

CITY OF
PORTAGE

A Place for Opportunities to Grow

PLANNING COMMISSION

August 18, 2011

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**August 18, 2011
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * July 21, 2011

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Preliminary Report: Rezoning Application #10-03, 1302, 1306, 1316 and 1330 East Centre Avenue

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

- * 1. Accessory Building (Brayton), 4517 Nash Avenue
- * 2. Analysis of 2010 Decennial Census Data – July 2011 Update

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

July 12th and 26th, 2011 City Council meeting minutes
June 2011 Summary of Environmental Activities Report

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

PLANNING COMMISSION

 DRAFT

July 21, 2011

The City of Portage Planning Commission meeting of July 21, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Eleven citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Mark Siegfried and Rick Bosch.

IN ATTENDANCE:

Michael West, Assistant City Planner 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 July 7, 2011 meeting minutes. A motion was then offered by Commissioner Patterson, seconded by Commissioner Reiff, to approve the minutes as submitted. The motion was unanimously approved.

PUBLIC HEARINGS:

1. Special Land Use Permit/Site Plan: Great Lakes Center for Autism Treatment and Research, 9616 Portage Road. Commissioner Reiff indicated he had a potential conflict of interest (personal/professional relationship with Keystone Community Bank) and excused himself from the Council Chambers. Mr. West then summarized the staff report dated July 15, 2011 regarding a request by Residential Opportunities, Inc. (ROI) to establish a clinic for the treatment and research of children with autism at 9616 Portage Road. Mr. West indicated the Great Lakes Center for Autism Treatment and Research (GLCATR) will include an inpatient residential treatment center for up to 12 children with autism, along with an outpatient clinic. Mr. West stated extensive interior renovations of the former Moose Lodge building are planned plus construction of a new outdoor activity area for the children along the north side of the existing building.

Mr. Tom Ihling representing ROI, was present to support the applications and explain the development project. Mr. Ihling thanked staff, the Commission and City Council for assistance with the rezoning, special land use permit and site plan processes. The public hearing was opened by Chairman Cheesebro. No citizens spoke regarding the proposed development project. A motion was made by Commissioner Welch, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to approve the Special Land Use Permit for Great Lakes Center for Autism Treatment and Research, 9616 Portage Road. The motion was approved 6-0-1 with Commissioner Reiff abstaining. A motion was then made to Commissioner Bosch, seconded by Commissioner Welch, to approve the Site Plan for Great Lakes Center for Autism Treatment and Research, 9616 Portage Road. The motion was approved 6-0-1 with Commissioner Reiff abstaining.

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2. Special Land Use Permit/Site Plan: Crossroads Expert Auto Service, 6224 and 6230 Lovers Lane. Mr. West summarized the staff report dated July 15, 2011 regarding a request by Crossroads Expert Auto Service to establish an automobile repair station and towing business at 6224 and 6230 Lovers Lane. Mr. West stated the request will facilitate the relocation of Crossroads Expert Auto Service from its current location on South Westledge Avenue to the Lovers Lane site. Mr. West indicated 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 also planned. Mr. West indicated no storage of wrecked or impounded vehicles will occur at the site.

Mr. James Graham, owner/operator of Crossroads Expert Auto Service, was present to support the applications and discuss the development project. Mr. Graham summarized the improvements that would be made to the property including paving, storm water treatment and landscaping with the planned reuse of the site. The Commission, applicant and staff discussed the nature of the use, parking availability and the issue of no impoundment of towed vehicles at the site. The public hearing was opened by Chairman Cheesebro. No citizens spoke regarding the proposed special land use permit. A motion was made by Commissioner Reiff, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved.

After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to approve the Special Land Use Permit for Crossroads Expert Auto Service, 6224 and 6230 Lovers Lane, 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. The motion was unanimously approved. A motion was then made to Commissioner Patterson, seconded by Commissioner Reiff, to approve the Site Plan for Crossroads Expert Auto Service, 6224 and 6230 Lovers Lane, subject to the same conditions. The motion was unanimously approved.

3. Rezoning Application #10-02, 4815 West Milham Avenue and 6027 South 12th Street. Mr. West referred the Commission to a June 21, 2011 e-mail communication from Mr. Terry Patterson, on behalf of Milham Crossings LLC, requesting that Rezoning Application #10-02 be withdrawn from further consideration. After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Dargitz, to accept the applicant's request to withdraw Rezoning Application #10-02 from further consideration. The motion was unanimously approved.

4. Preliminary Report: Rezoning Application #10-03, 1316 East Centre Avenue. Mr. West summarized the preliminary staff report dated July 15, 2011 regarding the request to rezone 1316 East Centre Avenue from R-1B, one family residential to B-1, local business. Mr. West discussed the Future Land Use Map designation, surrounding zoning pattern, suitability of the existing R-1B zone and the potential impacts of the proposed B-1 zone. The Commission and staff next discussed the zoning designation of adjacent parcel to the east (R-1B) and the two adjacent parcels to the west (OS-1) and whether an expanded rezoning consideration was appropriate. Mr. West indicated both staff and the applicant had discussed an expanded rezoning consideration with the adjacent property owners to the east and west and they did not express an interest at this time.

Mr. Thomas Rogers (applicant/owner of 1316 East Centre Avenue) was present to support the rezoning request. Mr. Rogers indicated he recently entered into a sales agreement with Mr. William Miller to purchase the adjacent parcel to the east, 1330 East Centre Avenue. Mr. Rogers stated he would be interested in including 1330 East Centre Avenue in an expanded rezoning consideration. The Commission, staff and the applicant next discussed the four properties located near the southeast corner East Centre Avenue/Lovers Lane and process associated with an expanded rezoning consideration.

The public hearing was opened by Chairman Cheesebro. Two citizens spoke in regards to the proposed rezoning: 1) Patricia Heystek (1404 Maynard Avenue) and 2) Geraldine York (1327 Maynard Avenue). Both Ms. Heystek and Ms. York spoke in opposition to the proposed rezoning and any expanded consideration

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expressing concerns about increased traffic, accidents and further commercial development adjacent to the residential neighborhood. No additional citizens spoke regarding the proposed rezoning.

The Commission and staff again discussed a possible expanded rezoning consideration and timing for a revised legal notice. After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to expand Rezoning Application#10-02 to consider 1302, 1306, 1316 and 1330 East Centre Avenue and adjourn the public hearing to the August 18, 2011 meeting. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None

OLD BUSINESS:

None

NEW BUSINESS:

1. Accessory Building: Doug and Jan Krueger, 8634 South Westnedge Avenue. Commissioner Dargitz indicated she would be abstaining due to a potential conflict of interest (personal relationship with applicant) and excused herself from the Council Chambers. Mr. West summarized the staff report dated July 15, 2011 regarding the request from Mr. and Mrs. Krueger to construct a 14-foot tall, 23-foot wide by 22-foot long (506 square foot) addition to an existing horse barn at their residence located at 8634 South Westnedge Avenue. Mr. West indicated the proposed accessory building addition would be used for storage of personal items and a small work area. Mr. West stated the accessory building addition would be situated approximately 88-feet from the nearest property line (north) and in excess of 300-feet from the nearest adjacent single family residence. Mr. West indicated the size and configuration of the parcel combined with the wooded nature of the site and setback distances from adjacent residences and property lines will mitigate any impacts on adjacent properties. Mr. West referred the Commission to a letter of support that was included in the final agenda packet.

One citizen, Ms. Edna Karow (8705 Newhouse Street), asked for clarification regarding the notice that she received. Chairman Cheesebro clarified the request and indicated no rezoning of the property was being considered. Ms. Karow then stated she had no objection to the request. Mr. Doug Krueger (applicant) was present to explain the accessory building addition request and support the application. Mr. Krueger reiterated that the accessory building would not be used for any business related purpose. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Reiff, to approve the Accessory Building for Doug and Jan Krueger, 8634 South Westnedge Avenue. The motion was approved 6-0-1 with Commissioner Dargitz abstaining.

STATEMENT OF CITIZENS:

None

ADJOURNMENT:

Commissioner Welch stated he would not be present at the August 4, 2011 meeting. There being no further business to come before the Commission, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Michael West, AICP
Assistant City Planner

TO: Planning Commission

DATE: August 11, 2011

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Preliminary Report: Rezoning Application #10-03 (expanded), 1302, 1306, 1316 and 1330 East Centre Avenue

I. INTRODUCTION/BACKGROUND:

An application was originally received on June 20, 2011 requesting that 1316 East Centre Avenue be rezoned from R-1B, one family residential to B-1 local business. Legal notice was provided for this application and a public hearing convened by the Planning Commission on July 21, 2011. After considerable discussion and with support from the applicant, the Commission unanimously voted to expand the rezoning application to include the following parcels of land located at the southeast corner of East Centre Avenue and Lovers Lane (also refer to attached zoning/vicinity map):

Owner	Property Address	Description	Zoning	
			Existing	Proposed
City of Portage	1302 East Centre Avenue	Parcel 00022-041-O	OS-1	B-1
Janet Gray	1306 East Centre Avenue	Parcel 00022-040-O	OS-1	B-1
Michigan Commerce Bank, custodian for Thomas Rogers IRA ¹	1316 East Centre Avenue	Parcel 00022-035-O	R-1B	B-1
William and Susan Miller	1330 East Centre Avenue	Parcel 00022-030-O	R-1B	B-1
Four parcels: 2.5 acres				

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

The public hearing was adjourned until the August 18, 2011 meeting to allow for proper legal notice of the expanded rezoning consideration. Since the July 21st meeting, staff has had subsequent conversations with the owners of 1306 and 1330 East Centre Avenue regarding the expanded rezoning consideration.

II. EXISTING CONDITIONS:

Land Use/Zoning	<p>Rezoning Site: Single family residences (1316 and 1330 East Centre Avenue) zoned R-1B, one family residential, and vacant land (1302 and 1306 East Centre Avenue) zoned OS-1, office service.</p> <p>South: Single family residences located along Maynard Avenue zoned R-1B, one family residential.</p> <p>East: Nonconforming single family residence zoned OS-1, office service.</p> <p>West: Across Lovers Lane, neighborhood commercial center zoned B-1, local business and single family residences zoned R-1A, one family residential.</p> <p>North: 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.</p>
Zoning/Development History	<p>Rezoning Application #04-09: 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.</p>

Historic District/ Structures	The subject properties are not located within a historic district and do 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 properties, as appropriate for local business use (refer to the attached Future Land Use Plan Map). This intersection is also designated as a secondary commercial node. East Centre Avenue, east and west of Lovers Lane, is designated as an office corridor. To the south, this area is designated for low-density residential land use.

While the Future Land Use Map identifies the three western parcels (1302, 1306 and 1316 East Centre Avenue) as situated within the secondary commercial node and local business use designation, the eastern parcel (1330 East Centre Avenue) is situated in a zone of transition between the local business and office designations. Unlike zoning district boundaries, future land use boundaries are not intended to be property line specific.

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 and OS-1 Zones/Impacts of Proposed B-1 Zone. The suitability of the two R-1B zoned properties should be carefully considered due to traffic volumes along East Centre Avenue and the existing/planned office and commercial zoning/land use pattern along this major street corridor. The two OS-1 zoned properties are consistent with the surrounding land use/zoning pattern and a change to B-1 would also be consistent with the land use/zoning pattern, as well as the secondary commercial node designation contained in the Comprehensive Plan. As information for the Commission, uses that are principally permitted in the OS-1 district including executive, administrative and professional offices, medical offices and clinics, banks and credit unions are also permitted in the B-1 zone (special land uses allowed in the OS-1 zone such as institutional uses, trade and business schools, and hospitals do not carry over into the B-1 district). Additional uses also

allowed in the B-1 district include low intensity retail establishments and smaller restaurant uses of 1,500 square feet useable floor area or less that exclude drive-in and drive-through services.

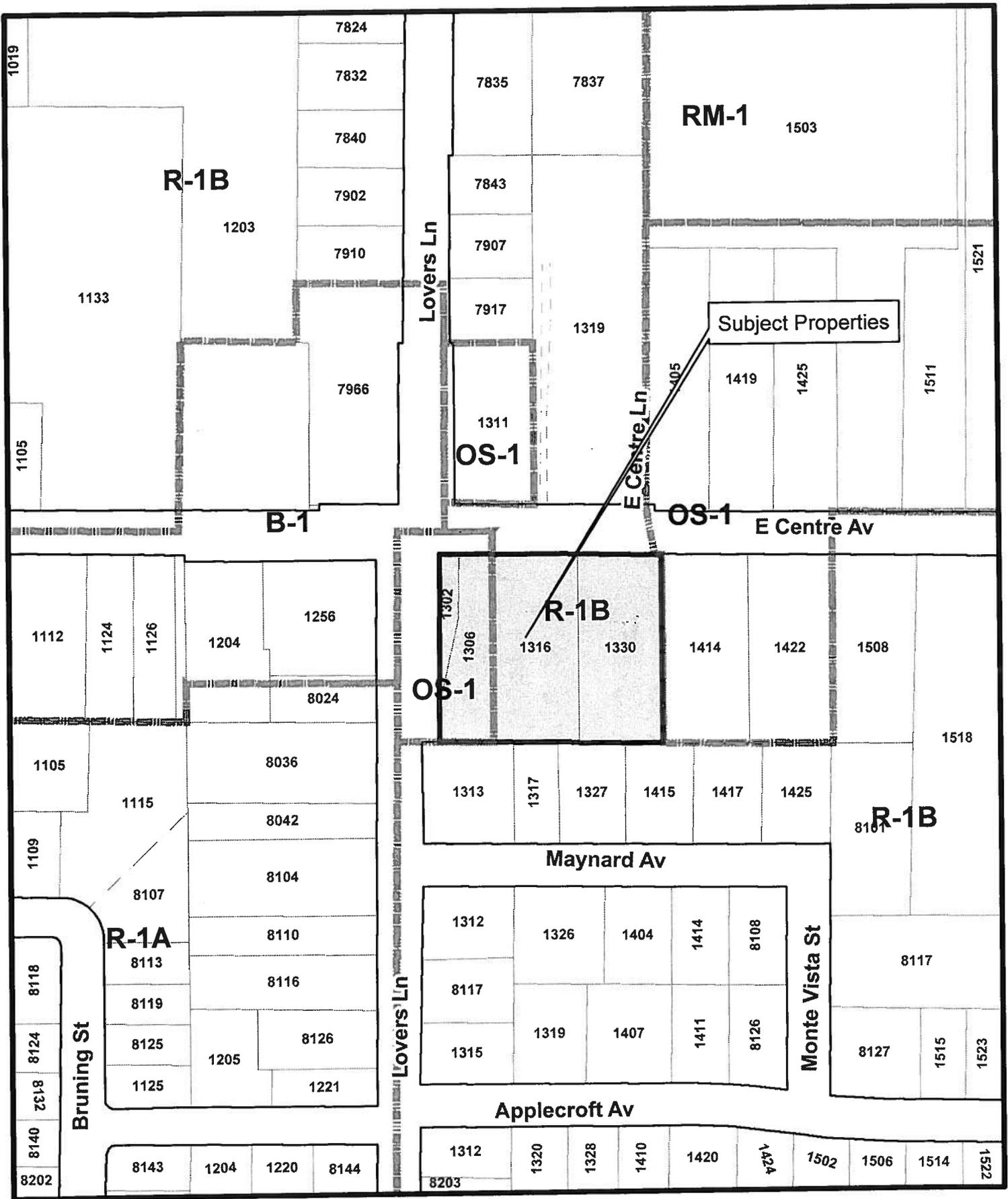
The Comprehensive Plan also identifies the B-1 district as an effective transition zone between higher intensity uses and major streets and interior residential areas. Furthermore, local business facilities typically represent low intensity commercial land uses intended to serve the convenience shopping 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. A change in zoning to B-1 and resulting local business development may have some impact on adjacent residences to the south (higher intensity land use, increase site activity, noise, traffic, etc). However, the Zoning Code requirements for screening/buffering/lighting along with other ordinance provisions would help mitigate impacts on adjacent residences. The proposed B-1 district would not impact the OS-1 district located to the east. Finally, if the R-1B zoned properties located at 1316 and 1330 East Centre were rezoned, the existing single-family residential uses could continue as a legal nonconforming use until such time the property is redeveloped.

Traffic Considerations. If rezoned and redeveloped collectively, the 2.5-acre rezoning site could accommodate an approximate 27,000 square foot (based on 25% lot coverage) retail/office building. The ITE Trip Generation Manual, Sixth Edition, indicates that a specialty retail center of this size would generate approximately 1,098 vehicle trip ends (549 vehicles) on an average weekday. An administrative office building of the same size would generate approximately 486 vehicle trips (243 vehicles) on an average weekday. Anticipated traffic generated by a retail or office development project can be accommodated by the surrounding roadway network.

IV. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, the Commission is advised to receive public comment during the August 18, 2011 meeting and adjourn the public hearing to the September 1, 2011 meeting.

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



Rezoning #10-03

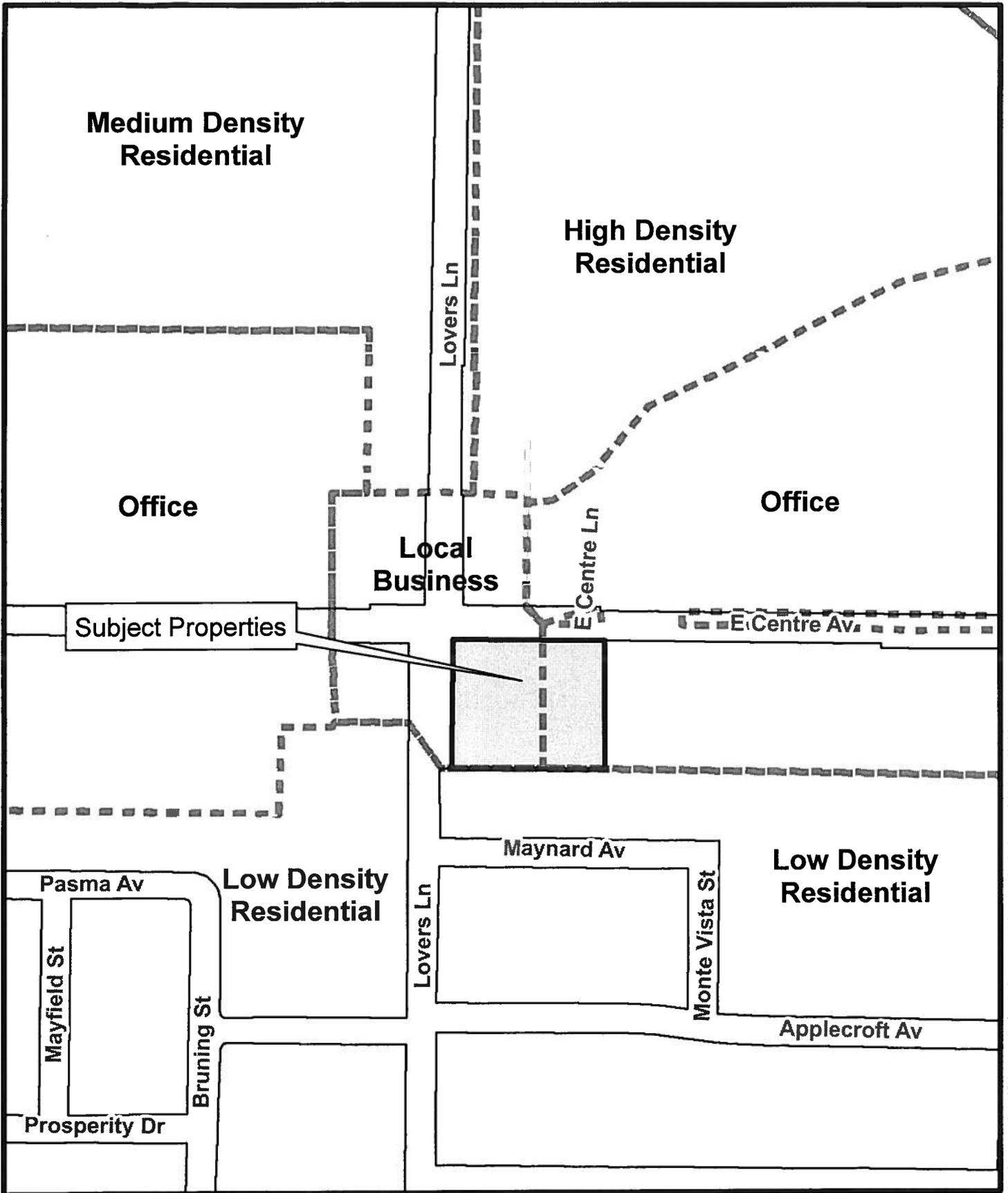
1302, 1306, 1316, 1330

East Centre Avenue

 Zoning Boundary
 Subject Properties



1 inch = 200 feet



Map Document: I:\GIS\2011\Projects\exploration\exploration\FLUP.mxd, 2/2/2010, 10:20:05 AM

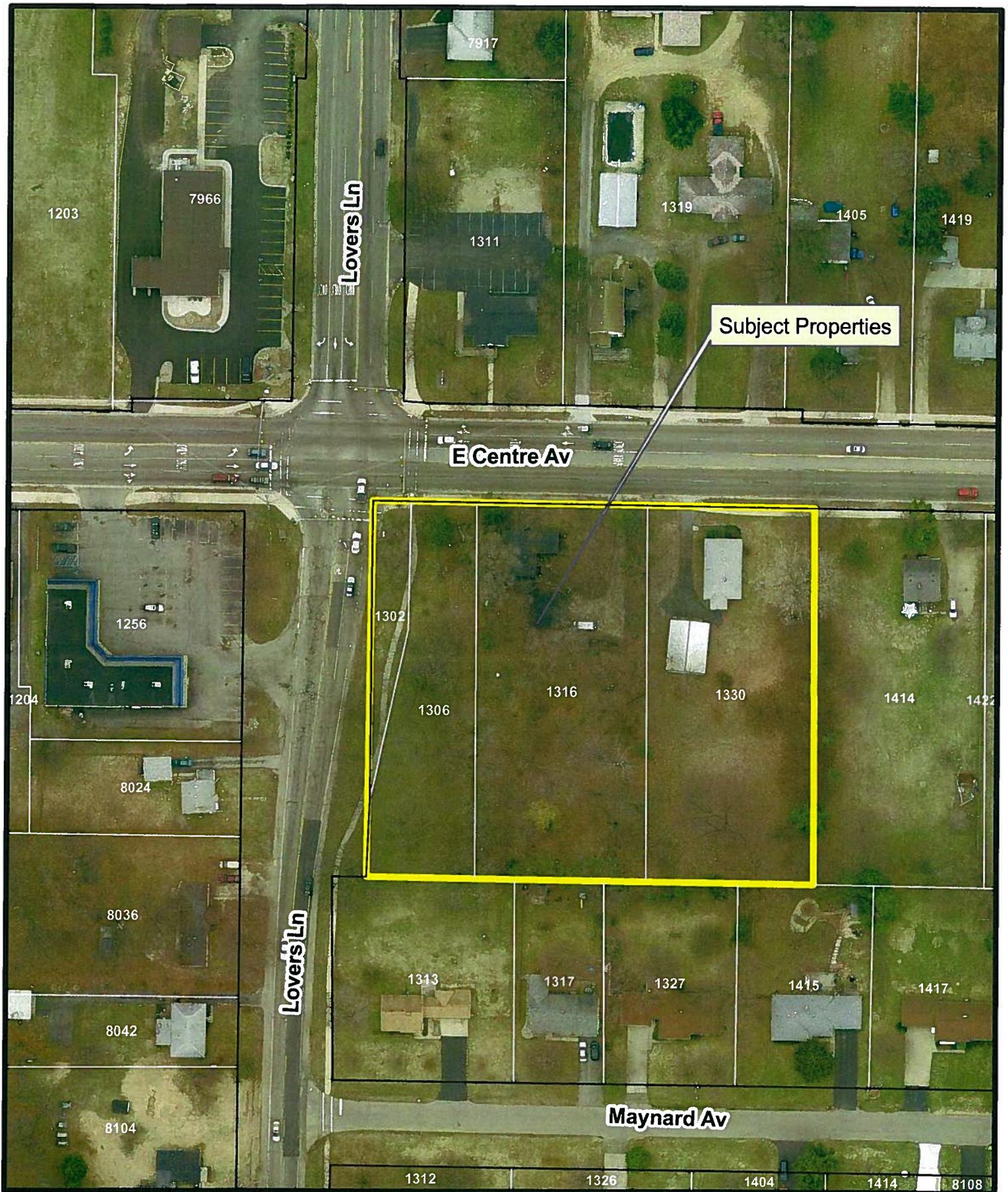


0 75 150 Feet

Future Land Use Map

1302, 1306, 1316, 1330 East Centre Avenue

	Future Land Use
	Subject Properties



Rezoning #10-03
1316 East Centre Avenue



1 inch = 98 feet

RECEIVED

APPLICATION FOR ZONING AMENDMENT

JUN 20 2011

Application number #10-133

Date JUNE 17, 2011

COMMUNITY DEVELOPMENT

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

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

b. Unplatted Land:

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

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 LANE 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

TO: Planning Commission

DATE: August 11, 2011

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

SUBJECT: Accessory Building: James Brayton, 4517 Nash Avenue.

I. INTRODUCTION:

Mr. Brayton has submitted an application to construct a 14-foot high, 40-foot by 80-foot long (3,200 square feet) detached accessory building at 4517 Nash Avenue. According to the applicant, the proposed accessory building will be used as a garage for the existing single-family dwelling, which is currently unoccupied, and for storage of personal items including snowmobiles, boats, wave runners and trailers. The applicant has indicated the accessory building will not be used for any business related purpose. The 22.58 acre parcel is located on the north side of Nash Avenue, east of East Shore Drive, and is zoned R-1B, one family residential.

As information for the Commission, the applicant resides at 10028 Harris Drive (just south of the East Shore Drive/Nash Avenue intersection) and has entered into an agreement with the property owner to purchase 4517 Nash Avenue and the adjacent vacant parcel to the north (4519 Nash Avenue) subject to Planning Commission approval of the accessory building. Although Mr. Brayton has stated he will not be residing at 4517 Nash Avenue, he has indicated the existing single-family dwelling will be refurbished and may be occupied by a family member. The dwelling has been unoccupied for several years and may require rehabilitation prior to occupancy.

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.

According to city records, the 22.58 acre parcel is improved with a one-story single-family dwelling with a ground floor area of 960 square feet, a 336 square foot detached garage and a 1,500 square foot Quonset hut that were constructed sometime during the 1950s. The total area of all existing accessory buildings already exceeds the ground floor area of the dwelling by 876 square feet ($1,500 + 336 = 1,886 - 960 = 876$). If the accessory building request is approved, the applicant has indicated the two existing accessory buildings (garage and Quonset hut) will be removed due to their limited use and age. With removal of these existing buildings, the total ground floor area of the proposed accessory building (3,200 square feet) will exceed the ground floor area of the dwelling (960 square feet) by 2,240 square feet.

The northwest and southeast portions of the property are heavily wooded, while the remaining portions of the property are open. The single-family dwelling, detached garage and Quonset hut are located within the wooded area along the northwest portion of the property. A gravel driveway from Nash Avenue provides access to the site. As identified on the attached plan, the proposed accessory building will be situated at the edge of a clearing located east of the house and will be setback approximately 200-feet from the northern

property line and 400-feet from the western property line. Furthermore, the proposed accessory building will be situated in excess of 500-feet from the nearest single family residence located along the west side of East Shore Drive.

With regard to building height, the attached specification sheet prepared by Busy Beaver Builders would appear to indicate a building height greater than 14 feet based on the size of the building, roof slope and height of slider doors. The applicant is aware that building height is measured at the average distance between the eave and peak and will comply with this Zoning Code requirement.

The Zoning Code states an accessory building or use shall be "...clearly incidental to, customarily found in connection with and located on the same zoning lot as the principal use to which it is related." In this regard, the lack of an occupied, single-family residential dwelling by the property owner or a tenant is a concern. If the existing vacant house is not refurbished and residency is not established with the occupant(s) having access and utilization of the accessory building, this provision of the Zoning Code would not be satisfied. Additionally, the proposed size of the accessory building is a concern. While Planning Commission has approved other accessory buildings that exceed the ground floor area of the dwelling, these structures have typically been smaller in size, more consistent with a residential setting (ranging between approximately 900 square feet and 1,500 square feet). Larger, residential accessory buildings have not historically been approved or constructed in the City of Portage. A 3,200 square foot accessory building to store personal belongings appears to be excessive especially in light of the Zoning Code requirement that the building be clearly incidental and accessory to the principal use of the property. A smaller accessory building that is similar in size to the total area of the existing buildings proposed to be removed from the site (1,886 square feet) would appear more appropriate.

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, approval of the proposed Accessory Building at 4517 Nash Avenue can be recommended subject to the following conditions:

- 1) The accessory building be restricted to not more than 2,000 square feet in the location proposed by the applicant. 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.
- 2) The existing single-family residential dwelling be refurbished (as may be necessary/required) to meet City Code, and available for occupancy for a residential principal use of the property prior to issuance of a building permit for the accessory building.
- 3) The two existing detached accessory buildings (garage and Quonset hut) be removed prior to issuance of a building permit for the accessory building.
- 4) The accessory building be restricted for personal use only by the occupants of the existing single-family residential dwelling and property owner. Storage of vehicles, equipment and other items unrelated to the occupants of the dwelling or property owner or use for business-related activities is prohibited.

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



Post-Frame Contractors

Building Options

Name: Jim Brayton
 Street: N/A
 City/St. Zip: Vicksburg, MI
 Phone: 269-323-1983
 E-Mail: jibrayton@msn.com

Job Site Location: Vicksburg, MI

Building Size: 40 x 80 x 14

Siding Type: Steel

If Steel:

Siding Fasteners: Screws
 Rodent Guard: Yes
 Eave Light: N/A
 Wainscoting: N/A

If Vinyl:

Thickness of Sheeting: N/A
 Weather Wrap (tyvek): N/A

Truss Type: Gable
Roof Type: Steel

Roof Slope: 4_12

If Shingle:

Thickness of Sheeting: N/A
 Shingle Type: N/A
 Ridge Vent: N/A

If Steel:

Fastener Type: Screws
 Skylight: N/A
 Ridge Vent: Yes
 Peaklight: Yes
 Permafelt: Yes

Overhangs:

Eave: 12"
 Gable: 12"

Service Doors and Windows:

Service Door:	Size:	3'0" x 6'8"	Qty.	1	Type:	Flush Steel
Windows:	Size:		Qty.	0	Type:	

Garage Doors:

Overheads:	Size:		Qty.	0	Loc:	
Overheads:	Size:		Qty.	0	Loc:	

Sliders:	Size:	12' x 14'	Qty:	1	Loc:	Gable/Solid
	Size:		Qty:	0	Loc:	

Miscellaneous:

Lean to:	No	Size:	Size:
Lean to/Porch Concrete:	No		
Cupola:	No	Qty,	
Building Concrete:	No	Site Prep:	No
Concrete Approach:	No	Size:	
Gutters:	No		



Subject Property
4517 Nash Avenue

Kenneth Ct

Sprinkle Rd

E Shore Dr

Harris Dr

Nash Av

AUSTIN LAKE



AERIAL PHOTO 4517 Nash Avenue

0 100 200 Feet

AUG 02 2011

Department of Community Development
 COMMUNITY DEVELOPMENT

APPLICANT INFORMATION			
Name <i>James Brayton</i>		Telephone Number <i>269-323-1983</i>	
Address <i>10028 Harris Dr</i>	City <i>Portage</i>	State <i>MI</i>	Zip code <i>49002</i>
OWNER INFORMATION (if different)			
Name		Telephone Number	
Address	City	State	Zip code
PROPERTY INFORMATION			
Address of property <i>4517 Nash</i>	Zoning District <i>R1B</i>	Land Area (acres) <i>22.58</i>	
Legal Description (or attach separate page) <i>See attached</i>			
PROPOSED USE			
Description of proposed Special Land Use (attach additional page(s), if necessary)			
OWNER CERTIFICATION			
I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true and accurate. I further acknowledge that approval of this Special Land Use Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.			
Signature <i>James Brayton</i>		Date <i>8/1/11</i>	

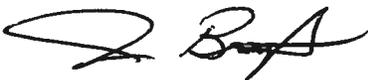
Re: Accessory Building Permit Information.

To: The Department of Community Development

I currently have a purchase agreement for the property, 32.6 acres, located at 4517 - 4519 Nash. The lot 4517 is 22.58 acres with a house located at the north of the property. There currently are two existing accessory buildings, one which is 336 sq ft, and a quanza hut which is 1500 sq ft on the property. I plan to removed these buildings from the property as they are dilapidated and not suitable for use. It is my intention to clean up the property by removing debris fixing up the house, and removing the dilapidated accessory buildings. I am applying for a permit to build an accessory building on the property. The proposed building would be 40' width x 80' length x 14' height. The building would be used for a garage for the house since the house does not currently have a garage or any room for storage. It would also be used for storage of my snowmobiles and trailers, boats and trailers, wave runner and trailer, etc. The accessory building would be used for personal use only.

I have estimates from a few builders and am waiting on the approval to move forward with build plans for the pole barn. I provided photos to illustrate the potential building site on the property for the pole barn. The site is secluded in that it is not visible from the road and I have provided photos to also illustrate that point. I have labeled the location as Site 1 on the photographs. I appreciate your consideration of this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Brayton', written in a cursive style.

James Brayton

Google maps

To see all the details that are visible on the screen, use the "Print" link next to the map.



© 2011 Google - Imagery © 2011 DigitalGlobe, USDA Farm Service Agency, GeoEye, City of Portage.

Google maps

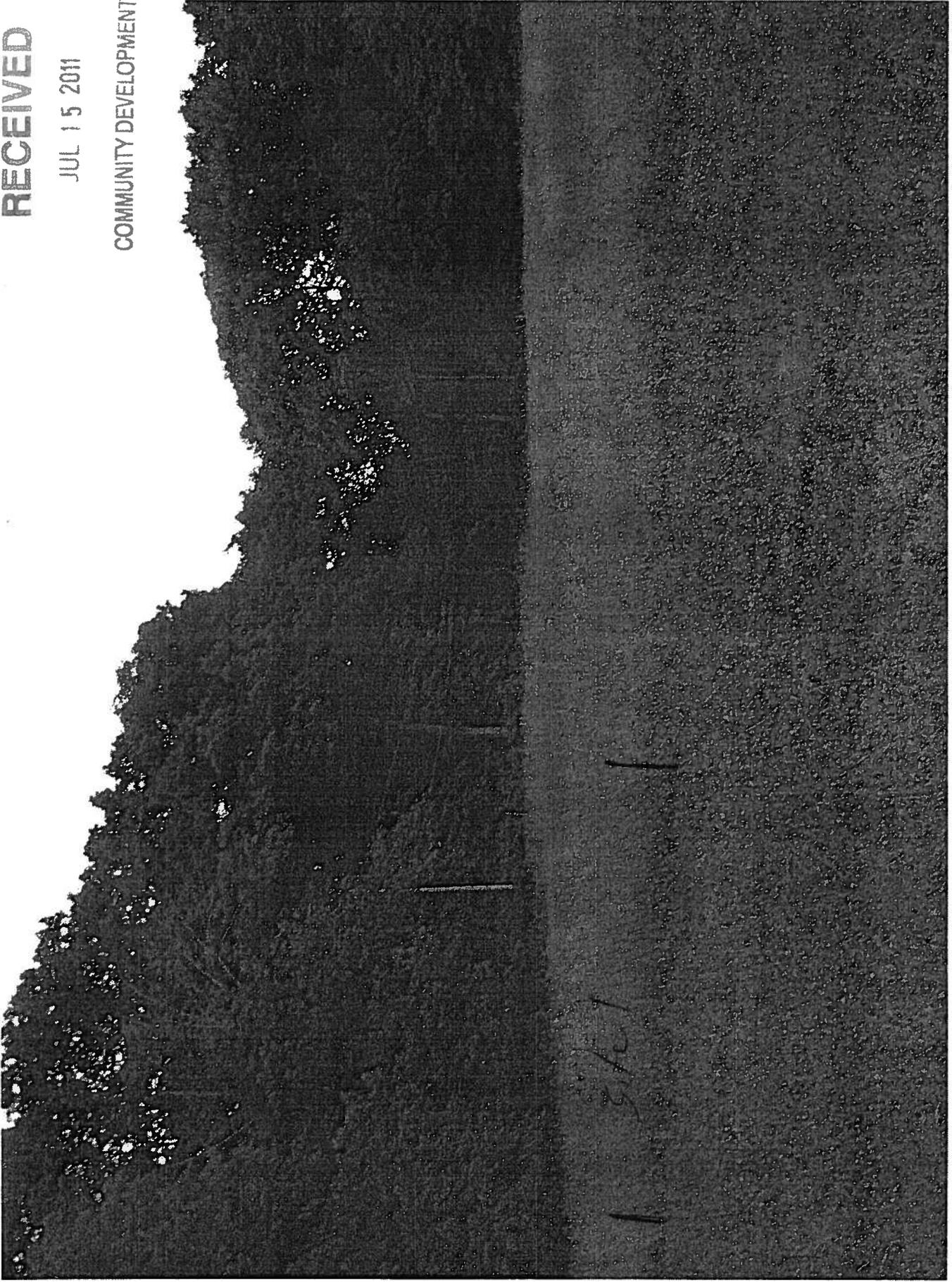
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COMMUNITY DEVELOPMENT

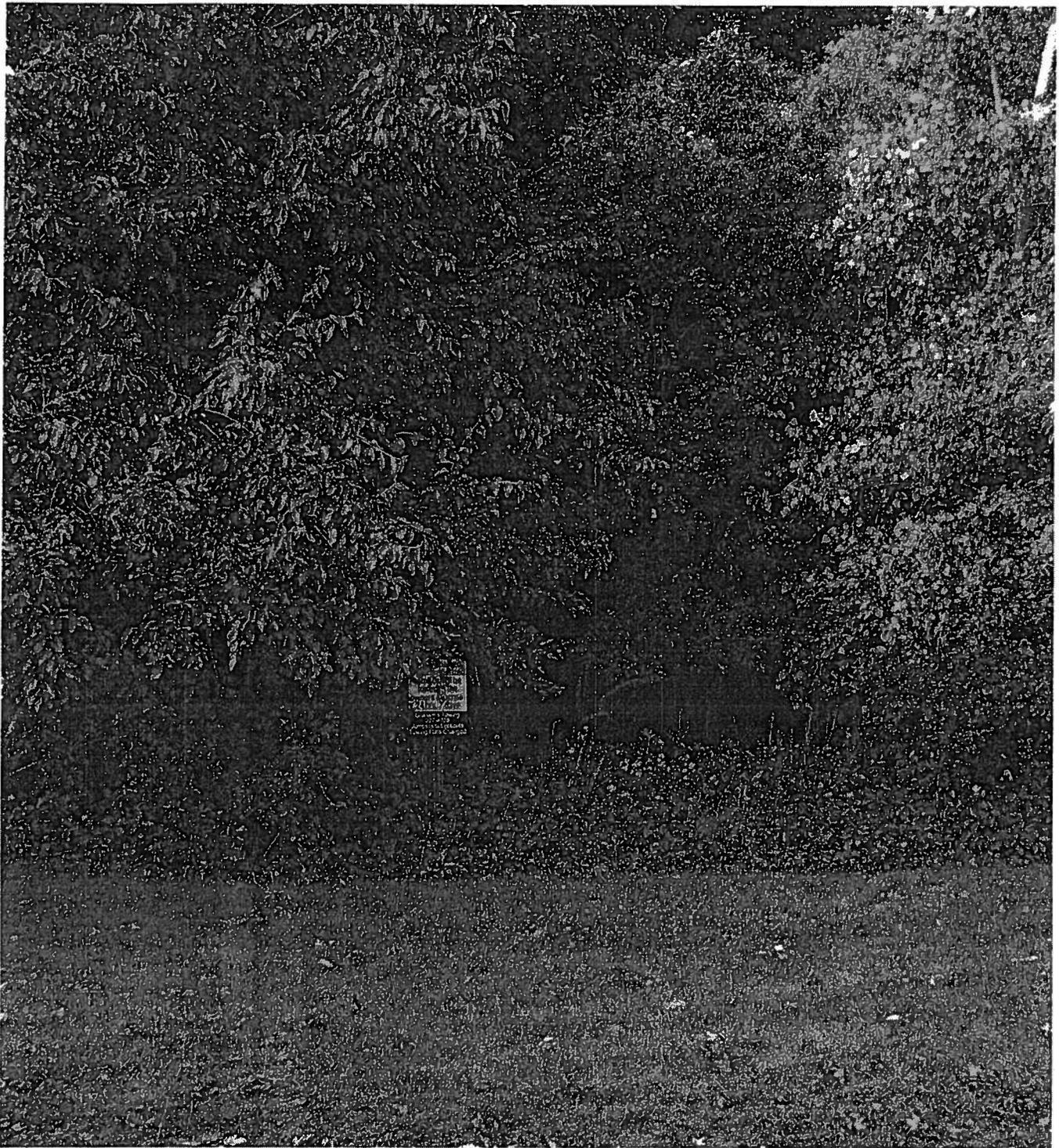


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COMMUNITY DEVELOPMENT

The following photographs correspond to the property as viewed from East Shore Drive in the location of the house and quanza hut. They were taken while walking down the road and illustrate that the house and quanza hut are not visible from East Shore Drive.



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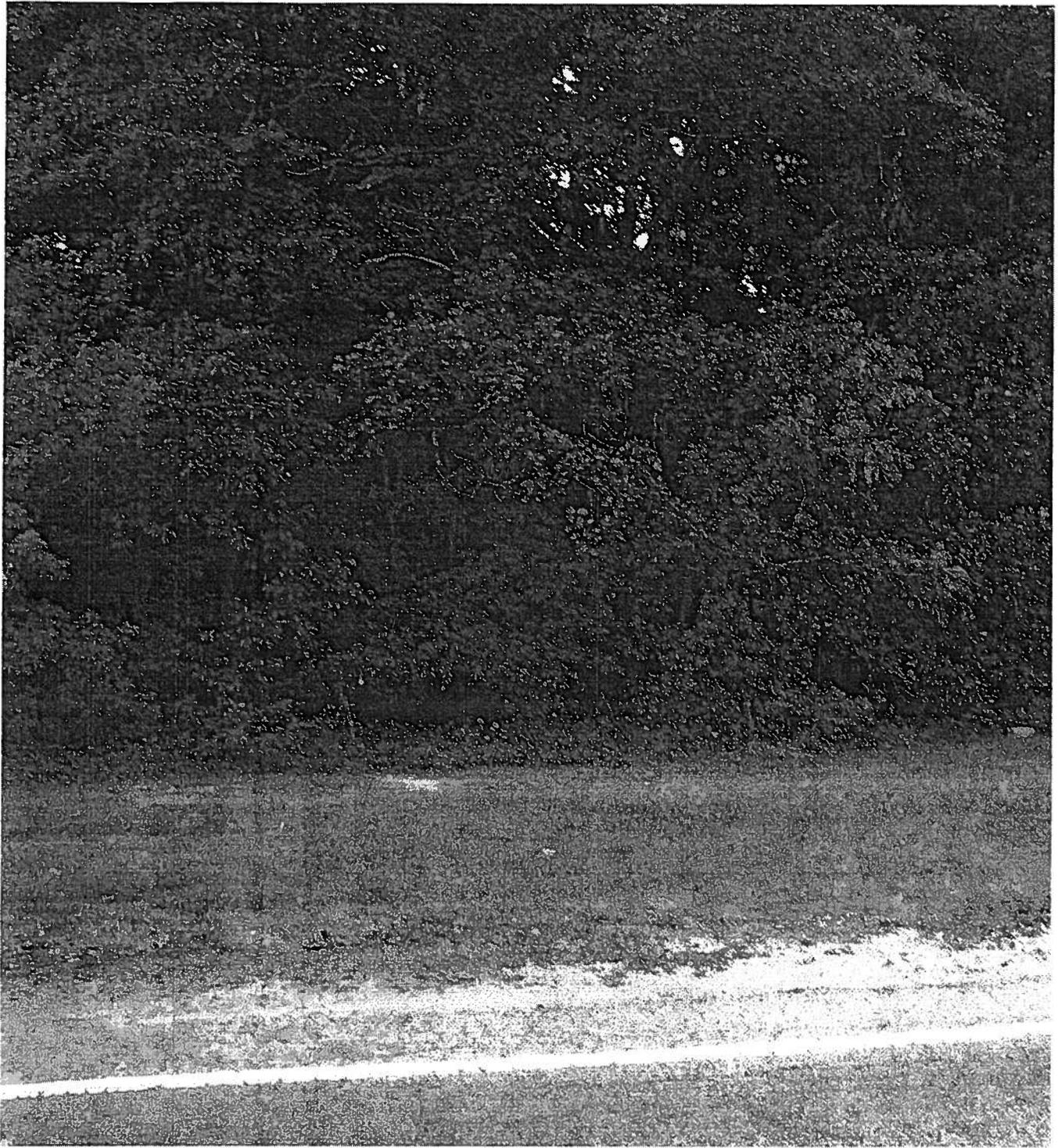
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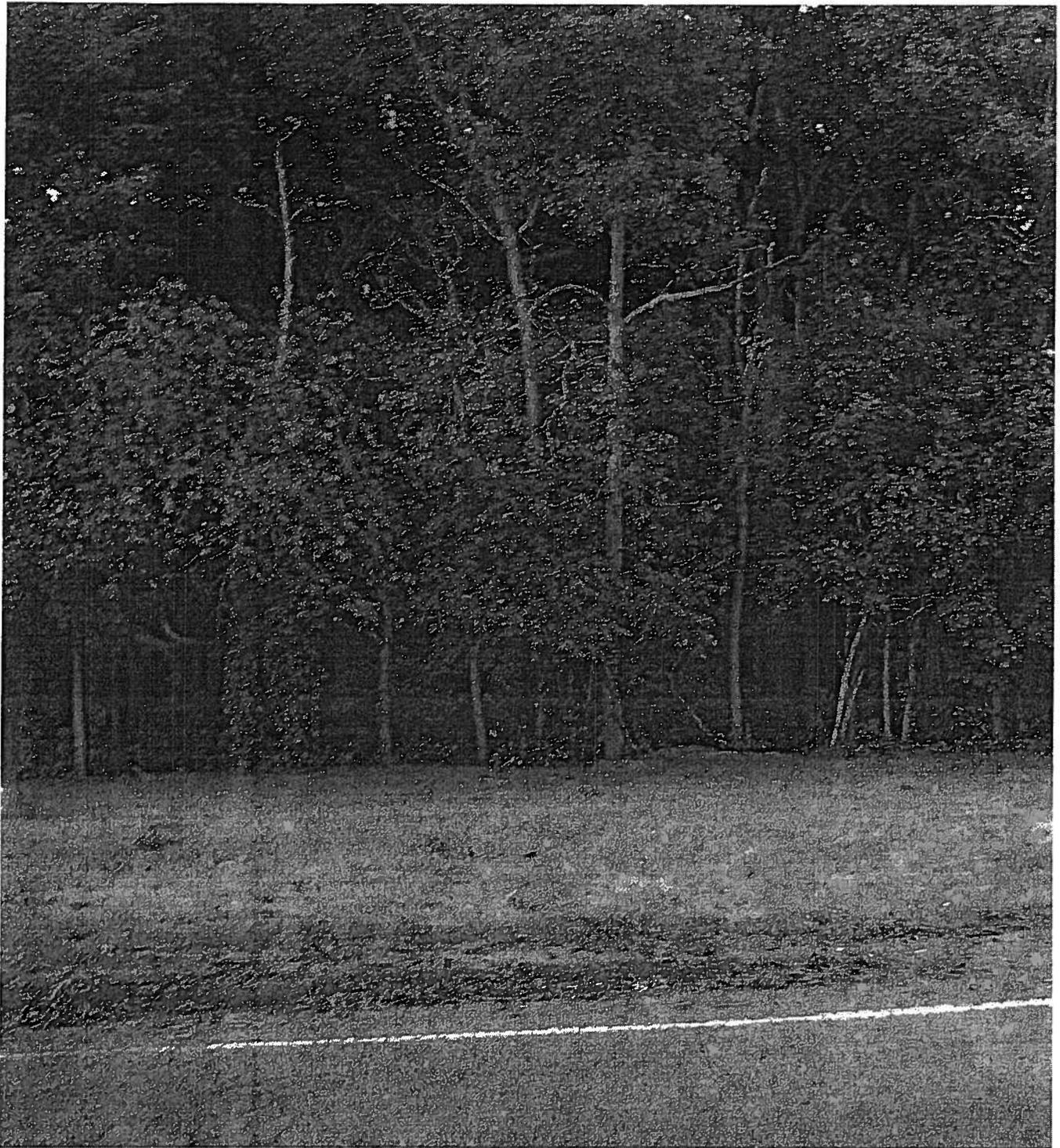
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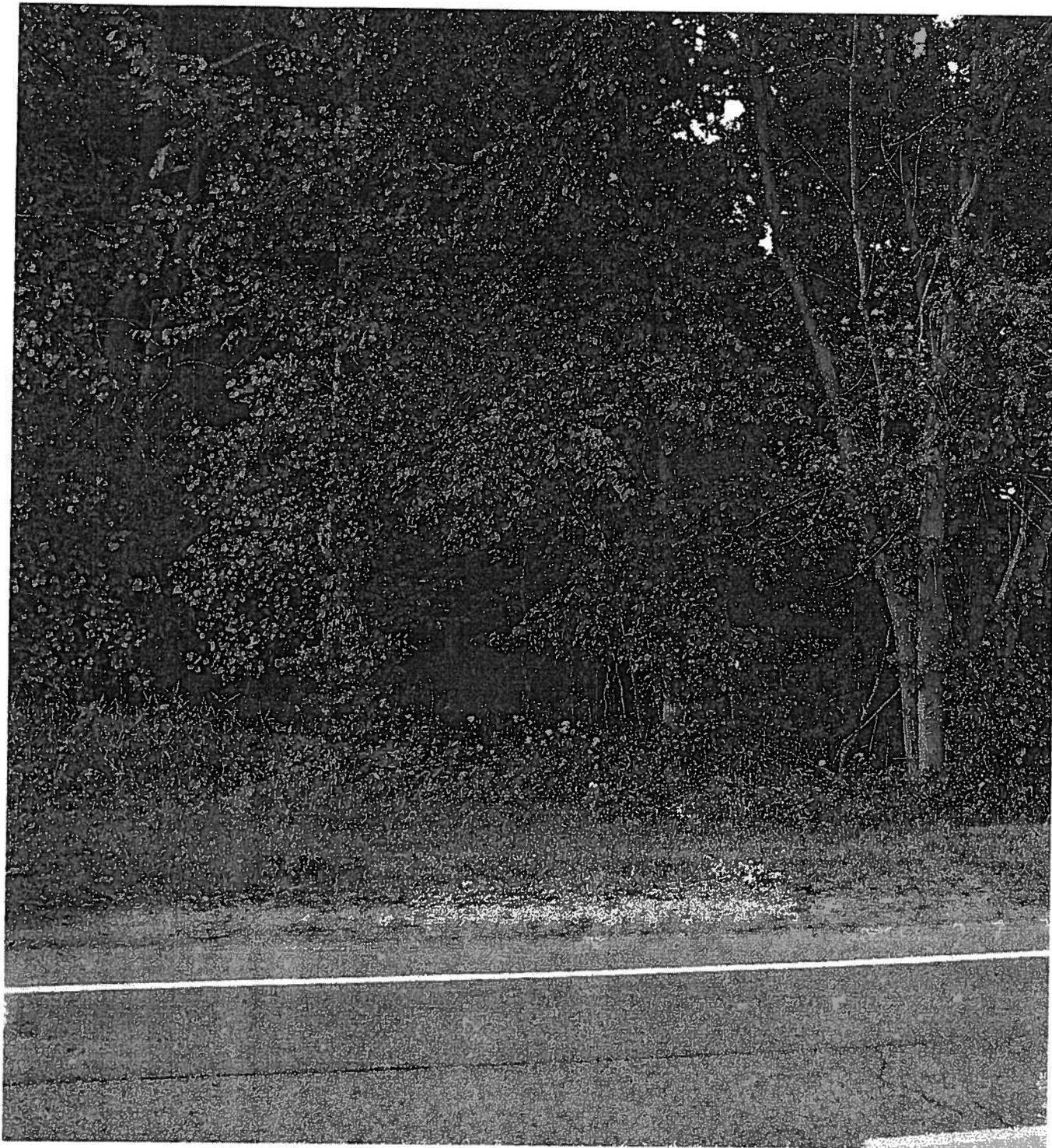
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COMMUNITY DEVELOPMENT

TO: Planning Commission **DATE:** August 11, 2011
FROM: Vicki Georgeau,  Director of Community Development
SUBJECT: Analysis of 2010 Decennial Census Data – July 2011 Update

In May 2011, a report was provided to the Planning Commission that analyzed the initial 2010 Decennial Census data released by the U.S. Census Bureau. The U.S. Census Bureau has again released 2010 Census information for the City of Portage related to age and gender, housing unit tenure and occupancy status and households. This information has been analyzed and the May 2011 report has been updated to include this recently released data. The following briefly summarizes the new information contained in the report:

1. The Under 20 and Young Adult age cohorts remain stable in the City of Portage.
2. The 25-54 age cohorts have consistently contained the highest number of persons in the city.
3. As expected, the older cohorts (55 through 85+) have continued to increase since 1980 consistent with an aging population led by the Baby Boom generation.
4. The median age continues to increase, but the rate of median age increase has slowed considerably.
5. The percentage of male to female population remains stable at 48% and 52%, respectively.
6. The number of owner-occupied housing units increased 718 units from 12,502 in 2000 to 13,220 in 2010. However, the overall percentage of owner-occupied housing units decreased from 66.2% in 2000 to 64.3% in 2010.
7. The number of renter-occupied units also increased from 2000 to 2010 (5,636 units to 5,979 units) and, similar to owner-occupied units, the overall percentage of renter-occupied housing units decreased from 29.9% in 2000 to 29.1% in 2010.
8. The total number of households, family households and non-family households all increased between 2000 and 2010. Total households and family households had modest increases of 5.8% and 2.3%, respectively. Non-family households had the largest percent increase at 12.9%.
9. Average household size and average family size have remained relatively unchanged between 2000 and 2010.

Additional analysis of the 2010 Census information will be provided to the Commission as it is released by the Census Bureau.

If the Planning Commission has any questions or comments regarding the attached report, Department staff will be present at the upcoming meeting to further discuss this matter with the commissioners.

2010 CENSUS OF POPULATION AND HOUSING

❖ Analysis and General Trends ❖



United States
Census
2010

Department of Community Development

July 2011 Update

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2010 CENSUS OF POPULATION AND HOUSING
❖ Analysis and General Trends ❖

I. INTRODUCTION

The U.S. Census Bureau has begun the process of releasing population and housing data from the 2010 Decennial Census for the City of Portage. Information released by the Census Bureau in March 2011 and again in May 2011 included the following:

- Total Population
- Age and Gender
- Race
- Number of housing units
- Housing Tenure and Occupancy
- Households

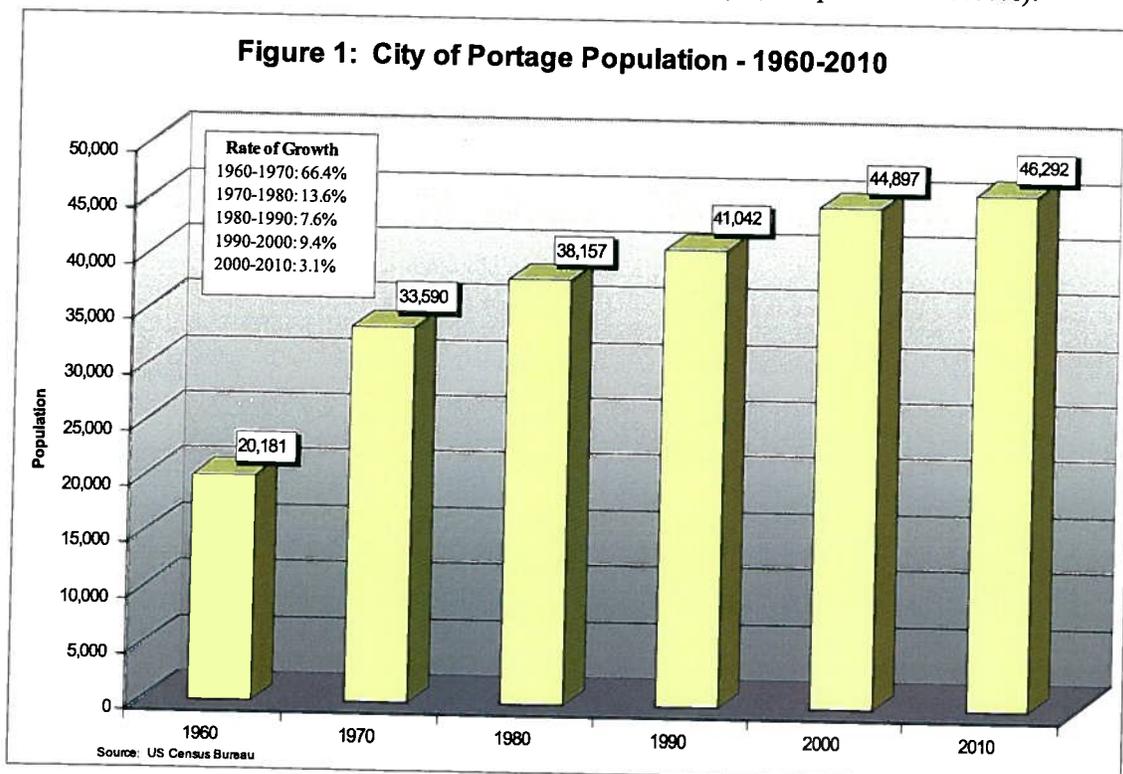
An analysis of the demographic information released to date has been prepared for the entire city, including a comparison with other Kalamazoo County communities and a brief ten year comparison of census tract data. While the State of Michigan population decreased, Kalamazoo County and the City of Portage experienced population growth. This report will conclude with the identification of several noteworthy trends. The Census Bureau has scheduled the release of additional information, which is shown in Appendix A and further analysis and identification of additional trends will be accomplished as information continues to be released.

The released data is also available at the census tract and block levels (smaller geographic areas within each census tract). Analysis of data at the block level is typically accomplished as part of a specific project need (e.g. identification of Community Development Block Grant eligible neighborhoods). As the Census Bureau releases additional block level data, the data can be extracted and analyzed on an as needed basis. The purpose of this report is to provide a more general overview of the census information released to date.

II. POPULATION CHARACTERISTICS

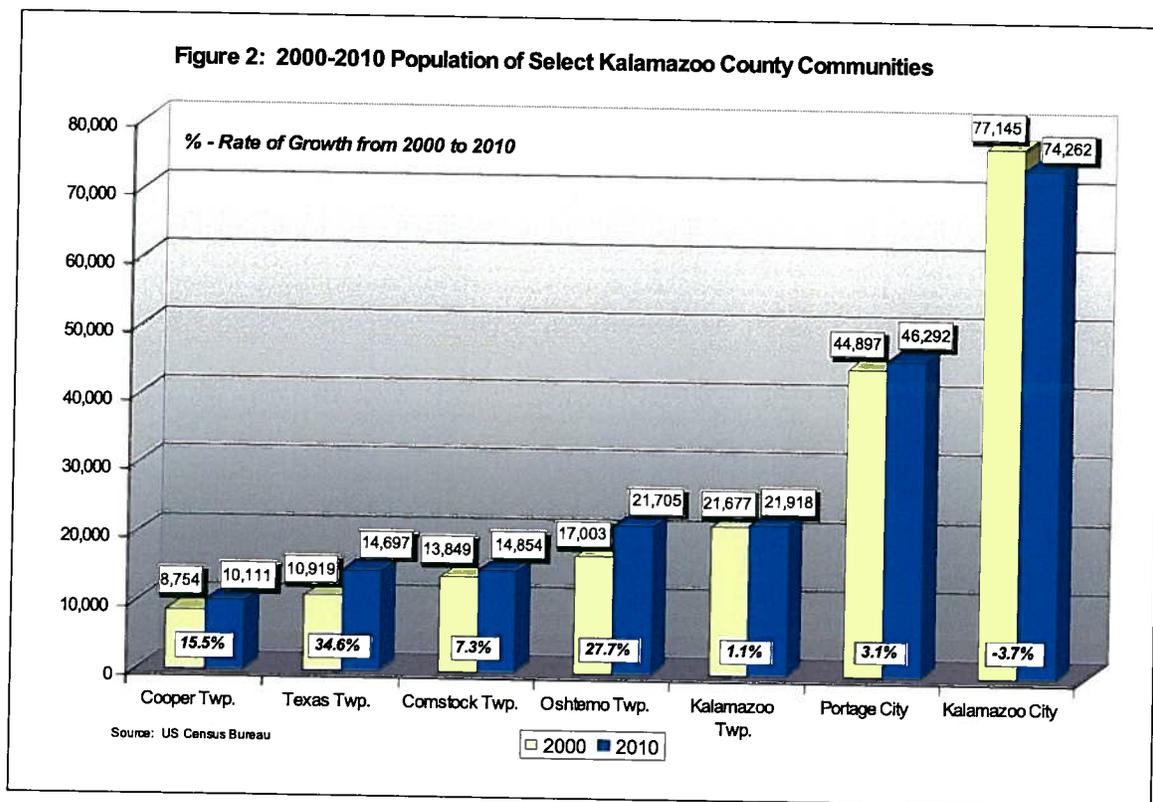
Total Population

During the past 50 years, the City of Portage has more than doubled in population from 20,181 in 1960 to 46,292 in 2010 (refer to Figure 1). More than one-half (51%) of this population increase occurred during the 1960's when the population expanded from 20,181 to 33,590 (13,409 persons or 66.4%).



Between 1970 and 2010, the population continued to expand but at a much more modest rate. The population increased another 38% (12,702 persons) from 33,590 in 1970 to 46,292 in 2010. The rate of growth during this 40 year period continued to slow for each successive 10 year period with the exception of the 1990's when the growth rate increased to 9.4%. The 2000's evidenced the least amount of population growth (1,395 persons) and the slowest rate of growth (3.1%) for any 10 year period since 1960.

Figure 2 compares the population of Portage to several other Kalamazoo County communities. For comparison purposes, the communities included in the survey involve only the larger communities (population greater than 10,000 at the time of the 2010 Census). As shown in Figure 2, all communities recorded a population increase during the 2000's with the exception of the City of Kalamazoo that declined by 2,883 persons. Portage showed the third highest population gain of 1,395 persons, slightly more than Cooper Township that gained 1,357 persons. Oshtemo Township and Texas Township showed the largest population gain of 4,702 and 3,778 persons, respectively.



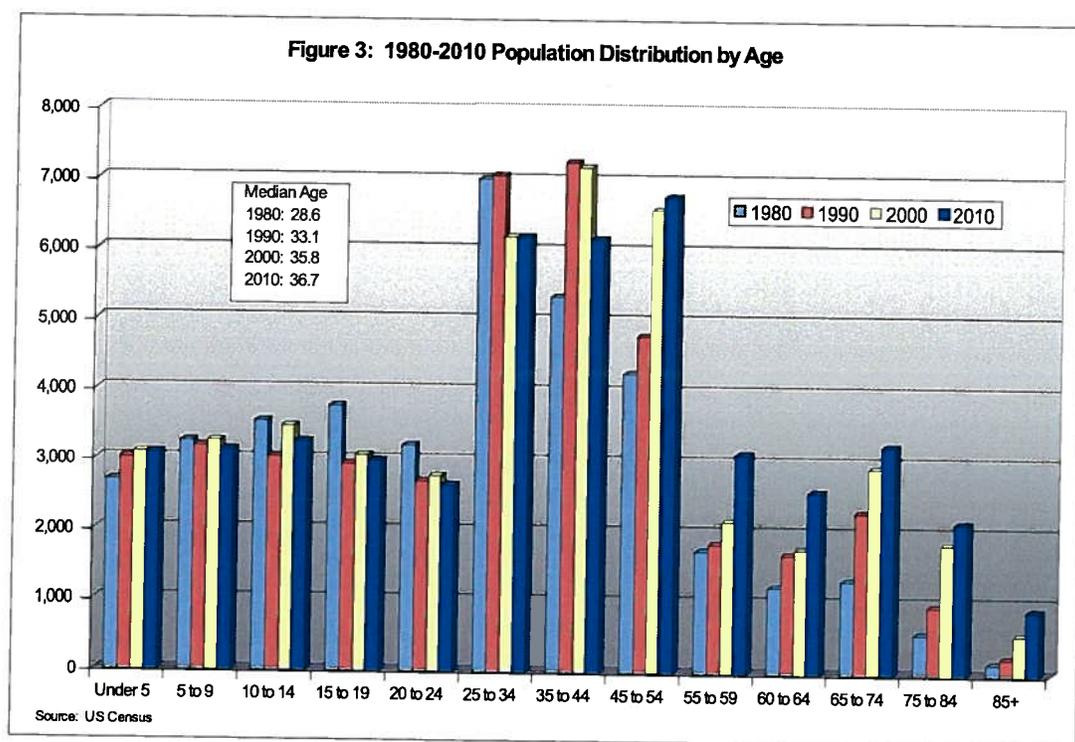
With regard to rate of growth, Texas Township recorded the highest rate of growth at 34.6% followed by Oshtemo Township at 27.7%. The growth rate of Portage (3.1%) ranked 5th of the seven surveyed communities. Although not shown in Figure 2, several other smaller townships and villages also experienced double digit population growth rates during the 2000's including the villages of Vicksburg and Richland as well as Richland Township. Included in Appendix B is a table prepared by the Michigan Department of Technology, Management and Budget that compares the 2000 with 2010 population figures of all Kalamazoo County communities.

In terms of the entire Kalamazoo County area, Portage represents 18.5% of the total population, which is slightly less than the 18.8% of the total population recorded in 2000. The population of the two fastest growing communities in the county during the 2000's, Oshtemo Township and Texas Township, increased from 7.1% to 8.7% and from 4.6% to 5.9% of the total Kalamazoo County population, respectively.

Population Distribution by Age

Figure 3 compares several different age groups (cohorts) between 1980 and 2010. During this 30 year period, the school age (19 years of age and under) through young adult age groups (20-24 years of age) have remained stable, averaging approximately 3,000 persons per cohort. The next three cohorts (25-34, 35-44 and 45-54 years) have consistently contained the highest number of persons in the city during this 30 year period: Between 1980 and 2010 the 25-54 age cohorts ranged between 41% and 46% of the total population.

Additionally, the total number of persons in these three cohorts has increased significantly since 1980, particularly in the 45-54 cohort. In 1980 there were 16,630 persons in these three cohorts and by 2010, the number of persons increased to 19,145. The peak occurred in 2000 when there were 20,004 persons between the ages of 25 and 54. Between 2000 and 2010, the largest decrease occurred in the 35-44 cohort, which decreased by 1,020 persons (16.5%) during this ten year period.



As expected, the older cohorts (55 through 85+) have continued to increase since 1980 consistent with an aging population led by the Baby Boom generation. In 1980, these older cohorts accounted for 13.1% of the total population (5,003 persons) and by 2010, the overall percentage increased to 25.9% (12,001 persons). Of all the 2010 cohorts, the 55-59 cohort experienced the largest increase in the number of persons (961) and percent increase (44.6%).

Although the median age continues to increase, the rate of median age increase has slowed considerably during the past 30 year period. Between 1980 and 1990, the median age increased 4.5 years (28.6 to 33.1) and between 1990 and 2000, the rate of increase slowed to 2.7 years (33.1 to 35.8). By 2010, the median age increased only 0.9 years (35.8 to 36.7).

Figure 4 shows age cohorts in five separate categories for 1980 through 2010: School Age (under 20 years of age), Young Adults (20-24 years of age), Family Forming (25-44 years of age), Mature Family (45-64 years of age) and Retirement (65+ years of age). The first two categories, School Age and Young Adults, have remained stable during this 30 year period. The Family Forming category has declined slightly in

2000 and again in 2010 from a peak of 14,388 persons in 1990. As expected, the older age categories, Mature Family and Retirement, have continued to increase since 1980. The Mature Family category increased 73% and the Retirement category increased 207% between 1980 and 2010.

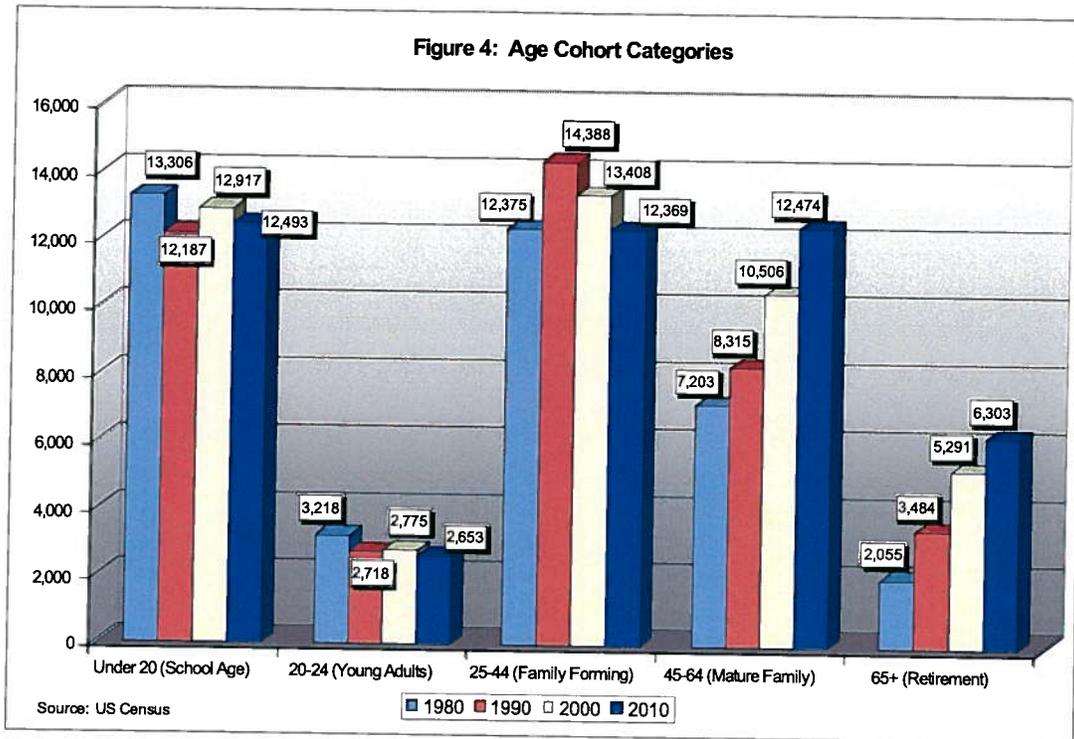


Table 1 compares the City of Portage with several other Kalamazoo County communities, Kalamazoo County and the State of Michigan. Only two of the nine surveyed communities experienced an increase in population under the age of 20: Texas Township and Oshtemo Township. Texas Township recorded the highest percent increase of 32% followed by Oshtemo Township (22.3%). The City of Kalamazoo had the largest decrease at 10.5%. When the number of persons under the age of 20 is compared to the total population, all communities experienced a decrease in the percent of total population from 2000 to 2010.

Table 1: Persons Under 20 Years of Age

Community	2000 Census			2010 Census			2000-2010 percent change
	Total Population	Population Under 20	Percent of Total	Total Population	Population Under 20	Percent of Total	
Cooper Twp.	8,754	2,549	29.1	10,111	2,532	25.0	-0.66
Texas Twp.	10,919	3,459	31.6	14,697	4,569	31.0	32.0
Comstock Twp.	13,851	4,034	29.1	14,854	3,889	26.1	-3.5
Oshtemo Twp.	17,003	4,035	23.7	21,705	4,937	22.7	22.3
Kalamazoo Twp.	21,675	5,470	25.2	21,918	5,469	24.9	-0.1
Portage City	44,897	12,917	28.7	46,292	12,493	26.9	-3.2
Kalamazoo City	77,145	22,752	29.4	74,262	20,360	27.4	-10.5
Kalamazoo County	238,603	68,517	28.7	250,331	66,709	26.6	-2.6
Michigan	9,938,444	2,884,065	29.0	9,883,640	2,648,885	26.8	-8.1

Source: U.S. Census Bureau

In terms of absolute numbers in the under 20 age group, the cities of Kalamazoo and Portage experienced the greatest decline: Kalamazoo declined 2,392 and Portage declined 424. However, the Cities of Kalamazoo and Portage also account for 48% of the total county population. As a whole, Kalamazoo County experienced a 2.6% (1,808 persons) decline in the under 20 age group between 2000 and 2010.

The percent of the under 20 years of age population compared to the total population for all Kalamazoo County communities, including the county, is generally consistent with the statewide average of 26.8%

Compared to other counties in the region, a much greater decline in the under 20 years of age population has occurred: Allegan County – 3.8%, Barry – 4.6%, Cass Counties – 4.8%, Calhoun – 5.6% and St. Joseph Counties – 7.2% and Van Buren County – 8.8%.

Population Distribution by Gender

Figure 5 shows the overall distribution of population by gender for the City of Portage. The distribution of population by gender remained stable between 2000 and 2010. As shown in Figure 5, the percentage of female to male population in 2000 was 52% and 48%, respectively. In 2010, these percentages were unchanged. For comparison and historical purposes, the percentage of female to male population in 1990 was also 52% and 48%, respectively. The percentage of female to male population on the state and national levels also ranges between 52% and 48%, respectively.

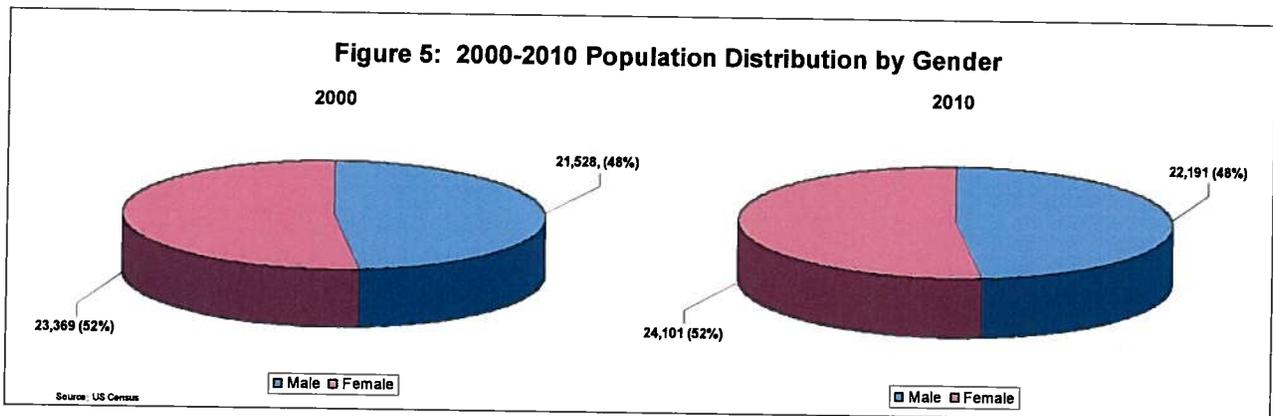
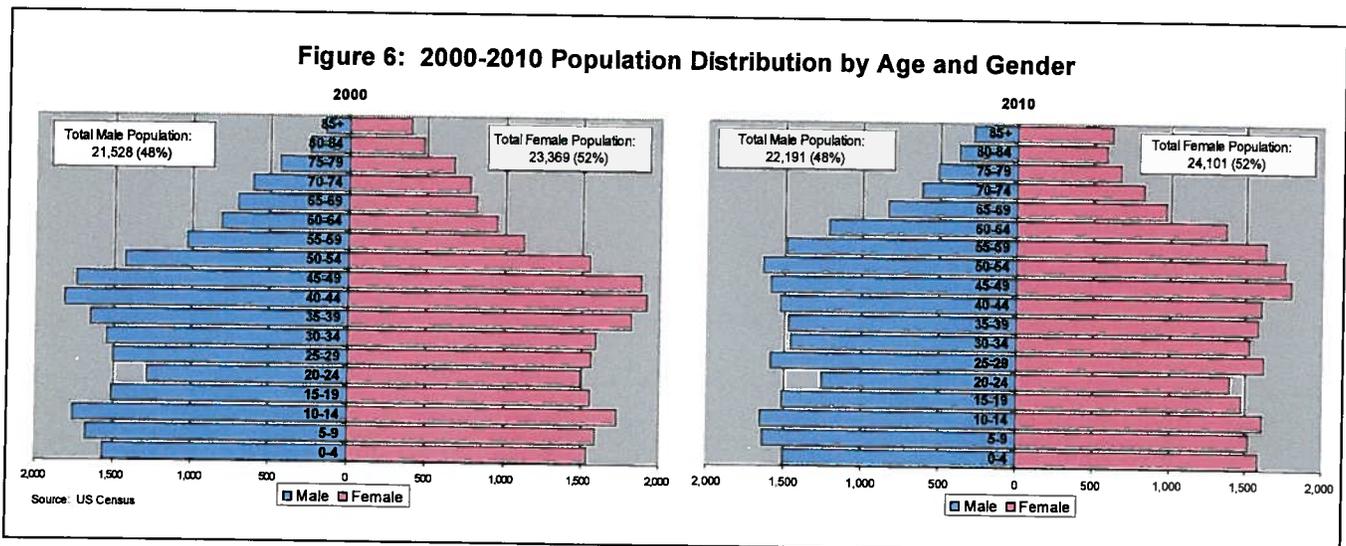


Figure 6 compares the City of Portage male/female population distribution by specific age cohorts for 2000 and 2010. The graphics shown in Figure 6 are known as population pyramids. A population pyramid illustrates the size of the population by age cohorts for males and females. A population that has constant levels of fertility and mortality and a modest level of migration will be shaped like a pyramid, which indicates a young or developing population.



The width of the base is determined by the level of fertility while the rate at which the pyramid converges at its peak is a result of previous levels of mortality and fertility. A pyramid that takes on a more rectangular shape (middle section and base are nearly the same dimension) then gradually tapers off at the oldest ages indicates an older, more developed population¹.

When compared to the 2000 population pyramid, the 2010 population pyramid for the City of Portage illustrates an older, more developed population due to the more rectangular shape. The 2010 population pyramid also shows an aging population as a result of an increase in population near the top of the pyramid. The 2000 population pyramid shows a “bulge” in the 35 to 49 age cohorts. This bulge is less pronounced in the 2010 population pyramid. The baby boom “bulge” can be seen in the 50-64 age cohorts. The 55-59 age cohort experienced the largest percent increase (44.6%). The asymmetrical top of the pyramid indicates the differences in the number of females versus the number of males. This asymmetrical shape is a result of the differences in mortality for men and women since women tend to live longer than men.

Population Distribution by Race

The 2010 Census collects both race and Hispanic or Latino origin information based on federal standards promulgated by the U.S. Office of Management and Budget. The 2010 Census includes five race categories: White, Black or African American, American Indian or Alaska Native, Asian and Native Hawaiian or other Pacific Islander. If a person is unable to identify with any of the five categories, a sixth category, Some Other Race, can be selected. This category first appeared in the 2000 Census and was continued in the 2010 Census. Also beginning with the 2000 Census, an option was made available for a person to self-identify with more than one race. The 2010 Census definitions for the categories are included in Appendix C.

Additionally, the 2010 Census requires a respondent to identify with one of two ethnicities: “Hispanic or Latino” and “Not Hispanic or Latino.” The official 2010 Census Bureau definition of Hispanic or Latino Origin is included in the Appendix. Hispanic origin is viewed as the heritage, nationality group, lineage, or country of birth of the person or person’s parent or ancestors before their arrival in the United States. People who identify their origin as Hispanic, Latino or Spanish may be any race. Hispanic origins are considered ethnicities and not a race because in the federal statistical system, Hispanic origin is a separate concept from race.²

As shown in Table 2 on page 7, the City of Portage population continues to diversify. The minority population increased from 9.2% in 2000 to 13.1% in 2010 (for comparison and historical purposes, the total minority population in 1990 was 6%). The population for Black or African American, Asian, Hispanic or Latino of any race and persons of two or more races had the largest increase in numbers during the 2000’s.

¹ U.S. Census Bureau, *Evaluating Censuses of Population and Housing-Statistical Training Document*. 1995, Washington DC, U.S. Department of Commerce

² Humes, K., Jones, N. & Ramirez, R. (March 2011), *Overview of Race and Hispanic Origin: 2010*, Washington DC, U.S. Department of Commerce

Demographic	2000		2010		2000-2010 Change	
	Number	Percent	Number	Percent	Number	Percent
Total population	44,897	100	46,292	100.0	1,395	3.1
RACE						
One race	44,069	98.2	44,909	97.0	840	1.9
White	40,746	90.8	40,217	86.9	-529	-1.3
Black or African American	1,676	3.7	2,252	4.9	576	34.4
American Indian and Alaska Native	135	0.3	202	0.4	67	49.6
Asian	1,187	2.6	1,763	3.8	576	48.5
Native Hawaiian and Other Pacific Islander	10	0.0	21	0.0	11	110.0
Some Other Race	315	0.7	454	1.0	139	44.1
Two or More Races	828	1.8	1,383	3.0	555	67.0
Hispanic or Latino (of any race)	868	1.9	1,413	3.1	545	62.8
Minority Population	4,151	9.2	6,075	13.1	1,924	46.3
HISPANIC OR LATINO AND RACE						
Not Hispanic or Latino	44,029	98.1	44,879	96.9	850	1.9
One race	43,274	96.4	43,654	94.3	380	.9
White	40,220	89.6	39,427	85.2	-793	-1.9
Black or African American	1,649	3.7	2,195	4.7	546	33.1
American Indian and Alaska Native	124	0.3	183	0.4	59	47.6
Asian	1,185	2.6	1,761	3.8	576	48.6
Native Hawaiian and Other Pacific Islander	10	0.0	17	0.0	10	70.0
Some Other Race	86	0.2	71	0.2	-15	-17.4
Two or More Races	755	1.7	1,225	2.6	470	62.3

Source: U.S. Census Bureau

III. HOUSING CHARACTERISTICS

Housing Units, Tenure and Occupancy Status

Figure 7 depicts the number of housing units and occupancy status for 2000 and 2010. Between 2000 and 2010, the total number of housing units increased by 1,679 units from 18,880 in 2000 to 20,559 in 2010, which is less than the 2,747 housing units constructed during the 1990's and the 2,500 units constructed during the 1980's.

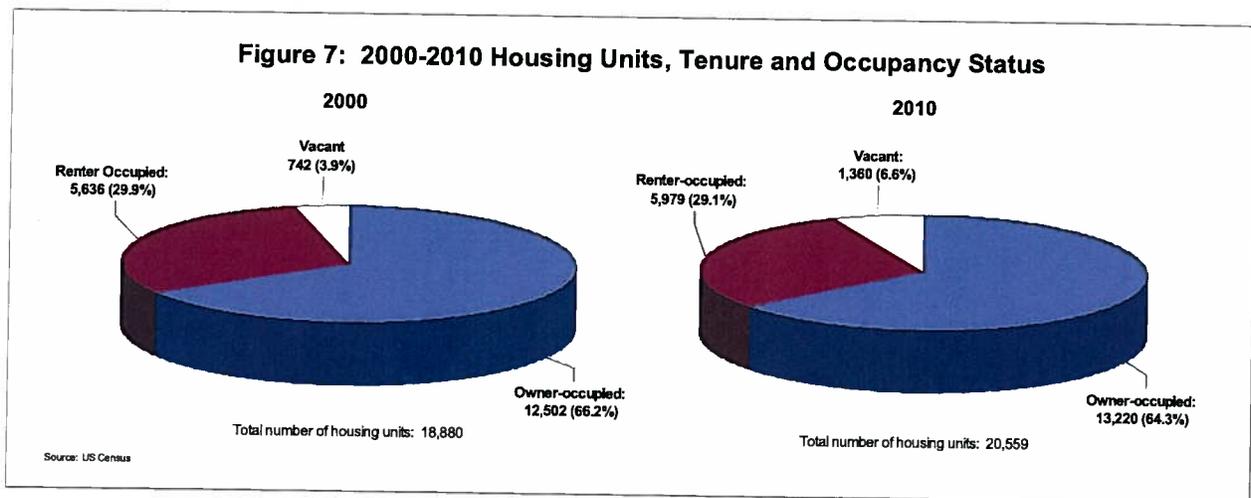
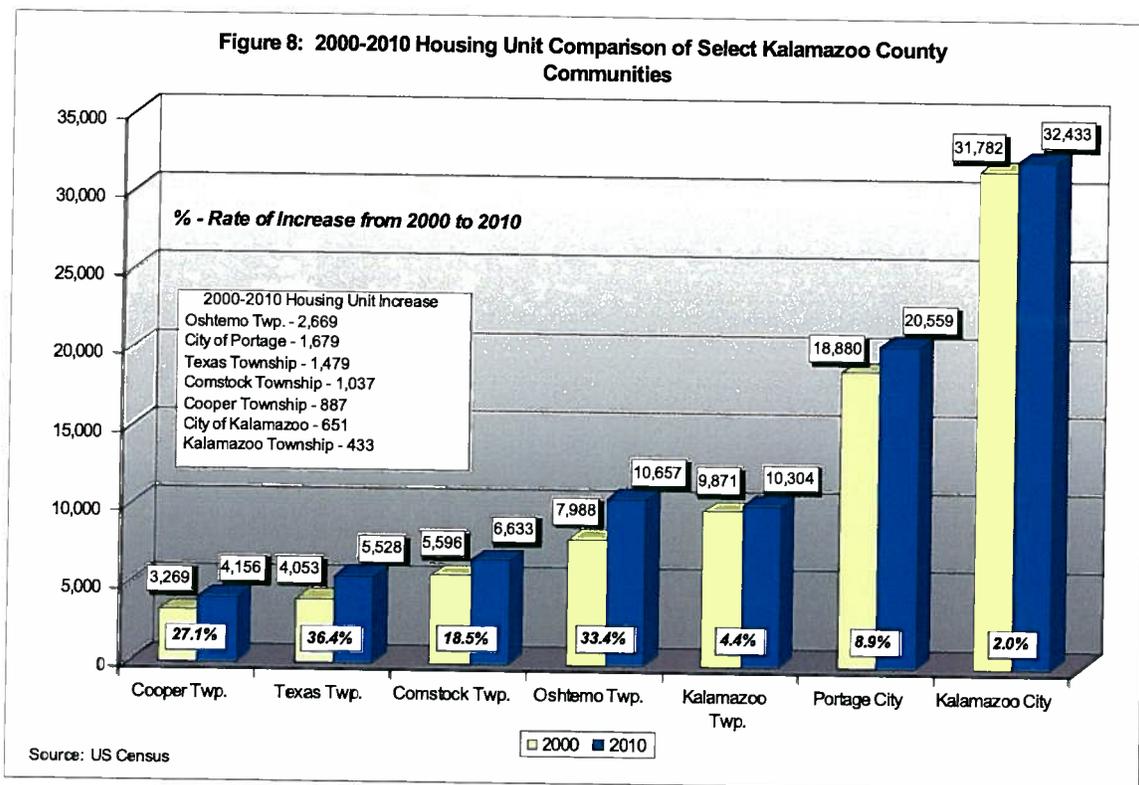


Figure 7 also includes information related to housing tenure and occupancy status. As shown, the number of owner-occupied housing units increased 718 units from 12,502 in 2000 to 13,220 in 2010. However, the overall percentage of owner-occupied housing units decreased from 66.2% in 2000 to 64.3% in 2010. The

number of renter-occupied units also increased from 2000 to 2010 (5,636 units to 5,979 units) and, similar to owner-occupied units, the overall percentage of renter-occupied housing units decreased from 29.9% in 2000 to 29.1% in 2010. Finally, the number of vacant units increased from 742 units (3.9% of the total) in 2000 to 1,360 units (6.6% of the total) in 2010 (for comparison and historical purposes, the vacancy rate in 1990 was 6%).

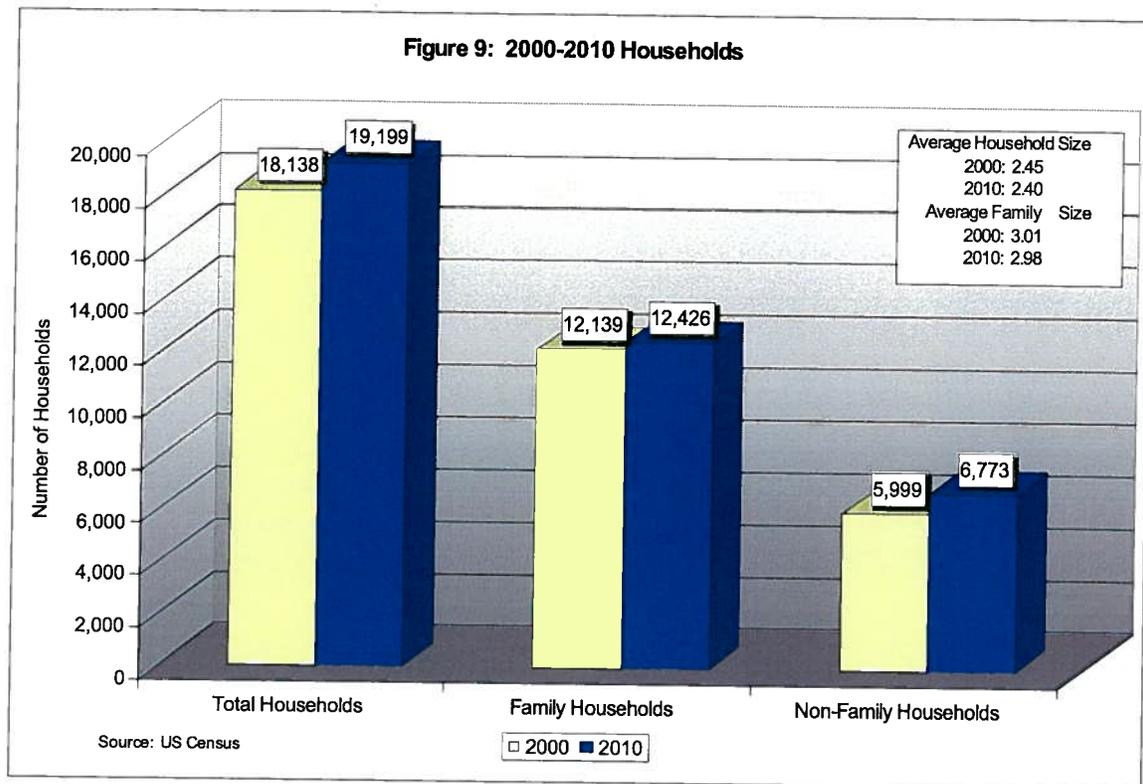
Figure 8 compares the number of total housing units in a number of select Kalamazoo County communities between 2000 and 2010. During this ten year period, 1,679 housing units were added in the City of Portage, second only to Oshtemo Township, which had an increase of 2,669 housing units. However, 66% of the Oshtemo Township housing units constructed between 2000 and 2009 were apartments primarily oriented toward college students.³ Texas and Comstock Townships experienced the next highest increase in housing units: 1,479 and 1,039, respectively. Kalamazoo Township had the fewest number of new housing units (433) constructed during the 10 year period. With regard to rate of increase, Texas Township and Oshtemo Township had the largest rates of increase at 36.4% and 33.4%, respectively. The City of Portage had the fifth largest rate of increase at 8.9%. The City of Kalamazoo had the lowest rate of increase at 2.0%.



Households

As shown in Figure 9 on page 9, the total number of households, family households and non-family households all increased between 2000 and 2010. Total households and family households had modest increases of 5.8% and 2.3%, respectively. Non-family households had the largest percent increase at 12.9%. Figure 9 also compares average household size and average family size for 2000 and 2010. Both average household size and average family size have remained relatively unchanged between 2000 and 2010.

³ Oshtemo Charter Township, *2011 Oshtemo Charter Township Master Plan*, Michigan, 2011



IV. CENSUS TRACT ANALYSIS

Table 3 compares population, housing units and vacancy status within the 2010 census tract boundaries that are identified within the City of Portage. For 2010, the Census Bureau has incorporated one change to the census tract boundaries: Census tracts 19.02 and 19.04 located north of Milham Avenue between the Oakland Drive and the Kalamazoo/Battle Creek International Airport have been combined and assigned census tract number 35 (a map of the 2010 census tracts is contained in the Appendix D). As a result of this change, the number of census tracts has been reduced from eleven to ten. In 2000, census tract 19.04 was the smallest tract in the city in terms of population (1,194 persons) and housing units (472).

Census Tract	2000				2010				2000-2010 Change			
	Population	Housing Units	Vacancy		Population	Housing Units	Vacancy		Population	Housing Units	Vacancy	
			Units	% of Total			Units	% of Total			Units	Change in % of Total
19.02 ¹	3,471	1,427	64	4.5	--	--	--	--	--	--	--	--
19.04 ¹	1,194	472	15	3.2	--	--	--	--	--	--	--	--
19.05	5,355	2,478	145	5.9	5,060	2,463	297	12.1	-295	-15	152	6.2
19.06	4,845	2,323	70	3.0	4,693	2,424	229	9.4	-152	101	159	6.4
19.07	4,088	1,871	86	4.6	4,034	1,941	132	6.8	-54	70	46	2.2
20.02	3,506	1,570	85	5.4	3,575	1,697	93	5.5	69	127	8	.1
20.03	4,695	1,833	85	4.6	5,973	2,402	140	5.8	1,278	569	55	1.2
20.04	3,884	1,585	48	3.0	3,905	1,675	82	4.9	21	90	34	1.9
20.05	4,458	1,548	17	1.1	4,134	1,651	59	3.6	-324	103	42	2.5
21.01	6,845	2,706	74	2.7	7,591	3,165	138	4.4	746	459	64	1.7
21.02	2,556	1,067	53	5.0	2,906	1,247	92	7.4	350	180	39	2.4
35 ²	--	--	--	--	4,421	1,894	98	5.2	-244	-5	19	1.3
Total	44,897	18,880	742	3.9	46,292	20,559	1,360	6.6	1,395	1,679	618	2.7

¹ In 2010, census tracts 19.02 and 19.04 were combined and assigned census tract number 35

² 2010 census tract 35 is compared to combined 2000 census tracts 19.02 and 19.04

As shown in Table 3, one-half of the census tracts gained population while the other half lost population. The largest increase in population occurred in census tracts 20.03 and 21.01, which increased by 1,278 and 746 persons, respectively. These two census tracts also had the greatest increase in housing units (single and multi-family): The housing units in census tract 20.03 increased 569 units and in census tract 21.01 increased 459 units. Census tracts 20.05 and 19.05 had the greatest decreases in population of 324 and 295 persons, respectively. In terms of absolute numbers, census tracts 19.05 (152 units) and 19.06 (159 units) had the largest increase in the number of vacant units.

V. CONCLUSIONS

Several noteworthy trends relevant to the general population and housing for the City of Portage can be identified.

Population Trends

1. Although the population continues to increase, the amount of increase and rate of growth have slowed compared to previous ten year periods. However, given several positive local and regional factors such as the continued availability of developable land, investment in the Portage Public School facilities, presence of several higher educational facilities in the county and the planned investments being made, among others, the population can be expected to continue to increase.
2. Other adjacent communities, particularly Texas and Oshtemo Townships, can also be anticipated to grow and compete with the City of Portage.
3. While there has been an overall increase in population, the population has decreased 1,069 persons in five of the ten census tracts.
4. The Under 20 and Young Adult age cohorts remain stable in the City of Portage. A stable youth population continues to suggest Portage remains a place for families.
5. The population of older age cohorts (55+) is expected to continue to significantly increase until the last of the baby-boomer generation (45-54 age cohort) reaches mortality.
6. As a result of the baby boomer aging process, stable birth rate and decreased mortality rate, the median age will continue to increase.
7. The percentage of male to female population is expected to remain stable at 48% and 52%.
8. The population is expected to continue to diversify. The minority population has increased from 6% in 1990, 9.2% in 2000 and to 13.1% in 2010. The diversification of the population is likely due to several factors such as the presence of several nearby colleges and universities, large corporations such as Pfizer and Stryker, among others.

Housing Trends

1. The total number of housing units increased by 1,679 units from 18,880 in 2000 to 20,559 in 2010. An increase in the number of housing units is expected to continue as population growth occurs.
2. Although the housing unit increase during the 2000's is considered significant in comparison to other Kalamazoo County communities, the increase is less than the number of units constructed during the previous 20 year period. This slow down in the number of new housing units during 2000's can be attributed to several factors including corporate downsizing, growth occurring in other Kalamazoo County communities, the national economic recession that began in the late 2000's, among others.
3. The number of vacant units has increased from 742 units (3.9% of the total) in 2000 to 1,360 units (6.6% of the total) in 2010. This increase in vacancy likely occurred during the late 2000's as a result of the national economic recession and a soft housing market accentuated by increased home foreclosures.
4. The number of households (family and non-family) is expected to continue to increase as population growth occurs. The rate of increase for non-family households is expected to exceed family households due to more non-traditional arrangements.
5. Household and family sizes are expected to remain stable due in part to a stable youth population.

APPENDIX A

2010 U.S. Census Bureau Data Release Schedule



**2010 CENSUS DATA PRODUCTS:
UNITED STATES
At a Glance
(Version 1.3)**

Revised 4/15/2011

Planned Release Date ¹	Data Products	Lowest Level Geography
<p><u>States:</u> Released February 3, 2011— March 24, 2011</p> <p><u>National:</u> April 14, 2011</p>	<p>2010 Census Redistricting Data (P.L. 94-171) Summary File:</p> <ul style="list-style-type: none"> • State population counts for race and Hispanic or Latino categories • State housing unit counts by occupancy status (occupied units, vacant units) <p><i>Media: Internet tables, DVD, download capability</i></p> <p>National Summary File of Redistricting Data:</p> <ul style="list-style-type: none"> • Population and housing unit counts for the United States, regions, divisions, and American Indian, Alaska Native, and Native Hawaiian Areas <p><i>Media: Internet tables, download capability</i></p>	<p>Blocks</p> <p>American Indian, Alaska Native, and Native Hawaiian areas</p>
<p>MAY 2011</p>	<p>Demographic Profile:</p> <ul style="list-style-type: none"> • Selected population and housing characteristics • Includes Congressional Districts of the 111th Congress <p><i>Media: Internet quick tables, download capability</i></p>	<p>Places/Functioning Minor Civil Divisions²</p>
<p><u>States:</u> JUN 2011 – AUG 2011</p> <p><u>National Update:</u> NOV 2011</p> <p><u>Urban/Rural Update:</u> OCT 2012</p> <p><u>Redefined CBSA Update:</u> JUL 2013 – AUG 2013</p>	<p>Summary File 1 (SF 1):</p> <ul style="list-style-type: none"> • Population counts for 63 race categories and Hispanic or Latino..... • Population counts for many detailed race and Hispanic or Latino categories, and American Indian and Alaska Native tribes..... • Selected population and housing characteristics..... <p>National Update:</p> <ul style="list-style-type: none"> • Counts for the United States, regions, divisions, and geographic areas that cross state lines such as American Indian Areas and Core-Based Statistical Areas <p>Urban/Rural Update:³</p> <ul style="list-style-type: none"> • Addition of urban and rural population and housing unit counts • Addition of characteristics for urbanized areas and urban clusters <p>Redefined Core-Based Statistical Areas Update:</p> <ul style="list-style-type: none"> • Addition of counts and characteristics for redefined Core-Based Statistical Areas as defined by the Office of Management and Budget following the 2010 Census <p><i>Media: Internet tables, DVD (state and national only),⁴ download capability</i></p>	<p>Blocks</p> <p>Census Tracts Blocks/Census Tracts</p> <p>American Indian Areas</p> <p>Blocks Urban Clusters</p> <p>Principal cities</p>
<p><u>States:</u> DEC 2011 – APR 2012</p> <p><u>National Update:</u> MAY 2012</p> <p><u>Urban/Rural Update:</u> JAN 2013</p>	<p>Summary File 2 (SF 2):</p> <ul style="list-style-type: none"> • Population and housing characteristics iterated for many detailed race and Hispanic or Latino categories, and American Indian and Alaska Native tribes <p>National Update:</p> <ul style="list-style-type: none"> • Counts for the United States, regions, divisions, and geographic areas that cross state lines such as American Indian Areas and Core-Based Statistical Areas <p>Urban/Rural Update:</p> <ul style="list-style-type: none"> • Addition of urban and rural population and housing unit counts • Addition of characteristics for urbanized areas and urban clusters <p>Threshold: To be determined</p> <p><i>Media: Internet tables, DVD (state and national only),⁴ download capability</i></p>	<p>Census Tracts</p> <p>American Indian Areas</p> <p>Census Tracts Urban Clusters</p>

Planned Release Date ¹	Data Products	Lowest Level Geography
MAY 2012 – DEC 2012	Summary Population and Housing Characteristics Report Series <ul style="list-style-type: none"> Data tables on age, sex, race, Hispanic origin, households, families, housing tenure and occupancy, population density, and area measurements Reports for each state, the District of Columbia, and Puerto Rico; and a U.S. Summary Similar to the Census 2000 PHC-1 report series <i>Media: Internet (PDF) only</i>	Places
APR 2013 – SEP 2013	Population and Housing Unit Counts Report Series <ul style="list-style-type: none"> Data tables providing selected historical population and housing unit counts Includes tables on population density and area measurements Reports for each state, the District of Columbia, and Puerto Rico; and a U.S. Summary Similar to the Census 2000 PHC-3 report series <i>Media: Internet (PDF), paper (printed reports)</i>	Places
JAN 2013 (and every 2 years thereafter for states where redistricting occurs)	Congressional District Summary File (113th Congress) <ul style="list-style-type: none"> Retabulation of Summary File 1 for newly redistricted Congressional Districts (113th Congress) <i>Media: Internet tables, DVD, download capability</i>	Census Tracts within Congressional Districts
JUN 2013 (and every 2 years thereafter for states where redistricting occurs)	State Legislative District Summary File <ul style="list-style-type: none"> Retabulation of Summary File 1 for State Legislative Districts drawn following the 2010 Census <i>Media: Internet tables, DVD, download capability</i> Legislative District Geographic Supplement <ul style="list-style-type: none"> Files containing current geographic attributes for blocks within State Legislative Districts No characteristics – only total population and housing unit counts <i>Media: DVD, download capability</i>	Places Blocks
DEC 2012	American Indian and Alaska Native Summary File <ul style="list-style-type: none"> Population and housing characteristics iterated for many detailed American Indian and Alaska Native tribes Same content as Summary File 2 Threshold: To be determined <i>Media: Internet tables, DVD, download capability</i>	American Indian and Alaska Native Areas
APR 2013	Characteristics of American Indians and Alaska Natives by Tribe Report <ul style="list-style-type: none"> Population and housing characteristics for selected American Indian and Alaska Native tribes Similar to the Census 2000 PHC-5 report, but only for 100-percent data <i>Media: Internet (PDF), paper (printed report)</i>	States
<i>Released March 24, 2011 – FEB 2012</i>	2010 Census Briefs <ul style="list-style-type: none"> Analysis of topics including graphs and tables Topics based on 2010 Census questions Similar to the Census 2000 Briefs series <i>Media: Internet (PDF), paper (printed reports)</i>	Largest Places
JUN 2011 – JUN 2013	2010 Census Special Reports <ul style="list-style-type: none"> Detailed analysis of topics including graphs, tables, and maps Similar to the Census 2000 Special Report series Includes an “Atlas” <i>Media: Internet (PDF), paper (printed reports)</i>	Largest Places
To be determined	Public Use Microdata Sample (PUMS) Files <ul style="list-style-type: none"> Includes age, sex, race, Hispanic or Latino origin, household type and relationship, and tenure data with identifying information removed <i>Media: DVD, download capability</i>	PUMAs of 100,000+ population

FOOTNOTES –

- ¹ The dates in this column refer to the first medium of release. Actual release dates are italicized.
- ² Functioning Minor Civil Divisions (MCDs) in 20 states.
- ³ Includes the production of a download file that provides users with urban/rural population and housing unit counts not available with previous SF 1 releases. The lowest level geography is blocks.
- ⁴ One DVD containing state and national data will be produced following the release of the National Update.

GENERAL – The 2010 Census data products meet a variety of data needs for different segments of the data user community. The data products described here provide a summary of the general tabulation and publication program for the 50 states, the District of Columbia, and Puerto Rico (which is treated as a state equivalent for most data products).

Summary Files will include all or some of the following: quick tables (including demographic profiles), geographic comparison tables, and ranking tables. Thematic maps will be available as a function in DADSII. Download capability includes FTP and DADSII download options.

APPENDIX B

Population Comparison of Kalamazoo County Communities

Population of Michigan Cities, Villages, Townships, and Remainders of Townships: 2000 and 2010

Area Name	2000				2010				Change from 2000-2010	
	Original Count	Revised Count	Percent of Total	Rank	Original Count	Percent of Total	Rank	Percent Change	Rank	
Michigan	9,938,444	9,938,823	100.00%	--	9,883,640	100.00%	--	-0.6%	--	
Kalamazoo County	238,603	238,603	2.40%	--	250,331	2.53%	--	+4.9%	--	
Alamo township	3,820	3,820	0.04%	424	3,762	0.04%	447	-1.5%	1,011	
Vicksburg village (pt.)	682	682	0.01%	1,450	635	0.01%	1,478	-6.9%	1,445	
Balance of Brady township	3,581	3,581	0.04%	455	3,613	0.04%	460	+0.9%	792	
Augusta village (pt.)	32	32	0.00%	1,818	33	0.00%	1,819	+3.1%	625	
Balance of Charleston township	1,781	1,781	0.02%	876	1,942	0.02%	817	+9.0%	327	
Climax village	791	791	0.01%	1,395	767	0.01%	1,403	-3.0%	1,136	
Balance of Climax township	1,621	1,621	0.02%	946	1,696	0.02%	918	+4.6%	540	
Comstock charter township	13,851	13,849	0.14%	123	14,854	0.15%	124	+7.3%	402	
Cooper charter township	8,754	8,751	0.09%	202	10,111	0.10%	185	+15.5%	167	
Galesburg city	1,988	1,988	0.02%	798	2,009	0.02%	791	+1.1%	776	
Kalamazoo city	77,145	77,145	0.78%	15	74,262	0.75%	16	-3.7%	1,211	
Kalamazoo charter township	21,675	21,677	0.22%	86	21,918	0.22%	84	+1.1%	769	
Oshemo charter township	17,003	17,003	0.17%	107	21,705	0.22%	85	+27.7%	71	
Parchment city	1,936	1,936	0.02%	823	1,804	0.02%	880	-6.8%	1,442	
Pavilion township	5,829	5,829	0.06%	288	6,222	0.06%	274	+6.7%	435	
Portage city	44,897	44,897	0.45%	36	46,292	0.47%	37	+3.1%	628	
Prairie Ronde township	2,086	2,086	0.02%	757	2,250	0.02%	719	+7.9%	372	
Richland village	593	593	0.01%	1,501	751	0.01%	1,416	+26.6%	77	
Balance of Richland township	5,898	5,901	0.06%	285	6,829	0.07%	262	+15.7%	164	
Augusta village (pt.)	867	869	0.01%	1,343	852	0.01%	1,352	-2.0%	1,048	
Balance of Ross township	4,180	4,178	0.04%	388	3,812	0.04%	436	-8.8%	1,563	
Schoolcraft village	1,587	1,587	0.02%	965	1,525	0.02%	982	-3.9%	1,219	
Vicksburg village (pt.)	1,638	1,638	0.02%	938	2,271	0.02%	711	+38.6%	30	
Balance of Schoolcraft township	4,035	4,035	0.04%	396	4,418	0.04%	381	+9.5%	314	
Texas charter township	10,919	10,919	0.11%	163	14,697	0.15%	126	+34.6%	40	
Wakeshma township	1,414	1,414	0.01%	1,032	1,301	0.01%	1,092	-8.0%	1,523	

Source: U.S. Census Bureau.

Note: The Resident Population is the number of persons with a usual residence in a given geographic area as of April 1.

The revised count for 2000 was used as the base for the postcensal estimates for 2009 that were released in June, 2010. It reflects boundary changes between January 1, 2000 and January 1, 2009 as well as official corrections made through the Count Question Resolution Program and unofficial corrections based on review by the Census Bureau.

The resident population for 2010 is the initial published count from the 2010 Census that was released in March, 2010.

APPENDIX C

2010 U.S. Census Definitions of Race

DEFINITION OF RACE CATEGORIES AND HISPANIC OR LATINO ORIGIN AS USED IN THE 2010 CENSUS

White – Refers to a person having origins in any of the original peoples of Europe, the Middle East, or North Africa. It includes people who indicated their race(s) as “White” or reported entries such as Irish, German, Italian, Lebanese, Arab, Moroccan, or Caucasian.

Black or African American – Refers to a person having origins in any of the Black racial groups of Africa. It includes people who indicated their race(s) as “Black, African Am., or Negro” or reported entries such as African American, Kenyan, Nigerian, or Haitian.

American Indian or Alaska Native – Refers to a person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment. This category includes people who indicated their race(s) as “American Indian or Alaska Native” or reported their enrolled or principal tribe, such as Navajo, Blackfeet, Inupiat, Yup’ik, or Central American Indian groups or South American Indian groups.

Asian – Refers to a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam. It includes people who indicated their race(s) as “Asian” or reported entries such as “Asian Indian,” “Chinese,” “Filipino,” “Korean,” “Japanese,” “Vietnamese,” and “Other Asian” or provided other detailed Asian responses.

Native Hawaiian or Other Pacific Islander – Refers to a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. It includes people who indicated their race(s) as “Pacific Islander” or reported entries such as “Native Hawaiian,” “Guamanian or Chamorro,” “Samoan,” and “Other Pacific Islander” or provided other detailed Pacific Islander responses.

Some Other Race – Includes all other responses not included in the White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander race categories described above. Respondents reporting entries such as multiracial, mixed, interracial, or a Hispanic or Latino group (for example, Mexican, Puerto Rican, Cuban, or Spanish) in response to the race question are included in this category.

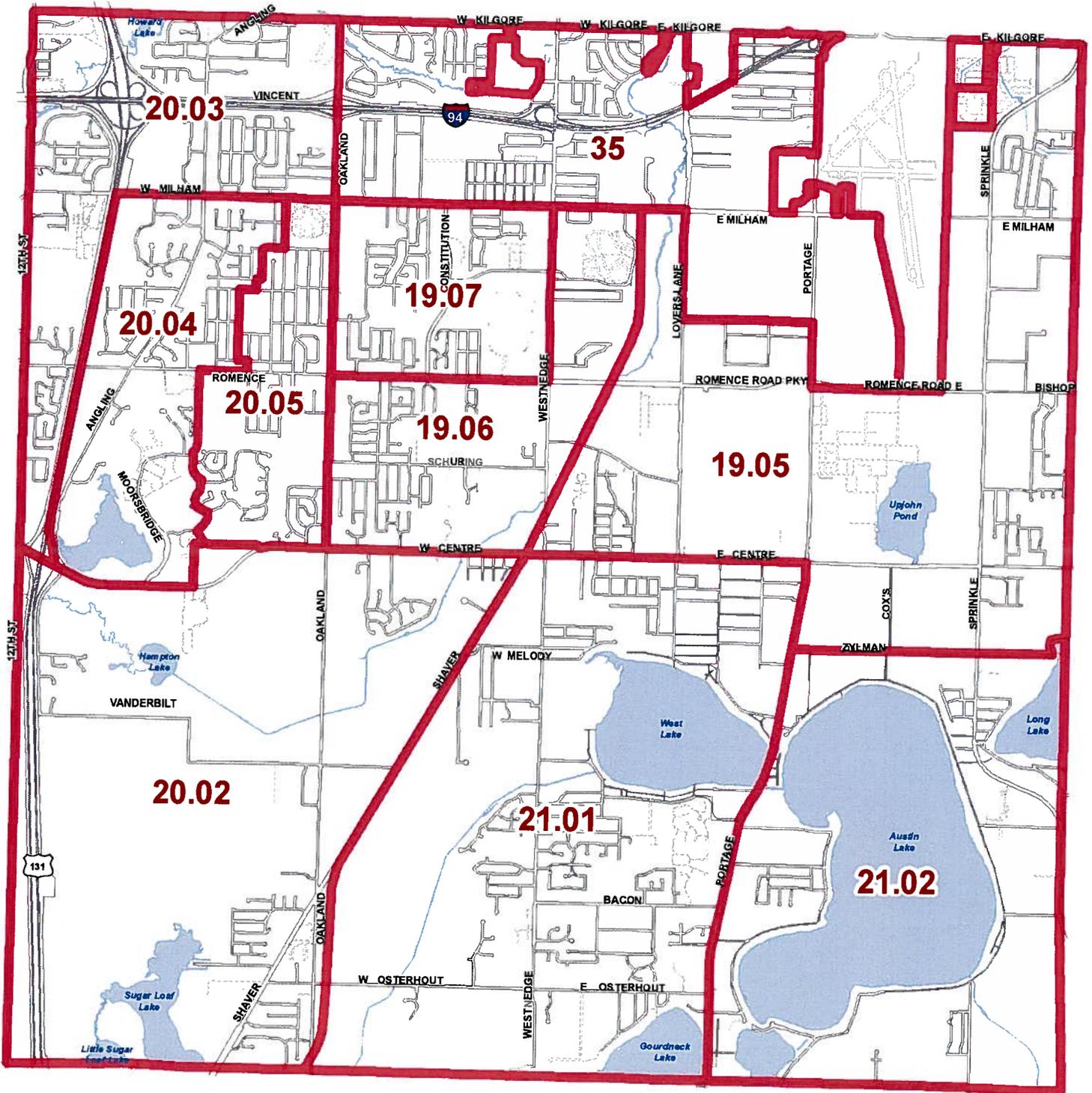
Hispanic or Latino Origin – Refers to a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

APPENDIX D

2010 Census Tract Map

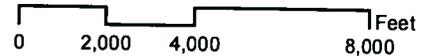
Census Tracts

2010 Boundaries



Legend

 Census tract 2010



MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM JULY 12, 2011

The Regular Meeting was called to order by Mayor Strazdas at 7:33 p.m.

At the request of Mayor Strazdas, Pastor Paul Nuechterlein of Prince of Peace Lutheran Church of Portage gave the invocation. Mayor Strazdas then invited Elena Potts, winner of the VFW Post 5855 Voice of Democracy Scholarship, and Karen Barnes, Chairperson for the Voice of Democracy for the VFW Post, to come forward and lead City Council and the audience in the Pledge of Allegiance. Mayor Strazdas next asked Ms. Potts to recite her award-winning essay entitled "Does My Generation Have a Role in America's Future."

The Deputy 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 Randy Brown and Deputy City Clerk Adam D. Herringa.

PROCLAMATIONS: Mayor Strazdas invited State Representative Margaret O'Brien to come forward to issue special State of Michigan proclamations to three members of Troop 80331, Portage, who recently received the Girl Scout Gold Award. Representative O'Brien read highlights of the proclamations and handed them to Monica Dubray, Brianna Melgar and Safina Amern who received the proclamation on behalf of her daughter, Allysha Choudhury.

APPROVAL OF MINUTES: Motion by Reid, seconded by Sackley, to approve the June 28, 2011 Regular Meeting Minutes. Upon a voice vote, motion carried 6 to 0 with Councilmember Campbell abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda. At the request of City Administration, Item F.3, Communication from the City Manager requesting that City Council authorize the provision of an additional brush collection program to address brush resulting from the July 11, 2011 windstorm, was added to the Consent Agenda and Mayor Strazdas asked that it be removed from consent. Motion by Sackley, seconded by Bailes, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 12, 2011:** Motion by Sackley, seconded by Bailes, to approve the Accounts Payable Register of July 12, 2011. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITIZENS: Greg Rosine of the Kalamazoo County Transportation Authority discussed the separate transit millages between Kalamazoo and other parts of Kalamazoo County and how it has been an impediment to a county-wide transit system. He then informed City Council that, thanks to State Representative Margaret O'Brien of Portage, State Representative Sean McCann of Kalamazoo and State Senator Tonya Schuitmaker, there was bi-partisan legislation that had been approved by both the Michigan House and Senate and was awaiting the signature of Governor Snyder. Mr. Rosine stated that the legislation will help to provide for a true county-wide transit system.

PUBLIC HEARING:

ORDINANCE AMENDMENT 10-C, MEDICAL MARIHUANA HOME

OCCUPATION: Mayor Strazdas opened the public hearing and asked City Manager Maurice Evans to provide an overview of the proposed ordinance amendment. Mr. Evans reviewed the Medical Marihuana Act (MMA), some of the challenges that communities are facing in regard to the MMA and highlighted some of the reasoning behind the proposed ordinance. Director of Community Development Vicki Georgeau spoke and reviewed key aspects of the proposed ordinance.

Councilmember Urban inquired as to whether City Administration knew what percentage of single-family homes would be excluded given the 1,000 foot distance restrictions as specified in the ordinance and if these restrictions would be overly burdensome. Director Georgeau indicated that she was not aware of the exact percentage of homes that would be excluded but that the proposed ordinance is less restrictive than an earlier proposal.

Mayor Strazdas opened the public hearing. Chris Chiles, 1611 W. Centre Avenue, spoke against the proposed ordinance as being too restrictive and suggested that it should be expanded beyond home occupations. He stated that he operates a professional office and is a caregiver to numerous patients. He then passed out a petition that has been circulating in the City of Kalamazoo regarding medical marihuana dispensaries and asked that the proposed Portage ordinance be amended according to the language on the petition. He also asked that the moratorium be extended for non-residential properties and that those distribution centers that were formally in operation before this ordinance is passed be grandfathered in.

Councilmember Urban asked Mr. Chiles to describe his activities because under the state law he is limited to 5 patients. Attorney Brown advised Mr. Chiles that he did not need to answer the question because the operation he has may violate state law. Mr. Chiles stated that he has attempted to be open and transparent with the city and invited City Council to visit.

John Targowski, 1963 Brighton Lane, spoke in opposition to the proposed ordinance and indicated that he is an attorney that specializes in marihuana cases. He asked that the current moratorium be extended and that City Council not create legislation that may put somebody in jeopardy of being in compliance with state law but not local law and referenced cases that are currently working their way through the courts that may help to clarify legal uncertainties.

Erik Rowe, 7320 Garden Lane, spoke in opposition to the proposed ordinance and indicated he is Director of Alternative Meds located at this address. He stated that his operation is grandfathered under state law and that, what he runs into, like other farmers and caregivers, is that not everyone is successful at cultivation. He primarily deals with older patients with a debilitating condition and emphasized the need for safe and easy access to their medicine. He then discussed the difficulties in cultivation and that categorizing this activity as a home occupation is a departure from the truth. He asked that City Council honor the state law.

Ken Jonatzke, 8318 Portage Road, spoke in opposition to the proposed ordinance. He discussed his operation, security features and the health concerns of his wife. He is concerned that the ordinance will prevent him from cultivating marihuana and he does not want to have to grow inside his home. He expressed concern with the pesticides and other materials used to cultivate marihuana being used in a residence. He also wondered if he would be grandfathered in. Councilmember Urban inquired about the specifics associated with the cultivation of medical marihuana. Discussion followed.

Motion by Urban, seconded by Randall, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Mayor Strazdas asked Attorney Brown to respond to some of the concerns that had been raised in the public hearing. Attorney Brown stated that he agreed with Attorney Targowski that the law is still developing but emphasized that there is enough law out there to support this ordinance. He then reviewed some of the legal cases that are pending in the state and his opinion that forthcoming court

decisions would be supportive of the language used in the proposed ordinance. He also reviewed some of the reasons why the recommendation is to limit facilities to residential districts.

Mayor Strazdas stated that some who spoke inquired if they could be grandfathered. Attorney Brown responded that the matter is complicated and he would rather not make a statement today and that facts and circumstances for each case would need to be evaluated.

Mayor Strazdas asked how the proposed ordinance compares to laws enacted by other municipalities as it relates to the matter of commercial v. residential requirements. Attorney Brown responded that it is a mix, but that fewer are going commercial. Attorney Brown also indicated that our proposed ordinance is very similar to Kalamazoo and Grand Rapids with the exception of the registration requirement in Grand Rapids. Discussion followed.

Councilmember Randall asked if there would be a problem with delaying any type of decision and could the moratorium be extended for less than six months. Attorney Brown responded that the moratorium could be extended, but he would not recommend it and provided some reasons why and suggested that future amendments are likely. He opined that doing nothing means it is not regulated.

City Council next discussed at length health and exposure risks and responsibilities by bringing the cultivation aspect into the home as well as security matters related to the growth and cultivation of medical marihuana.

Councilmember Randall inquired how quickly the ordinance could be modified based on ruling of a court. Attorney Brown responded that it would be within a meeting or two following review and approval of the Planning Commission.

Councilmember Urban stated that the safety aspect of mandating the cultivation occur in the home is concerning to him and asked for portions of the proposed ordinance to be read for clarification.

Next City Council discussed the issue of use of the Federal Drug Free School Zone 1,000 foot distance requirements and whether it was too exclusionary, if there are exceptions to the distance requirements and why the provisions of that law were used to establish the requirements.

Mayor Strazdas stated that there has been much discussion so far on a complicated and involved issue that is still being played out in the courts. He asked City Council for a motion on the matter. Motion by Urban, seconded by Campbell, to table the consideration of the proposed Medical Marihuana Ordinance until the July 26th Regular Meeting of the City Council so that information on health and safety issues and exclusionary zones may be obtained. Discussion followed and Attorney Brown clarified that a "motion to table" is a non-debatable motion except for when it will be tabled to. Upon a roll call vote, motion carried 4 to 3. Yeas: Councilmembers Bailes, Campbell, Randall and Urban. No: Mayor Strazdas, Mayor Pro Tem Sackley and Councilmember Reid.

REPORTS FROM THE ADMINISTRATION:

* **AMENDED DEVELOPMENT PLAN AND AMENDMENT TAX INCREMENT FINANCING PLAN:** Motion by Sackley, seconded by Bailes, to adopt the Resolution Approving the Agreement to Implement the Amended Development Plan and Amended Tax Increment Financing Plan; adopt the Resolution Approving the Development Agreement; 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 7 to 0. Resolutions recorded on pages 267 and 275 of City of Portage Resolution Book No. 44.

* **ORDINANCE AMENDMENT 10-D, BUSINESS BANNER REGULATIONS:** Motion by Sackley, seconded by Bailes, to accept Ordinance Amendment 10-D, Business Banner Regulations, for first reading and set a public hearing for August 9, 2011; and subsequent to the public hearing, consider approval of Ordinance Amendment 10-D, Business Banner Regulations. Upon a roll call vote, motion carried 7 to 0.

STORM RELATED BRUSH COLLECTION: Mayor Strazdas discussed the impact the July 11th severe thunderstorm had on the community and commended the efforts of public safety and public works employees. City Manager Evans stated that there have been many questions about a brush pick-up and reviewed the proposed plan to hold a special brush collection beginning August 1st. He explained that the current pick-up will continue and asked City Council for authorization for the additional pick-up. He explained that, while he would like to start the pick-up immediately, the city must give people an opportunity to prepare. He then reviewed details of the plan and how the effort would be paid for and that the estimated cost is between \$100,000 and \$125,000. He also complimented city staff on their efforts. Mayor Strazdas commended neighbors and residents on coming together and supporting each other in responding to the storm damage. Councilmember Randall pointed out that placing debris on the edge of the road and on sidewalks is a hazard for cyclists and walkers and wondered if the pick-up should be held earlier. Mr. Evans concurred that residents should make every effort to ensure debris is not in the roadways but that starting August 1st is recommended so that everyone has an opportunity to get their materials out. Discussion followed. Motion by Sackley, seconded by Reid, to authorize the provision of an additional brush collection program to address brush resulting from the July 11, 2011 windstorm. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

INTERGOVERNMENTAL COLLABORATION - CONSOLIDATION: Mayor Strazdas indicated that this is a follow-up on a previous meeting of members of the Kalamazoo City Commission, Kalamazoo County Commission and Portage City Council. He stated that since that time additional meetings of various elected officials and administrators have been held and that the report presented tonight from the Kalamazoo City Manager, Portage City Manager and County Administrator is a result of these efforts. Mayor Strazdas indicated that the Kalamazoo City Commission and Kalamazoo County Commission were going to be asked to review and vote on the follow-up communication as well. City Manager Evans informed City Council that he and his fellow administrators had met on numerous occasions to come up with the report and recommended service consolidation opportunities. He stated that the goal is the most effective and cost-efficient services as possible and that some consolidation/collaboration is necessary for the long-term health of those involved. He then highlighted the difficulties, planning and time requirements to implement the recommendations from the report. He also indicated that significant financial savings can only be realized through a reduction in personnel, facilities and/or equipment. Mr. Evans then reviewed the various categories of the report and where initial efforts would be focused. He also stressed the importance of involving elected officials and asked that City Council affirm and endorse the content of the report.

Mayor Strazdas complimented the three administrators on their efforts and on their selection of topics to address, such as consolidated dispatch. He also stated that he felt strongly that the significant items should involve some type of public forum so that City Council can hear what residents think about such topics as centralized dispatch. Motion by Sackley, seconded by Reid, that City Council accept the communication from Portage City Manager Maurice Evans, Kalamazoo City Manager Ken Collard and Kalamazoo County Administrator Peter Battani regarding the follow-up on Intergovernmental Collaboration/Consolidation and that we offer the requested affirmation and endorsement for this recommendation.

Mayor Pro Tem Sackley stated that this activity has been a long time coming and that it is in no way meant to exclude the other units of government in the County. He emphasized that the County and two cities represent the largest portion of the budget that will support these efforts as well as the largest portion of the population. He then recommended that, in addition to elected officials, business leaders, not-for-profits, citizens and others be invited to participate in the conversation about service

consolidation. Mr. Sackley congratulated the three administrators as well as township leaders and pointed out that consolidations have been going on long before the current administration in Lansing took office. Mayor Strazdas concurred and referenced the listing of past consolidation efforts in the report.

Councilmember Randall also complimented the administrators and inquired if other items could be added to the list should there be a public demand or need. Mayor Strazdas responded that the administrators felt that this report was a start and that other topics could be added should circumstances dictate.

Councilmember Reid discussed the amount of time and effort needed to implement these efforts and opined that we must be judicious on what we collaborate on. Mayor Strazdas commended the three administrators on their ability to work together. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION FROM MARC MEULMAN, HUMAN SERVICES BOARD CHAIRMAN, REGARDING A HUMAN SERVICES FAIR: Mayor Strazdas invited Marc Meulman to discuss the proposed Human Services Fair. Mr. Meulman stated that the Human Services Board has been looking for ways to improve the knowledge of the community about available services. He offered that the Portage Community Center is a crown jewel but cannot do everything for our citizens. He informed City Council that the Human Services Board has determined that citizens find out about services primarily through a loose network of family, friends and contacts. The Human Services Board is proposing to, at the Portage Community Center, hold a fair and invite organizations that provide services to Portage residents to increase community knowledge of available services. Mr. Meulman stated that the Human Services Board is hoping to finalize details of the event in early August for a planned September 27th event.

Mayor Strazdas commended the Human Services Board on their efforts and on this concept. Councilmember Reid asked about the target audience and Mr. Meulman indicated that the target audience is those who come in contact with residents in need. Members of City Council commended Mr. Meulman and the Human Services Board and offered suggestions for event participants. Motion by Bailes, seconded by Sackley, to refer the request of the Human Services Board to plan and host a Human Services Fair to City Administration for review and comment. Upon a roll call vote, motion carried 7 to 0.

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

Portage Zoning Board of Appeals of May 9, 2011.

Portage Park Board of June 1, 2011.

Kalamazoo County Board of Commissioners Regular and Committee of the Whole of June 21, 2011.

BID TABULATION:

* **CHANGE ORDER NO. 1 FOR RESURFACING OF ANGLING ROAD:** Motion by Sackley, seconded by Bailes, to execute Change Order No. 1 with Michigan Paving and Materials Company of Kalamazoo, Michigan, for the resurfacing of Angling Road (Romence Road to West Milham Avenue) in the not-to-exceed amount of \$221,489.04 and authorize the City Manager to execute all documents on behalf of the city.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Bailes complimented the youth participants in the Youth Triathlon activity that was part of the Park Board's Paddle Fest event at Ramona Park.

Councilmember Campbell thanked all who came to watch the fireworks on the 4th of July and hoped that it was successful enough so that Portage Rotary could sponsor the event again next year. She also announced that she will be running for reelection.

Councilmember Reid commented that it was good to see neighbors and citizens helping each other in the aftermath of the storm.

Mayor Pro Tem Sackley commented that State Representative O'Brien sent him a text message complimenting the City of Portage on its storm clean-up efforts. He also mentioned an open house at Big Brothers Big Sisters.

Mayor Strazdas expressed hope that word about the brush pick-up will get out into the community and closed by thanking city staff and residents for their work and support in storm clean-up.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:17 p.m.

Adam D. Herringa, Deputy City Clerk

***Indicates items included on the Consent Agenda.**

CITY COUNCIL MEETING MINUTES FROM JULY 26, 2011

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

At the request of Mayor Strazdas, Pastor John Moore of Portage First United Methodist Church 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, 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 Deputy City Manager Brian J. Bowling, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Urban, seconded by Reid, to approve the July 12, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Motion by Urban, seconded by Campbell, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 26, 2011:** Motion by Urban, seconded by Campbell, to approve the Accounts Payable Register of July 26, 2011. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **BUDGET AMENDMENT – WIND STORM CLEAN-UP:** Motion by Urban, seconded by Campbell, to authorize a budget amendment (loan/transfer) of \$125,000 from unobligated General Fund balance to the Leaf Pickup/Spring Cleanup Fund, with this previously unappropriated fund balance in the Leaf Pickup/Spring Cleanup Fund being appropriated for a special brush collection necessitated by the July 11, 2011 wind storm event and repaid to the General Fund as soon as sufficient revenue becomes available in the Leaf Pickup/Spring Cleanup Fund. Upon a roll call vote, motion carried 7 to 0.

* **RESOLUTION AWARDING BID:** Motion by Urban, seconded by Campbell, to adopt the Resolution awarding the bid for City of Portage Special Assessment Bonds, Series 2011, in the amount of \$1,175,000 to Comerica Securities at 4.979156%. Upon a roll call vote, motion carried 7 to 0.

* **ORDINANCE AMENDMENT 10-E, MIXED-USE ZONING ORDINANCES:** Motion by Urban, seconded by Campbell, to accept Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances, for first reading and set a public hearing for August 23, 2011; and, subsequent to the public hearing, consider approval of Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances. Upon a roll call vote, motion carried 7 to 0.

* **JUNE 2011 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Campbell, to receive the communication from the City Manager regarding the June 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 Campbell, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

ORDINANCE AMENDMENT 10-C, MEDICAL MARIHUANA HOME

OCCUPATION: Since the public hearing was closed on this matter, Mayor Strazdas shared with the public how City Council would proceed in order to get remaining questions answered regarding health and safety issues, the effect of spacing requirements between the location of a primary caregiver home occupation and schools, playgrounds, housing facilities owned by a public housing authority, youth centers, public swimming pools or video arcades, and the location of the home occupation within the residential structure versus in a detached accessory building. Mayor Strazdas introduced Deputy City Manager Brian Bowling, who provided a brief overview of the development of the ordinance and the issues raised at the July 12, 2011 City Council Meeting. He pointed out that various regulatory structures were discussed over the last six months by the Administration and the City Council Committee that worked on the ordinance and listed them. He explained the major provisions of the ordinance and indicated that the ordinance is consistent with the Michigan Medical Marijuana Act. He reviewed the issues mentioned by Mayor Strazdas, referred to the materials received by City Council in the Agenda Packet and introduced Community Development Director Vicki Georgeau, who summarized the information contained in her communication to City Manager Maurice Evans dated July 18, 2011. Discussion followed.

In answer to Councilmember Reid, Ms. Georgeau indicated that the State Licensing Bureau of Michigan did not establish any rules regarding the Michigan Medical Marihuana Act (MMMA), did not plan to formulate any rules anytime soon, but the City of Portage Labor Attorney indicated that the Michigan Occupational Safety and Health Administration (MIOSHA) rules would be in effect and enforcement would be by the State because this home occupation qualifies as a self-employed business. Otherwise, enforcement would ensue any time there is a complaint or if one of the city departments observe anything "out of the norm" with respect to all health and safety issues, modifications to the property or permits that may be necessary.

In response to Mayor Pro Tem Sackley, Ms. Georgeau indicated that neither, the USDA, the MDA nor the FDA has put forward any rules at this point. Discussion followed regarding the need for permits for health and safety reasons. In answer to Councilmember Urban, Ms. Georgeau told him that the ordinance allows the city to inspect the equipment and location of the equipment to ensure the service is adequate to support the new use and to advise accordingly. Discussion followed.

Mayor Strazdas asked for input regarding the use of an accessory building versus utilization of the residence. In answer to the concerns of Councilmembers Randall and Campbell regarding the use of an outside secured building for cultivation of marihuana as opposed to a secured area inside the residence, Ms. Georgeau indicated that requiring that the operation take place within the residence is the result of a policy discussion as opposed to a legal requirement. She said the purpose is to increase security, to reduce a potential adverse impact on neighbors and to achieve consistency with the other home occupation ordinances. Councilmember Campbell also expressed her concern for the use of toxic gases and fuel inside the home as opposed to a safer location in an accessory building. Discussion followed. In answer to Councilmember Campbell, City Attorney Randy Brown indicated that "other area" could be construed as being outside the residence, but there is no question that inside the residence is covered by the MMMA.

Next, Mayor Strazdas explained some of the information regarding the effect of spacing requirements between the location of a primary caregiver home occupation and schools, playgrounds, housing facilities owned by a public housing authority, youth centers, public swimming pools or video arcades and opened discussion. Mayor Pro Tem Sackley expressed his concern that the use of the Federal 1000 foot requirement of the Drug Free School Zone Spacing was established to set harsher criminal sanctions for criminal activity within these zones regarding drugs. He stated his opinion that the voters of State of Michigan did not recognize medical marihuana use as an illegal activity and should therefore not be included in the Federal 1000 foot requirement of the Drug Free School Zone Spacing as some neighborhoods would not be able to cite a caregiver. So, he asked if there were any

practical considerations for choosing the Federal 1000 foot requirement of the Drug Free School Zone Spacing as an overlay for MMMA caregivers from a safety health or viability of a neighborhood standpoint. Ms. Georgeau explained that after a study of this issue, the resultant proposal to use the Drug Free School Zone spacing requirements was a scaled back version of the initial proposed spacing requirements that included 1,000 feet from child care centers and city parks and was a common practice in other communities as well. In answer to Mayor Pro Tem Sackley's follow-up question if a qualified care giver sought to operate within the Home Occupation Ordinance in a neighborhood within the restricted zone would be a basis to go before the Zoning Board of Appeals to show a hardship, City Attorney Brown, without judging what the Zoning Board of Appeals would decide, acknowledged that the Zoning Board of Appeals would be the appropriate option for an appeal in this situation. Discussion followed.

When Councilmember Urban indicated that simply because an individual home happens to be in a restricted zone, this does not qualify that person for a hardship, City Attorney Brown indicated that it is up to the Zoning Board of Appeals to decide. Councilmember Urban opined that the Zoning Board of Appeals can not use financial reasons to qualify a person for a hardship exemption because the homeowner could just move to another neighborhood; and, when a hardship is found, it is usually associated with the individual property itself, not the neighborhood. He found the proposed overlay arbitrary and questioned the use of the Federal Statute as a guide for the overlay when the whole state has chosen to ignore the Federal Statute on the use of marihuana.

In answer to Councilmember Randall, who asked if the designated area for keeping and growing marihuana is properly secured, how would school children have access to it, Ms. Georgeau indicated that the concern is for the secondary effects of having marihuana in close proximity to children, although the problem presents itself in other states because of the presence of dispensaries in most cases, and is a policy rather than a legal consideration for City Council. Discussion followed.

Mr. Brown indicated that the MMMA does not make marihuana legal, it just sets up an affirmative defense, so the caregiver can inform the prosecutor that he or she cannot be prosecuted because he or she is in compliance with the Act. He pointed out that the proposed overlay is not arbitrary as is consistent with Drug Free Zone spacing requirements and the Drug Free Zone deals with marihuana. Discussion followed and the proposed overlay was compared and contrasted with the State Law requirements that are not found in the City of Portage Zoning Code for licensing establishments selling and/or serving liquor. Discussion followed.

Mayor Strazdas opened the discussion up to the public.

Richard Enos, 10615 Cora Drive, indicated he did not want to be a caregiver, but wanted to exercise his rights as a patient and had an e-mail from the MMMA that indicated that it is legal to grow it outside as long as it was not visible by the neighbors. He described his secured dog kennel and privacy fencing as his approach to comply with the Act. Mayor Strazdas responded and discussion followed.

John Targowski, 1963 Brighton Lane, spoke in opposition to the proposed ordinance and indicated that he is an attorney that works in marihuana cases and offered the suggestion that City Council consider the special use permit process for the use of outbuildings as the confidentiality of the caregiver and even the patient could be compromised if the caregiver is required to come before the Planning Commission since there are no parameters regarding the questions that could be asked. He indicated that Kalamazoo Township pared their spacing requirements down to 500 feet. He advocated waiting until some of the issues have been litigated and referenced cases that are currently working their way through the courts that may help to clarify legal uncertainties. Mr. Brown indicated that the Committee did discuss special use permits and special land use, but did not require this or registration because of the dangers of violating the confidentiality provision.

Kevin Spitler, 57189 Ryan Street, Mattawan, indicated that he was from Med Joint of Oshtemo and said that there is a Bill in the Legislature and provided City Council with an article that referenced the Muskegon Ordinance and the frustrations with the burden of proof as the ordinance is written. Discussion followed.

Sal Ollie, 1163 Mount Royal Road, Oshtemo Township, questioned the protection of confidentiality if a caregiver is required to appeal a public meeting before the Zoning Board of Appeals.

Erik Rowe, 7320 Garden Lane, Suite 105, Director of Alternative Meds, spoke in favor of marihuana and in opposition to the proposed ordinance based on its restrictiveness since he can obtain prescription drugs at any drug store, can take a prescription drug anywhere and can attend a school swim meet after taking a prescription drug without violating the law. He also argued that the City of Portage would lose revenue with the passage of this ordinance.

Ken Jonatzke, 8318 Portage Road, spoke in opposition to the proposed ordinance requirement that the product only be grown within the home as he has patients who are not ambulatory, can not travel very far for their medication and may have zero tolerance for pesticides or carbon dioxide. He also questioned the section that limits the caregivers to one per resident, advocated the use of dispensaries, pointed out that drugs in the home are currently a very serious problem and asked for a moratorium. Discussion followed.

In response to Councilmember Urban, City Attorney Brown confirmed that the confidentiality rule includes both the patient and the caregiver. However, Mr. Brown was not optimistic about passage of the bills in the Legislature or the settlement of the court cases any time soon. Discussion followed.

Mayor Strazdas asked if any Councilmember was interested in an extension of a moratorium and expressed his opposition to the moratorium. Mayor Pro Tem Sackley advocated a motion, thanked those who came to speak to the ordinance and thanked Jim Cheesebro, Planning Commission Chair, for all of his work on the ordinance. He pointed out that the State Law is not clear; hence, the discussion, court cases and bills being offered in the Legislature. He indicated that Mr. Brown also agreed that the State Law is not clear. At the request of Mayor Pro Tem Sackley, Mr. Brown acknowledged that he is President-elect of the Michigan Association of Municipal Attorneys of the Michigan Municipal League which has a Legislative liaison who keeps them abreast of the progress of bills in the Legislature. Discussion followed.

Motion by Sackley, seconded by Urban, to consider the additional information provided by the City Administration, to approve Ordinance Amendment 10-C, Medical Marihuana Home Occupation, with the 1000 feet from schools and playgrounds and 100 feet from arcades spacing requirement modified to a 500 feet from schools and playgrounds and 100 feet from arcades spacing requirement; and, based on the expiration of the Moratorium that is in effect until July 29, 2011, that this ordinance amendment take effect immediately upon the expiration of the moratorium.

After discussion, motion by Urban, seconded by Campbell, to amend the motion to amend the ordinance language in Section 5 to read, "All medical marihuana plants shall be contained within the main residential structure or a detached, locked accessory building 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 accessory building or structure." Discussion followed. Mr. Brown asked that Section C.2 begin with the words, "Unless otherwise provided in this section, the home occupation shall only be conducted in a dwelling unit." Councilmember Urban and Councilmember Campbell agreed. Discussion followed. At the request of Mayor Strazdas, Mr. Brown read the motion as amended. Discussion followed. Upon a roll call vote, the amended motion failed 4 to 3. No: Councilmembers Bailes and Reid, Mayor Pro Tem Sackley and Mayor Strazdas. Yeas: Councilmembers Urban, Campbell and Randall. Discussion followed. Mayor Strazdas called for the question on the original motion. Upon a roll call vote, motion carried 5 to 2. Yeas: Councilmembers Urban, Bailes and Reid, Mayor Pro Tem Sackley and Mayor Strazdas. No: Councilmembers Campbell and Randall.

* **HUMAN SERVICES BOARD - HUMAN SERVICES FAIR:** Motion by Urban, seconded by Campbell, to direct the Human Services Board to further review aspects of the proposed Human Services Fair and report back to City Council prior to confirming an event date to ensure a successful, sustainable, well attended and productive Human Services Fair. Upon a roll call vote, motion carried 7 to 0.

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

Kalamazoo County Board of Commissioners Committee of the Whole and Regular of July 5, 2011.
Portage Planning Commission of July 7, 2011.

AD HOC COMMITTEE REPORT:

2011 PORTAGE COMMUNITY SURVEY: Councilmember Reid discussed the purpose of the City Council Survey Committee and indicated that the survey was not conducted last year because of funding. She said Dr. VanVale and the Committee looked at the questions and suggested a few changes. She discussed the proposed questions focusing on questions 11, Fall Leaf Pickup Program, 12, Spring Cleanup Program, and 13, Curbside Recycling Program, that have reference to the permissive millage concept. She discussed the satisfaction levels regarding these questions and asked for approval of the survey as provided in order to have data and trends for the Fall City Council Retreat. Mayor Strazdas thanked her for her efforts. Discussion followed. Motion by Reid, seconded by Campbell, to approve the 2011 Portage Community Survey instrument as recommended by the City Council Community Survey Committee. Upon a roll call vote, motion carried 7 to 0.

BID TABULATION:

* **BICYCLE LANE ASPHALT REPAIRS - RECOMMENDATION:** Motion by Urban, seconded by Campbell, to accept the low bid from J. Allen and Company, Incorporated, to provide repairs to selected major street bicycle lanes in the not-to-exceed amount of \$15,526.30 and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Jim Pearson, 3004 East Shore Drive, announced his candidacy for City Council for the November 8, 2011 General City Election. Discussion followed.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Campbell congratulated all of the young men and young women who played Little League this year from West Portage Little League and South Portage Little League, representing Portage at the local, state and national levels. She also congratulated the local Broncos eleven year old travel baseball team that just won the World Series in Tennessee.

Councilmember Reid expressed her gratitude for the clean-up efforts after the wind storm and announced that the 10th Annual Kalamazoo Area Foot Chase 2011 will take place on Saturday, September 10, 2011, at Celery Flats and is dedicated to Kalamazoo Department of Public Safety Officer Eric Zapata. She expressed her concern about the debt ceiling issue that is being debated in Washington, D.C., and Councilmember Urban concurred.

Councilmember Cory Bailes announced his candidacy for City Council for the November 8, 2011 General City Election.

Mayor Strazdas indicated that Stryker Corporation approved the use of 96,000 square feet of the former Upjohn, Pharmacia, Pfizer Quad Building for relocating up to 300 jobs.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:40 p.m.

James R. Hudson, City Clerk

***Indicates items included on the Consent Agenda.**

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: July 18, 2011

FROM: W. Christopher Barnes, Director of Transportation & Utilities



SUBJECT: June 2011 Environmental Activity Report – Information Only

In keeping with goals and objectives adopted by the Council emphasizing the need to enhance environmental quality and protect natural resources, the following information is intended to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

Important environmental issues being monitored and coordinated by the Administration are attached. The Summary Environmental Activity Report will continue to be provided on a monthly basis to the Council, Planning Commission and Environmental Board.

Attachment

SUMMARY ENVIRONMENTAL ACTIVITY REPORT

June 2011 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. Draft report submitted for city staff review.
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. <i>-Review of 3 site/building plans and/or plats completed in June 2011.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>-Sanitary sewer hookup permits issued in June 2011: 6 residential. One property connected as part of the mandatory sewer ordinance.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. The 2009/2010 lake treatments are complete. <i>The 2011 lake survey and treatment preparations are complete.</i>
Retention Basin Sampling Program	Investigation regarding potential impact of retention basins on groundwater levels.	-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on June 25, 2010. The 2010 year report received in January 2011. The 2010 results

permit implementation

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

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. *Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current watershed plan. No consensus yet, second meeting held on June 20, 2011.*

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

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

show declining groundwater levels throughout the city. Declining levels range from 6" to 3' - 0". Surface storm water outfall sampling shows stable results. *Current groundwater table measurements show the June 2011 level to be approximately 15" below June 2010 levels.*

Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan. Plan implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. The 2010 report was received with results showing minimal impact on groundwater. Next sampling scheduled for July 2011.
National Pollution Discharge Elimination System (NPDES) permit implementation	Five year plan to implement the current NPDES stormwater permit.	-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWPPI) as required by NPDES permit. SWPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year time frame with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWPPI submittal to MDNRE. SWPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice MDNRE rescinding the 2008 permit due to a recent court case ruling MDNRE reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. MDNRE expected to issue new permit in 2012. City staff presented public information with other local agencies at the 2011 Home Expo on March 9 - 12, 2011. Implementation is ongoing.
National Pollution Discharge Elimination System (NPDES)	Kalamazoo River Mainstem Watershed Management Plan	-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and

Garden Lane Arsenic Removal Facility

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

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were received on November 25, 2008. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Start up activities began in May 2010. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. *Plant is in regular operation. During hot weather the facility has been producing approximately 2,000,000 gallons of water per day.*

Environmental Incident/Spill Clean Up Notification

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

-The number of environmental incident/spill investigations performed in June 2011 – 1. *One spill clean-up on I-94 near South Westledge Avenue and I-94 ramp was completed by the State of Michigan on June 4, 2011. Emergency spill response contract for 2011-13 with Terra Contracting is in place.*

Localized Groundwater Table Investigation

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

-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24” from spring 2009 levels and level has stabilized through December 2010. Current sampling continued to show a slight decline in the groundwater table. *Current groundwater levels are approximately 15” lower than 2010 levels.*

Hampton Wetland Area Water

Assistance with the Inverness

-Ongoing assistance with the Condominium Association to develop appropriate

Level

Condominium Association to Review Surface Water Levels

measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. *The Association is considering next steps. No new developments.*

Southwest Michigan Regional Sustainability Covenant

Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.

-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.