarm box
- Fire escape
- PARAPET

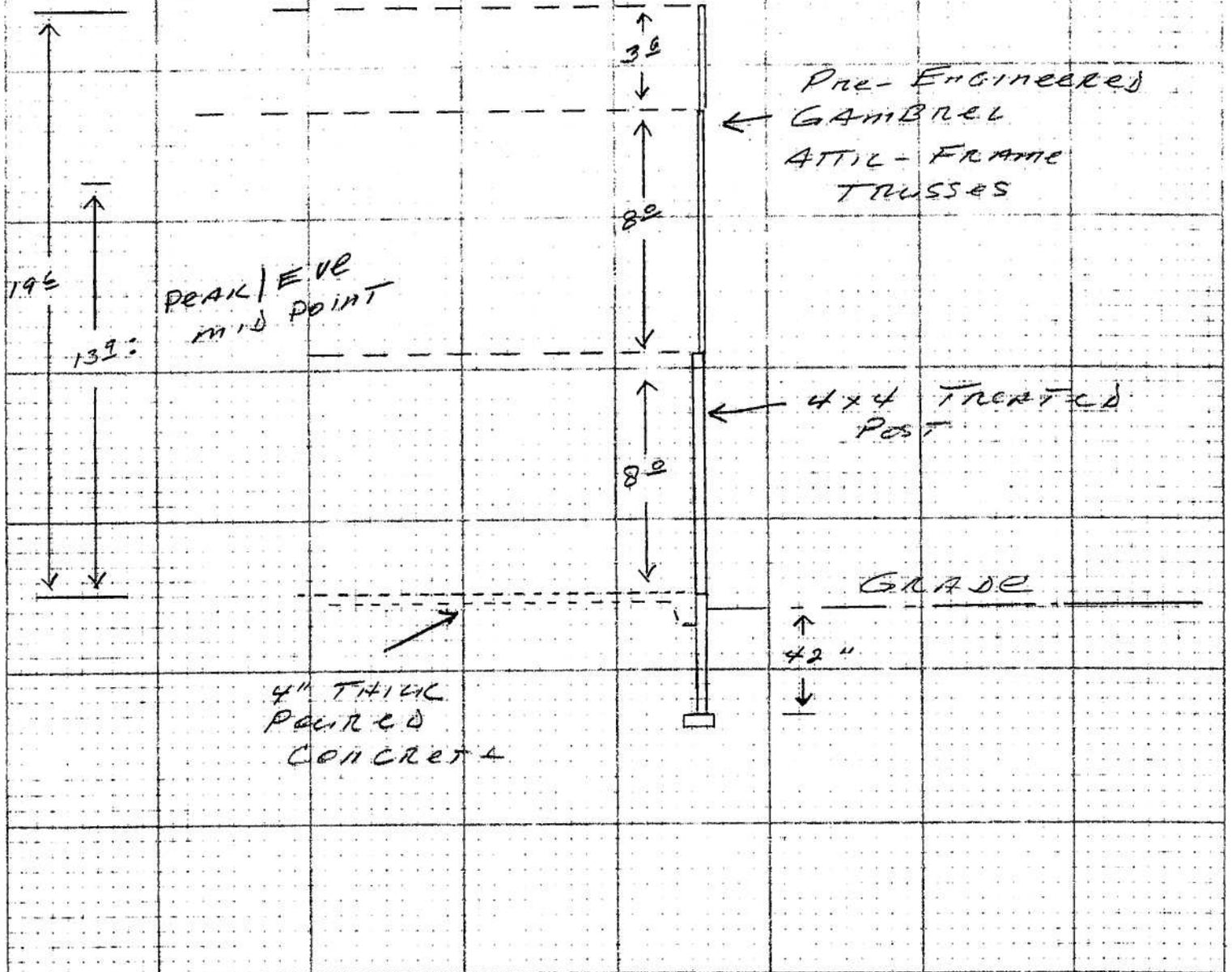
Great Lakes Loss Control

1. Insured: Douglas P. Krueger
 2. Location: 8634 S. Westnedge Ave.
 3. Street: Portage MI 49002
 4. City:

RECEIVED

JUL 01 2011

COMMUNITY DEVELOPMENT



SCALE 1" =

- (AS) Automatic sprinklered building
- (AS) Partial installation of automatic sprinklers
- NS Not sprinklered building or section
- (CAS) Chemical Automatic
- Exposed Buildings

- Public hydrant (marked DH, TH, GH to indicated double inlets or quadruple outlets)
- Sprinkler riser: (see indicated)
- Compressed Gas
- Exterior Windows

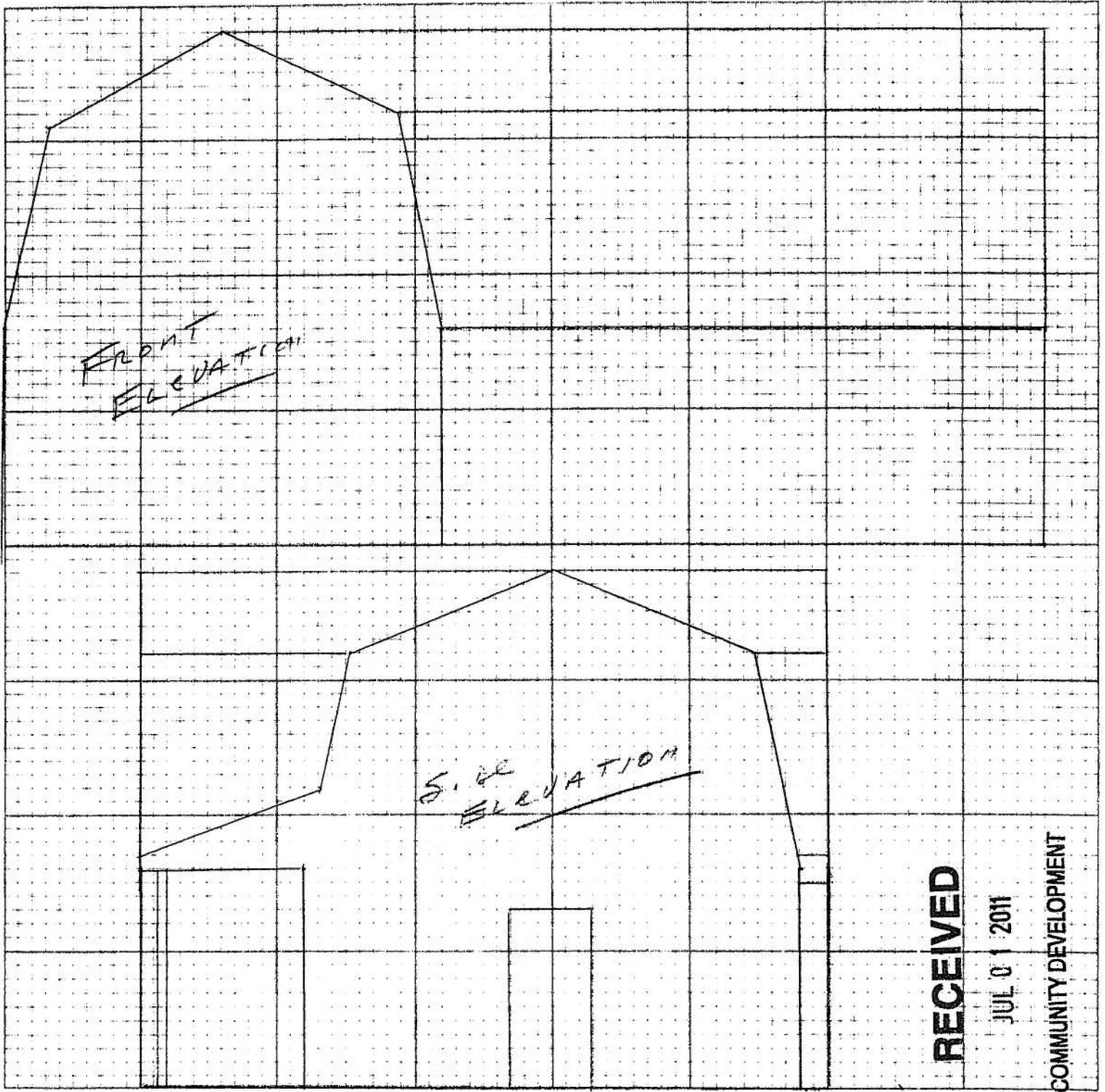
- Elevator in masonry or noncombustible shaft
- Elevator in combustible shaft
- Open stairs
- Enclosed stairs

- Passage door
- Standard fire door
- Fire alarm box
- Fire escape
- PARAPET Each line 6"

Great Lakes Loss Control

Douglas P. Krueger
 8634 S. Westnedge Ave.
 Portage MI 49002

1. Name
2. Address
3. Street
4. City



RECEIVED

JUL 01 2011

COMMUNITY DEVELOPMENT

SCALE: 1" = _____

- | | | | |
|--|---|--|--|
| <ul style="list-style-type: none"> (AS) Automatic sprinklered building (AS) Partial installation of automatic sprinklers SMY ONLY (NS) Not sprinklered building or section (CAS) Chemical Automatic --- Exposing Buildings | <ul style="list-style-type: none"> T.H. Public hydrant (marked D.H., T.H., Q.H. to indicated double, triple, or quadruple outlets) ⊗ Sprinkler riser (size indicated) — Overhead Door — Exterior Window | <ul style="list-style-type: none"> E Elevator in masonry or noncombustible shaft E Elevator in combustible shaft Open stairs Enclosed stairs | <ul style="list-style-type: none"> — Passage door Standard fire door (FA) Fire alarm box Fire escape PARAPET Each line = 6" |
|--|---|--|--|

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS
Minutes of Meeting – June 27, 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. Three people were in the audience.

MEMBERS PRESENT: Timothy Bunch, David Felicijan, Rob Linenger, Lowell Seyburn, Betty Schimmel, Marianna Singer, 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 Singer seconded a motion to approve the May 9, 2011 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA #10-17, 121 Boston Avenue & 5747 South Westnedge Avenue: Staff summarized the request for a use variance for a single-family residential use in a B-3, General Business zone. Mr. Jay Sharma was present and explained he had listed the property at 121 Boston for lease as a business for almost two years and had gotten no responses to the listing. Mr. Sharma indicated he leased the property as a residence out of financial hardship and only wished to lease the former dwelling as a residence for one year, as opposed to the two years indicated by staff. Linenger stated the Board could not grant a variance based on a financial hardship. Linenger added the property has been zoned B-3, General Business since before the applicant purchased it, and having been used as a business by the applicant for years, worked against any argument that the property could not reasonably be used for permitted (commercial) uses. Bunch inquired if the applicant's request for one year residential use as opposed to two years had any bearing on the propriety of a Temporary Use Permit. Staff responded the reason a Temporary Use Permit was not applicable in this case was because the use of the property at 121 Boston Avenue involved an existing building and permanent capital improvements.

A public hearing was opened. A letter from Julee Burke, 129 Boston in opposition to the request was read. Mr. Sharma stated the tenants referenced in Ms. Burke's letter only violated City Code one time that he was aware of. Singer stated whether or not the tenants were 'good' or 'bad' would have no bearing on the Board's decision. The public hearing was closed.

A motion was made by Felicijan, supported by Seyburn, to deny a use variance for a single-family residential use in a B-3 General Business zone for the following reasons: the condition, location, or situation of the specific piece of property or the intended use of the property is not unique to that property and zoning district; the building, structure or land can be reasonably used in a manner consistent with the uses allowed in the zoning district; the variance would materially impair the intent and purpose of this article or the district in which the property is located; the immediate unnecessary hardship causing the need for the variance request was created by the applicant. 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, Seyburn-Yes, Singer-Yes, Bunch-Yes, Bright-Yes, the motion carried 7-0.

ZBA #10-19, 7714 Pickering Street: Staff summarized the request for a variance to expand a nonconforming dwelling by constructing a 12-foot by 24-foot sunroom 16 feet from the rear (west) property line where a 40-foot rear yard setback is required. Mr. Aeed was present to answer any questions. Linnenger inquired if the applicant intended to use the addition as a bedroom. Mr. Aeed stated he intended to use it as a sunroom. Seyburn noted the lot seemed small for a corner lot.

A public hearing was opened. A petition was read stating no objection to the request signed by the owners of 7723 Chippewa, 7741 Chippewa, 7728 Pickering, and 7720 Pickering. The public hearing was closed.

A motion was made by Seyburn, seconded by Bunch to grant a variance to expand a nonconforming dwelling by constructing a 12-foot by 24-foot sunroom 16 feet from the rear (west) property line where a 40-foot rear yard setback is required for the following reasons: there are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the lot is a narrow corner lot, the location of the dwelling on the lot, the presence of mature evergreens, the adjacent residence to the west is over 100 feet away, and the variance would eliminate the non-conforming living area; the immediate practical difficulty causing the need for the

variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting 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, Seyburn-Yes, Singer-Yes, Bunch-Yes, Bright-Yes, the motion carried 7-0.

ZBA# 10-20, 8127 Portage Road: Staff summarized the request for a Temporary Use Permit for an outdoor farmer's market each Monday from July through September 2011, and each Monday during June through September 2012 and annually thereafter. Sheila Shubnell was present to answer any questions. Felicijan noted the applicant got permission from Burger King to accommodate any potential overflow parking, and inquired how the applicant would notify patrons of this fact. Ms. Shubnell stated she intended to use the existing changeable copy board on site for that purpose. Linenger noted the site had designated entrance and exit drives and stated the one concern he had would be if patrons parked in the access drives to the north and south of the building. Ms. Shubnell stated they would be vigilant in directing patrons to park at the Burger King lot.

A public hearing was opened. Letters of support were read from The Barber Shop, 8127 Portage Road; Burger King, 8215 Portage Road; People's Food Coop, 436 South Burdick Street, Kalamazoo; Fair Food Matters, 323 North Burdick Street, Kalamazoo. The public hearing was closed.

A motion was made by Felicijan, seconded by Singer, to grant a Temporary Use Permit for an outdoor farmer's market each Monday from July through September 2011, and each Monday during June through September 2012 and annually thereafter, conditioned upon 1) a maximum of 10 vendors be situated as proposed in the east parking lot; 2) maintaining 17 parking spaces for existing businesses; and 3) the Temporary Use Permit be reviewed by the Board not later than October 11, 2011 at which time the Temporary Use can be reviewed and considered for annual administrative approval. Upon roll call vote: Linenger-Yes, Schimmel-Yes, Felicijan-Yes, Seyburn-Yes, Singer-Yes, Bunch-Yes, Bright-Yes, the motion carried 7-0.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 8:10 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM JUNE 28, 2011

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

At the request of Mayor Strazdas, Councilmember Urban provided 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, Patricia M. Randall, Claudette S. Reid and Terry R. Urban, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmember Elizabeth A. Campbell was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Councilmember Reid indicated a change in the June 14, 2011 Regular Meeting Minutes in that she said that citizens who have difficulty meeting financial obligations may go to the Salvation Army for help with financial literacy and because the Salvation Army can point those citizens to the best agency to assist them such as the Michigan Department of Human Services or the Community Action Agency. Motion by Urban, seconded by Reid, to approve the June 14, 2011 Regular Meeting Minutes as amended. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Councilmember Randall asked that Item F.2, FY 2011-12 Community Development Block Grant Fund and General Fund contracts, be removed from the Consent Agenda. Motion by Reid, seconded by Urban, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 28, 2011:** Motion by Reid, seconded by Urban, to approve the Accounts Payable Register of June 28, 2011. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

TRADE CENTRE WAY RELOCATION PROJECT #997-R – RESOLUTION NO. 5: Mayor Strazdas opened the public hearing and introduced Transportation and Utilities Director Chris Barnes, who reviewed the project description: that the existing Trade Centre Way would be realigned as a through street; that West Fork Crossing would be realigned and improved with curb and gutter, storm sewer, utility relocation, boulevards, first class road landscaping, lighting, fencing and related construction; and, Trade Centre Way will be improved and realigned from South Westnedge Avenue west 900 feet to just west of West Fork Crossing with curb and gutter, storm sewer, utility relocation, boulevards, first class road landscaping, lighting, fencing and related construction. He indicated that these improvements will provide a positive economic impact, increased safety, better access and improve the quality of life in the area.

Mr. Barnes mentioned that this is a part of a Commercial Planned area and that the cost is \$2.23 per square foot for each of the benefiting properties; also, the assessment is proportional to the benefit and the Michigan Tax Tribunal is an option if someone is dissatisfied with the proposed improvement costs. He indicated that since 1986, there have been 33 special assessments for streets and 84 for utility districts for water and sewer. He disclosed that the overall cost of the project is \$1.34 million; that the city-at-large pays nothing; that the property owners pay \$1.34 million; that all of the property owners have been notified; and that construction can begin as early as July.

In response to Councilmember Urban, Mr. Barnes outlined the Special Assessment Roll as follows:

<u>Street Address</u>	<u>Zoning</u>	<u>Square Footage</u>	<u>Assessment</u>
420 Trade Centre Way	CPD	583,665	\$1,301,156.88
226 Trade Centre Way	CPD	8,712	19,421.56
230 Trade Centre Way	CPD	8,712	19,421.56

Discussion followed. Mayor Strazdas opened the public hearing for comment from the public.

Greg Dobson of American Village Builders, Inc. (AVB), 4200 West Centre, on behalf of Joseph Gesmundo and Roger Hinman, thanked City Council for their support of the request and spoke in favor of the enhancements. Mayor Strazdas thanked Mr. Dobson for his efforts.

Motion by Sackley, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Sackley, seconded by Bailes, to adopt Resolution No. 5 for the Trade Centre Way Relocation Project #997-R, confirming the Special Assessment Roll. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 249 of City of Portage Resolution Book No. 44.

PETITIONS AND STATEMENTS OF CITIZENS: City Council received a written communication from Cyrus Mallinson, 1311 Manor Street, Kalamazoo Township, regarding his proposed Constitutional Support Tax for the United States Federal Government without comment.

REPORTS FROM THE ADMINISTRATION:

2011 AMENDED TAX INCREMENT FINANCING PLAN/2011 AMENDED DEVELOPMENT PLAN: Mayor Strazdas introduced Community Development Director Jeffrey Erickson, who reminded City Council that at the April 26, 2011 City Council meeting, an economic initiative was introduced to facilitate economic expansion in the City of Portage Downtown Development Authority (DDA) along Trade Centre Way, north of I-94 and west of South Westnedge Avenue.

He said that the Michigan Downtown Development Authority Act specifies the requirements that must be fulfilled to utilize this financing method in that the Act requires that City Council receive the 2011 Amended Plan, notify affected parties, including local units of government, and schedule a public hearing on the amended plan subsequent to approval by the DDA Board of Directors. He pointed out that this approval was accomplished by the Board of Directors at the April 13, 2011 DDA meeting.

He indicated that as part of the financing framework for this \$1.34 million DDA program of public improvements, the City Council initiated the special assessment process in response to a petition received from the owners of property in the DDA at the April 26, 2011 City Council meeting; and, Item D.1, the earlier public hearing regarding the Trade Centre Way Relocation Project #997-R, with confirmation of the special assessment roll, and Item L.1, to award the construction contract later in the meeting, allows for the implementation of this economic initiative.

He projected that final action on this economic initiative is scheduled to occur over the next several weeks: the DDA Board of Directors is scheduled to meet on June 29, 2011 to consider adoption of resolutions to implement the 2011 Amended Plan and approve the Phase III Development Agreement between the City of Portage and the principal property owners, Trade Centre Holdings, LLC and H&G 2, LLC; and, City Council will subsequently consider similar resolutions to implement the 2011 amended plan, approve the Phase III Development Agreement, approve and award the special assessment bonds and approve related matters to successfully complete this initiative.

He summarized the action recommendation of the City Manager that City Council approve the ordinance regarding the 2011 Amended Plan, adopt the bond resolutions and authorize the Mayor and City Clerk to execute the documents on behalf of the city. Discussion followed.

Motion by Urban, seconded by Reid, to approve the ordinance amendment to approve the 2011 Amended Development Plan and the 2011 Amended Tax Increment Financing Plan for the development area within the Downtown Development Authority District; adopt the City of Portage Bond Resolution for Special Assessment Bonds, Series 2011, in the not-to-exceed amount of \$1,340,000; adopt the Resolution Approving Undertaking to Provide Continuing Disclosure by the City of Portage for the Special Assessment Bonds, Series 2011; and authorize the Mayor and City Clerk to execute the documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 171 of City of Portage Ordinance Book No. 12. Resolutions recorded on pages 253 and 265 of City of Portage Resolution Book No. 44.

FY 2011-12 COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND GENERAL FUND CONTRACTS: Councilmember Randall indicated that she asked that this item be removed from the Consent Agenda on the advice of the City Attorney in order to have the record reflect that she wished to recuse herself from the Catholic Family Services Contract portion of the recommendation. Discussion followed.

Motion by Sackley, seconded by Bailes, to approve the Fiscal Year 2011-12 Community Development Block Grant Fund contracts and General Fund human/public services contracts and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0 with Councilmember Randall recused from the Catholic Family Services Contract portion of the recommendation.

* **PERMIT TO CONDUCT A FIREWORKS DISPLAY:** Motion by Reid, seconded by Urban, to approve a permit for a proposed fireworks display on July 4, 2011, sponsored by the Portage Rotary Club. Upon a roll call vote, motion carried 6 to 0.

* **MAY 2011 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Reid, seconded by Urban, to receive the communication from the City Manager regarding the May 2011 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

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

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

Portage Board of Education Special of April 25, Special and Committee of the Whole of May 9, Special of May 19, Special and Regular of May 23, Special of May 31, Special of June 1, Special and Committee of the Whole Work Session of June 6, Special of June 8, Special of June 9 and Specials of June 13, 2011.
Portage Senior Citizen Advisory Board of May 18, 2011.

BID TABULATIONS:

SOUTH WESTNEDGE AVENUE/TRADE CENTRE WAY REALIGNMENT: As a point of order, Mr. Barnes explained that the construction contract could not be awarded prior to the approval of Items D.1, Trade Centre Way Relocation Project #997-R - Resolution No. 5, and Item F.1, 2011 Amended Tax Increment Financing Plan/2011 Amended Development Plan. He also noted that the recommended motion is subject to City Council action on July 12, 2011 on the adoption of a resolution approving the agreement to implement the 2011 Amended Plan with the Downtown

Development Authority, and the adoption of a Resolution approving the Phase III Development Agreement. Discussion followed.

Motion by Urban, seconded by Sackley, to award a construction contract to the low bidder Kamminga & Roodvoets, Incorporated, of Grand Rapids, Michigan, for the Trade Centre Way Relocation project in the not-to-exceed amount of \$585,443.75 and authorize the City Manager to execute all documents related to the contract on behalf of the city, subject to City Council action on the adoption of a resolution approving the agreement to implement the 2011 Amended Plan with the Downtown Development Authority; and adoption of a Resolution approving the Phase III Development Agreement on July 12, 2011. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

* **LOVERS LANE RECONSTRUCTION PROJECT:** Motion by Reid, seconded by Urban, to award a contract to the low bidder, Michigan Paving and Materials Company of Kalamazoo, Michigan, for the reconstruction of Lovers Lane (Forest Drive to East Centre Avenue) in the not-to-exceed amount of \$277,869.84 and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **CITY HALL PARKING LOT IMPROVEMENTS – BID RECOMMENDATION:** Motion by Reid, seconded by Urban, to accept the low bid submitted by Wyoming Asphalt Paving Company in the amount of \$59,987.80 for City Hall parking lot improvements and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Mayor Strazdas, City Council and City Manager Evans thanked Community Development Director Jeffrey Erickson for his service and dedication to the City of Portage, complimented him on his legacy and wished him a long and happy retirement.

City Manager Evans announced that the Portage Senior Center would be holding an Accreditation Celebration for receiving an unprecedented third consecutive accreditation beginning at 9:45 a.m. on Thursday, July 28, 2011. He also announced that the new City of Portage website received the Apex Award and recognized Chief Information Officer Devin Mackinder for his efforts.

Mayor Strazdas recognized Taste of Portage held Friday, June 24, 2011, at the Overlander Bandshell as a great event and fun for all who attended and complimented Councilmember Campbell for her efforts with the 4th of July Fireworks. He also announced his candidacy for Mayor and reminded everyone of the filing deadline of Tuesday, August 16, 2011, at 4 p.m. to file for Mayor or City Council of Portage.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:19 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.