

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

# **PLANNING COMMISSION**

**May 3, 2012**



# **CITY OF PORTAGE PLANNING COMMISSION**

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

**May 3, 2012**

**(7:00 p.m.)**

**Portage City Hall Council Chambers**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES:**

- \* April 19, 2012

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

- \* 1. Prairie Edge Christian Reformed Church, 9316 Oakland Drive (Parking Plan and Maximum Parking Requirements)

### **PUBLIC HEARINGS:**

- \* 1. Preliminary Report: Rezoning Application #11-04 (expanded), East Centre Avenue between Lakewood Drive and Garden Lane
- \* 2. Preliminary Report: Rezoning Application #11-05, 7812, 7840, 7842 and 7908 (portion thereof) Portage Road
- \* 3. Modified Active Home Occupation Permit: Arrow Car Service, 3617 Wedgewood Drive – four month review

### **OLD BUSINESS:**

### **NEW BUSINESS:**

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

March 2012 Summary of Environmental Activities Report  
April 10, 2012 City Council meeting minutes

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



## PLANNING COMMISSION

April 19, 2012

 **DRAFT**

The City of Portage Planning Commission meeting of April 19, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seven citizens were in attendance.

### **MEMBERS PRESENT:**

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

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

None.

### **IN ATTENDANCE:**

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Assistant City Planner and Charlie Bear, Assistant 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 revised April 5, 2012 meeting minutes contained in the final agenda packet. A motion was offered by Welch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved.

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

1. Valley Family Church-Kalamazoo, 2500 Vincent Avenue (Parking plan and request to exceed maximum parking requirement). Mr. West summarized the staff report dated April 13, 2012 regarding a request by Valley Family Church-Kalamazoo (VFC-K) to approve a parking plan that exceeds the maximum number of parking spaces allowed (734 spaces). Mr. West indicated the VFC-K was requesting to increase the current number of existing parking spaces from 681 to 768, 34 more spaces than allowed by the Zoning Code. Mr. West reviewed the original site plan that was approved in May 2008, along with this same request that the Planning Commission approved in July 2011. Since construction of the parking lot did not commence within six months of approval, Mr. West indicated the approval has expired. Mr. West stated the parking plan and request to exceed the maximum parking requirement are being resubmitted with no changes from the previous July 2011 approval.

Mr. Aaron Johnson, representing VFC-K, was present to support the application. Mr. Johnston discussed the sanctuary attendance and vehicular patterns of VFC-K parishioners and indicated the additional parking spaces would help address parking shortages that frequently occur and would minimize the need for shuttle

bus service from off-site locations. Mr. Johnson confirmed that the parking plan request was being resubmitted with no changes from the July 2011 approval. After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Felicijan, to approve the parking plan and request to exceed the maximum number of off-street parking spaces by 34 allowing a total of 768 off-street parking spaces for Valley Family Church-Kalamazoo, 2500 Vincent Avenue, with a finding that the additional parking was necessary based on documented evidence provided by the applicant. The motion was unanimously approved.

### PUBLIC HEARINGS:

1. Final Report: Tentative Plan Amendment (Oakland Hills at Centre PD), 2275, 2301 and 2401 West Centre Avenue and 8080 Oakland Drive. Mr. Forth summarized the final staff report dated April 13, 2012 regarding a request received from American Village Development II, LLC to amend the previously approved tentative plan for the Oakland Hills at Centre Planned Development. Mr. Forth summarized the proposed amendment that involves 1) the addition of a 150-foot tall wireless “mono-pine” telecommunication tower within the designated office area along Oakland Drive, 2) revision to the residential layout and reduction in the overall number of units from 116 to 107, 3) revision to the layout of the office area along West Centre Avenue and Oakland Drive and 4) an update to the project phasing timeline. Mr. Forth noted that since the March 1, 2012 meeting, the tower has been relocated to the southern portion of fenced enclosure to provide a 55-foot setback from the northern property line. Mr. Forth summarized the staff recommendation and also referred the Commission to an April 19, 2012 communication from Attorney James Marquardt, representing William Nuyen and Mangwn Properties, Inc., owner of the adjacent properties to the north.

Mr. Greg Dobson of American Village Development (AVD) II, LLC and Mr. Jonathan Crane (attorney representing Verizon Wireless) were present to explain the proposed tentative plan amendment and discuss the proposed mono-pine tower. Attorney Crane stated Verizon Wireless concurs with the staff recommendation and conditions of approval, and indicated he had spoken with Attorney Marquardt. Mr. Dobson indicated that he also met with Attorney Marquardt in an attempt to address concerns of the neighboring property owner to the north regarding the location of the proposed mono-pine tower. Mr. Dobson indicated that AVD performed a detailed review of the 47 acre PD property and concluded the Oakland Drive portion of the site was the most preferred location for the mono-pine tower. Mr. Dobson stated it was not desirable to locate the mono-pine tower within or adjacent to the residential portion of the PD planned for the interior portion of property, or, within the office area of the PD planned along West Centre Avenue due to its high visibility. Mr. Dobson stated the proposed location within the office area of the PD planned along Oakland Drive is preferred due to the lower visibility of this area, natural topography and presence of mature trees that will help the mono-pine tower better blend into the surrounding environment.

The Commission, staff and the applicant discussed the tower proposal including alternative locations, preservation of the mature trees along Oakland Drive, affects on cellular coverage if the tower was relocated to a different area of the PD and the setback of the tower from the north property line. Mr. Dobson stated relocating the tower would eliminate the opportunity to conceal the structure within the existing mature trees located along Oakland Drive. Attorney Crane summarized the structural design of the tower and referred the Commission to the letter from Verizon Wireless that indicated any catastrophic failure of the tower would be confined to a 40-foot radius around the base of the structure. Commissioner Reiff noted there is a difference in appearance between the Bloomfield Hills, MI mono-pine tower photograph and the mono-pine tower shown in the Saber Tower brochure, which staff is recommending. Attorney Crane stated the Bloomfield Hills, MI mono-pine tower is precisely what is proposed for the Oakland/West Centre location. Commissioner Reiff noted the trees limbs of the tower shown on the Saber Towers brochure extend much closer to the ground than those shown on the Bloomfield Hills tower and asked Attorney Crane to explain the difference since staff is recommending the tower as shown in the Saber Tower brochure. Attorney Crane indicated he would provide

an answer during the site plan review stage. Commissioner Patterson indicated he agrees with the applicant and staff and believes the proposed tower location has the least impact on surrounding properties and future development with the PD. Commissioner Stoffer expressed concerns about the two letters received from Attorney Marquardt and the setback of the tower from the north property line and related impacts. Commissioner Stoffer suggested that the setback of the mono-pine tower be at least 50% of the tower height and the applicant be given flexibility to either lower the tower height or determine an alternative location. Commissioner Bosch stated he agrees with Commissioner Patterson and indicated the revised location of the tower is almost five times the minimum setback established in the Zoning Code. Commissioner Welch indicated that he concurs with Commissioners Patterson and Bosch and stated that moving the tower an additional 20-feet to the south would have a negligible impact on external affects of the structure and would adversely impact future development within the PD. Commissioner Dargitz disagreed and stated that Commissioner Stoffer's attempt to balance the concerns of the applicant and adjacent property owner was appropriate. Commissioner Dargitz indicated she would like to see a further analysis of the cellular coverage and impacts on the residential portion of the PD and vehicular visibility if the mono-pine tower was to be relocated further west, near the Cole-Gavlas building.

The public hearing was reconvened by Chairman Cheesebro. No citizens were present to speak in regards to the proposed tentative plan amendment and mono-pine tower. A motion was made by Commissioner Bosch, seconded by Commissioner Felicijan, to close the public hearing. The motion was unanimously approved. After additional discussion, a motion was then made by Commissioner Bosch, seconded by Commissioner Reiff, to recommend to City Council that the Tentative Plan Amendment for Oakland Hills at Centre Planned Development, 2275, 2301 and 2401 West Centre Avenue and 8080 Oakland Drive, be approved subject to the following:

1. The 150-foot tall mono-pine tower be constructed with a minimum capacity to carry four co-locations and the mono-pine tower design include significant branches and appropriate camouflaging as identified in the Sabre Towers and Poles brochure provided by the applicant. Furthermore, the mono-pine tower shall be constructed with a minimum 55-foot setback from the north property line and a minimum 90-foot setback from the east property line.
2. The fenced area around the mono-pine tower (50-feet by 70-feet lease area) be fully enclosed by a minimum six-foot tall solid, vinyl fence (in lieu of the proposed vinyl clad chain link fence) and supplemental evergreen tree plantings (minimum 10-foot tall, spaced 10 feet on-center) be installed along the north side of the enclosure.
3. The applicant preserve the large Oak tree located west of the mono-pine tower and the existing mature tree line located along Oakland Drive to the greatest extent possible in an effort to ensure the mono-pine tower blends in with the surrounding area and to minimize the visual impact on nearby property owners, motorists and pedestrians.

Upon a roll call vote: Patterson (yes), Bosch (yes), Stoffer (no), Cheesebro (yes), Welch (yes), Dargitz (no), Reiff (yes), Siegfried (yes), Felicijan (yes), the motion was approved 7-2.

**OLD BUSINESS:**

None.

 **DRAFT**

**NEW BUSINESS:**

None.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

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

**TO:** Planning Commission

**DATE:** April 27, 2012

**FROM:** Vicki Georgeau, <sup>WJ</sup> Director of Community Development

**SUBJECT:** Prairie Edge Christian Reformed Church, 9316 Oakland Drive (Parking Plan and Maximum Parking Requirements)

**I. INTRODUCTION/BACKGROUND:**

In October 2004, the Planning Commission approved a special land use permit and site plan that authorized construction of an approximate 10,000 square foot addition to the existing Prairie Edge Christian Reformed Church (Prairie Edge) facility located at 9316 Oakland Drive. The building addition was constructed to accommodate a multi-purpose room, gymnasium, classrooms and a nursery. At the time of the addition, the church facility had 125 existing parking spaces that predated the maximum parking requirement provision of the Zoning Code, which was adopted in 2003. As information for the Commission, no new parking facilities were added or required with the 2004 church addition project.

Recently, Prairie Edge officials have determined that additional parking spaces are necessary to accommodate church services. As illustrated on the parking plan, 39 additional parking spaces (approximately 12,500 square feet of asphalt) are proposed along the south and west sides of the existing parking lot. Construction of these 39 additional parking spaces would result in a total of 164 parking spaces on the site. The Zoning Code establishes a maximum of 104 parking spaces for the Prairie Edge facility [94 spaces + 10 non-required spaces (10%) = 104 spaces]. Requests to exceed more than 10% of the minimum parking required by the Zoning Code necessitates Planning Commission review and approval pursuant to Section 42-520(O).

In reviewing/approving requests to exceed the maximum parking provision, the ordinance requires the Planning Commission determine that the additional parking is necessary "based on documented evidence of actual use and demand provided by the applicant" and also consider "impacts on the property and surrounding properties including any natural features thereon". Consistent with Section 42-520(O), Prairie Edge has submitted written documentation in support of these additional parking spaces (see attached).

According to the information provided by Mr. David Broekema, Prairie Edge has recently experienced an increase in parking need based on changing demographic and driving patterns of their church congregation. For the past several months, the number of vehicles attending church services have exceeded the number of available parking spaces. This has resulted in vehicles parking on unimproved surfaces around the perimeter of the existing parking lot and in other non-designated parking areas. As an example, a count conducted by Prairie Edge on Sunday, April 22, 2012 identified a total of 133 vehicles and 355 people in attendance. Photographs taken during this church service (see attached) identifies vehicles parked on unimproved surfaces and in other non-designated areas across the church property. Additionally, visual evidence at the site indicates that vehicles have been parking on unimproved surfaces along the south and west sides of the existing parking lot on other occasions, where the additional 39 spaces are proposed.

Storm water from the proposed parking lot expansion will be maintained on-site and existing screening that is present between the parking lot and adjacent single family residences to the south and west (6-foot tall screening fence, mature trees and natural vegetation) will be preserved. Mr. Broekema has indicated that he has discussed the proposed parking expansion with adjacent single family residences and they are in support of the project.

Prairie Edge Christian Reformed Church (parking plan/maximum parking)  
9316 Oakland Drive  
Page 2 of 2

## **II. RECOMMENDATION:**

The parking plan and request to exceed the maximum parking requirement has been reviewed by the City Administrative departments. Based on documented evidence provided by the applicant, staff recommends that the Parking Plan and Request to Exceed the Maximum Parking Requirement for Prairie Edge Christian Reformed Church, 9316 Oakland Drive, be approved. The construction of these additional 39 parking spaces are necessary for the use and demand of the church and will not adversely impact the subject property, surrounding properties or related natural features.

Attachments: April 20, 2012 communication from Mr. David Broekema (Prairie Edge Christian Reformed Church)  
Proposed Parking Plan – 39 additional parking spaces

S:\Commdev\2011-2012 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Site Plans\Prairie Edge Christian Reformed Church, 9316 Oakland Drive (maximum parking).doc

# Prairie Edge Church

*A Christian Reformed Ministry*

April 20, 2012

Christopher Forth, AICP  
Deputy Director of Planning, Development and Neighborhood Services  
7900 South Westnedge Avenue  
Portage, MI 49002

RECEIVED  
APR 23 2012  
COMMUNITY DEVELOPMENT

Dear Christopher,

Re: To Section 42-520.O (Maximum parking requirement)

This request from Prairie Edge Christian Reformed Church is to add 12,500 square feet to its existing parking lot of 125 spaces. That would allow for 39 additional parking spaces, bringing the total to 164. We are asking this due to our recent increase in parking needs. We currently have 45 single persons driving to our services, (widows, widowers, single persons). We currently have 89 families that require one vehicle; we have 21 families that require 2 vehicles, for a total of 155 vehicles. We are currently using the requested area as parking which is now unpaved. Although the Zoning Code established minimum parking for a church at 1 space per 24 inches of pew space, we can seat approximately 380 people (at 18 inches per person) and we currently have 385 members, 75 of whom are children.

On Sunday, April 22, 2012, at the morning service, the car count was 133 and as is identified in attached photos, vehicles have been parking in these unimproved/unpaved areas. We had 355 people in attendance.

We discussed conversations with neighbors to the west and south. All are in support, with no opposition to the additional proposed parking.

Sincerely,



David L. Broekema, Administrator

a place to **belong!**

9316 Oakland Drive ♦ Portage, MI 49024 ♦ 269-327-1570 (p) ♦ 269-327-7270 (f)  
www.pecrc.org ♦ pecoffice@charter.net









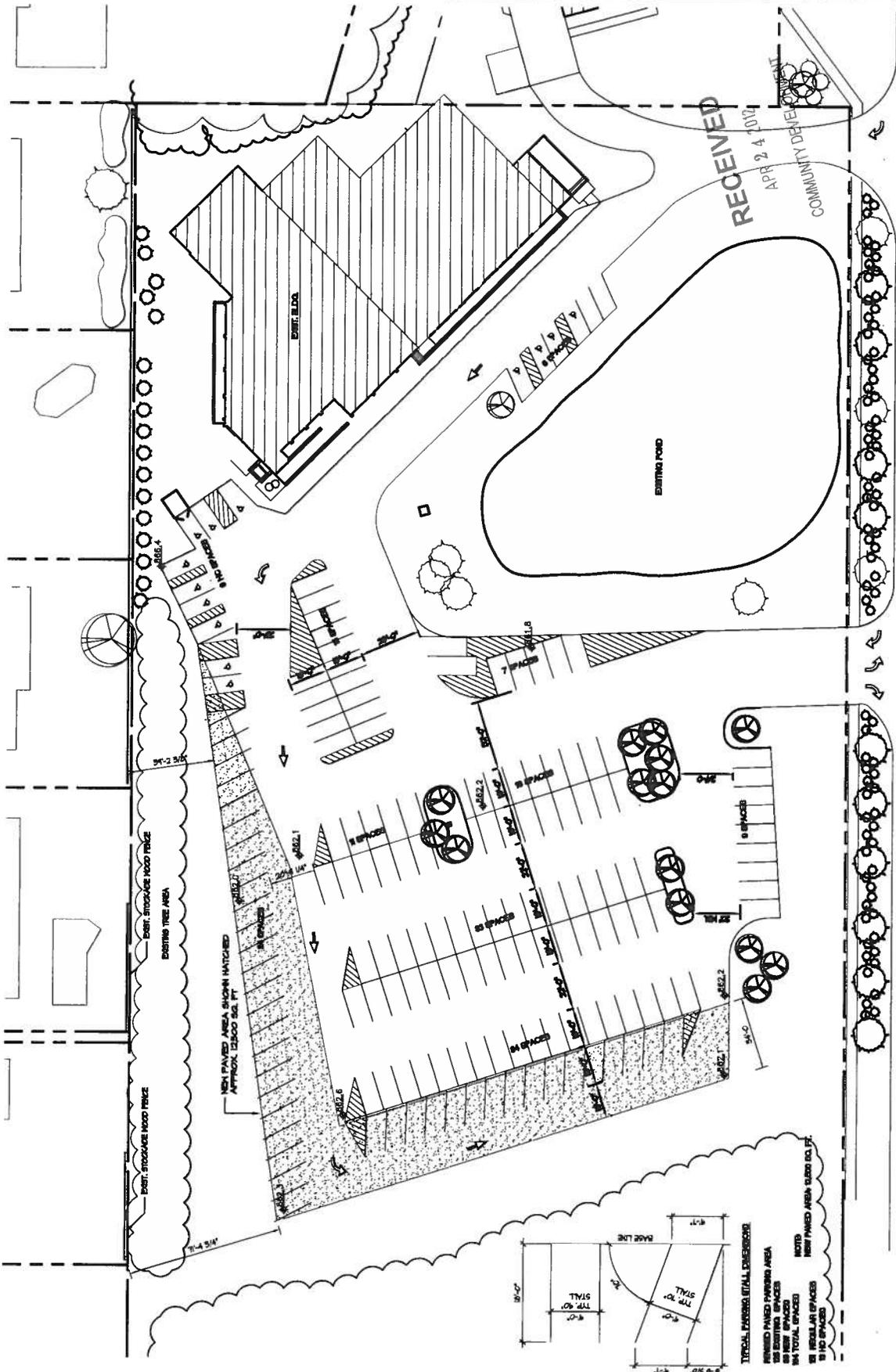
NO.	DATE	REVISION
1		PRELIMINARY
2		REVISED
3		REVISED
4		REVISED
5		REVISED
6		REVISED
7		REVISED

DESIGNED BY:  
 DRAWN BY:  
 CHECKED BY:

**PARKING LOT REVISIONS**  
**PRairie Edge Christian Reformed Church**  
 POZZAGE, MICHIGAN

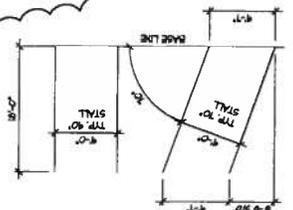
**PARKING LOT PLAN**  
 Design Consultants, P.C.  
 2000 ...  
 2000 ...

PROJECT NO. **C100**  
 68370812



RECEIVED  
 APR 24 2010  
 COMMUNITY DEVELOPMENT

**STRIPING PLAN**  
 SCALE 1" = 20'-0"



- TYPICAL PARKING STALL DIMENSIONS**
- 18'-0" TYP. STALL
  - 12'-0" TYP. STALL
  - 9'-0" TYP. STALL
  - 9'-7" TYP. STALL
- NOTES**
- 1. NEW PAVED AREA (SHOWN HATCHED) IS 18" TOTAL SPACES
  - 2. REGULAR SPACES IS 12" SPACES
  - 3. NO SPACES

**TO:** Planning Commission **DATE:** April 27, 2012  
**FROM:** Vicki Georgeau, <sup>JK</sup> Director of Community Development  
**SUBJECT:** Preliminary Report: Rezoning Application #11-04 (expanded), East Centre Avenue between Lakewood Drive and Garden Lane

**I. INTRODUCTION/BACKGROUND:**

A joint rezoning application has been received from several property owners located along the north side of East Centre Avenue, between Lakewood Drive and Garden Lane, requesting a zoning change from R-1A, one family residential and R-1B, one family residential to OS-1, office service. The property owners involved in the original application include: Thomas Rogers, 775 and 801 East Centre Avenue; Stephen Nuss, 809 East Centre Avenue; Leroy and Diana Butler, 821 East Centre Avenue; Joyce Anderson, 827 East Centre Avenue; and Shirley Kloosterman, 903 East Centre Avenue.

At the April 5, 2012 meeting, the Planning Commission reviewed the rezoning application, surrounding land use/zoning pattern and the Comprehensive Plan. After this review, the Planning Commission then voted unanimously to expand the rezoning area to include four additional properties also located along this section for East Centre Avenue between Lakewood Drive and Garden Lane and set a public hearing for May 3, 2012. These four additional properties include 7932 Lakewood Drive, 707 East Centre Avenue, 743 East Centre Avenue and 815 East Centre Avenue. A listing of all the properties involved in this expanded rezoning consideration, including ownership, acreage and other site related information, is provided below.

Address	Parcel I.D. Number	Property Owner	Acres	Existing Land Use	Current Zoning	Proposed Zoning
7932 Lakewood Drive	04200-179-O	Hobson	0.35	Residential	R-1A	OS-1
707 East Centre Avenue	04200-181-O	Kreamalmeyer	0.18	Residential	R-1A	OS-1
743 East Centre Avenue	04200-182-A	Binder	0.35	Residential	R-1A	OS-1
775 East Centre Avenue **	04200-184-O	Rogers	0.35	Vacant	R-1A	OS-1
801 East Centre Avenue **	00015-365-O	Rogers	0.70	Residential	R-1A	OS-1
809 East Centre Avenue **	00015-370-O	Nuss	0.70	Residential	R-1A	OS-1
815 East Centre Avenue	00015-375-O	HUD	0.70	Residential	R-1A	OS-1
821 East Centre Avenue **	00015-380-O	Butler	0.70	Residential	R-1A	OS-1
827 East Centre Avenue **	00015-385-O	Anderson	0.70	Residential	R-1A	OS-1
903 East Centre Avenue **	00015-465-O	Kloosterman	1.07	Residential	R-1B	OS-1

**Ten Properties: 5.8 acres**

\*\* Property owners part of original Rezoning Application #11-04

In conjunction with the required public notice, staff personally contacted the four additional properties owners and/or their representatives included in the expanded rezoning consideration to explain the proposal and answer any questions. Staff did speak with Ms. Marilyn Hobson (owner of 7932 Lakewood Drive), Ms. Vickie Kreamalmeyer (owner of 707 East Centre Avenue), Mr. Craig Binder (owner of 743 East Centre Avenue) and local real estate agents representing both the owner of 815 East Centre Avenue and a prospective buyer. At the time of report preparation, none of the individuals contacted have expressed support or opposition to the proposed zoning change.

**II. EXISTING CONDITIONS:**

Land Use/Zoning	<p><u>Rezoning Site:</u> With the exception of 775 East Centre Avenue, which is vacant land, the other nine parcels are occupied by single family residences and either attached or detached garages that are zoned R-1A, one family residential and R-1B, one family residential (903 East Centre Avenue is zoned R-1B).</p> <p><u>South:</u> Across East Centre Avenue, there are single family residences zoned R-1A, one family residential (west of Lakewood Avenue), Centre Street Market, Otis Montessori School, vacant land and nonconforming single family residences zoned B-3, general business and P-1, vehicular parking.</p> <p><u>West:</u> Office uses zoned OS-1, office service (west of 7932 Lakewood Drive).</p> <p><u>North:</u> Various single family residences located within the Lakewood Homesites subdivision zoned R-1A, one family residential and a vacant parcel zoned R-1B, one family residential (north of 903 East Centre Avenue).</p>
Zoning/Development History	<p>No rezoning of properties in the surrounding area since adoption of the 2008 Comprehensive Plan.</p> <p>In 1993 (Rezoning Application #93-2), 505 and 515 East Centre Avenue were rezoned from R-1A, one family residential to OS-1, office service. In 1990 (Rezoning Application #89-4), 325, 411 and 425 East Centre Avenue were rezoned from B-3, general business to OS-1, office service. In 1967 (Rezoning Application #67-3), 601 and 609 East Centre Avenue were rezoned from R-1A, one family residential to OS-1, office service.</p>
Historic District/ Structures	<p>The parcel and residence located at 903 East Centre Avenue is located within a City of Portage Historic District and any proposed change to the building and/or modification to the boundaries of the land would be subject to review/recommendation by the Historic District Commission and review/approval by City Council.</p>
Public Streets	<p>East Centre Avenue is designated as a five-lane major arterial with 20,233 vehicles per day (2011); capacity of 34,200 vehicles per day (level of service "D").</p>
Public Utilities	<p>Municipal water and sewer are available.</p>
Environmental	<p>The City of Portage Sensitive Land Use Inventory Map does not identify any wetlands and/or floodplains near the rezoning site.</p>

**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 component of the Comprehensive Plan identifies 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue as appropriate for office land use. Parcels addressed as 801, 809, 815, 821 and 827 East Centre Avenue are also designated for office land use, with a depth extending between 132 and 285 feet north of East Centre Avenue. The remaining northern portion of these properties is designated for low density residential land use. Adjacent properties to the east and west are also designated for office land use, while properties located to the north are identified for low density residential land use. Properties located along the south side of East Centre Avenue are identified as appropriate for office land use.

The Comprehensive Plan also identifies Centre Avenue as one of two primary office corridors, with Milham Avenue designated as the other office corridor. The Comprehensive Plan also indicates that

offices are an important “transitional” use between higher intensity uses and major streets and interior residential neighborhoods. These zones of transition between nonresidential and residential land use designations along major thoroughfares and interior residential neighborhoods are common on the Future Land Use Map and, unlike zoning district boundaries, are not intended to be property line specific.

Four of the 10 properties included in the rezoning application (7932 Lakewood, 707, 743 and 775 East Centre) are located within the larger “Study Area” of the 2008 City Centre Area Plan, and the Future Land Use component of this plan also designates the frontage of East Centre Avenue as appropriate for office development, with the surrounding residential neighborhood recommended for low density residential land uses, consistent with the existing development pattern. The City Centre Area Plan recommends that higher intensity mixed use developments be encouraged and accommodated within the Detailed Plan Area which presents a more urban character, and is two blocks or approximately 960 feet to the west of the rezoning site.

Notwithstanding the above, each proposed zoning change and the appropriate depth of the nonresidential zoning along these major thoroughfares needs to be evaluated on a case-by-case basis, considering the surrounding land use/zoning pattern and other important site/area characteristics.

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-1A and R-1B Zones/Impacts of Proposed OS-1 Zone. The suitability of the residentially zoned properties should be carefully considered in relation to traffic volumes along East Centre Avenue and the existing/planned office zoning and land use pattern along this major street corridor. Consideration should also be given to the interior residential neighborhood and potential impacts associated with a change in zoning. The proposed OS-1 zone is consistent with the land use/zoning pattern along the East Centre Avenue frontage and the Comprehensive Plan designations. As information for the Commission, uses that are allowed in the OS-1 district include executive, administrative and professional offices, medical offices and clinics, banks and credit unions, art and photographic studios, personal service establishments, along with institutional uses, trade and business schools, and funeral homes. Since the rezoning site abuts single family residential land use/zoning, any future office building construction would be limited to one-story and 25-feet in height. Additional Zoning Code requirements for screening, buffering, lighting and noise designed to mitigate adverse impacts on adjacent residential properties would also be applicable with any office redevelopment project.

A change in zoning to OS-1 would cause the existing single-family residential uses to become legally nonconforming. Section 42-133 of the Zoning Code provides regulations for nonconforming lots, buildings, structures and uses. Under these regulations, a nonconforming use may continue until it is removed, changed to a conforming use or intentionally abandoned. In particular, a property and/or building with a nonconforming use can have a change of tenancy, ownership or management without losing its nonconforming status. General maintenance and repair of the property and/or building in which

the nonconforming use is located is also permitted by the Zoning Code. Additionally, if a nonconforming use is abandoned for any reason described in Section 42-133.C.5, any subsequent use of the land must be conforming to the underlying zoning district. Finally, if the building in which a nonconforming use is located were destroyed by fire, tornado or other act of God, the building could be reconstructed to its original location within 18 months.

The regulations for nonconforming uses also specify that a nonconforming use can not be enlarged to occupy a greater area of land, and cannot be moved in whole or part to another area of the property. For example, an expansion to a single-family dwelling would not be permitted, unless a variance from the Zoning Board of Appeals was obtained. However, since accessory buildings are permitted in all zoning districts (with the exception of the P-1, vehicular parking zone), construction of accessory buildings may be permitted provided the use of the accessory building is for storage, and does not otherwise constitute an expansion of a nonconforming use.

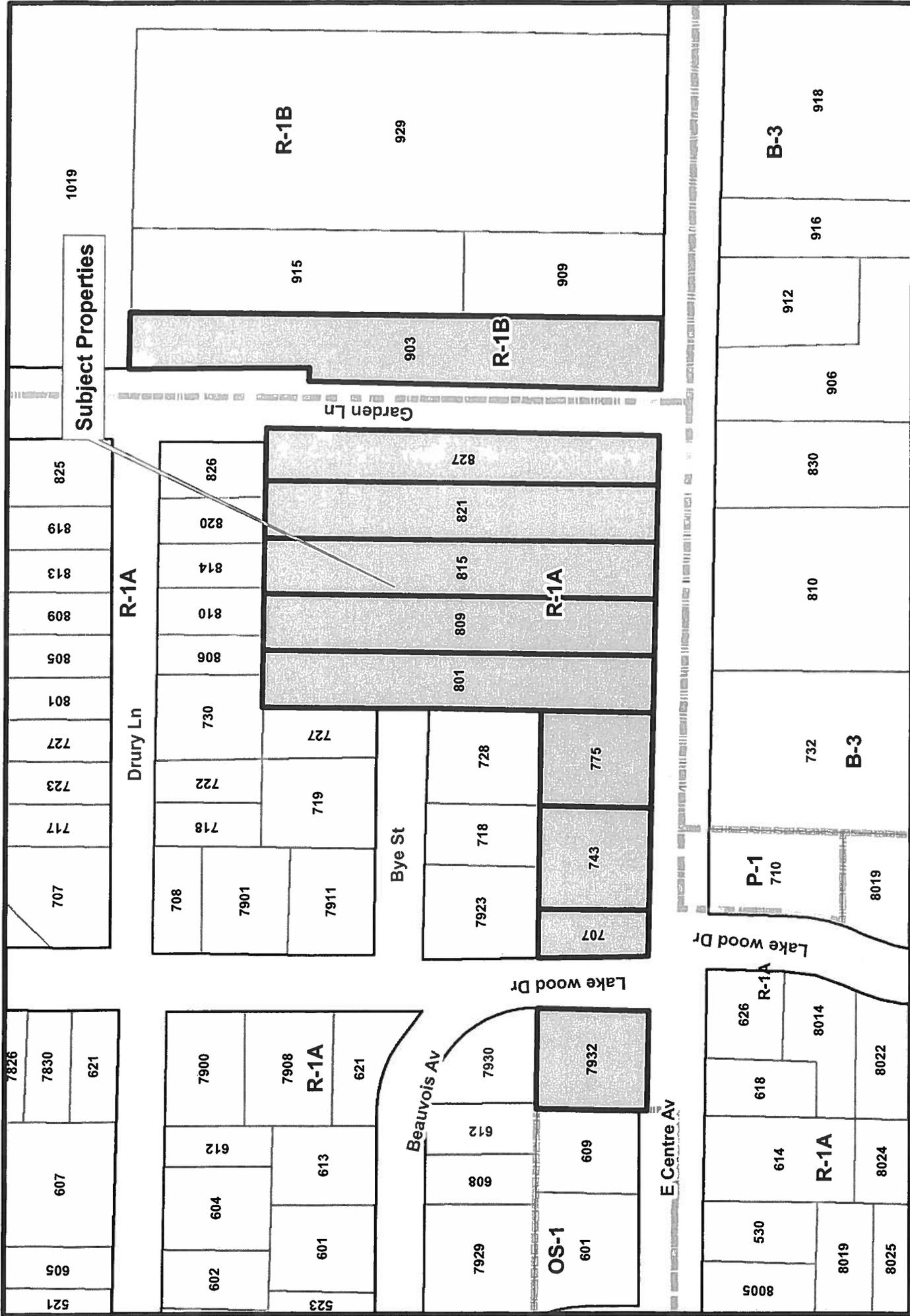
During the April 5<sup>th</sup> meeting, the Commission also discussed whether rezoning the single family residences to a nonresidential zoning district would affect the ability of the property owner to refinance or obtain a conventional mortgage. In an attempt to answer this question, staff contacted area lending institutions. Based on these discussions, it is understood that some lending institutions will typically offer conventional mortgages for nonconforming residential uses and/or buildings where the local zoning jurisdiction has nonconforming regulations that allow for rebuilding of the residence in the event of a fire, tornado or other act of God. In cases where a lending institution will not offer a conventional mortgage to a nonconforming residential use and/or building, other commercial financing options are available.

Traffic Considerations. If rezoned and all ten of the properties were redeveloped, the 5.8-acre rezoning site could accommodate a total of approximately 63,000 square foot (based on 25% lot coverage) of office buildings. Given the varying size, depth and configuration of the ten properties, different ownerships and the separation of parcels by Lakewood Drive and Garden Lane, redevelopment to office uses is not likely to occur as one collective project, but rather in stages with smaller-size office buildings. As an example, the ITE Trip Generation Manual, Sixth Edition indicates that a 2,500 square foot medical office building would generate approximately 90 vehicle trips (45 vehicles) on an average weekday, while a 2,500 square foot administrative office building would generate approximately 78 vehicle trips (39 vehicles) on an average weekday. Comparatively, a 5,000 square foot medical office building would generate approximately 180 vehicle trips (90 vehicles) on an average weekday, while a 5,000 square foot administrative office building would generate approximately 133 vehicle trips (67 vehicles) on an average weekday. Anticipated traffic generation by office redevelopment projects can be accommodated by the adjacent roadway network. Specific access management related issues including proposed access location, shared and/or cross access will be reviewed during the site plan stage of redevelopment.

#### **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 May 3, 2012 meeting and adjourn the public hearing to the May 17, 2012 meeting.

Attachments: Zoning/Vicinity Map  
Future Land Use Map  
Aerial Photograph  
Rezoning Application

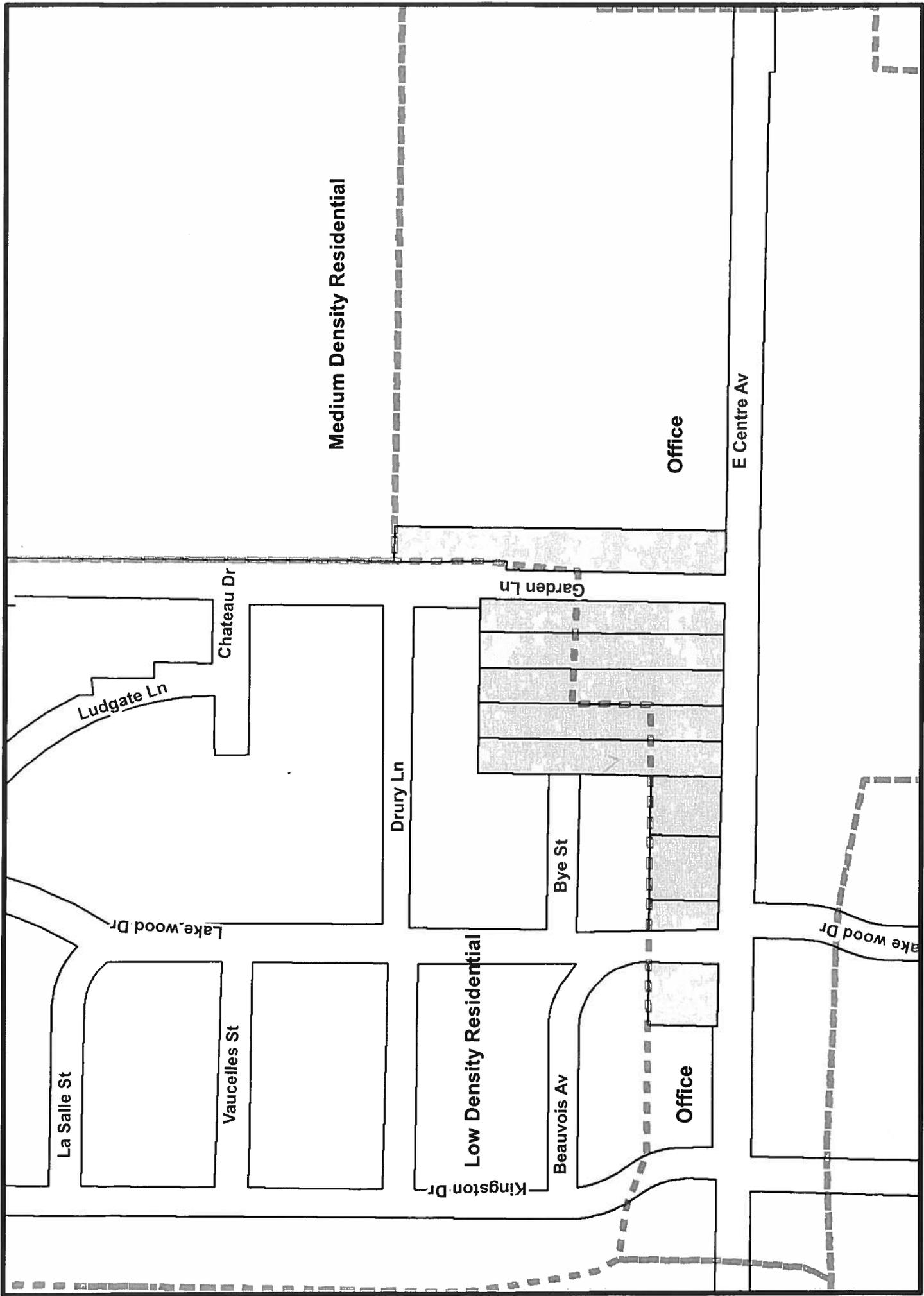


**Rezoning #11-04**  
**East Centre Avenue**  
**Lakewood Drive to Garden Lane**

**Subject Properties**  
**Zoning Boundary**



1 inch = 150 feet



Future Land Use

Parcels considered for Rezoning

**Rezoning #11-04**

**East Centre Avenue (Lakewood Drive to Garden Lane)**



1 inch = 233 feet



**APPLICATION FOR ZONING AMENDMENT**

Application number #11-04

Date MARCH 12 2012

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

RECEIVED  
MAR 12 2012  
COMMUNITY DEVELOPMENT

**ZONING MAP AMENDMENT**

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at 801 & 775 E. CENTRE AVE between LAKEWOOD Street and GARDEN LAKE Street on the NORTH side of the street, and is known as Lot Number(s) 184+185 of LAKEWOOD HOMESITES Plat (Subdivision). It has a frontage of 116 feet and a depth of 137 feet. AND 66' X 462' (SEE ATTACHMENT)

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).

\_\_\_\_\_  
\_\_\_\_\_

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

b. Name of the owner of the property to be rezoned: THOMAS C. ROGERS - ROTH IRA

Address 895 TREASURE ISLAND DR. MATTAWAN, MICH 49071

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

Amendment: THIS LOT IS ON BUSY CENTRE AVE. ACROSS THE STREET FROM CENTRE ST MARK.  
AND THE CITY FUTURE ZONING PLAN SAYS THIS SHOULD BE OS-1 FOR HIGHEST AND BEST USE, I AGREE.

4. CURRENT ZONING: R-1A PROPOSED ZONING: OS-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.

Thomas C. Rosen  
(Signature of Applicant)

(Signature of Applicant)

895 TRENTON ISLAND DR. MATTAWAN MI  
(Address)

49071 (Address)

(269) 760-6448  
(Phone)

(Phone)

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

**Subject:** Fw: 801 East Centre Avenue, Portage, Michigan  
**From:** tom rogers (rogerstom2000@yahoo.com)  
**To:** rogerstom2000@yahoo.com;  
**Date:** Thursday, March 8, 2012 12:02 PM

Hi Neighbor,

I own the home at 801 E. Centre and adjacent lot at 775 E. Centre. The City Of Portage Master Plan shows the future zoning of our properties to be designated as OS-1 (Commercial Office/Service). I am preparing to rezone the property I own next door to you from R-1A (Residential) to OS-1 (Commercial Office/Service). This will cost me a fee of \$825.00 for the first acre; then \$75.00 for each additional acre or fraction there of.

This means that for \$75.00, any of my neighbors could jointly be included with my "Application For Zoning Amendment".

I know that you have some of the same questions and concerns that I have as to how rezoning would affect your single family residential home that would become "Legally Nonconforming". Attached are the answers provided to me by Michael West -Assistant City Planner for City of Portage in his letter dated March 1, 2012 and Attachment: Section 42-133, Nonconforming lots, buildings, structures and uses.

The City of Portage has encourage me to contact my adjacent neighbors to see if they also might want to change their lots zoning to OS-1 now. So that this rather drawn out, time consuming & costly public hearing process does not have to be repeated unnecessarily in the near future, please call me at 760-6448 to discuss your level of interest A.S.A.P. .

Regards,

*Tom Rogers*  
..Tom Rogers

March 1, 2012

Mr. Thomas Rogers  
895 Treasure Island Drive  
Mattawan, Michigan 49071

Dear Tom:

RE: Non-Conforming Use Regulations, 801 East Centre Avenue, Portage, Michigan.

The following is intended as a follow-up to our telephone conversation regarding possible rezoning of the property located at 801 East Centre Avenue, from R-1A, one family residential to OS-1, office service, and potential impacts on the existing single family residence.

The subject property located at 801 East Centre Avenue is approximately 0.70 acre, zoned R-1A, one family residential and occupied by a 1,252 square foot single-family residential dwelling and 440 square foot detached garage. If the subject site was rezoned to OS-1, office service, the single-family residence would become legally nonconforming and governed by Section 42-133, Nonconforming lots, buildings, structures and uses, of the Zoning Code (attached). As such, the nonconforming residence may continue as long as it is not abandoned (refer to Section 42-133(C)(5) for the criteria used to evaluate this issue). The residence can be sold to a new owner and/or rented with no change to this nonconforming status. Additionally and in the event the residence is destroyed by fire or other "act of God", the structure could be reconstructed to its original location within 18 months of the date destroyed.

I hope the above information is helpful to you. If you have any further questions or require additional assistance, please contact me in the Department of Community Development at 329-4475.

Sincerely,



Michael K. West, AICP  
Assistant City Planner

Attachment: Section 42-133, Nonconforming lots, buildings, structures and uses

D. Any temporary structure utilized in conjunction with the special event must meet the setback requirements of the zoning district.

E. Adequate measures must be indicated to delineate/separate pedestrian and/or vehicle traffic in relation to the special event.

F. No temporary signs are permitted; however, any existing changeable copyboard sign on the site of the special event may be utilized.

G. No more than four special events annually shall be held on any zoning lot. The special events may not total more than 28 days annually. (For example, a business may have one 28-day event, two 14-day events, or four seven-day events, but may not have ten two-day events.)

(Ord. No. 03-01 (Exh. A, § 42-312), 2-18-2003)

Sec. 42-133. Nonconforming lots, buildings, structures, and uses.

A. General requirements.

1. It is the intent of this article to permit nonconforming lots, buildings, structures or uses to continue until they are removed, but not to encourage their survival.
2. It is recognized that there exist, within the districts established by this article, lots, buildings, structures and uses of land and structures which were lawful before this article was adopted or amended, which would be prohibited, regulated or restricted under this article or future amendments thereto. Nonconformities are declared by this article to be incompatible with permitted uses in the districts involved.
3. It is further the intent of this article that nonconformities shall not be enlarged upon, expanded or extended or used as grounds for adding other structures or uses prohibited elsewhere in the same district.
4. The following are declared to be an extension or enlargement of a nonconformity and are hereby prohibited:
  - a. Attachment on a nonconforming structure, building, or use of additional signs intended to be seen from off the premises.

b. The addition of other uses to an existing nonconforming use of a nature that would be prohibited generally in the district involved.

5. To avoid undue hardship, nothing in this article shall be deemed to require a change in the plans, construction or designated use of a building on which actual construction was lawfully begun prior to December 14, 1965, or prior to the effective date of amendment of this article, and upon which actual building construction has been diligently carried on. As used in this section, the term "actual construction" includes the placing of construction materials in a permanent position and fastening them in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall also be deemed to be actual construction, provided that work is diligently carried on until completion of the building involved.

B. Nonconforming lots.

1. Any nonconforming lot existing and of record on December 14, 1965, may be used for any principal permitted use or special land use, (after approval in accordance with division 5, subdivision 1) in the district in which it is located, provided that any specific lot area requirements for a special land use are satisfied.
2. Except as noted in division 4, subdivision 10, Schedule of Regulations, any use established on a nonconforming lot shall meet all other requirements of division 4, subdivision 10, Schedule of Regulations, other than lot area and width, of the district in which it is located. Yard requirement variances may be applied for through the zoning board of appeals.
3. If there exists two or more nonconforming lots or combinations of nonconforming lots and portions of lots with continuous frontage and in single ownership, the lands

involved shall be considered to be an undivided parcel for the purposes of this article.

4. No division of a nonconforming parcel shall be made which leaves remaining any lot with a width or area below the requirements stated in this article.

C. Nonconforming uses.

1. No nonconforming use shall be enlarged, increased or extended to occupy a greater area of land than was occupied at the time it became nonconforming.
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by the use.
3. A nonconforming use may be extended throughout any part of a building manifestly arranged or designed for the use, but no nonconforming use shall be extended to occupy any land outside the building.
4. Changes to a nonconforming use in business or industrial districts.
  - a. If no structural alterations are made, a nonconforming use may be changed to another nonconforming use of the same or a more conforming nature; To determine that the use is the same or more conforming the zoning board of appeals shall find that:
    - (1) The proposed use is equally appropriate or more appropriate to the district in terms of intensity of use, operational characteristics, parking requirements, or other similar factors, than the existing nonconforming use;
    - (2) The request will not unreasonably extend the duration of the nonconforming use, and
    - (3) The proposed use will not adversely affect neighboring properties.
  - b. In permitting the change, the board may require appropriate conditions

and safeguards in accordance with the purpose and intent of this article.

- c. In any district where a nonconforming use is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
5. Except for seasonal uses, if a nonconforming use is abandoned for any reason for a period of not less than 90 days, any subsequent use shall conform to the requirements of this article. A nonconforming use shall be considered abandoned if a combination of the following conditions exists that is deemed by the director to constitute an intent on the part of the property owner to abandon the nonconforming use:
    - a. Utilities and other public services, such as water, gas and electricity to the property, have been discontinued;
    - b. The property, buildings, and grounds, have fallen into disrepair;
    - c. Sign structures or other indications of the existence of the nonconforming use have been removed;
    - d. Removal of equipment or fixtures that are necessary for the operation of the nonconforming use; or
    - e. Other actions, which constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
    - f. Failure to institute procedures to rebuild facilities and buildings necessary to conduct the nonconforming use, such as submission of building plans for a building permit, within 90 days from the time the use is discontinued shall also be considered as an intent to abandon the nonconforming use.
  6. There may be a change of tenancy, ownership or management of any existing

nonconforming use, provided that there is no change in the nature or character of the nonconforming use.

December 14, 1965, or at the time of amendment of this article is not increased.

(Ord. No. 03-01 (Exh. A, § 42-313), 2-18-2003)

State law reference—Nonconforming uses and structures, MCL 125.583a, MSA 5.2933(1).

7. Any time a nonconforming use is superseded by a use permitted in the district in which it is located, the use shall thereafter conform to the regulations of the district in which it is located, and a nonconforming use may not thereafter be resumed.

8. Any use for which a special land use or use variance is granted shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in the district.

D. Nonconforming buildings and structures.

1. No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity.

2. Should a nonconforming building or structure be destroyed by an act of God or the public enemy to an extent of more than 60 percent of its replacement cost, exclusive of the foundation, it shall be reconstructed in conformity with the provisions of this article unless it is reconstructed to its original location within 18 months of the date destroyed.

3. Should a nonconforming building or structure be moved any distance for any reason, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

4. The intentional removal or destruction of the nonconforming portion of a building or structure by the property owner or his/her agent shall eliminate the nonconforming status of the building or structure.

5. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official, provided that the area of the building as it existed on

Sec. 42-134. Helistops.

A. Intent: Because helistops service an area larger than the city, require sizable land areas, have the potential to create problems with uses established on abutting lots, and possess unique operational characteristics, it is impractical to include them in a specific use district classification.

B. Helistops may be reviewed by the planning commission as a special land use after application and under the requirements and conditions specified in this section, and the requirements of division 5, subdivision 1 of this article, including the required public hearing.

C. In addition to the procedures and requirements of division 5, subdivision 1, the planning commission may impose those conditions deemed necessary for the protection of adjacent residential neighborhoods and property owners, the city's interest in safety, and protection of property values.

D. Helistops:

1. It shall be unlawful to take off and land helicopters anywhere within the city except at an approved helistop for which a special land use permit has been issued as provided in this section, unless such landing or takeoff is done:

a. In conjunction with a one-time special event, such as an athletic contest, holiday celebration, parade or similar activity, after reasonable advance notice has been given to the city police department.

b. When necessary for on-site emergencies.

2. Helistops are not permitted on property used for residential purposes, or in any residential zoning district.

**APPLICATION FOR ZONING AMENDMENT**

Application number #11-04

Date 3-12-12

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

RECEIVED  
MAR 12 2012  
COMMUNITY DEVELOPMENT

**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).

827 East Centre (10-00015-385-0)

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

b. Name of the owner of the property to be rezoned: Joyce Anderson

Address 827 East Centre, Portage, MI 49002

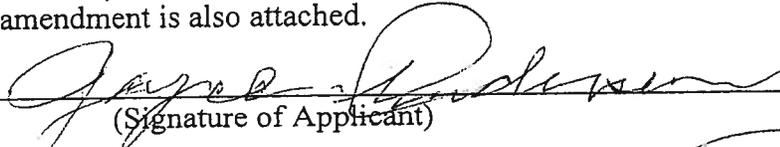
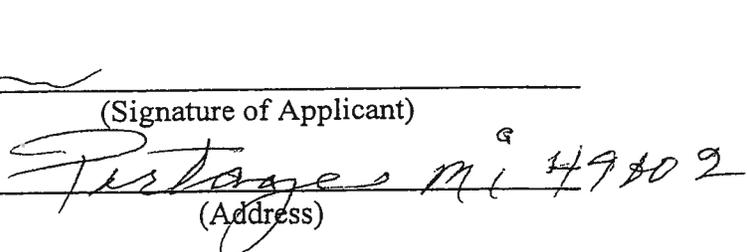
3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Joint application with Thomas Regan,  
possible City office re development

4. CURRENT ZONING: R-1A PROPOSED ZONING: OS-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.

<u></u> (Signature of Applicant)	<u></u> (Signature of Applicant)
<u>827 E Center</u> (Address)	<u>Portage MI 49802</u> (Address)
<u>269-324-6049</u> (Phone)	<u></u> (Phone)

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

**APPLICATION FOR ZONING AMENDMENT**

Application number #11-04

Date 3-13-12

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

RECEIVED  
MAR 13 2012  
COMMUNITY DEVELOPMENT

**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).

903 EAST 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: \_\_\_\_\_

Address 903 E. CENTRE AVE



**APPLICATION FOR ZONING AMENDMENT**

Application number #11-09

Date 3-14-12

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 821 E. Centre Ave. between Westnedge Street and Lovers Lane Street on the North side of the street, and is known as Lot Number(s) \_\_\_\_\_ of \_\_\_\_\_ Plat (Subdivision). It has a frontage of 66' feet and a depth of 460 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).

\_\_\_\_\_  
\_\_\_\_\_

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

b. Name of the owner of the property to be rezoned: Leroy & Diana Butler

Address 821 E. Centre, Portage, MI 49002

RECEIVED  
MAR 14 2012  
COMMUNITY DEVELOPMENT

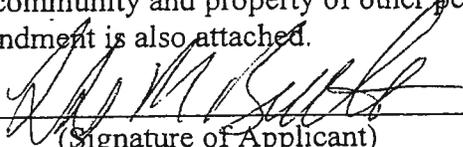
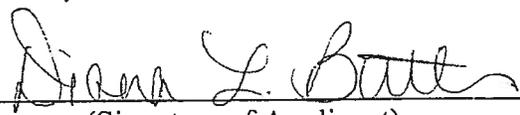
3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Joint Application with Tom Rogers  
Possible Office Development

4. CURRENT ZONING: R-1A PROPOSED ZONING: OS-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.

<p><u></u>          (Signature of Applicant)</p> <p><u>821 E. Centre</u>          (Address)</p> <p><u>269-207-3065</u>          (Phone)</p>	<p><u></u>          (Signature of Applicant)</p> <p><u>821 E. Centre</u>          (Address)</p> <p><u>269 <del>217</del> 5039</u>          (Phone)</p>
--	--

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

**APPLICATION FOR ZONING AMENDMENT**

Application number #11-04

Date 3-15-12

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 809 E. Centre between Lakewood Street and Garden Ln Street on the North side of the street, and is known as Lot Number(s) \_\_\_\_\_ of \_\_\_\_\_ Plat (Subdivision). It has a frontage of 66' feet and a depth of 462 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).

\_\_\_\_\_  
\_\_\_\_\_

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

b. Name of the owner of the property to be rezoned: Stephen & Joan Nuss

Address 1249 PANAMA ST., PORTAGE MI 49002

RECEIVED  
MAR 15 2012  
COMMUNITY DEVELOPMENT

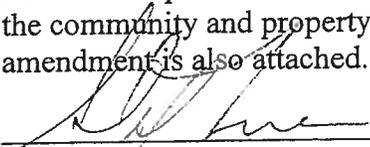
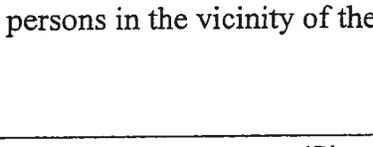
3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Joint Application with TOM ROBERTS  
Possible Office Development

4. CURRENT ZONING: RIA PROPOSED ZONING: OS 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.

	
(Signature of Applicant)	(Signature of Applicant)
<u>1249 PANAMA ST., Portage MI 49002</u>	<u>1249 PANAMA ST., Portage MI 49002</u>
(Address)	(Address)
<u>269-341-0756</u>	<u>269-488-6505</u>
(Phone)	(Phone)

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

**TO:** Planning Commission

**DATE:** April 27, 2012

**FROM:** Vicki Georgeau, <sup>Vg</sup> Director of Community Development

**SUBJECT:** Preliminary Report: Rezoning Application #11-05, 7812, 7840, 7842 and 7908 Portage Road

**I. INTRODUCTION:**

An application has been received from four property owners requesting that the following parcels of land be rezoned from I-1, light industry to B-3, general business and P-1, vehicular parking:

Property Address	Owner of Record	Parcel Number	Zoning	
			Existing	Proposed
7812 Portage Road	Sharon Wagoner	14-095-O	B-2	B-3
7840 Portage Road	The Deep Waters, LLC	14-090-A	B-2	B-3
7842 Portage Road	Guernsey Investment	14-085-A	B-2	B-3
7908 Portage Road (portion thereof)	Consumers Energy	14-015-O	I-1	P-1
<b>Total: Four parcels (5.2 acres)</b>				

The rezoning application was initiated by Mr. Mike Stoddard who has entered into a buy/sell agreement with Guernsey Investment to purchase 7842 Portage Road. Mr. Stoddard has tentative plans to construct and operate a micro-brewery and restaurant at this location. However, because a micro-brewery is not permitted in the B-2, community business zoning district, a zoning change to B-3, general business is necessary (a micro-brewery/restaurant is permitted in the B-3 district subject to review and approval of a special land use permit). Furthermore, Mr. Stoddard approached Consumer Energy officials and inquired about entering into a license agreement to utilize a portion of their property located immediately to the south for off-street parking purposes. Attached is a letter from Ms. Laura Stensland, Consumers Energy Corporate Real Estate Land Management, acknowledging receipt of the request. The letter from Ms. Stensland suggests Consumers Energy is willing to enter into a license agreement to allow Mr. Stoddard to use a portion of their property. In addition, staff has confirmed that Consumers Energy consents to the rezoning request of a portion of their property.

Recognizing the Future Land Use Map of the Comprehensive Plan also designates three properties to the north (7840, 7812 and 7726 Portage Road) appropriate for general business use, staff suggested Mr. Stoddard approach each property owner and inquire if they want to be included in the rezoning application. After evaluating the proposal, the owners of 7840 and 7812 Portage Road decided to have their property included for rezoning consideration. Although 7726 Portage Road is also designated for general business, this vacant parcel, owned by Pfizer has not been included in the rezoning request.

**I. EXISTING CONDITIONS:**

Land Use/Zoning	<u>Rezoning Site:</u> <ul style="list-style-type: none"> <li>• 7812 Portage Road – Zoned B-2 and occupied by a 1,308 sq. ft. office building for Accounting Tax Services. Two detached accessory buildings are also located on the property.</li> </ul>
-----------------	---

<p>Land Use/Zoning (cont.)</p>	<ul style="list-style-type: none"> <li>• 7840 Portage Road – Zoned B-2 and occupied by a 4,200 sq. ft. commercial building for Precision Windows.</li> <li>• 7842 Portage Road – Zoned B-2 and occupied by a 2,078 sq. ft. two-story residential dwelling that was previously converted to a non-residential use and two detached accessory buildings that are 1,104 sq. ft. and 1,920 sq. ft., respectively. 7840 and 7842 Portage Road share a common driveway and parking lot maneuvering lane.</li> <li>• 7908 Portage Road – Zoned I-1 and occupied by a Consumers Energy transmission line. This is a larger parcel that extends to the north and west, and east across Portage Road. However, only approximately 350 feet of the parcel extending west of the Portage Road right-of-way line is included in the rezoning application (consistent with the depth of the 7842 Portage Road parcel to the north).</li> </ul> <p><u>South:</u> PNC Bank zoned OS-1, office service.  <u>West:</u> Property owned and occupied by a Consumers Energy transmission line. Further west are several single-family dwellings located on the east side of Engle Court, a private street.  <u>North:</u> Vacant land zoned I-1, light industrial owned by Pfizer.  <u>East:</u> Across Portage Road, vacant land zoned B-1, local business and I-2, heavy industrial owned by Pfizer.</p>
<p>Zoning/Development History</p>	<ul style="list-style-type: none"> <li>• There have been no rezoning of properties in the immediate area since adoption of the 2008 Comprehensive Plan.</li> <li>• In 2003 and as part of the Zoning Code update, 7812, 7840 and 7842 Portage Road were rezoned from I-1, light industrial to B-2, community business at the request of Guernsey Investment, owner of 7842 Portage Road.</li> <li>• In 2000 and 2005 several parcels of land located near the southeast corner of Portage Road and East Centre Avenue were rezoned from I-2, heavy industrial to B-3, general business. This area is now part of the CentrePort Commons development project.</li> </ul>
<p>Historic District/ Structures</p>	<p>The subject site is not located within a historic district and does not contain any historic structures.</p>
<p>Public Streets</p>	<p>This section of Portage Road is designated as a 4 lane minor arterial with approximately 16,242 vehicles per day (2008); capacity of 32,500 vehicles per day (level of service “D”).</p>
<p>Public Utilities</p>	<p>Municipal water is available. Sanitary sewer service is not currently available, however, could be extended north from East Centre Avenue, along the east side of Portage Road, by the property owners.</p>
<p>Environmental</p>	<p>The City of Portage Sensitive Land Use Inventory Map does not identify any potential wetland or floodplain areas near the rezoning site.</p>

### III. 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 Map component of the Comprehensive Plan indicates that 7812, 7840 and 7842 Portage Road are planned for general business use. The land area to the south and west (Consumers Energy property) is planned for park/recreation use. The intent of the park/recreation designation of the Consumers Energy property is to facilitate a future extension

of the multi-use trail network similar to the Northwest Portage Bikeway (during site plan review, the design/location of off-street parking and options to preserve an easement to extend the multi-use trail to Portage Road would be discussed). The land area on the east side of Portage Road is designated for general business and general industrial. The Future Land Use Plan Map further designates Portage Road as a designated commercial corridor, a commercial revitalization area (south of East Centre Avenue) and the vicinity of the Portage Road/East Centre Avenue intersection as a primary commercial node. The proposed B-3, general business zoning district is consistent with these Comprehensive Plan designations.

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

Suitability of Existing B-2 and I-1 Districts/Impacts of Proposed B-3 and P-1 Districts. While the B-2 zoning district is generally consistent with the Comprehensive Plan designation of general business and similar to the B-3 zoning district, the primary differences between the B-2 and B-3 districts involve: 1) the types of permitted land uses, and 2) minimum required building setbacks. The types of uses permitted in the B-2 district are more restrictive than those permitted in the B-3 district. For example, gas stations, hotels/motels, used car sales facilities, and a micro-brewery/restaurant, such as the one proposed by the applicant, are permitted in the B-3 district. However, many of the more intensive land uses permitted in the B-3 district also require a Special Land Use Permit, which have specific and general site development standards. Furthermore, during the review of a Special Land Use application, the Planning Commission has the ability to include conditions of approval to protect surrounding land uses. Due to the size and mass of buildings often constructed in the B-2 district (e.g. larger scale commercial shopping centers), the building setbacks are greater than those required in the B-3 district. For example, the front yard setback and setback from the zoning district boundary is 75 feet. In comparison, the minimum front yard setback in the B-3 district is 30 feet, the side yard setback is 10 feet (when adjacent to a residential zoning district) and the rear yard setback is 20 feet.

To the west of the rezoning site, there are five existing single-family residential homes located along Engle Court (a private road), zoned R-1B, one-family residential. Separating the single-family dwellings from the rezoning site is Consumers Energy property, zoned I-1, light industrial, which is 180 feet in width and occupied by electrical transmission towers. A change in zoning from B-2 to B-3 and resulting development may have some impact on adjacent residences to the west due to higher intensity land uses and reduced building setbacks. Because the area proposed to be rezoned to does not abut single-family residential zoned land (separated by the Consumers Energy property that is zoned I-1), the conflicting land use screening provisions of Section 42-573 are not applicable. However, the Site plan review provisions of Section 42-483, and the General standards for special land uses specified in Section 42-462 provide the Planning Commission an opportunity to consider additional screening during the development review process. In addition, the 180-foot wide Consumers Energy property, which has wooded areas, provides separation between the proposed rezoning area and residential uses to the west.

With regard to the portion of the Consumers Energy property directly south of 7842 Portage Road, changing the zoning from I-1, light industrial to P-1, parking will have minimal, if any, impacts. An off-street parking lot is a less intensive land use in comparison to those permitted in the I-1 district. In addition, only a small 15-foot tall parking lot attendant building is permitted in a P-1 district. Although not specifically mentioned as a permitted/special land use in the P-1 district, the electrical transmission lines and towers are considered an essential service and exempt from Article 4, Zoning.

As a final comment, the applicant has indicated the change in zoning is needed to facilitate the construction and operation of a micro-brewery/restaurant at 7842 Portage Road. No specific development or uses are proposed for the properties at 7840 and 7812 Portage Road. If the zoning is changed to B-3, general business, the properties can be developed with any use allowed in the B-3 district.

Traffic Considerations. If 7812, 7840 and 7842 were rezoned to B-3 and redeveloped collectively, the 3.9-acre rezoning site could accommodate an approximate 42,500 square foot (based on 25% lot coverage) building. The ITE Trip Generation Manual, Sixth Edition, indicates that a specialty retail center of this size would generate approximately 1,728 vehicle trip ends (864 vehicles) on an average weekday. If each site were to redevelop independently, three buildings ranging in size from 12,688 to 17,000 square feet (based on 25% lot coverage) could be constructed. These three specialty retail buildings would collectively generate approximately the same amount of vehicle trip ends and vehicles on an average weekday (1,728/864) as one an approximate 42,500 square foot building.

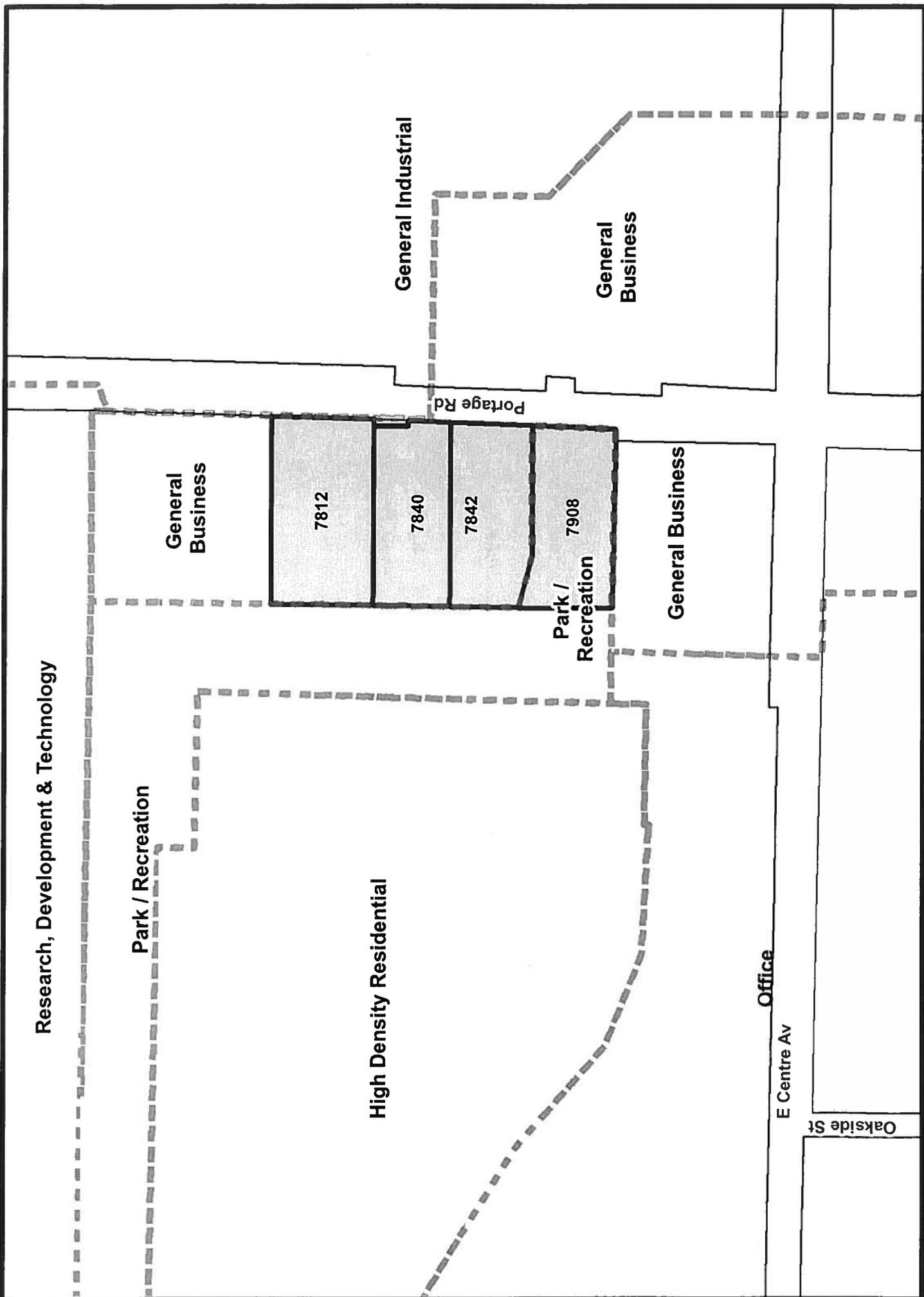
Under either of the above scenarios, anticipated traffic generated by a retail project can be accommodated by the surrounding roadway network under either the existing or proposed rezoning. Issues related to access management will be reviewed upon submittal of site plans.

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

With the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, it is recommended that public comment be received during the April May 3, 2012 meeting and the public hearing be adjourned to the May 17, 2012 meeting.

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



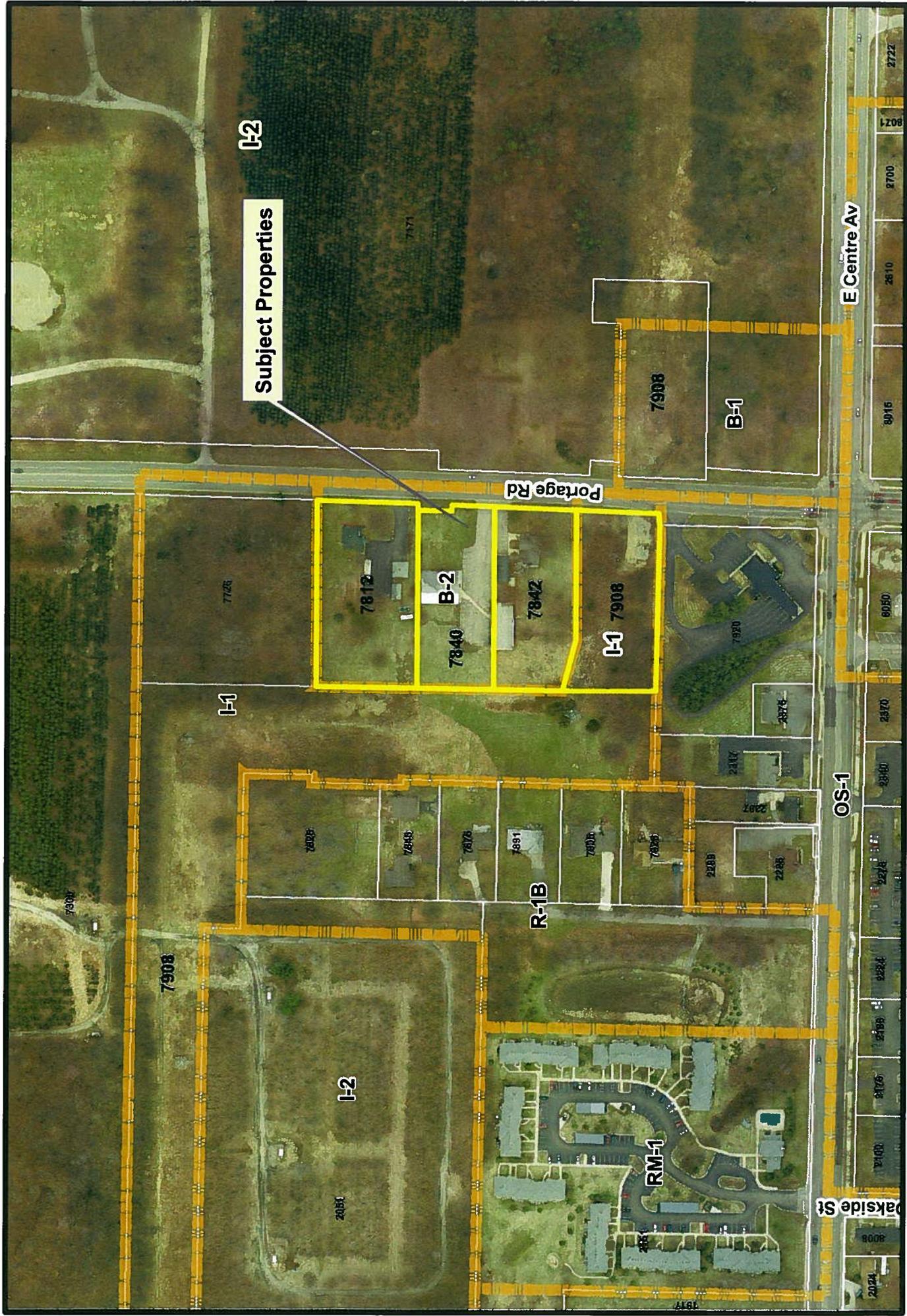


Future Land Use
   
 Subject Properties

**Future Land Use Map**  
**7812, 7840, 7842, 7908 (portion thereof)**  
**Portage Road**



1 inch = 233 feet



Subject Properties

**Aerial Photo**  
**7812, 7840, 7842 & 7908 (portion thereof)**  
**Portage Road**

Subject Properties  
 Zoning Boundary



1 inch = 240 feet  
 2009 Pictometry Imagery

RECEIVED

APPLICATION FOR ZONING AMENDMENT

APR 10 2012

Application number 11/5

COMMUNITY DEVELOPMENT

Date 4/10/12

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).

REQUESTING 7812, 7840, 7842 FROM B-2  
TO B-3. REQUESTING 7908 TO BE CHANGED  
FROM T-1 TO P-2. THE EAST 350.8

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

b. Name of the owner of the property to be rezoned: SHARON WAGNER, DEEP WATERS LLC,  
DUSARNEY INVESTMENT, CONSUMERS ENERGY.  
Address \_\_\_\_\_

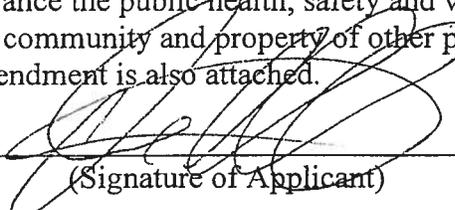
3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: TO BUILD A MICROBREWERY / RESTAURANT  
THE PORTAGE BREWING COMPANY.

4. CURRENT ZONING: B-2 & F-1 PROPOSED ZONING: B-3 & P-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.



(Signature of Applicant)

(Signature of Applicant)

8351 WEST LONG LAKE DR. / KAZOO, MI. 49048  
(Address) (Address)

269-303-9339  
(Phone) (Phone)

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

APPLICATION FOR ZONING AMENDMENT

The proposed zoning change is for the following properties: 7812, 7840, 7842, and 7908 Portage road. 7908 is owned by Consumers energy, and will be changed from light industrial to P-1 parking. The other lots are currently zoned B-2 and would be changed to a B-3 zoning.

Mike and Joe Stoddard (owners of 7842 Portage road) will pay for all properties to be re-zoned.

Lot 7812 is 1.53 acres, lot 7840 is 1.15 acres, lot 7842 is 1.22 acres, and the consumers property is approximately 1.25 acres to be re-zoned. The total acreage is approximately 5.17 acres, with a total cost of \$1200.

The intention is to build a restaurant/brewery on 7842 Portage road. The restaurant will be open for lunch and dinner, and also boast a on-site brewery.

7812 Portage road, parcel number-00014-095-0

Sharon Wagner

7840 Portage road, parcel number-00014-090-A

Sherry R. Lawson

7842 Portage Road, parcel number-00014-085-A

Brecco Oliveira

7908 Portage Road, parcel number-00014-015-0

See attached letter dated 4/5/12

# **Consumers Energy**

*One Energy Plaza, EP7-468, Jackson, MI 49201*

*From the office of Laura E. Stensland • 517.740.7421 • Facsimile 517.788.1216*

---

April 5, 2012

Re: Consumers Energy Property

Mr. Stoddard,

Thank you for your interest in utilizing the Consumers Energy property that adjoins the South and West sides of 7842 Portage Rd., Portage, MI.

I have received your request and will begin processing the license agreement upon receipt and approval of your site plans.

In the meantime, if you have any questions, please call me at 517.740.7421 or by email at: [laura.stensland@cmsenergy.com](mailto:laura.stensland@cmsenergy.com)

I look forward to working with you to make this project possible!

Thank you in advance for your cooperation.

Sincerely,



Laura E. Stensland  
Consumers Energy  
Corporate Real Estate  
Land Management



**TO:** Planning Commission **DATE:** April 27, 2012  
**FROM:** Vicki Georgeau, <sup>12</sup>Director of Community Development  
**SUBJECT:** Modified Active Home Occupation Permit: Arrow Car Service, 3617 Wedgewood Drive – four month review.

## I. INTRODUCTION:

At the meeting of January 5, 2012, the Planning Commission approved a Modified Active Home Occupation Permit for Arrow Car Service at 3617 Wedgewood Drive subject to several conditions including a four month review of the Active Home Occupation Permit by the Planning Commission. A copy of the January 5, 2012 approved meeting minutes is attached.

This report is provided to assist the Planning Commission in the review of the approved Active Home Occupation Permit and each condition of approval. During the past four month period, the Department of Community Development has conducted over 30 site inspections at various times of the day and night and on various days of the week (weekday and weekend) for the purpose of determining compliance with the Planning Commission conditions of approval. Department staff has also had several communications and discussions with the applicant, and, has received monthly summary reports and copies of daily run sheets regarding the use of the dual purpose fleet/personal vehicle by Arrow Car Service. During this review period, no documented evidence of noncompliance with Planning Commission established conditions of approval has been identified by staff. Additionally, no citizen complaints have been received during this review period. A more detailed discussion of the conditions of approval is provided below.

## II. CONDITIONS OF APPROVAL

Approval of the special land use permit and site plan included several conditions. To assist the Planning Commission, each condition of approval is identified below and is followed by comments for consideration.

### Modified Active Home Occupation Permit – Conditions of Approval

1. *No more than one dual purpose fleet/personal vehicle shall be present at the site and such vehicle shall be parked inside the attached garage at all times when located on the property or in the Wedgewood plat.*

Comments: Based on site inspections conducted by the Department of Community Development and information provided by the applicant, only one dual purpose fleet/personal vehicle has been present at the site at any one time. When on-site, this vehicle has been parked inside the attached garage. During this review period, staff has not witnessed any Arrow Car Service fleet vehicle parked outside of the attached garage (i.e., driveway or on public street). Additionally, no citizen complaints have been received regarding this condition of approval.

2. *No non-occupant employees of Arrow Car Service shall be permitted at the residence for purposes of conducting business activities. Employee/vehicle shift changes are to occur at an off-site location.*

Comments: During this review period, staff has not witnessed any non-occupant employees at the residence or employee/vehicle shift changes occurring at the site. According to the applicant, no non-occupant employees have been at the residence for purposes of conducting business activities and employee/vehicle shift changes have all occurred at off-site locations. Additionally, no citizen inquiries regarding a possible violation of this condition of approval were received during the review period.

3. *The Arrow Car Service dual purpose fleet/personal vehicle not be operated for business purposes between the hours of 8:00 p.m. and 6:00 a.m.*

Comments: Based on site inspections conducted by the Department of Community Development (including seven late evening inspections – after 8:00pm) and information provided by the applicant, the Arrow Car Service dual purpose fleet/personal vehicle has not been operated for business purposes from the residence between the hours of 8:00 p.m. and 6:00 a.m. On limited occasions where the applicant has needed to leave the residence for purposes of conducting business activities between the hours of 8:00 p.m. and 6:00 a.m., the applicant reports they have utilized their other personal vehicle for transportation. No citizen complaints have been received during the review period regarding this condition of approval.

4. *No vehicle repairs or maintenance of the Arrow Car Service dual purpose fleet/personal vehicle, other than cleaning activities, be conducted on-site. Cleaning activities must be conducted inside the attached garage.*

Comments: During this review period, staff has not witnessed any repair or maintenance activities of the Arrow Car Service dual purpose fleet/personal vehicle occurring at the residence. According to the applicant, all repair and maintenance activities associated with the dual purpose fleet/personal vehicle have occurred at an off-site location. No citizen complaints regarding this condition of approval have been received during this review period.

5. *The Arrow Car Service dual fleet/personal vehicle is permitted a maximum of 24 vehicle trip ends per day for business-related purposes. The applicant must record all business trips to/from the residence on official daily run sheets and provide copies to the Department of Community Development on a monthly basis.*

Comments: Based on review of the monthly reports and daily run sheets provided by the applicant, the Arrow Car Service dual purpose fleet/personal vehicle has not exceeded 24 vehicle trip ends per day for business related purposes. According to the information provided by the applicant, the dual purpose fleet/personal vehicle has averaged approximately six vehicle trip ends per day for business purposes during this review period, with a high of 12 vehicle trip ends occurring on only a few days. Copies of the monthly summary reports for January, February, March and April (partial), as provided by the applicant, are attached for Commission review. No citizen complaints regarding this condition of approval or excessive use of the dual purpose fleet/personal vehicle have been received during this review period.

6. *The car/taxi service business must maintain a license from the Michigan Department of Transportation.*

Comments: The applicant has provided copies of the Michigan Department of Transportation (MDOT) Limousine Certificate of Authority along with vehicle registration and proof of insurance for Arrow Car Service related vehicles (see attachments).

7. *The Planning Commission conduct a four month review of the Active Home Occupation permit.*

Comments: In progress.

Residents/property owners located within 300 feet of this property have been notified in writing of the Planning Commission meeting for purposes of conducting a four month review of the active home occupation permit. A notice was also placed in the local newspaper. At the time of report preparation, one anonymous citizen communication has been received and is attached to this report.

### **III. CONCLUSION/RECOMMENDATION:**

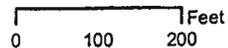
On January 5, 2012, the Planning Commission approved the Modified Active Home Occupation Permit for Arrow Car Service at 3617 Wedgewood Drive subject to several conditions. As indicated in the staff report, the conditions of approval have been fulfilled by the applicant during the four month review period. Subject to any additional information that may be received during the May 3, 2012 meeting, staff advises that the Planning Commission conclude the four-month review of the Modified Active Home Occupation Permit for Arrow Car Service, 3617 Wedgewood Drive, with no additional modifications to the conditions that were attached to the original January 5, 2012 approval.

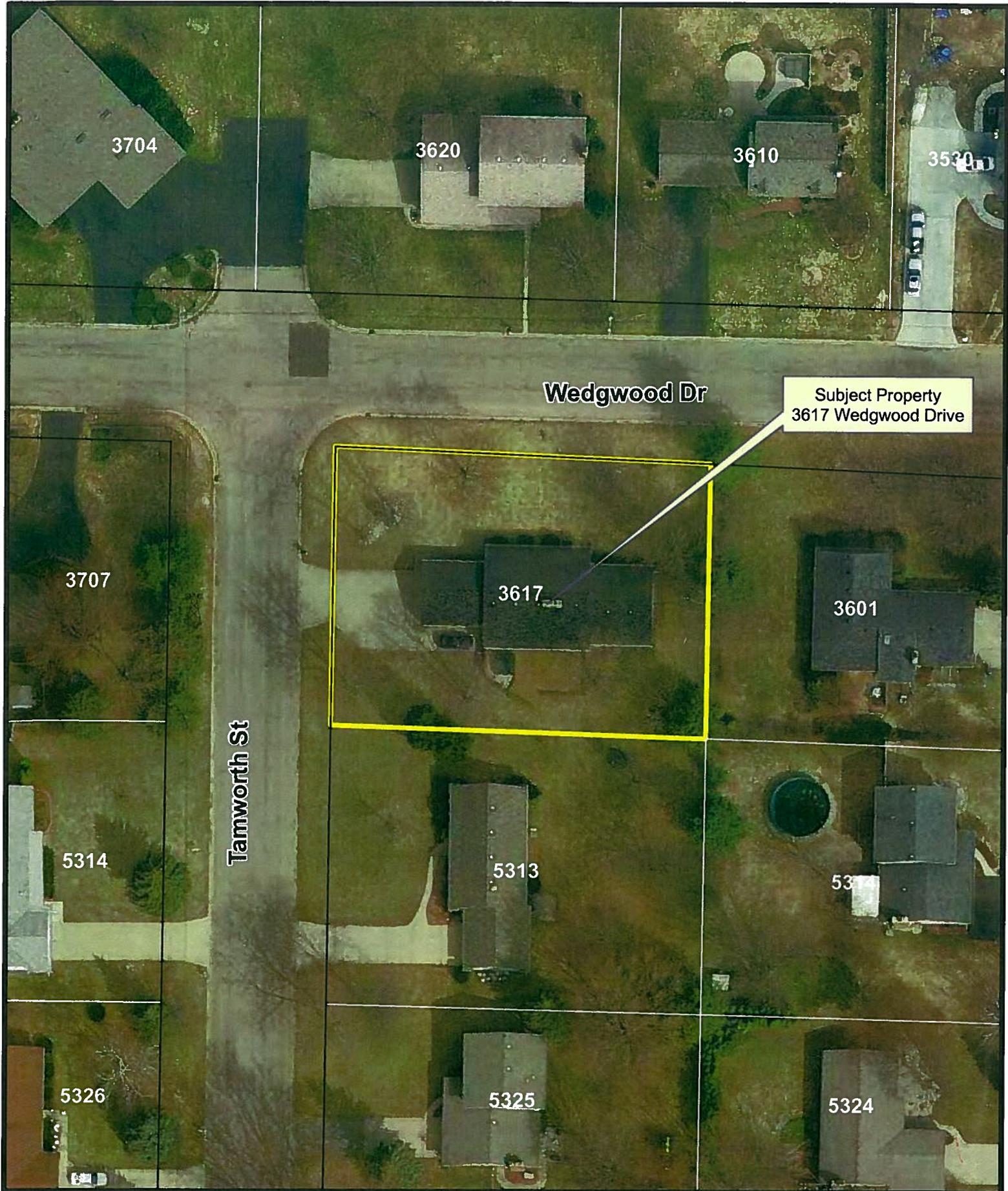
Attachments:       Zoning/Vicinity Map  
                          Aerial Photograph Map  
                          January 5, 2012 Planning Commission meeting minutes  
                          Monthly Status Reports [January, February, March, April (partial)] for dual purpose fleet/personal vehicle  
                          MDOT Business Certificates/Vehicle Registration Information (Arrow Car Service)  
                          Anonymous citizen communication received April 25, 2012



# Active Home Occupation Permit

## 3617 Wedgwood Drive





**Active Home Occupation Permit  
3617 Wedgwood Drive**

1 inch = 50 feet

The Commission and staff discussed how the use was established at the site without a special land use permit, how the city discovered the use and the conflicting land use screening that exists between the site and the residential condominiums located to the west within the Sterling Oaks Planned Development.

Mr. Michael Kasten (property owner) and Mr. Andy Boersma (owner of Kalamazoo Choppers) were present to explain the use and support the application. Chairman Cheesebro asked whether an overhead door was present along the west side of the west building and where within the building motorcycle fabrication would occur. Mr. Boersma stated an overhead door was present along the west side of the west building but only the eastern portion of the building was used for fabrication. The west half of the building is used for storage purposes. Mr. Boersma also explained the fabrication process he utilizes, which produces little, if any, noise.

Chairman Cheesebro opened the public hearing. Two citizens spoke in regard to the proposed motorcycle repair facility. Mr. Brian Blair (property manager representing the Sterling Oaks community) stated the residents of Sterling Oaks were concerned about noise, hours of operation and monitoring of the business. Ms. Heather Ingram (9847 Fort Myers) also expressed concerns about noise and hours of operation. Mr. Boersma stated the business is quiet with all repair and fabrication activities occurring indoors. Mr. Boersma indicated summer hours of operation (April-October) were Mondays, Tuesdays, Thursdays and Fridays from 10:00 a.m. to 7:00 p.m. The facility is closed on Wednesdays. Saturday hours of operation are from 10:00 a.m. to 4:00 p.m. and Sundays from 10:00 a.m. to 1:00 p.m. During the winter (November-March), hours of operation are Monday thru Friday from 10:00 a.m. to 5:00 p.m. and closed on the weekends. No additional citizens spoke regarding the proposed motorcycle repair facility. A motion was made by Commissioner Welch, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved.

The Commission and staff discussed various aspects of the proposal including noise standards for the use at the west property line and the adequacy of the conflicting land use screening located between the site and the residential condominium buildings. After a brief discussion, the Commission concluded that existing screening was effective and additional installation was not necessary. Commissioner Reiff stated he has visited the Kalamazoo Choppers facility on Lovers Lane and found the business owner to be reputable, dependable with no early morning business hours. Attorney Brown asked Commissioner Reiff if he had any special relationship with Mr. Boersma that might affect his ability to render an impartial decision. Commissioner Reiff clarified that he did not and had only met Mr. Boersma on one occasion. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to approve the Special Land Use Permit for Kalamazoo Choppers, 9820 Portage Road, subject to all fabrication, maintenance and repair activities being conducted inside the enclosed buildings. The motion was unanimously approved 7-0.

**2. Modified Active Home Occupation Permit: Arrow Car/Taxi Service, 3617 Wedgewood Drive.** Mr. Forth summarized the staff report dated December 29, 2011 regarding a modified Active Home Occupation permit application submitted by Robert and Kimberly Tatum to operate a car/taxi service business (Arrow Car Service) from their residence located at 3617 Wedgewood Drive. Mr. Forth reviewed the Planning Commission consideration and denial of the original application at the November 22, 2011 meeting and summarized the changes to the business operation proposed in the modified application. Mr. Forth stated the modified application proposes a reduction in the number of on-site fleet vehicles from three to one and no non-occupant employees will visit the residence for business purposes. Prior to taking action on the modified application, Mr. Forth indicated the Planning Commission first needed to conclude whether or not the modified application represented a change in circumstance from the original application.

The Commission discussed whether the modified application represented a significant change from the original application. Commissioner Welch asked what aspect of the modified application makes the proposed business an active home occupation, as opposed to a passive home occupation. Mr. Forth and Attorney Brown responded by stating the majority of the Commission at the November 22<sup>nd</sup> meeting concluded the fleet vehicles were "equipment" and the passive home occupation regulations do not allow for the storage of equipment outdoors or within an attached/detached accessory building. After a brief discussion, a motion was

made by Commissioner Patterson, seconded by Commissioner Welch, that the modified active home occupation permit application had changed and circumstances were different than the November 2011 request. The motion was unanimously approved 7-0.

Mr. Robert Tatum was present to support the application and explain the modified active home occupation permit application. Mr. Tatum indicated he has changed the business operations to reduce impacts on the neighborhood. Mr. Tatum stated he has a permanent, off-site commercial location (hotel parking garage) to park his other fleet vehicles and stated the modified application involves only one on-site dual purpose fleet/personal vehicle that would be parked inside the attached garage. Also, Mr. Tatum explained that no non-occupant employees or shift changes would occur at his residence. Mr. Tatum stated he and his wife currently only have one personal vehicle and the requested dual purpose fleet/personal vehicle would be utilized to coordinate off-site employee shift changes, paperwork/cash exchange, client driving and sales/marketing activities, in addition to personal use. Mr. Tatum indicated the business activities conducted at his residence do not occur 24 hours a day as stated by neighborhood residents. Mr. Tatum explained how client calls and appointments are coordinated and how fleet vehicles are dispatched. Mr. Tatum stated his Yukon Denali has an Arrow Car Service advertisement in the window, however, is not registered or utilized as a fleet vehicle due to insurance/liability reasons. Mr. Tatum indicated the requested dual purpose fleet/personal vehicle would generate a maximum of eight trips per day, which is fewer than a neighborhood child day care home.

The public hearing was convened by Chairman Cheesebro. A total of five citizens spoke regarding the modified active home occupation permit: 1) Yvone Asken, 3707 Wedgewood Drive; 2) Pam Wesley, 3828 Wedgewood Drive; 3) Melody Nedrud, 3427 Wedgewood Drive; 4) Roberta MacCallum, 3610 Wedgewood Drive and 5) Jim Stordell, 3427 Wedgewood Drive. Ms. Asken spoke in opposition to the application citing concerns about the ordinance, a business operating from a residential cul-de-sac street, enforcement and associated impacts. Ms. Asken stated the applicant has been operating the business from the residence since August 2011 without the necessary approval and did not comply with the Planning Commission's original denial of November 22, 2011. Ms. Wesley expressed concerns about safety and the lack of sidewalks in the neighborhood and children walking to/from Angling Road Elementary School. Ms. Nedrud also spoke in opposition to the application citing concerns about a commercial business operating in a residential neighborhood, staff recommended conditions of approval and enforcement. Ms. MacCullum spoke in opposition to the application stating the ordinance is not consistent with community objectives contained in the City of Portage Vision 2025 Plan. Mr. Stordell also spoke in opposition to the application citing enforcement challenges and suggested the ordinance be revisited to consider specific uses that are allowed/not allowed along with best practices to protect neighborhoods. No additional citizens spoke regarding the modified active home occupation permit application. After additional discussion, a motion was made by Commissioner Reiff, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved 7-0.

The Commission, staff and Attorney Brown discussed the proposed application and the specific ordinance requirements for active home occupations. Commissioner Welch asked if eliminating the one on-site fleet vehicle would make the business a passive home occupation. Mr. Forth responded yes. The Commission discussed whether the application could be adjourned until the ordinance was reconsidered by the city. Attorney Brown stated adjourning the application to consider additional information or facts would be acceptable, however, an extensive delay to consider possible changes to the ordinance could present legal issues. Attorney Brown indicated an application has been received pursuant to a recently adopted ordinance and the Commission should follow the ordinance provisions. Attorney Brown discussed several issues expressed by the Commission and the citizens regarding the application including enforcement, prior violations, ordinance provisions and conditions of approval to mitigate adverse impacts. Attorney Brown stated many ordinances require enforcement so the fact that enforcement will be necessary and may be difficult is not a reason to deny the application. Attorney Brown also indicated that prior violations should not be the basis for denial, and, if shown the ordinance requirements have been satisfied by the facts presented, then the ordinance provides the applicant the right to establish the active home occupation. In making a determination, Attorney Brown stated the Planning Commission should first determine that conditions 1 through 9 of the ordinance, which are more or less tangible conditions, have been satisfied. Attorney Brown then indicated the

Commission should analyze the use under the remaining sections of the ordinance which include more discretionary standards of review. If aspects of the use are determined to cause unreasonable or undue impacts, Attorney Brown stated the ordinance allows the Planning Commission to impose conditions to mitigate these impacts.

Commissioner Dargitz discussed the original version of the ordinance that was prepared by the Planning Commission that included a requirement that an active home occupation be located on a major thoroughfare, which would have addressed many of the concerns expressed by the neighborhood. Commissioner Dargitz discussed the number of residents that signed a petition and/or provided a letter opposing the active home occupation permit and stated she believes the use is not a good fit for the neighborhood. Commissioner Welch stated the distinguishing characteristic of whether the use is an active or passive home occupation is the one on-site fleet vehicle and conditions such as number of permitted vehicle trips can be imposed to address potential impacts and concerns. Attorney Brown stated the Commission should not deny an application merely based on the number of people who have signed a petition or the personalities involved and indicated the facts of the application and the ordinance standards should be the focus of the review. To support a denial, Attorney Brown stated there needs to be evidence on the record that concludes the use will cause adverse impacts on the neighborhood and imposed conditions would not mitigate these impacts. Commissioner Patterson concurred with Commissioner Welch and suggested a maximum number of vehicle trips be established for the fleet vehicle and on-site vehicle repair/maintenance be prohibited. Commissioner Dargitz reviewed condition #11 of the ordinance regarding the "conduct of the use" and the "harmonious" nature of the use and expressed concerns regarding the proposed car/taxi service business. Commissioner Stoffer also expressed concerns with the application in regards to condition #11 and the lack of sidewalks in the neighborhood, safety of pedestrians and children, proximity to Angling Road Elementary School, no outlet nature of the street, size of lots and closeness of homes. Commissioner Welch discussed day care homes which are regularly approved in residential neighborhoods that can generate more vehicular traffic than the proposed car service business. Chairman Cheesebro stated a typical residential home can generate 8-12 vehicle trips a day and the Commission can establish conditions including a maximum number of vehicle trips and hours of operation to address concerns.

After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to approve the Modified Active Home Occupation Permit for Robert and Kimberly Tatum (Arrow Car Service), 3617 Wedgewood Drive, subject to the following conditions: 1) No more than one dual purpose fleet/personal vehicle shall be present at the site and such vehicle shall be parked inside the attached garage at all times when located on the property or in the Wedgewood plat; 2) No non-occupant employees of Arrow Car Service shall be permitted at the residence for purposes of conducting business activities. Employee/vehicle shift changes are to occur at an off-site location; 3) The Arrow Car Service dual purpose fleet/personal vehicle not be operated for business purposes between the hours of 8:00 p.m. and 6:00 a.m.; 4) No vehicle repairs or maintenance of the Arrow Car Service dual purpose fleet/personal vehicle, other than cleaning activities, be conducted on-site. Cleaning activities must be conducted inside the attached garage; 5) The Arrow Car Service dual fleet/personal vehicle is permitted a maximum of 24 vehicle trip ends per day for business-related purposes. The applicant must record all business trips to/from the residence on official daily run sheets and provide copies to the Department of Community Development on a monthly basis; 6) The car/taxi service business must maintain a license from the Michigan Department of Transportation; and 7) The Planning Commission conduct a four month review of the Active Home Occupation permit. Upon a roll call vote: Reiff (yes), Seigfried (yes), Dargitz (no), Welch (yes), Stoffer (no), Cheesebro (yes) and Patterson (yes), the motion was approved 5-2.

**PLATS/RESIDENTIAL CONDOS:**

None

**OLD BUSINESS:**

Arrow Car Service  
P. O. BOX 1025  
Portage, MI 1025-49024

**RECEIVED**

**FEB 15 2012**

**COMMUNITY DEVELOPMENT**

To: Portage Planning Commission  
From: Arrow Car Service; Monthly Status report

Subject: ~~February~~ <sup>January</sup> Arrow Car Service Monthly Dual Purpose Car Usage rapport. Update and data for Active Home Occupation permit, 3617 Wedgwood Drive Portage, MI 49024. The following numbers are the dual purpose vehicle company use.

The days highlighted in yellow are when we had a driver working which is why the numbers are so low. Arrow Care service made a total of 95 business related runs or a total of 190 trips from the Wedgwood property utilizing a dual purpose vehicle. Our high day was six business related trips with a daily average of 2.7 runs or 5.48 trips per day. This is well below the agreed to maximum of 12 runs or 24 trips per day of 744 for the month of January.

Date:	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Runs:	2	5	5	3	2	5	4	4	4	2	4	3	4	3	2

Date:	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Runs:	2	2	2	1	2	2	2	2	2	2	2	2	2	2	2	4

Arrow Monthly Totals:

Total Runs: 95

Total Trips: 190

Robert J Tatum

From: Arrow Car Service, Robert Tatum

To: Portage Planning Commission

RECEIVED  
MAR 22 2012  
COMMUNITY DEVELOPMENT

Subject: February Home Occupation vehicle usage report.

1. Below are the trips to from 3617 Wedgwood drive. The average daily vehicle usage for business purposes averaged less than six trips per day.

February 2012

Date	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Total
Trips	4	8	6	4	6	6	10	8	4E	6	4	4E	4E	4E	4E	82

Date	16	17	18	19	20	21	22	23	24	25	26	27	28	29		
Trips	4E	4E	6	4E	4E	4E	8	4E	6	8	4E	4E	4	4E		68

4E= Employee on shift not working from the house therefore just shift change is accounted for.

150

  
3-21-12

From: Arrow Car Service, Robert Tatum

To: Portage Planning Commission

Subject: **March** Home Occupation vehicle usage report.

RECEIVED  
APR 16 2012  
COMMUNITY DEVELOPMENT

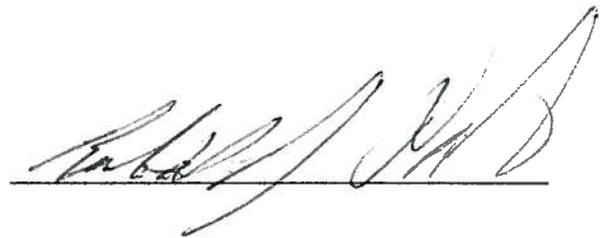
1. Below are the trips to from 3617 Wedgwood drive. The average daily vehicle usage for business purposes was under seven trips per day.

March 2012

Date	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Tota
Trips	4	8	6	4	6	4	4	8	8	10	12	6	4	8	10	102

Date	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30/31	
Trips	4	4	8	6	6	8	8	6	2	12	8	8	6	6	4/8	104

206



From: Arrow Car Service, Robert Tatum

To: Portage Planning Commission

RECEIVED  
APR 16 2012  
COMMUNITY DEVELOPMENT

Subject: April Home Occupation vehicle usage report.

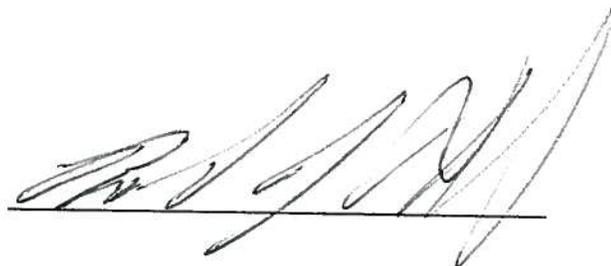
1. Below are the trips to from 3617 Wedgwood drive. The average daily vehicle usage for business purposes averaged less than six trips per day.

April 2012

Date	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Total 86
Trips	8	0	4	4	4	8	4	4	6	6	4	6	6	10	12	

Date	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
Trips															

Total: 86



SECRETARY OF STATE'S COPY

STATE OF MICHIGAN CERTIFICATE OF NO-FAULT INSURANCE

COMPANY

**American Country Ins. Co.**

COMMERCIAL

PERSONAL

POLICY NUMBER

**MI4000000189-00**

EFFECTIVE DATE

**04/17/12**

EXPIRATION DATE

**04/17/13**

YEAR

MAKE/MODEL

**1999 Chevy Astro**

VEHICLE IDENTIFICATION NUMBER

**1GNDM19W9XB155896**

AGENCY/COMPANY ISSUING CARD

**Korotkin Insurance Group**

INSURED

**Arrow Car Services  
Robert & Kimberley Tatum dba:  
PO Box 1025  
Portage, MI 49081**

An authorized Michigan insurer, certifies that it has issued a policy complying with Act 294, P.A. 1972, as amended for the described motor vehicle.

SECRETARY OF STATE'S COPY

Michigan Law (MCLA 500.3101) requires that the owner or registrant of a motor vehicle registered in this state must have insurance or other approved security for the payment of no-fault benefits on the vehicle at all times. An owner or registrant who drives or permits a vehicle to be driven upon a public highway without the proper insurance or other security is guilty of a misdemeanor.

An owner or registrant convicted of such a misdemeanor shall be fined not less than \$200.00 nor more than \$500.00, or imprisoned for not more than 1 year, or both.

THIS FORM MUST BE PRESENTED AS EVIDENCE OF INSURANCE WITH YOUR APPLICATION FOR LICENSE PLATES, EITHER BY MAIL OR AT ANY SECRETARY OF STATE LICENSE PLATE BRANCH OFFICE. A PERSON WHO ISSUES OR WHO SUPPLIES FALSE INFORMATION TO THE SECRETARY OF STATE OR USES AN INVALID CERTIFICATE OF INSURANCE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

If this vehicle is driven by the person(s) named below, residual liability insurance does not apply and the vehicle will be considered uninsured:

\_\_\_\_\_

WARNING - when a named excluded person operates a vehicle, all liability coverage is void - no one is insured. Owners of the vehicle and others legally responsible for the acts of the named excluded person remain fully responsible.

National Casualty

THIS CARD MUST BE KEPT IN THE INSURED VEHICLE AND PRESENTED UPON DEMAND

POLICY NUMBER  
100240983

EFFECTIVE DATE  
08/08/11

EXPIRATION DATE

YEAR MAKE/MODEL  
1999 Chev Astro Va

VEHICLE IDENTIFICATION NUMBER  
1GNDM19W9XB155896

AGENCY/COMPANY ISSUING CARD  
Miller-Schuring Agency  
Michael Burdo (Own Comm)  
59-381-9442

IN CASE OF ACCIDENT: Report all accidents to your Agent/Company as soon as possible. Obtain the following information:

1. Name and address of each driver, passenger and witness.
2. Name of Insurance Company and policy number for each vehicle involved.

INSURED

Arrow Car Service

PO Box 1025  
Portage

MI 49024

COVERAGE MEETS MINIMUM LIABILITY INSURANCE PRESCRIBED BY LAW

ACORD 50 RM(2/95)

MICHIGAN REGISTRATION

RUTH JOHNSON  
Secretary of State

Plate: CHY5742 Expires: 09/11/2012

ORIGINAL REGISTRATION

1999 CHEVROLET STA WGN

Vehicle No.: 1GNDM19W9XB155896

T 350 745 435 706

Fee Cat. or Wt.: 000020

County: KALAMAZOO

ROBERT JON TATUM  
3617 WEDGEWOOD DR  
PORTAGE

MI 49024



CHY5742 R

License Fee: 97.00

09072011 L9 Z250 201 0619 759.40

TR-11



*Limousine Certificate of Authority*

ROBERT TATUM, KIMBERLY TATUM DBA ARROW CAR SERVICE L2233  
P.O. Box 1025  
Portage, Michigan 49081-2025

Pursuant to Public Act 271 of 1990, authority is granted to transport by limousine between the following points in Michigan:

INTRASTATE

To operate as a Limo Carrier of Passengers by limousine, as defined in Act 271, transporting passengers, in charter operations, beginning and ending at all points in Michigan.

This annual renewable authority continues in full force and effect unless it is suspended or revoked.

By: Robbie Smith

Robbie Smith  
Regulatory Unit - Passenger Transportation Division  
October 4, 2011

Note: Copy to be carried with each limousine + operated under authority of this Department.

PANY NUMBER STATE MI COMPANY

National Casualty

THIS CARD MUST BE KEPT IN THE INSURED VEHICLE AND PRESENTED UPON DEMAND

ICY NUMBER EFFECTIVE DATE EXPIRATION DATE
00240983 08/08/11 08/08/12

R MAKE/MODEL VEHICLE IDENTIFICATION NUMBER
97 Lincoln Town Car 1LNLM82W3VY753429

AGENCY/COMPANY ISSUING CARD
Miller-Schuring Agency
Michael Burdo (Own Comm)
9-381-9442

IN CASE OF ACCIDENT: Report all accidents to your Agent/Company as soon as possible. Obtain the following information:

- 1. Name and address of each driver, passenger and witness.
2. Name of Insurance Company and policy number for each vehicle involved.

INSURED
Arrow Car Service

PO Box 1025
Portage MI 49024

COVERAGE MEETS MINIMUM LIABILITY INSURANCE PRESCRIBED BY LAW

ACORD 50 WM(2/95)

SECRETARY OF STATE'S COPY

STATE OF MICHIGAN CERTIFICATE OF NO-FAULT INSURANCE

COMPANY American Country Ins. Co.
POLICY NUMBER MI4000000189-00
EFFECTIVE DATE 04/17/12 EXPIRATION DATE 04/17/13
YEAR 1996 MAKE/MODEL Lincoln Town Car
VEHICLE IDENTIFICATION NUMBER 1LNLM82W9TY669841
AGENCY/COMPANY ISSUING CARD Korotkin Insurance Group
INSURED Arrow Car Services
Robert & Kimberley Tatum dba:
PO Box 1025
Portage, MI 49081

An authorized Michigan insurer, certifies that it has issued a policy complying with Act 294, P.A. 1972, as amended for the described motor vehicle.

SECRETARY OF STATE'S COPY

Michigan Law (MCLA 500.3101) requires that the owner or registrant of a motor vehicle registered in this state must have insurance or other approved security for the payment of no-fault benefits on the vehicle at all times.

An owner or registrant convicted of such a misdemeanor shall be fined not less than \$200.00 nor more than \$500.00, or imprisoned for not more than 1 year, or both.

THIS FORM MUST BE PRESENTED AS EVIDENCE OF INSURANCE WITH YOUR APPLICATION FOR LICENSE PLATES, EITHER BY MAIL OR AT ANY SECRETARY OF STATE LICENSE PLATE BRANCH OFFICE.

If this vehicle is driven by the person(s) named below, residual liability insurance does not apply and the vehicle will be considered uninsured:

WARNING - when a named excluded person operates a vehicle, all liability coverage is void - no one is insured. Owners of the vehicle and others legally responsible for the acts of the named excluded person remain fully responsible.



*Limousine Certificate of Authority*

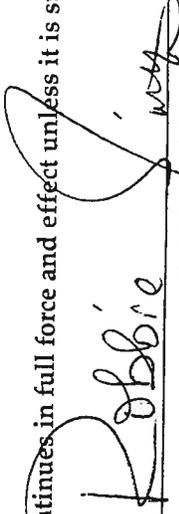
ROBERT TATUM, KIMBERLY TATUM DBA ARROW CAR SERVICE L2233  
P.O. Box 1025  
Portage, Michigan 49081-2025

Pursuant to Public Act 271 of 1990, authority is granted to transport by limousine between the following points in Michigan:

INTRASTATE

To operate as a Limo Carrier of Passengers by limousine, as defined in Act 271, transporting passengers, in charter operations, beginning and ending at all points in Michigan.

This annual renewable authority continues in full force and effect unless it is suspended or revoked.

By:   
Robbie Smith  
Regulatory Unit - Passenger Transportation Division  
October 4, 2011

Note: Copy to be carried with each limousine + operated under authority of this Department.

**MICHIGAN REGISTRATION**

RUTH JOHNSON  
Secretary of State

Plate: G3485K Expires: 02/28/2013

ORIGINAL REGISTRATION

2001 FORD BUS

Vehicle No.: 1FDWE35S21HA78589

Fee Cat. or Wt.: 008000

T 350 469 067 030

County: KALAMAZOO

KIM ANNE TATUM

3617 WEDGWOOD DR

PORTAGE

MI 49024



G3485K K

License Fee: 231.00

3092012 R5 A069 202 0578 318.00

TR-IL

**VEHICLE COPY**

**STATE OF MICHIGAN CERTIFICATE OF NO-FAULT INSURANCE**

COMPANY

American Country Ins. Co.



COMMERCIAL



PERSONAL

POLICY NUMBER

MI4000000189-00

EFFECTIVE DATE

04/17/12

EXPIRATION DATE

04/17/13

YEAR

MAKE/MODEL

2001 Ford E350

VEHICLE IDENTIFICATION NUMBER

1FDWE35S21HA78589

AGENCY/COMPANY ISSUING CARD

Korotkin Insurance Group

INSURED

Arrow Car Services

Robert & Kimberley Tatum dba:

PO Box 1025

Portage, MI 49081

An authorized Michigan insurer, certifies that it has issued a policy complying with Act 294, P.A. 1972, as amended for the described motor vehicle.

**WARNING: KEEP THIS CERTIFICATE IN YOUR VEHICLE AT ALL TIMES.** If you fail to produce it upon a police officer's request, you will be responsible for a civil infraction.

Michigan Law (MCLA 500.3101) requires that the owner or registrant of a motor vehicle registered in this state must have insurance or other approved security for the payment of no-fault benefits on the vehicle at all times. An owner or registrant who drives or permits a vehicle to be driven upon a public highway without the proper insurance or other security is guilty of a misdemeanor.

An owner or registrant convicted of such a misdemeanor shall be fined not less than \$200.00 nor more than \$500.00, or imprisoned for not more than 1 year, or both.

A PERSON WHO SUPPLIES FALSE INFORMATION TO THE SECRETARY OF STATE OR WHO ISSUES OR USES AN INVALID CERTIFICATE OF INSURANCE IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

If this vehicle is driven by the person(s) named below, residual liability insurance does not apply and the vehicle will be considered uninsured:

**WARNING** - when a named excluded person operates a vehicle, all liability coverage is void - no one is insured. Owners of the vehicle and others legally responsible for the acts of the named excluded person remain fully responsible.

# LIMOUSINE INSPECTION

Information required by authority of Public Act 271 of 1990. Failure to supply this information may result in a misdemeanor charge.

Michigan Department  
of Transportation  
3049E (10/06)

SEE REVERSE FOR INSTRUCTIONS AND DISTRIBUTION.  
This report remains the property of the Michigan Department of Transportation.  
This inspection does not imply that deficiencies other than those noted may not exist.

DATE OF INSPECTION <b>04/20/2012</b>	TIME STARTED <b>1:00</b> am <input type="radio"/> pm <input checked="" type="radio"/>	TESTING STATION NAME <b>Woodward's Garage</b>	REPAIR FACILITY NUMBER <b>F107664</b>
LIMOUSINE OPERATOR			

BUSINESS ADDRESS	Street	City	State	Zip
------------------	--------	------	-------	-----

FLEET NO.	SEATING CAPACITY: <b>14</b>	MAKE: <b>Ford</b>	MODEL: <b>F350</b>	YEAR: <b>2001</b>
MILEAGE: <b>219761</b>	COLOR: <b>White</b>	LICENSE NO.: <b>63485K</b>	VIN NO.: <b>1FDWE35S2LHA78589</b>	

## INSPECTION

Pass/Fail	Check the Pass, Fail or N/A box for each item. For any item that fails inspection, circle the part of the description which most closely describes the defect.	Pass/Fail	EXTERIOR OF LIMOUSINE (Cont.)
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>INTERIOR OF LIMOUSINE</b>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>FUEL CAP</b> Fuel cap and fill pipe must be tight and secure.
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>FLOOR</b> Must be free of holes, or openings.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>EXHAUST SYSTEM</b> Gas powered vehicles must discharge at or within six (6) inches of the rear of the vehicle. Diesel powered vehicles must discharge at or within fifteen (15) inches of the rear of the vehicle or to the rear of all doors and windows designed to be opened (except emergency window exits).
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>SEATS</b> Must be securely fastened to the vehicle. There must be no aisle seats unless they will fold and leave a clear aisle when unoccupied.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>ENGINE COMPARTMENT</b>
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>WINDOWS</b> All glass must be free from major damage and made from approved safety glass. Each push-out window must be marked as an emergency exit. There can be no physical obstructions on windows to prevent emergency exit.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>BATTERY INSTALLATION</b> Battery must be securely fastened to the vehicle. All connections, terminals and wiring must be protected from heat, damage or shorting.
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>EMERGENCY DOORS</b> If equipped with emergency doors, each must have decal or lettering indicating that it is an emergency exit. It must also be identified by an operating lamp. All doors must be fully operable and cannot be physically restricted in any way.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>FUEL SYSTEM</b> Fuel system must be free from leaks and protected from heat or damage.
<input type="checkbox"/> <input checked="" type="checkbox"/>	<b>EMERGENCY EXIT ACCESS</b> There can be no obstruction blocking aisles or passageways to emergency exits.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>BELTS</b> Belts must be free from damage, oil contamination and properly adjusted.
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>DRIVER'S SEAT BELT</b> Driver's seat must be equipped with a seat belt.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>ENGINE AND MOUNTS</b> Engine must be installed securely and mounting points must be free from cracks.
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>EMERGENCY EQUIPMENT</b> Must be equipped with a fire extinguisher with a Underwriter's Laboratory rating of 5 B:C or larger. It must be readily accessible to the driver.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>BRAKE RESERVOIRS</b> Hydraulic brake reservoirs must be filled to within 1/4" from top of reservoir.
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>DRIVER CONTROLS</b> Must have an operable horn, turn signals, windshield defroster and windshield wipers and washers. All door controls must be operable. Mirrors must be in good condition. Vehicles over 10,000 lbs. GVWR must have a right side (passenger side) mirror.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>UNDERSIDE OF VEHICLE</b>
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>BRAKE WARNING DEVICE</b> Hydraulic brake equipped vehicle must have an audible or visual brake warning device that operates in the event of a hydraulic failure of a partial system. Air brake equipped vehicle must be equipped with a gauge that reads in pounds per square inch, indicating to the driver brake system pressure available for braking, and a low air warning device that will provide a continuous visual signal to the driver when the air pressure in the system drops below one-half of the compressor governor cutout pressure.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>STEERING SYSTEM</b> Vehicle may not have any loose, worn, bent, damaged, or missing parts. Tires may not come into contact with any part of the vehicle when the steering wheel is turned from full right to full left.
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>STEERING COLUMN</b> Steering wheel and column must be securely fastened to the vehicle. Steering wheel must not bind when turned from extreme right to left and free-play must be within specification of vehicle manufacturer.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>SUSPENSION</b> Suspension system must not have any misaligned, shifted, or cracked springs, shackles, spring hangers or U bolts. Axle positioning parts such as radius rods or bars must not be loose and attaching hardware must be serviceable. Air suspensions must not be deflated or leaking, and air bags or pistons and seats may not be damaged or leaking.
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>EXTERIOR OF LIMOUSINE</b>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>BRAKES</b> All brakes must work properly. Linings and/or pads must be within serviceable limits. Brake drums and/or rotors must not be cracked and must be within serviceable limits. There must be braking action at each wheel when brakes are applied. Brakes must be adjusted to within specifications. Brake hoses, lines, or tubes must not leak when the brakes are applied. Brake hoses, lines, or tubes must not be damaged, chafed, hit or rubbed by any other component on the vehicle. No brake valve may leak when applied and must be mounted securely to prevent damage.
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>LIGHTS AND REFLECTORS</b> All lights must operate properly and be of the correct color including backup lights and license plate light. Body reflectors must be in place, in good condition and be of the proper color.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>FRAME</b> Frame must not be cracked, damaged or fatigued. Vehicle bodies mounted to the frame must be secured with proper number of fasteners.
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>TIRES</b> All steering axle tires must have at least 4/32" of tread. Steering axle tires can not be retreaded, regrooved or recapped. All other tire positions must have at least 2/32" tread depth. No tire may have any serious cuts, bulges, sidewall defects or exposed fabric or cords. Radial and bias tires cannot be mixed on the same axle.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>FUEL TANK</b> Fuel tank must be securely mounted and must not leak. All lines and fittings must not leak.
<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>WHEELS &amp; RIMS</b> Wheels may not have any cracks, unseated lock rings, loose, broken or missing lugs, studs or clamps, bent or cracked rims, or elongated stud holes.	<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>DRIVE SHAFT</b> Vehicles over 10,000 lbs. must have drive shaft protection that will prevent whipping of the drive shaft in the event of a failure of the shaft or its components.
		<input checked="" type="checkbox"/> <input type="checkbox"/>	<b>PARKING BRAKE</b> The parking brake must be capable of holding the vehicle under light acceleration when the vehicle is in gear.

I certify that this report is complete and accurate.	MECHANIC (Signature) <i>Pam Pen</i>	TIME COMPLETED <b>2:30</b>	MECHANIC CERTIFICATE NO. <b>M11122106</b>
INSPECTION RESULT <input checked="" type="checkbox"/> PASS <input type="checkbox"/> FAIL	LIMOUSINE COMPANY OFFICIAL (Signature) <i>[Signature]</i>		DATE <b>4/24/12</b>
I have read and received a copy of this Inspection Report.			

DEPARTMENT OF TRANSPORTATION



# State of Michigan

## Limousine Certificate of Authority

ROBERT TATUM, KIMBERELY TATUM DBA ARROW CAR SERVICE L2233  
P.O. Box 1025  
Portage, Michigan 49081-2025

Pursuant to Public Act 271 of 1990, authority is granted to transport by limousine between the following points in Michigan:

### INTRASTATE

To operate as a Limo Carrier of Passengers by limousine, as defined in Act 271, transporting passengers, in charter operations, beginning and ending at all points in Michigan.

This annual renewable authority continues in full force and effect unless it is suspended or revoked.

By:

A handwritten signature in black ink that reads "Robbie Smith".

Robbie Smith

Regulatory Unit - Passenger Transportation Division

October 4, 2011

Note: Copy to be carried with each limousine + operated under authority of this Department.

**RECEIVED**

APR 25 2012

COMMUNITY DEVELOPMENT

To Portage Planning Commission  
Re: Arrow Car Service

Please do not change any of the restrictions that you have placed on the Arrow Car Service. The system is flawed and is based on trust/honesty by all parties. I have lost faith in the Planning Commission (except for a few) that they care about what is best for neighborhoods. That said, Now that winter is over, Arrow Fleet cars appear in the neighborhood daily. Some days all cars come into neighborhood at sometime as the "personal vehicle". It looks like the Park and Ride is being used again to operate from as I have seen numerous Arrow vehicles there. Hope you are looking at modifications to your ordinance so other neighborhoods don't have to deal with an active business like this one.

Sincerely, Concerned Wedgewood Dr Resident



# **MATERIALS TRANSMITTED**



## SUMMARY ENVIRONMENTAL ACTIVITY REPORT

March 2012 (*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. 2011 annual report submitted to MDEQ, with moderate groundwater quality improvements. <i>Investigation into methane gas presence is underway.</i>
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 March 2012.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>-Sanitary sewer hookup permits issued in March 2012: 3 residential; 1 commercial.</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. The 2011 lake survey and treatment preparations are complete. Additional areas requested by the Association for treatment. Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011. The 2011 program is complete. Lake Association is preparing 2012 plan.
Retention Basin Sampling Program (Groundwater Elevation)	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 2011 results show declining groundwater levels throughout the city. The 2011 annual report received and under review. Groundwater results show that general groundwater table on the east side of Portage has risen approximately one foot in 2011 and is generally at levels seen in 2009. *Groundwater levels especially on the east side of Portage, continued to rise approximately six inches in March.*

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 pending grant opportunities. 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. Annual sampling completed in June 2011 minimal impacts noted. Sampling will continue.

National Pollution Discharge Elimination System (NPDES) permit implementation

Five year plan to implement the current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice from 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 2014.* City staff presented public information with other local agencies at the 2011 Home Expo on March 9-12, 2011. Tour of Liberty Park Stormwater

treatment was held September 6, 2011 for the Southwest Michigan Soil Control Association. *2010-11 annual report was submitted on January 20, 2012.* Implementation is ongoing.

National Pollution Discharge Elimination System (NPDES) permit implementation

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 a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. Notice received July 18, 2011 that grant application was not awarded. Kalamazoo River Watershed council completed a watershed update in November, 2011.

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. 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 water shed plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan. *Grant outcome pending.*

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

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit

Discharges and Connections". On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI. *Implementation is ongoing.*

Storm Sewer Outfall Testing

On March 23, 2011 City Council awarded a four year contract to Wightman Environmental to perform testing of (selected storm sewers). surface water discharges. This work is required as part of the NPDES permit. 2011 annual report received with minor surface water impacts from the Woodland Avenue discharge. Testing will continue annually and is reported to MDEQ.

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. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. 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. Facility is in regular operation.

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 March 2012 – 0. Number of environmental cleanups in March – 0. Emergency spill response contract for 2012-13 with Terra Contracting is in place.

Hampton Wetland Area Water Level

Assistance with the Inverness Condominium Association to Review Surface Water Levels

-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDNRE staff to determine feasible method to lower water levels. Association

currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. 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.

## CITY OF PORTAGE

## COMMUNICATION

---

**TO:** Honorable Mayor and City Council

**DATE:** April 17, 2012

**FROM:** Maurice S. Evans, City Manager



**SUBJECT:** Forest Drive Reconstruction and Water Main Replacement – Lovers Lane to Portage Road

**ACTION RECOMMENDED:** That City Council award an engineering services contract to Wightman & Associates, Incorporated, for the Forest Drive reconstruction and water main replacement from Lovers Lane to Portage Road, in the not to exceed amount of \$24,100 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The 2012-13 Capital Improvement Program includes projects contained in the Kalamazoo Area Transportation Study Transportation Improvement Program (TIP). Street improvements in the TIP focus on preserving and restoring pavement conditions on major streets. Major street reconstruction projects are selected based on pavement condition, average daily traffic, federal aid eligibility, as well as potential development activities. One of four major street projects in the 2013 TIP is the reconstruction of Forest Drive from Lovers Lane to Portage Road. In addition to the road reconstruction, improvements will also include replacement of undersize cast iron water main located in the roadway, localized storm drainage improvements, necessary asphalt gutters, repair of drive approaches and lawn restoration as appropriate.

Consultant proposals for the necessary engineering services were received on February 16, 2012. Fourteen consultants participated in the proposal process. Costs for design and inspection services ranged from \$19,150.00 to \$41,086.81. Estimated hours for design and inspection services ranged from 195 hours to 526 hours. Based upon the submitted cost, qualifications, experience and expected project hours, four firms were selected for individual interviews with the City Administration.

While all of the interviewed firms were qualified, the firm of Wightman & Associates, Incorporated, demonstrated a clear understanding of the scope of the project, a greater depth of knowledge with the design issues of this project and has a proven ability to complete a project without additional engineering fees. Wightman & Associates, Incorporated, has satisfactorily performed similar projects for the city and has consistently provided reliable and competent engineering services.

## CITY COUNCIL MEETING MINUTES FROM APRIL 10, 2012

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

At the request of Mayor Strazdas, Reverend Bonnie Edwards of St. Barnabas Episcopal Church of Portage gave the invocation and City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

**PROCLAMATION:** Mayor Strazdas issued a Fair Housing Month 2012 Proclamation that was read by Bob Ells, Executive Director of the Fair Housing Center, who reviewed many of the recent activities of the Fair Housing Center. Discussion followed.

**APPROVAL OF MINUTES:** Councilmember Pearson asked that the minutes reflect that he indicated that the Budget deficit was over \$90 million and his reference to Randy Rathford should read Rusty Rathburn. Councilmember Sackley asked Councilmember Pearson if he meant to use the words, "budget deficit," and Councilmember Pearson indicated twice that he did. Motion by Pearson, seconded by Reid, to approve the March 27, 2012 Regular Meeting Minutes as amended. Upon a voice vote, motion carried 6 to 0 with Mayor Strazdas abstaining.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Mayor Strazdas asked that Item F.3, West Lake Management – 2012 Application Program, be considered under a separate motion as he will abstain from any action on the motion and will recuse himself regarding any discussion on the matter. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0. Motion by Urban, seconded by Reid, to add Item F.3, West Lake Management – 2012 Application Program, to the Consent Agenda. Upon a roll call vote, motion carried 6 to 0 with Mayor Strazdas abstaining.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF APRIL 10, 2012:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of April 10, 2012. Upon a roll call vote, motion carried 7 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** State Representative Margaret O'Brien indicated that April is the month to educate and help people become aware of Autism, and she brought greetings from St. Ignace where she attended an event on Autism and made reference to City Manager Maurice Evans' athletic accomplishments that are still well-known in the Upper Peninsula. She also updated City Council on the State of Michigan Budget and Appropriation Process which is on track to being completed around June 1, 2012. She indicated that because of sound budget practices, the State has earned some real positive indicators: the increase in the per capita income of 5.2% is higher than the National Average, which she indicated is not where it should be and is lower than it was before the economic downturn; and, the business rankings continue to rise owing to a perceived business and job friendly environment in the state. She also indicated that the State continues to fund unfunded liabilities, currently at \$40 billion, thereby saving interest costs, and continues to make tough decisions to get the State on sound financial footing for more than just one year in order to be in a position to be able to allocate funds in the future to areas that are in need across the state.

In answer to Mayor Strazdas, Representative O'Brien indicated that the Governor's Office has been very active in trying to outreach to natural critics like the Michigan Municipal League and the Michigan Township Association to get their input. She anticipated that by the end of April, a Bill will be introduced trying to target Industrial Development Districts as a "doable" reduction at \$400 million

out of the \$1.2 Billion total of Industrial/Utilities/Commercial personal property revenues. Discussion followed.

City Manager Evans stated that Senator Jack Brandenburg will be introducing eight Bills over a ten-year period starting in 2016 making \$500 million available to municipalities, but he pointed out that there is still a need for the \$400 million that is no longer available for redistribution; therefore, the State is asking for a solution to the long term issues as there is the need for a mechanism for distribution back to the municipalities. Also, Mr. Evans pointed out that, since the personal property tax is going away, there is going to be no future growth from the personal property tax area which was a very much appreciated \$250,000 this year, for example. Discussion followed and Mr. Evans disclosed that the personal property tax is currently 19% of the City Budget and is \$4.1 million annually and a 50% redistribution would only be \$2 million, again with no future growth in the future. Discussion followed.

In response to Mayor Pro Tem Reid, Representative O'Brien indicated that the personal injury insurance premium of approximately \$145 per vehicle is due to increase about 20% because the liabilities exceed the current fund balance of the Auto No Fault Insurance Fund. She commented that various efforts are being taken by the Governor's Office to try to find a real solution since the Catastrophic Fund received an audit statement with a letter indicating that the liabilities exceed the assets. Discussion followed and, on behalf of City Council, Mayor Strazdas expressed appreciation for her coming to the meeting to provide an update and her fine efforts in Lansing.

## **REPORTS FROM THE ADMINISTRATION:**

**PRESENTATION OF THE FISCAL YEAR 2012-13 PROPOSED BUDGET:** At the request of Mayor Strazdas, City Manager Evans presented the proposed 2012-13 Fiscal Year Budget to City Council in accordance with the requirements of the Portage City Charter, and indicated that it is balanced. He offered that there are two budget work sessions proposed to be scheduled for Monday, April 30, 2012, from 3:00 p.m. to 7:00 p.m. and Tuesday, May 1, 2012, from 4:30 p.m. to 8:30 p.m. later in the meeting. He asked that City Council e-mail any questions that may arise regarding the Budget as they read through it during the next few weeks, and he would provide all questions and answers to each Councilmember as part of the preparation for the sessions.

He indicated that the overall budget is \$61.4 million and mentioned that it is interesting that 2013 is the 50<sup>th</sup> Anniversary of the City of Portage and reflected that over the 50 years the City Councils, including this City Council, have been really conservative by being focused on lower costs, for example, by utilizing part-time or on-call personnel and privatization.

He said that conservative budgetary practices implemented during the most recent years have proven to be of added value through a time of serious economic challenges and the City has had the funding of post employment obligations to lessen or eliminate long-term unfunded liability. Also, he pointed out that there have been no lay-offs, no furlough days and no early retirement incentives. He pointed out that the City is not neglecting any obligations to appropriately fund long-term liability accounts and the City debt limits have been reduced over the years.

He indicated that the biggest cost containment effort has been to reduce the number of personnel over the course of the last five or six years from 215 to 179 employees - not through lay-offs, but through attrition and a well-thought out plan in place.

He highlighted some of the elements of the fiscal year budget 2012-13 by noting that there is a decrease in the overall city tax rate from 10.8916 mills to 10.7778 mills, and he discussed some of the reductions found in the municipal street fund and curbside recycling. He mentioned that the Budget reflects a decrease in budgeted General Fund expenditures of approximately 2.4 percent, or a little over one half of a million dollars, and an increase in property tax revenue of 1.5 percent from the increase in personal property tax he mentioned earlier. Likewise, he said the budget reflects an incorporation of the Economic Vitality Incentive Program payments from the State of Michigan, which is Statutory Revenue Sharing, which has been reduced over the years to \$270,000. He noted also that the Budget contains a recommendation of the continuation of General Fund support for the Capital Improvement

Program, the Major Street Fund and the Local Street Fund, and expressed concern about the discussion at the State level of adjusting the Act 51 Fund formula and the unknown results of that discussion.

Mr. Evans asked that City Council not be surprised by the allocation of an Intergovernmental Collaboration Studies Fund of \$100,000 to address funding needs associated with planned collaborative service studies appropriately placed in the City Council budget; also, owing to the projected reduction in personal property tax, incorporated is a recommendation to increase for the next several years the prescribed fund balance for the General Fund from 13 percent to 25 percent to accommodate future debt retirement needs. He explained and summed up by saying that he recognized that there is a lot of reading and study to be done by City Council. Discussion followed.

Motion by Sackley, seconded by Reid, to receive the Presentation of the Fiscal Year 2012-13 proposed Budget. Upon a voice vote, motion carried 7 to 0.

\* **DEPARTMENT OF PARKS, RECREATION & PUBLIC SERVICES:** Motion by Urban, seconded by Reid, to confirm the appointment of Bill Deming as the Director of the Department of Parks, Recreation & Public Services. Upon a roll call vote, motion carried 7 to 0.

\* **WEST LAKE WEED MANAGEMENT – 2012 APPLICATION PROGRAM:** At the request of the West Lake Improvement Association, motion by Urban, seconded by Reid, to award a contract for the 2012 West Lake Management Program to Aquatic Services, Incorporated, for lake weed treatment measures at a cost not to exceed \$40,000 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0 with Mayor Strazdas abstaining.

\* **SPECIAL MEETING WITH BOARD AND COMMISSION APPLICANTS:** Motion by Urban, seconded by Reid, to set a Special Meeting on Tuesday, May 8, 2012, beginning at 5:15 p.m., to interview board and commission applicants. Upon a roll call vote, motion carried 7 to 0.

\* **TREE CITY USA TREE PLANTING AND PROCLAMATION:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the Tree City USA Tree Planting and Proclamation as information only. Upon a roll call vote, motion carried 7 to 0.

#### **COMMUNICATION:**

**PLANNING COMMISSION REGARDING THE CITY OF PORTAGE FY 2012-2022 CAPITAL IMPROVEMENT PROGRAM:** Mayor Strazdas introduced this item and, after a brief discussion, motion by Reid, seconded by Sackley, to receive the communication from the Planning Commission regarding the City of Portage FY 2012-2022 Capital Improvement Program. Upon a voice vote, motion carried 7 to 0.

#### **UNFINISHED BUSINESS:**

**FISCAL YEAR 2012-2013 PROPOSED BUDGET REVIEW SCHEDULE:** Mayor Strazdas introduced this item and, after Councilmember Urban indicated that there were small segments of time that he may have to leave for family reasons, motion by Urban, seconded by Reid, to establish April 30, 2012, from 3:00 p.m. to 7:00 p.m. and May 1, 2012, from 4:30 p.m. to 8:30 p.m. as the dates for review of the Fiscal Year 2012-2013 proposed Budget. Upon a voice vote, motion carried 7 to 0.

**CITY COUNCIL BEST PRACTICES ON FORMATION OF CITY COUNCIL COMMITTEES AND RESPONSIBILITIES – INFORMATION ONLY:** Mayor Strazdas encouraged City Council to have a dialogue on this subject and expressed a preference for a special meeting of City Council to have a two and one-half hour workshop with a facilitator to spend a half hour

on a “tune-up” of City Council and the balance of time spent on the subject. Discussion followed. City Attorney Randy Brown indicated that calling for a workshop is a way of calling for a special meeting and a reason has to therefore be stated for the special meeting; so, if there is a motion for a special meeting or workshop, he indicated that the reason should be included. Discussion followed.

In answer to Councilmember Pearson and his concern regarding whether this issue should or should not be discussed at the City Council Ethics, Rules and Procedures Committee with the recommendation sent to full City Council, Mayor Strazdas indicated that this is the kind of a topic that should have a dialogue of the City Council as a Whole; otherwise, discussion by three Councilmembers and a recommendation to follow would result in a lengthy conversation at a City Council Meeting. He recognized this topic as one that would be better served at a workshop versus a Committee recommendation that would probably result in a good, healthy yet long discussion at a City Council Meeting. Councilmember Pearson agreed as he has several issues of concern, yet he is not on the City Council Ethics, Rules and Procedures Committee.

Motion by Sackley, seconded by Reid, to accept the communication from the City Manager regarding City Council Best Practices on Formation of City Council Committees and Responsibilities and schedule a Special Meeting of the Portage City Council, including an outside facilitator, to further discuss this topic and consider the recommendations. Discussion followed. Upon a voice vote, motion carried 7 to 0.

\* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the:

Portage Senior Citizens Advisory Board of February 15, 2012.

Portage Board of Education Regular Business Meeting of February 27, Special of March 10 and Special and Committee of the Whole Work Session of March 12, 2012.

Portage Human Services Board of March 1, 2012.

Portage Park Board of March 7, 2012.

Portage Youth Advisory Committee of March 12, 2012.

Portage Planning Commission of March 15, 2012.

#### **BID TABULATIONS:**

\* **CENTRE AVENUE/PORTAGE ROAD - TRAFFIC SIGNAL INTERCONNECTION PROJECT:** Motion by Urban, seconded by Reid, to award a contract to perform engineering services for the Centre Avenue/Portage Road Traffic Signal Interconnection project to Abonmarche Consultants, Incorporated, in the not to exceed amount of \$72,000 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **POLICE VEHICLE MAINTENANCE CONTRACT:** Motion by Urban, seconded by Reid, to award a two-year contract, with the option to extend the contract for up to two additional one-year periods to the low bidder, Michigan Municipal Police & Fire Repair LLC, for maintenance of all Department of Public Safety - Police Division vehicles at a labor rate of \$35.00 per hour and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **POLICE FACILITY CONCRETE SIDEWALK AND STAIR REPLACEMENT:** Motion by Urban, seconded by Reid, to approve the expenditure for repairs to a portion of the concrete sidewalk and stairs along the northwest corner of the police facility to Truckey Concrete Construction of Mendon, Michigan, in the amount of \$11,787 and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

**OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Campbell indicated that Shirley Johnston will be awarded Community Leader of the Year by the Portage Rotary for her fine work with youth.

Councilmember Sackley indicated that he would be absent from both the Special and Regular City Council Meetings on Tuesday, May 8, 2012.

Councilmember Pearson mentioned the Star Awards and encouraged volunteerism in the community and indicated that, "You get more back than you give," and encouraged everyone to go to [www.volunteerkalamazoo.org](http://www.volunteerkalamazoo.org) in order to find volunteer opportunities.

City Manager Evans informed everyone that the 2012 Spring Brush and Bagged Leaf Collection and Annual Spring Cleanup map and timetable is on the City of Portage website at [www.portagemi.gov](http://www.portagemi.gov).

Mayor Pro Tem Reid pointed out that the City of Portage is celebrating its 50<sup>th</sup> Anniversary and also wished Councilmember Sackley a Happy Birthday.

Mayor Strazdas thanked retired Public Services Director and decorated Viet Nam Veteran Jack Hartman for his many years of dedicated service and he and Mayor Pro Tem Reid thanked Bill Deming for "picking up the slack."

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

---

James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.