

CITY OF

PORTAGE

A Place for Opportunities to Grow

**PLANNING
COMMISSION**

May 17, 2012

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**May 17, 2012
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * May 3, 2012

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Final Report: Rezoning Application #11-04 (expanded), East Centre Avenue between Lakewood Drive and Garden Lane
- * 2. Final Report: Rezoning Application #11-05, 7812, 7840, 7842 and 7908 (portion thereof) Portage Road

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

April 9, 2012 Zoning Board of Appeals meeting minutes
April 24, 2012 City Council meeting minutes
April 30, 2012 City Council budget work session meeting minutes
May 1, 2012 City Council budget work session meeting minutes

PLANNING COMMISSION

May 3, 2012

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The City of Portage Planning Commission meeting of May 3, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 12 citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Miko Dargitz.

IN ATTENDANCE:

Michael West, Assistant City Planner and Randall Brown, City Attorney.

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the April 19, 2012 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Bosch, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Prairie Edge Christian Reformed Church, 9316 Oakland Drive (Parking plan and request to exceed maximum parking requirement). Mr. West summarized the staff report dated April 27, 2012 regarding a request by Prairie Edge Christian Reformed Church (Prairie Edge) to approve a parking plan that exceeds the maximum number of parking spaces allowed. Mr. West indicated that Prairie Edge was requesting to increase the current number of existing parking spaces from 125 to 164. Mr. West reviewed the documentation provided by Prairie Edge in support of the parking request. Based on the information provided by Prairie Edge, Mr. West stated the additional 39 parking spaces are necessary for the use and will not adversely impact the subject property, surrounding properties or related natural features.

Mr. Dave Broekema, representing Prairie Edge, was present to support the application. Mr. Broekema discussed the sanctuary attendance, vehicular patterns and the demographics of Prairie Edge and indicated the additional parking spaces would address parking shortages that have occurred over the past couple years. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the parking plan and request to exceed the maximum number of off-street parking spaces for Prairie Edge Christian Reformed Church, 9316 Oakland Drive, with a finding that the additional parking is necessary based on documented evidence provided by the applicant. The motion was unanimously approved.

PUBLIC HEARINGS:

1. Preliminary Report: Rezoning Application #11-04 (expanded), East Centre Avenue between Lakewood Drive and Garden Lane. Mr. West summarized the preliminary staff report dated April 27, 2012 regarding the expanded rezoning consideration of several properties located along the north side of East Centre Avenue, between Lakewood Drive and Garden Lane. Mr. West discussed the original application that was received from owners of six properties and the Planning Commission decision of April 5, 2012 to expand the rezoning application to consider four additional properties located within this section of East Centre Avenue. Mr. West stated a zoning change from R-1A, one family residential and R-1B, one family residential to OS-1, office service was being considered. Mr. West indicated the four additional property owners that were included in the expanded rezoning consideration were personally contacted by the Department of Community Development to further explain the proposed zoning change. However, Mr. West stated the individuals contacted have not yet expressed support or opposition to the proposed zoning change. Mr. West next reviewed the Comprehensive Plan designations for the subject properties, surrounding land use/zoning pattern and suitability of the current R-1A and R-1 B zones and proposed OS-1 zone.

Mr. Thomas Rogers, applicant and owner of 775 and 801 East Centre Avenue, was present to support the rezoning application. Commissioner Stoffer discussed the Future Land Use Map designation for this area and how the southern portion of the long, narrow parcels are designated for office, while the northern portions are designated for low density residential. Commissioner Stoffer asked whether Mr. Rogers was requesting the entire parcel be rezoned to OS-1. Mr. Rogers stated he and the other applicants were requesting the entire depth of the parcels be rezoned to OS-1. Mr. Rogers indicated the long, narrow nature of these parcels will likely require combination of one or more parcels for office redevelopment. Mr. Rogers indicated a split zoning arrangement for these long, narrow parcels would complicate future redevelopment and likely render the rear portion of these parcels with no practical use.

The public hearing was opened by Chairman Cheesebro. Two citizens (Craig Binder, 743 East Centre Avenue and Brian Mahoney, 7911 Lakewood Drive) were present and spoke in regards to the proposed rezoning. Mr. Binder stated he had no opinion regarding a possible rezoning of his parcel, however, stated the Commission should consider the depth of OS-1 zoning for the long narrow parcels to the east. Mr. Mahoney also expressed concerns about the depth of any OS-1 rezoning for the long narrow parcels and suggested that the northern portions were retained in the R-1A zone to preserve trees and limit the intrusion into the neighborhood. No additional citizens spoke regarding the proposed rezoning. A motion was then made by Commissioner Welch, seconded by Commissioner Stoffer, to adjourn Rezoning Application#11-04 (expanded), East Centre Avenue between Lakewood Drive and Garden Lane, to the May 17, 2012 meeting. The motion was unanimously approved.

2. Preliminary Report: Rezoning Application #11-05, 7812, 7840, 7842 and 7908 (portion thereof) Portage Road. Chairman Cheesebro stated he would be abstaining from discussion and voting on this rezoning request since his employer was one of the applicants. Commissioner Stoffer also indicated he would be abstaining from discussion and voting on this rezoning request due to a personal relationship with one of the neighboring property owners to the west. Both Chairman Cheesebro and Commissioner Stoffer left Council Chambers for the duration of the discussion. Mr. West summarized the preliminary staff report dated April 27, 2012 regarding a request received from the owners of 7812, 7840, 7842 and 7908 (portion thereof) Portage Road from B-2, community business and I-1, light industry to B-3, general business and P-1, vehicular parking. Mr. West stated the rezoning was being requested, in part, to facilitate construction of a micro-brewery and restaurant at 7842 and 7908 Portage Road. Mr. West discussed the Future Land Use Map designation, surrounding land use/zoning

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pattern, differences between the B-2 and B-3 zones, suitability of the existing B-2 and I-1 zones and the potential impacts of the proposed B-3 and P-1 zones.

Mr. Joe Stoddard (son of Michael Stoddard, applicant) was present to support the rezoning request and explain his plans to redevelop 7842 Portage Road and construct a micro-brewery/restaurant at this location. Mr. Stoddard indicated a portion of the Consumers Energy Company property located to the south (7908 Portage Road) would also be used for vehicular parking. Mr. Stoddard stated the proposed micro-brewery/restaurant would add 50 new jobs to the City and hopefully provide an economic boost to the area. Mr. Stoddard indicated the existing house and garage would be demolished and a new building would be constructed for the micro-brewery/restaurant. Mr. Stoddard stated he has approached many of the adjacent property owners to discuss the project and address any concerns and has not encountered any objections to the rezoning. Mr. Stoddard reviewed preliminary site development plans and indicated the micro-brewery/restaurant was not intended to be a late night establishment.

The public hearing was then opened by Vice-Chairman Welch. One citizen, John Logan, 2215 East Centre Avenue (formerly addressed as 7891 Engle Court) spoke in regards to the proposed rezoning. Mr. Logan stated he was not opposed to the rezoning request, however, he and his neighbor, Jake Elzinga, 2217 East Centre Avenue (formerly addressed as 7905 Engle Court) wanted to protect their properties and had questions regarding the proposed micro-brewery/restaurant. Mr. Logan stated that vehicles, on occasion, drive from the parking lot at 7842 Portage Road, across the Consumers Energy Company property, to Engle Court. No additional citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Bosch, seconded by Commissioner Felicijan, to adjourn Rezoning Application#11-05, 7812, 7840, 7842 and 7908 (portion thereof) Portage Road, to the May 17, 2012 meeting. The motion was unanimously approved.

3. Modified Active Home Occupation Permit: Arrow Car Service, 3617 Wedgewood Drive – four month review. Mr. West summarized the staff report dated April 27, 2012 regarding the four month review of the Modified Active Home Occupation Permit that was approved for Arrow Car Service, 3617 Wedgewood Drive, on January 5, 2012. During the four month review period, Mr. West stated the Department of Community Development has conducted over 30 site inspections for purposes of determining compliance with the conditions of approval. Mr. West indicated no documented evidence of noncompliance was discovered during these inspections and also stated no citizen complaints have been received during this four month review period. Mr. West reviewed the Planning Commission conditions of approval and provided a summary of compliance based on the information provided by the applicant, inspections conducted by staff and the lack of citizen complaints.

The public hearing was convened by Chairman Cheesebro. No citizens spoke regarding the four month review of the active home occupation permit application. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Welch, to 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 with the exception of condition #5 (applicant no longer needs to provide the Department of Community Development copies of the daily run on a monthly basis). The motion was unanimously approved.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

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STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,

Michael K. West, AICP
Assistant City Planner

TO: Planning Commission **DATE:** May 11, 2012
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: Final 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 either support or opposition to the proposed zoning change of their respective properties.

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. PUBLIC REVIEW/COMMENT:

The Planning Commission convened a public hearing on May 3, 2012. Mr. Thomas Rogers (applicant, owner of 775 and 801 East Centre Avenue) spoke in support of the rezoning and stated that he and the other applicants were requesting the entire depth of the parcels be rezoned to OS-1. Mr. Rogers discussed the long narrow nature of many of the parcels and the need to likely combine one or more properties for office redevelopment. Mr. Rogers expressed concerns about a split zoning arrangement and whether the rear portions of these parcels would be useable if left zoned R-1A. Shortly after the meeting, Mr. Rogers submitted a correspondence dated May 8, 2012 (see attached) that reiterates his desire to have the full depth of the properties rezoned to OS-1. Mr. Craig Binder (owner of 743 East Centre Avenue) also spoke during the public hearing and stated he had no opinion regarding rezoning of his parcel, however, stated the Commission should consider the depth of OS-1 zoning for the parcels to the east. Mr. Brian Mahoney (7911 Lakewood Drive) also expressed concerns about the depth of any OS-1 rezoning for the long narrow parcels and suggested the northern portions were retained in the R-1A zone to preserve trees and limit the intrusion into the neighborhood. No additional citizens spoke regarding the proposed rezoning.

IV. FINAL ANALYSIS:

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

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Map 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 often considered a “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 the City Centre Area 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. It is noted that if the properties are rezoned, a work/live arrangement is available pursuant to the Work/Live Accommodations ordinance adopted in August 2011.

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. Attached is a copy of the Development Guidelines table. The request to rezone the entire area to OS-1 is not entirely consistent with Guideline Z-1 (consistency with the Comprehensive Plan) since the northern portions of 801, 809, 815, 821 and 827 East Centre Avenue are designated for low density residential use. With regard to Guideline R-1 (Protection of Residential

Neighborhoods), the proposed OS-1 zoning would encroach into the adjacent Lakewood Homesites neighborhood.

Suitability of Existing R-1A and R-1B Zones/Impacts of Proposed OS-1 Zone. The suitability of the existing residentially zoned and developed 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 generally 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 5th 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 may not occur as one collective project, but 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.

V. RECOMMENDATION:

Several alternatives are available for Planning Commission consideration including the following (maps that illustrate each alternative are attached):

- 1) Recommend to City Council that Rezoning Application #11-04 be approved and 7932 Lakewood Drive, 707, 743, 775, 801, 809, 815, 821, 827 and 903 East Centre Avenue be rezoned to OS-1, office service.
- 2) Recommend to City Council that Rezoning Application #11-04 be approved and 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, the southern 132-feet of 801 and 809 East Centre Avenue, and the southern 264-feet of 815, 821 and 827 East Centre Avenue be rezoned to OS-1, office Service with the northern 330-feet of 801 and 809 East Centre Avenue and the northern 198-feet of 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential.
- 3) Recommend to City Council that Rezoning Application #11-04 be approved and 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue be rezoned to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential.
- 4) Recommend to City Council that Rezoning Application #11-04 be approved and 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue be rezoned to OS-1, office service and the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue be rezoned to P-1, vehicular parking.

Alternative 1 proposes to rezone the entire area to OS-1 as requested by the applicants. This alternative is not entirely consistent with the Comprehensive Plan designations since the north portions of 801, 809, 815, 821 and 827 East Centre are designated for low density residential. The Future Land Use Map boundary recommends a lesser depth of office land uses within the block between Lakewood Drive and Garden Lane.

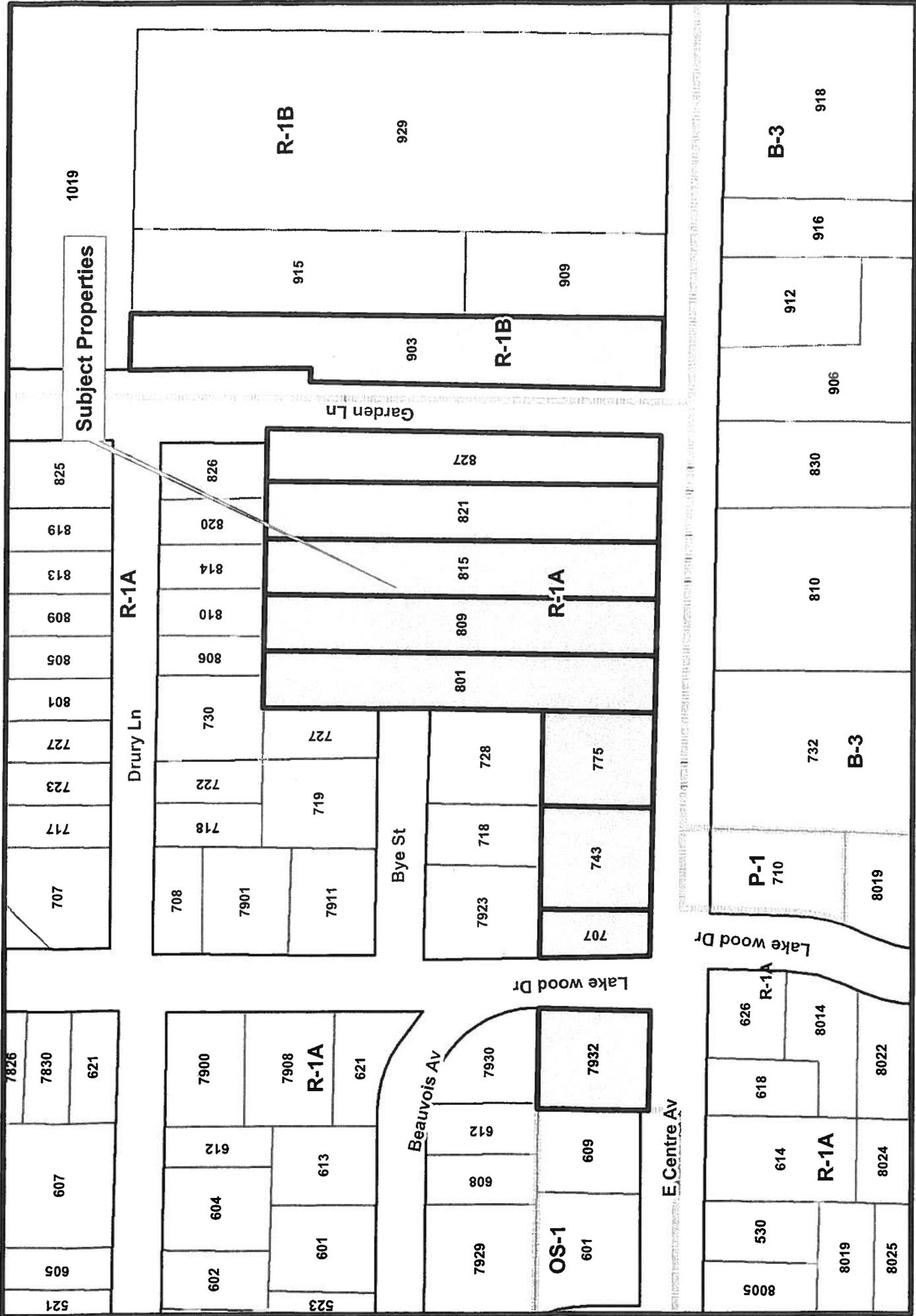
Alternative 2 proposes to follow the boundary of the Future Land Use Map. This alternative does not, however, consider the OS-1 zoning depth (132-feet) that would result for 801 and 809 East Centre Avenue and the potential limitations for office redevelopment of these two parcels.

Alternative 3 would limit the encroachment of nonresidential development into the adjacent existing residential neighborhood. Although the Plan recommends the north 330 feet of 801 and 809 East Centre Avenue as appropriate for low density residential, rezoning the south 264 feet of these parcels to OS-1 would address the site redevelopment limitations that result from a parcel depth of only 132 feet. Appropriate setbacks, screening and buffering techniques will be considered and implemented during the site plan review process to minimize impacts on 728 Bye Street. Additionally, rezoning the south 264 feet (compared to the entire parcel depth of 462 feet) would likely result in the construction of smaller office buildings, which would be more in character with the surrounding residential and office buildings. Finally, and under this alternative, retaining the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue with the existing R-1A zoning also provides sufficient depth and area for future single family residential development sites, with frontage and access available from Bye Street and/or Garden Lane.

Alternative 4 proposes a combination of OS-1/P-1 zoning for 801, 809, 815, 821 and 827 East Centre Avenue. While the P-1 district would prohibit the construction of an office building in this area, off-street parking lots associated with nonresidential uses may also have an impact on adjacent residential uses through an increase in noise, traffic, lights, etc.

Considering the site specific characteristics of this rezoning application, staff recommends Alternative 3. This option provides the property owners reasonable redevelopment options consistent with the Plan designations and surrounding development pattern and protects the adjacent residential neighborhood from further nonresidential encroachment.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial Photograph
Alternative Rezoning Maps (Alternatives 1 through 4)
Development Guidelines Table (OS-1)
Rezoning Application
May 8, 2012 Communication from Thomas Rogers



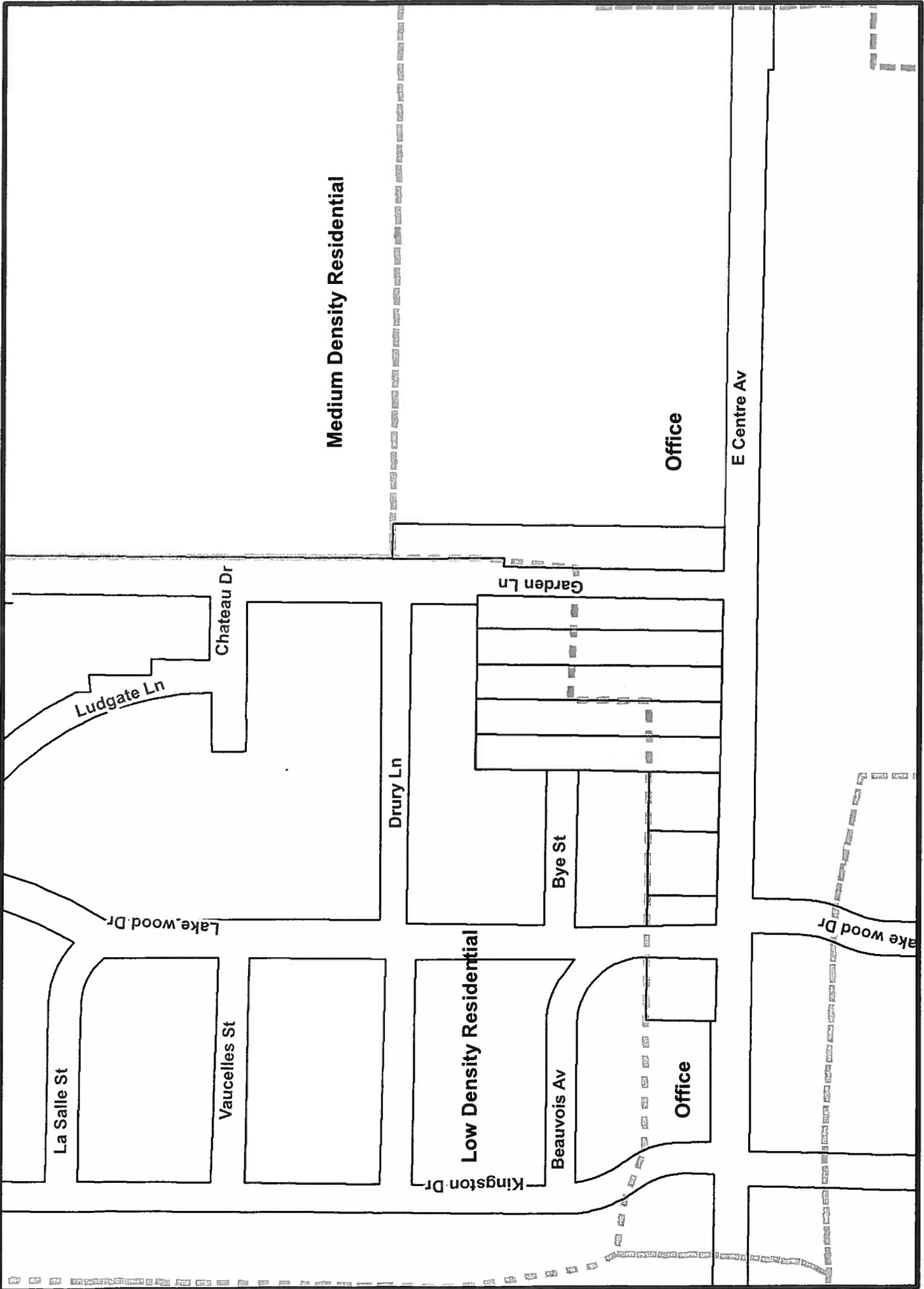
Rezoning #11-04
East Centre Avenue
Lakewood Drive to Garden Lane



1 inch = 150 feet

Subject Properties

Zoning Boundary

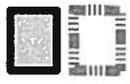
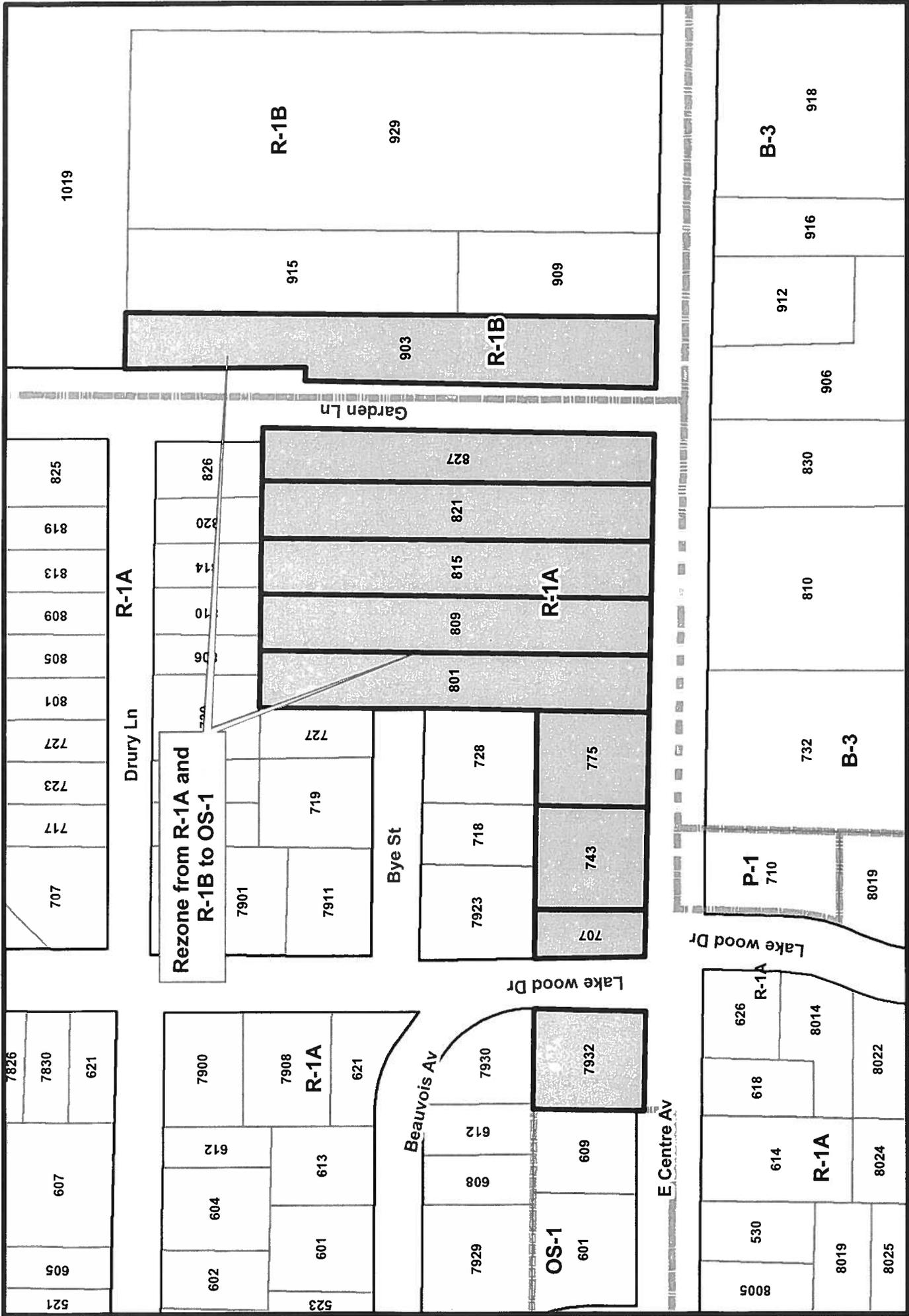


-  Future Land Use
-  Parcels considered for Rezoning

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



1 inch = 233 feet

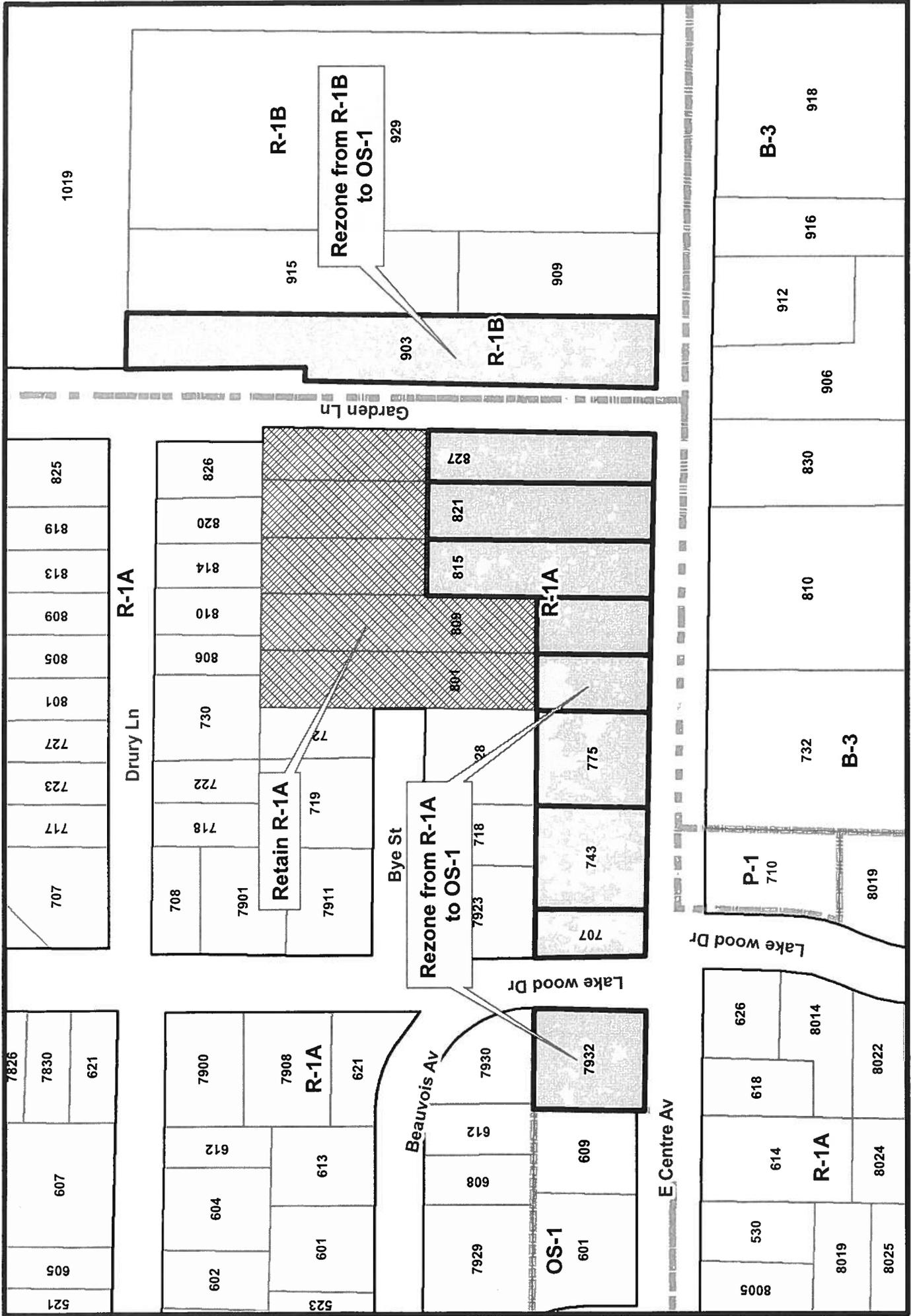


Proposed OS-1
 Zoning Boundary

Rezoning #11-04 (Alternative #1)
East Centre Avenue
Lakewood Drive to Garden Lane



1 inch = 150 feet

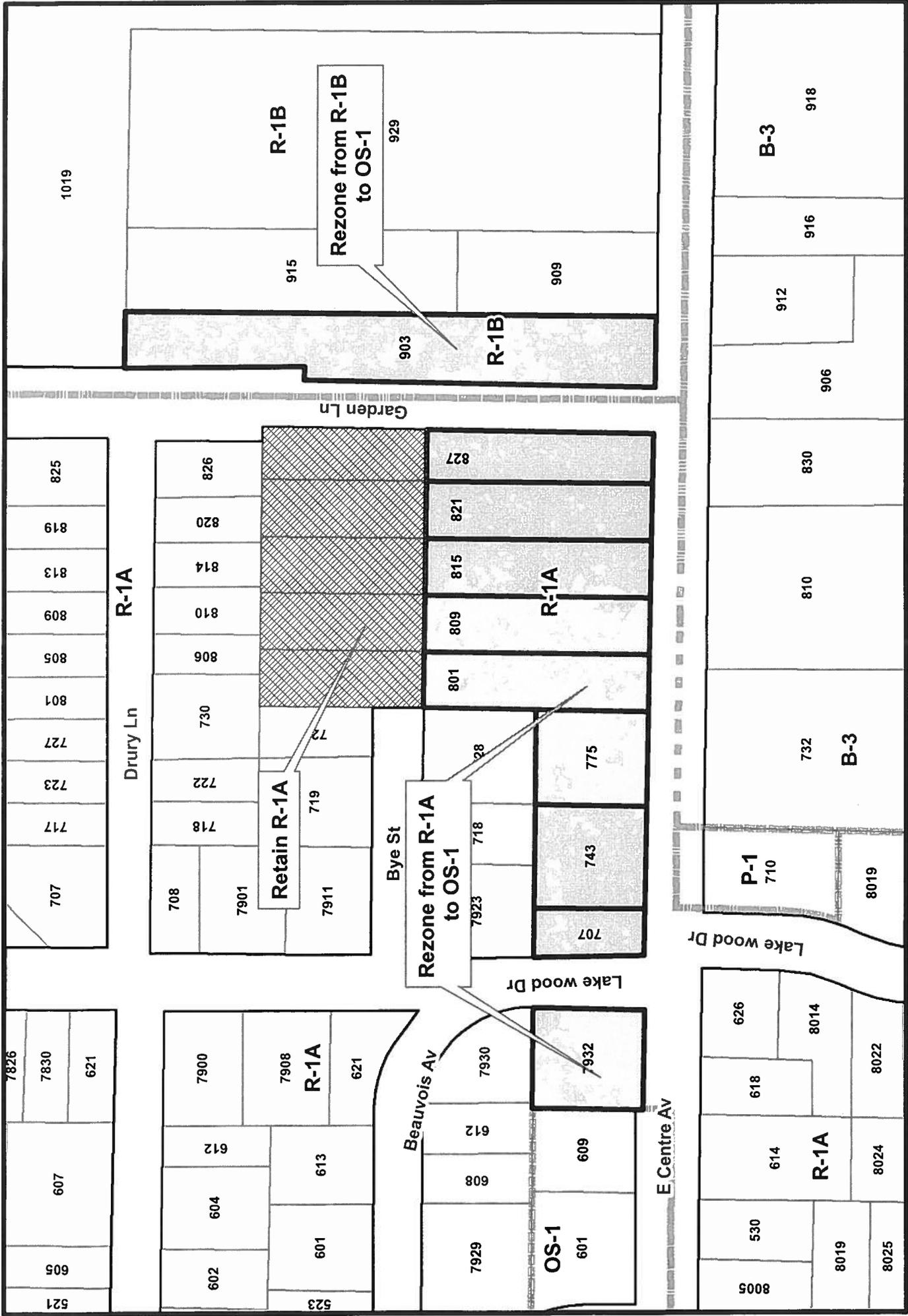


-  Proposed OS-1
-  Retained R-1A
-  Zoning Boundary

Rezoning #11-04 (Alternative #2)
East Centre Avenue
Lakewood Drive to Garden Lane



1 inch = 150 feet



Rezoning #11-04 (Alternative #3)
East Centre Avenue
Lakewood Drive to Garden Lane

-  Proposed OS-1
-  Retained R-1A
-  Zoning Boundary



1 inch = 150 feet

DEVELOPMENT GUIDELINES
Rezoning Application #11-04 (OS-1, Office Service)

Guideline	Description	Consistent	Comments
Rezoning Request – Z-1	Consistency with Future Land Use Plan	Comment	Future Land Use Map designates 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 portions of these parcels are designated for low density residential land use. The applicants request to rezone the entire area to office service is not entirely consistent with the Comprehensive Plan designations.
Protection of Residential Neighborhoods – R-1	Protect peoples living environment	Comment	Although the Comprehensive Plan identifies Centre Avenue as one of two primary office corridors and indicates that office uses are an effective “transitional” use between higher intensity uses and major streets and interior residential neighborhoods, the request by the applicants to rezone the entire area would encroach into the adjacent residential neighborhood.
Commercial – 1	Coordinated Development	Yes	No specific redevelopment plans are pending or proposed. Specifics of any redevelopment proposal will be reviewed at the site plan stage of development.
Commercial – 2	Commercial/Office Uses in General	Yes	Rezoning site is located along East Centre Avenue, a major arterial street, and adjacent to an established single family residential neighborhood.
Commercial – 6	Office/Commercial Site Design	Yes	Since properties involved in the rezoning consideration are located adjacent to single family residential zoning/land use, office buildings would be limited to one-story and 25-feet in height. Conflicting land use screening would also be required where adjacent to residential zoning and/or land use. Issues associated with screening, buffering, landscaping, access, sidewalks, etc. would be reviewed when a site plan is submitted.
Natural & Historic Resources - 1	Environmental Protection	Yes	Rezoning site is not characterized by environmentally sensitive areas (wetlands, floodplain, etc).
Natural & Historic Resources - 2	Floodplain	Yes	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	Yes	Reviewed at the site plan stage of development.
Natural & Historic Resources – 4	Noise	Yes	Reviewed at the site plan stage of development.
Natural & Historic Resources – 5	Historic Resource Preservation	N/A	The residence located at 903 East Centre Avenue is located within a City of Portage Historic District. Any proposed change to the building and/or modification to the boundaries of the land would require review/recommendation by the Historic District Commission and review/approval by City Council.
Transportation – 1	Transportation Systems	Yes	East Centre Avenue is a five-lane major arterial street with 20,233 vehicles per day (2011); and a capacity of 34,200 vehicles per day (level of service “D”). Anticipated traffic can be accommodated.
Transportation – 2	Street Design	Yes	Rezoning site has frontage along East Centre Avenue (major arterial), as well as Lakewood Drive and Garden Lane (local streets). Access related issues including the number and location of driveways, shared and cross access will be reviewed at the site plan stage of development.

Guideline	Description	Consistent	Comments
Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	Specifics associated with the inclusion of walkways and pathways will be reviewed at the site plan stage of development.
Transportation – 5	Right-of-Way Preservation	Yes	Reviewed at the site plan stage of development.
Transportation – 6	Parking	Yes	Reviewed at the site plan stage of development.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available.
Municipal Facilities & Services – 3	Underground Utilities	Yes	Reviewed at the site plan stage of development.

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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:

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 132 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

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:

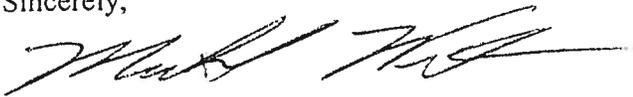
RE: Non-Conforming Use Regulations, 801 East Centre Avenue, Portage, Michigan.

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

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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.

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

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).

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:

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 Centa (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 Centa, Portage, MI 49002

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

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.

[Signature] (Signature of Applicant) [Signature] (Signature of Applicant)

827 E Centre (Address) Portage MI 49002 (Address)

269 324-6049 (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

Application number #11-04

Date 3-13-12

APPLICATION INFORMATION:

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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:

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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 No _____

b. Name of the owner of the property to be rezoned: Leroy + Diana Butler
Address 821 E. Centre, Portage, MI 49002

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.

[Signature]
 (Signature of Applicant)
821 E. Centre
 (Address)
269-207-3065
 (Phone)

[Signature]
 (Signature of Applicant)
821 E. Centre
 (Address)
269 217-5039
 (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 3-15-12

APPLICATION INFORMATION:

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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 X No _____

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

Address 1249 Panama St., Portage MI 49002

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: RIA PROPOSED ZONING: OS 1

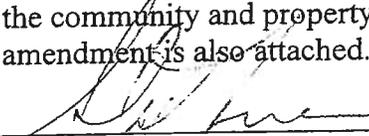
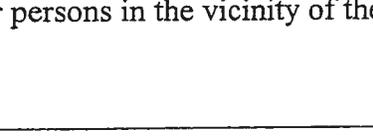
ZONING TEXT AMENDMENT

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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.

THOMAS ROGERS
895 TREASURE ISLAND DRIVE
MATTAWAN, MI 49071
(269) 760-6448

RECEIVED
MAY 08 2012
COMMUNITY DEVELOPMENT

May 8, 2012

Department of Community Development
City of Portage Planning Commission
c/o Michael West, Assistant City Planner
7900 South Westnedge Ave.
Portage, MI 49002

Dear Planning Commission:

Approximately 3 months ago I began discussing rezoning my 2 parcels at 775 & 801 East Centre Avenue, which are now R-1A to OS-1. Michael West and I had gone through rezoning of my property at 1316 East Centre with your Planning Commission last fall. As you may recall at that time your Commission asked why the adjacent properties at the corner of Centre and Lovers Lane not being rezoned also? Short story, we delayed my rezoning request so to include the whole corner consisting of 4 total parcels. So as not to run into the same delays "with late joiners" to rezoning now before the Planning Commission, Mr. West asked that I approach my adjacent neighbors on Centre Avenue. to see if they would want their properties rezoned OS-1 now.

I wrote them a letter on March 8, 2012 and attached Mr. West's letter to me dated March 1, 2012 re: Non-conforming Use Regulations (see attached). I received positive feedback from 815 E. Centre – Mr. Steve Nuss, 821 E. Centre – Mr. Leroy Butler, 827 E. Centre – Ms. Joyce Anderson, with the understanding that their properties, as well as my 801 E. Centre could be withdrawn if their 66'x 462' parcel was not completely rezoned OS-1.

All of us want to have the highest value and best use for our properties along this major business thoroughfare, Centre Avenue. None of us wishes to be a developer and put up new commercial buildings. We have not discussed selling our properties to one another, but we all understand that it will require a combination of at least 2 of our parcels to be able to construct a new building under OS-1 building requirements for various set backs and restrictions.

None of the rezoning applicants believe our lots have bright prospects as desirable as R-1A lots (let alone a part of our lot, as was the subject of the May 3rd Planning Meeting), along this major commercial thoroughfare. We do not see the viability of the newly created R-1A lots that would be (land locked), no street access, nor do we hear any mention of the City paying for extension of Bye Street or sewer and water service across the rear of our properties.

Page 2
Department of Community Development
City of Portage Planning Commission
c/o Michael West, Assistant City Planner

We knew that the near by residents will generally prefer that things remain the same, but what is the intent of OS-1 zoning along one of the main thoroughfares in the center of the City of Portage which was in acted February 18, 2003?

Subdivision 5. OS-1 Office Service District

Sec. 42-240. Intent.

The OS-1 office service district is designed to accommodate office and institutional land use activities and planned to serve as transitional areas between residential districts and commercial districts and between main thoroughfares and residential districts.

(Ord. No. 03-01 (Exh. A, § 42-450), 2-18-2003)

The City of Portage has rezoned to OS-1 many lots along this thoroughfare over the years (some with more depth than ours) and most are adjacent to residential properties. We ask that you please grant our properties similar status change to OS-1.

Highest regards,


Thomas C. Rogers

Enclosure

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:

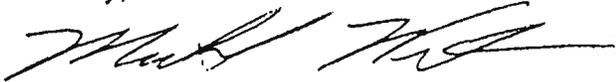
RE: Non-Conforming Use Regulations, 801 East Centre Avenue, Portage, Michigan.

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

TO: Planning Commission **DATE:** May 11, 2012
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: Final 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 B-2, community business and 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
Total: Four parcels (5.2 acres)				

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.

II. EXISTING CONDITIONS:

Land Use/Zoning	<u>Rezoning Site:</u> • 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.
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<p>Land Use/Zoning (cont.)</p>	<ul style="list-style-type: none"> • 7840 Portage Road – Zoned B-2 and occupied by a 4,200 sq. ft. commercial building for Precision Windows. • 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. • 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). <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"> • There have been no rezoning of properties in the immediate area since adoption of the 2008 Comprehensive Plan. • 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. • 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.
<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 major 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. PUBLIC REVIEW/COMMENT:

The Planning Commission convened a public hearing on May 3, 2012. Mr. Joe Stoddard (applicant representative) was present to support the rezoning request and explain his plans to redevelop 7842 Portage Road and construct a micro-brewery/restaurant at this location. Mr. Stoddard stated the proposed micro-brewery/restaurant would add 50 new jobs to the City and hopefully provide an economic boost to the area. Mr. Stoddard stated he has approached many of the adjacent property owners to discuss the project and address any concerns and has not encountered any objections to the rezoning. Mr. John Logan, 2215 East Centre Avenue (formerly addressed as 7891 Engle Court) stated he was not opposed to the rezoning request, however, desired to protect his property and had questions regarding the proposed micro-brewery/restaurant. No additional citizens spoke regarding the proposed rezoning.

IV. FINAL ANALYSIS:

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use 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 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/P-1 zones are 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. A change in zoning to B-3/P-1 would be consistent with applicable development guidelines contained in the Comprehensive Plan (attached).

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.

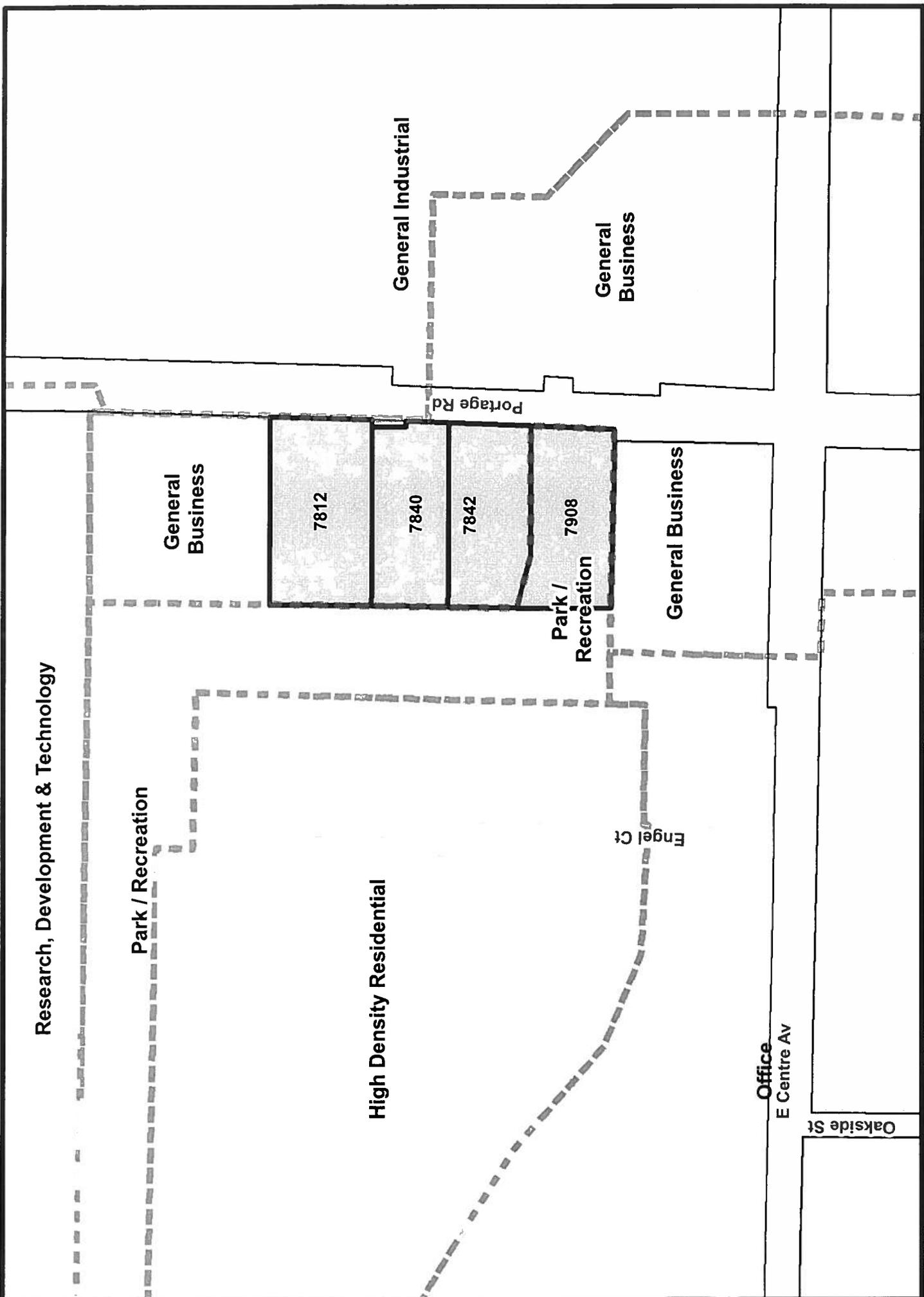
Traffic Considerations. If 7812, 7840 and 7842 were rezoned to B-3 and redeveloped collectively, the 3.9-acre rezoning site could accommodate an approximate 42,500 square foot (based on 25% lot coverage) building. The ITE Trip Generation Manual, Sixth Edition, indicates that a specialty retail center 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. Similar development and traffic generation scenarios could also result under the existing B-2 zoning.

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 B-2 zone or proposed B-3 zone. Issues related to access management will be reviewed upon submittal of site plans.

V. RECOMMENDATION:

Subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council that Rezoning Application #11-05 be approved and 7812, 7840 and 7842 Portage Road be rezoned to B-3, general business and the portion of 7908 Portage Road (approximately 351-feet by 178-feet) located immediately south of 7842 Portage Road be rezoned to P-1, vehicular parking.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial Photograph (rezoning site and surrounding area)
Development Guidelines (B-3/P-1)
Rezoning Application and supporting materials



Research, Development & Technology

Park / Recreation

High Density Residential

General Business

7812

7840

7842

7908

Park / Recreation

General Business

General Industrial

General Business

Office
E Centre Av

Oakside St

Portage Rd

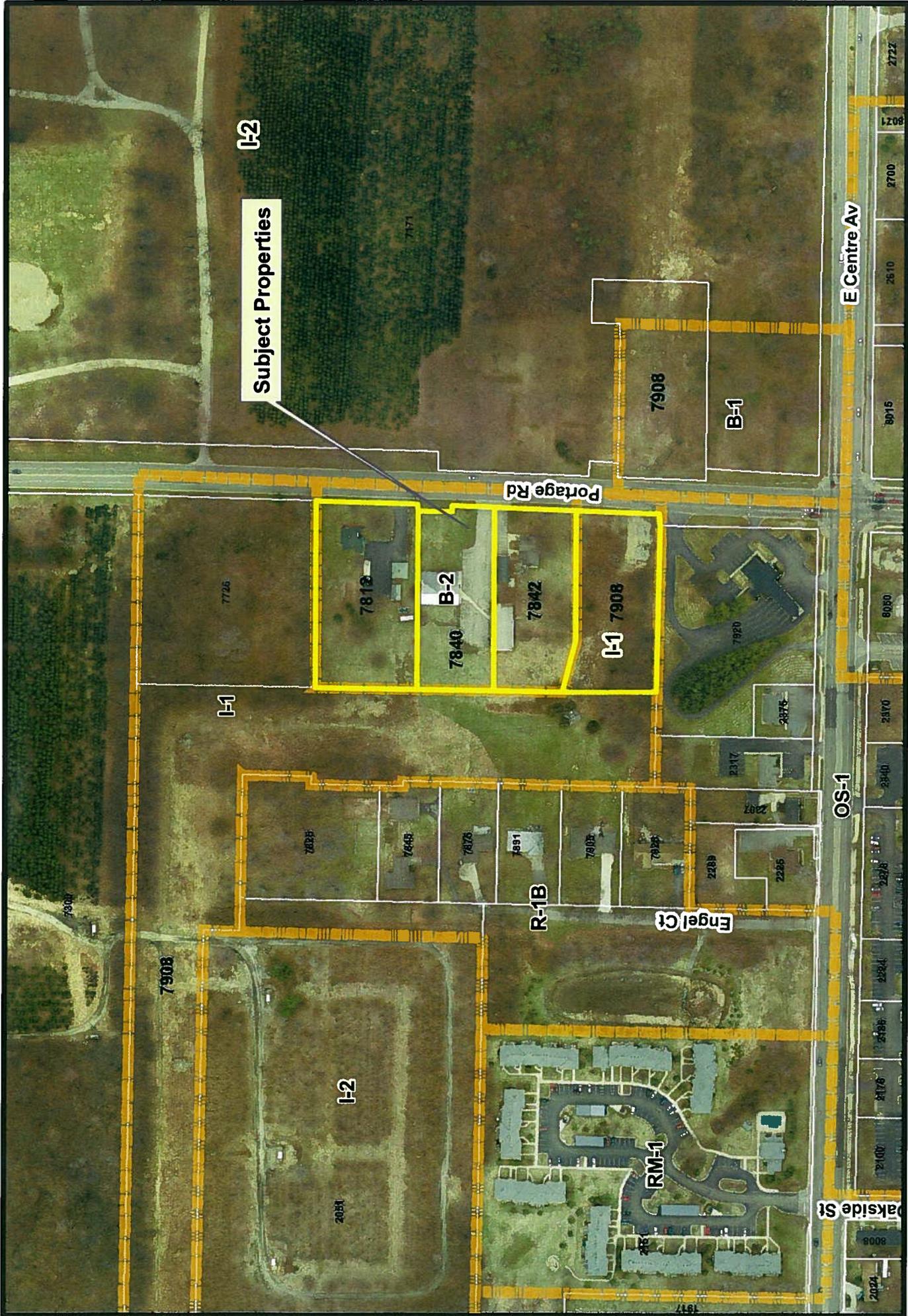
Engel Ct

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

Future Land Use
Subject Properties



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

DEVELOPMENT GUIDELINES

Rezoning Application #11-05 (B-3, General Business and P-1, Vehicular Parking)

Guideline	Description	Consistent	Comments
Rezoning Requests Z-1	Consistency with Future Land Use Plan	Yes	Future Land Use Map designates 7812, 7840 and 7842 Portage Road as appropriate for general business land use. The portion of 7908 Portage Road that is also included in the rezoning consideration, along with remainder of the Consumers Energy Company property, is designated for park/recreation land use. Portage Road is also designated as a commercial corridor, a commercial revitalization area (south of East Centre Avenue) and a primary commercial node near the vicinity of the Portage Road/East Centre Avenue intersection.
Commercial – 1	Coordinated Development	Yes	While a coordinated commercial expansion and/or redevelopment project is not currently planned for the rezoning site, future commercial development will include coordinated site design such as shared and cross access and pedestrian circulation.
Commercial – 2	Commercial/Office Uses in General	Yes	See Commercial – 1 above.
Commercial – 3	Local Business Uses	N/A	Rezoning site is not situated within an area designated for local or neighborhood commercial uses.
Commercial – 4	Regional and General Commercial Uses	Yes	Rezoning site is situated within an area designated for general commercial uses. Properties have access to/from Portage Road, a five lane major thoroughfare.
Commercial – 5	Portage Commerce Square	N/A	Rezoning site is not situated within the Portage Commerce Square.
Commercial – 6	Office/Commercial Site Design	Yes	Site design issues including pedestrian circulation, shared/cross access, storm water management, building location, screening and buffering will be reviewed at site plan stage of development.
Natural & Historic Resources - 1	Environmental Protection	Yes	Rezoning site is not situated near designated wetlands and/or other environmentally sensitive areas.
Natural & Historic Resources - 2	Floodplain	Yes	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	Yes	Storm water system will be reviewed at the site plan stage of development.
Natural & Historic Resources – 4	Noise	Yes	Site design issues including noise associated with an expansion of the B-3 zoning district reviewed at the site plan stage of development.
Natural & Historic Resources – 5	Historic Resource Preservation	Yes	The rezoning site does not contain any historic buildings and is not situated within an established historic district.

Transportation – 1	Transportation Systems	Yes	Portage Road is a four-lane major arterial roadway with 16,242 vehicles per day (2008) and a capacity of 32,500 vehicles per day. While anticipated traffic generation can be accommodated, issues associated with shared/cross access along Portage Road will be reviewed at the site plan stage of development consistent with the City of Portage Access Management Ordinance.
Transportation – 2	Street Design	Yes	Properties involved in rezoning have frontage on Portage Road. Coordinated access design issues including shared/cross access will be reviewed at the site plan stage of development.
Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	Specifics associated with the inclusion of walkways and pathways will be reviewed at the site plan stage of development.
Transportation – 5	Right-of-Way Preservation	Yes	Reviewed at the site plan stage of development.
Transportation – 6	Parking	Yes	Reviewed at the site plan stage of development.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available.
Municipal Facilities & Services – 3	Underground Utilities	Yes	Reviewed at the site plan stage of development.

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 I-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,
DUSSNEY 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

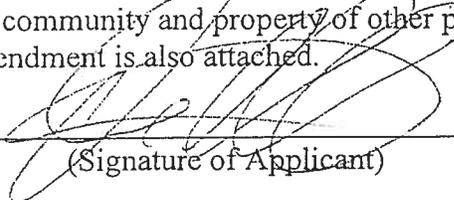
ZONING TEXT AMENDMENT

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

Bruce McVern

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

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

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

DRAFT

Minutes of Meeting – April 9, 2012

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

MEMBERS PRESENT: Mariana Singer, Doug Rhodus, Timothy Bunch, Betty Schimmel, Rob Linenger, Lowell Seyburn, and Jeffrey Bright.

MEMBERS EXCUSED: Glenn Smith

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

APPROVAL OF THE MINUTES: Schimmel moved and Singer seconded a motion to approve the March 12, 2012 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA #11-16, 5602 Lovers Lane: A communication from the applicant was read requesting the item be postponed until the May 14, 2012 meeting. A motion was made by Seyburn, seconded by Singer to postpone the hearing until the May 14, 2012 meeting. Upon voice vote, the motion passed 7-0.

NEW BUSINESS:

ZBA #11-18, Shaver Road, 8850: Staff summarized the request to allow 606 square feet of wall signage where a maximum 300 square feet is permitted. Roger DeHoek was present on behalf of Meijer Inc. Schimmel inquired if a new bottle return entrance was proposed. Mr. DeHoek stated yes and that the wall signs “Home, Fresh, Pharmacy Drive-up, and Bottle Return” corresponded to the entrances where those activities would be located and that a larger “Meijer” sign was proposed as well. Schimmel noted she did not think there was much difficulty locating this Meijer store. Bright asked if there were many changes to their business since opening at this location. Mr. DeHoek stated yes and that updating the signage at this location was part of general effort to standardize their signage in line with other locations. Bright asked if Meijer had received variances in other communities. Mr. DeHoek stated yes. Seyburn asked if Wal-Mart signage was comparable to Meijer. Staff stated Wal-Mart was entitled to the same amount of wall signage as Meijer and Wal-Mart’s signage is conforming. Seyburn inquired about the size of the freestanding signs and if it was possible for Meijer to get additional signage. Staff stated Meijer had a freestanding sign in front of the gas station and a 100 square-foot identification sign at the main entrance. Based on the uses and street frontage, installation of an additional 100 square-foot sign is possible. Seyburn asked if freestanding sign area could be exchanged for additional wall sign area. Staff stated no. Mr. Bear stated the Board could, however, include it as a condition of approval if the Board found a practical difficulty. Schimmel asked if the Chase Bank wall sign counted towards total Meijer wall signs. Staff stated no. Schimmel stated she did not support the request because there was no practical difficulty and felt the variance would set a precedent.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Bright, seconded by Seyburn to grant a variance to allow 606 feet of wall signage where a maximum 300 square feet is permitted. The practical difficulty is the 445 foot building setback, the immediate need for the variance was not created by the applicant, and the variance would not materially impair the intent and purpose of the Zoning Code. Upon roll call vote:

Bunch-No, Linenger-No, Rhodus-No, Schimmel-No, Seyburn-Yes, Singer-No, Bright-Yes. The motion failed 2-5.

After additional discussion, a motion was made by Seyburn, seconded by Bright, to grant a variance allowing 400 square feet of wall signage where a maximum 300 square feet is permitted, conditioned that no additional freestanding signs be permitted; there are exceptional conditions applying to the property that do not generally apply to other properties in the zoning district, which include the distance of the building from the road, the number of driveways and building entrances which require additional directional identification that motorists need to see from the road to park reasonably close to the appropriate entrance; the variance is necessary for the preservation of a substantial property right, the right of the building signs to be seen from the road, which is similar to that possessed by other properties in the same zoning district; the immediate practical difficulty was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Linenger-Yes, Rhodus-Yes, Schimmel-No, Seyburn-Yes, Singer-No, Bright-Yes. Motion passed 5-2.

ZBA #11-19, 4620 Golden Ridge Trail: Staff summarized the request for a two-foot rear yard setback variance to construct a 12-foot by 16-foot four season enclosed porch within 38 feet of the rear property line, where a 40-foot rear yard setback is required. Ms. O'Neill was present to answer questions.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Seyburn, seconded by Singer, to grant a two-foot rear yard setback variance to construct a 12-foot by 16-foot four season enclosed porch within 38 feet of the rear property line, where a 40-foot rear yard setback is required; there are exceptional conditions applying to the property that do not generally apply to other properties in the zoning district, which include the existing floor plan, the irregular lot shape, and rear property line and orientation of dwelling; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to construct a porch addition which is similar to that possessed by other properties in the same zoning district and neighborhood; the immediate practical difficulty was not caused by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Linenger-Yes, Rhodus-Yes, Schimmel-Yes, Seyburn-Yes, Singer-Yes, Bright-Yes. Motion passed 7-0.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:05 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM APRIL 24, 2012

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

At the request of Mayor Strazdas, Pastor Clayton Smith, First Reformed 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.

PROCLAMATIONS: Mayor Strazdas issued a National Arbor Day Proclamation and a National Children's Mental Health Awareness Day Proclamation.

APPROVAL OF MINUTES: Councilmember Pearson corrected himself and asked that the minutes reflect that he meant to use the word "debt" instead of "deficit" when referring to the Proposed Budget. Motion by Reid, seconded by Sackley, to approve the April 10, 2012 Regular Meeting Minutes as amended. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Reid asked Councilmember Campbell to read the Consent Agenda. Councilmember Sackley asked that Item F.4, MDOT Contract for Funding of a Flashing Beacon Installation at the Osterhout Avenue/Oakland Drive Intersection, be removed from the Consent Agenda. Discussion followed. Motion by Campbell, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF APRIL 24, 2012:** Motion by Campbell, seconded by Reid, to approve the Accounts Payable Register of April 24, 2012. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

REZONING APPLICATION #11-02, 1106 WEST CENTRE AVENUE: Mayor Strazdas opened the public hearing and introduced Community Development Director Vicki Georgeau, who reviewed the history of this request from Nathan Cronenwett, who was present to support the application to rezone the southern 539.5 feet of 1106 West Centre Avenue to OS-1, office service, while keeping the remainder of the property zoned RM-2, multiple family residential, and R-1B, one family residential in keeping with the current zoning. Ms. Georgeau indicated that Mr. Cronenwett plans to build a high-end salon and spa on the property and she described the property and surrounding properties and explained the level of consistency of the proposed and existing zonings with each of the zonings of the surrounding properties. She also reflected that Jim Bischoff, 1119 Tanglewod Drive, requested that the north 75-foot R-1B zoned buffer remain and explained his reasoning. Discussion followed. Mayor Strazdas opened the public hearing to the public. There being no discussion, motion by Reid, seconded by Campbell, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Campbell, seconded by Reid, to approve Rezoning Application #11-02 and rezone the southern 539.5 feet of 1106 West Centre Avenue to OS-1, office service, while keeping the remainder of the property zoned RM-2, multiple family residential, and R-1B, one family residential for the reasons stated in the March 16, 2012 report. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 227 of City of Portage Ordinance Book No. 12.

2012 UTILITY RATE FINANCIAL STUDY: Mayor Strazdas opened the public hearing and introduced Transportation & Utilities Director Chris Barnes, who reviewed the activities of the Water & Sewer Rate Committee, including presentation to City Council in order to set the public hearing. Mr. Barnes mentioned the approval by City Council in November of 2010 of a contract with Utility Financial Solutions to perform a comprehensive analysis to determine the cost of providing water and waste water services for the public. He explained the study using charts depicting water production and sanitary sewer service activity and said that the cost analysis revealed that the rate structure was insufficient to pay for the fixed cost of water production and sanitary sewer service needs.

He explained the quarterly charge commonly known as the meter charge includes all of the costs necessary to provide for all of the fixed expenses and maintenance costs and “readiness to serve” costs of the utility and are independent of the amount of water or sewer that is sold and need to be charged fairly to each customer in the system.

He analogized the system fixed cost with the fixed cost of owning a vehicle and indicated that the proposed 2012-13 utility rates are based in large part on the results of the comprehensive analysis performed in 2011 by Utility Financial Solutions.

To address the inadequacy in the basic quarterly charges, the 2011-12 utility rates began this trend of shifting the revenue collection to the basic quarterly charge while keeping the commodity rate increases in line with normal inflationary cost to provide water and sewer services and the 2012-13 water and sewer rate study continues this trend. He indicated that the focus of the annual rate analysis has changed from retained earnings in 2007 to an emphasis on working capital, debt service and fund balance retained in the utility funds; and, in accordance with an agreement with the State of Michigan, the 2012-13 utility rate study reflects a positive working capital in Fiscal Year 2012-13 for the combined water sewer funds. He noted that there have been a series of rate increases to maintain working capital; that this is the last year of those rate increases; and there will be a significant rate reduction from now on with rate increases declining from this year’s 4.85 % to .093 % combined funds over the next three years as this is the amount needed to ensure the strength of the utility funds.

Similarly, he broke down the proposed 6.1% base quarterly charge that reflects the increase in the fixed cost of the sanitary sewer which is based for the most part on the treatment charges from the City of Kalamazoo at 5%. He showed that the sewer treatment cost has increased from \$1.05 per 1,000 gallons in 2003 to \$1.93 per 1,000 gallons this year.

Mr. Barnes also analyzed the 2012 Utility Rate Financial Study recommendation that the water commodity rate be increased from \$3.10 to \$3.19 per 1,000 gallons of metered water and the base quarterly charge be increased and together equal an inflationary increase of 3.33%, or \$13.00 for the typical residential user. He concluded that for a typical residential customer, this is 4.85% increase, or a charge of \$3.41 per month for both water and sewer services, that would result from the recommended increases.

He reviewed regulated expenses to both the water and sewer funds, including: environmental improvement projects and unfunded mandates such as storm water permitting, arsenic removal and other unregulated contaminate monitoring and testing. He reviewed some of the projects and presented a letter requiring monitoring additional unregulated compounds in our drinking water at additional cost that will have to be calculated.

He compared the City of Portage rates with other communities in the area and demonstrated that the City of Portage rates comparably with other cities of similar size. Discussion followed.

He reviewed the 10% senior citizen discount for 2,924 residents of 62 years of age or older through the Treasury Department, and he outlined some of the various utility fees required. He introduced Utilities Engineer Kendra Gwin and offered that he or she were available to answer any questions.

Mayor Strazdas summed up and discussion followed regarding outsourcing using United Water to save approximately \$1 million per year; refinancing the utility capital bonds; annual preventive maintenance plan for both water and sewer with United Water for all water and sewer facilities; and a reduction of administrative staff. Discussion followed.

In answer to Councilmember Randall, Mr. Barnes indicated that there is no need-based program for water and sewer rates, except for mandatory sewer.

In answer to Councilmember Pearson, Mr. Barnes said that the monitoring of additional unregulated compounds in our drinking water is an unfunded mandate by the Environmental Protection Agency for contaminants not yet monitored, and that it is probably a part of the rule-making process to determine the list of contaminants that need to be monitored. He said based upon past experience, the expense will be around \$30,000, and the City of Portage has a deadline of 90 days to register. Discussion followed.

In answer to Councilmember Sackley, Mr. Barnes indicated that over time the senior citizen discount is paid for by those not eligible for the discount as it is internally funded and discussion followed regarding need-based mechanisms available to Portage citizens, the uniqueness of the City of Muskegon water system and costs associated with stormwater retention and well-head protection plan.

City Manager Maurice Evans pointed out that the contract with United Water is in the first year of a five-year contract and is therefore cost neutral and is significant as an administrative effort to contain costs. He said in 2008, the City of Portage received a letter from the State of Michigan requiring a financial plan to rectify the water fund deficit that was probably caused by conservation efforts, the City growth that has leveled off, plus two major capital improvement program projects. As a positive note, he mentioned that the City is in the fourth year of the five-year plan, and next year is looking better for the City.

In answer to the question from Mayor Pro Tem Reid, who asked what happens at the end of the five-year plan, Mr. Barnes cited the fairly accurate predictions that the process affords and indicated that once the utility savings account reaches the level required, the rates will level off.

Larry Newhouse, 707 Gabardine, asked how the City of Kalamazoo compares with the City of Portage on the charts as presented by Mr. Barnes, and Mr. Barnes showed the chart and indicated that they are lower and explained.

Denise Tyler, 7432 Gregg Court, compared the City of Kalamazoo rates with the City of Portage rates further and indicated that the rates in Portage are significantly higher and asked for the justification. Mayor Strazdas asked for further explanation and Utilities Engineer Kendra Gwin reiterated the explanation presented by Mr. Barnes earlier and noted that how the City of Kalamazoo funded water and sewer operations is unknown. Discussion followed.

Marc Meulman, 9439 South Westnedge Avenue, objected to the discount based upon age instead of need saying that it is counterintuitive, unfortunate and unjust; that those who are 65 and older have the lowest poverty in the community; that the poverty rate for children is three times higher than people who are older; so young families, single parent families, people in poverty are subsidizing a discount for people who do not need it. Discussion followed.

David Crawshaw, 6535 Evergreen Street, asked what is the gross revenue for the water and sewer department fiscally; what is the net profit of the fiscally; and what happens to the net profit. Mr. Barnes answered that the total operating revenue projected for fiscal year 2012-13 is \$15,006,000 and for fiscal year 2011-12 is \$13,000,789. He indicated that there is no profit as these are enterprise funds and explained that all extra funds from the utility bills go into the rainy day fund as required by the State of Michigan. Councilmember Sackley provided a detailed explanation and discussion followed.

Councilmember Pearson asked for answers to some of the comparison questions posed by Denise Tyler earlier with the City of Kalamazoo for the Sewer and Water Rate Committee for next year.

Councilmember Randall asked that the Administration look into offering a discount for lower income households; look at how long the senior citizen discount has been in place; and look at what other cities are doing as she has been approached by this many times and is sensitive to the needs of lower income people in Portage.

There being no discussion, motion by Sackley, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Sackley, seconded by Reid, to adopt the 2012 Sewer and Water Rate Resolutions establishing sewer and water utility rates, sewer and water franchise area fees, service fees and charges

as outlined in the 2012 Utility Rate Financial Study and as recommended by the City Administration and the City Council Water and Sewer (Utility) Rate Study Committee. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 387 and 391 of City of Portage Resolution Book No. 44.

REPORTS FROM THE ADMINISTRATION:

* **PROPOSED LABOR AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS:** Motion by Campbell, seconded by Reid, to authorize the Mayor and City Clerk to execute a three-year labor agreement with the International Association of Fire Fighters subsequent to city acceptance of health insurance plan documents. Upon a roll call vote, motion carried 7 to 0.

* **PUBLIC HEARING ON FISCAL YEAR 2012-2013 BUDGET:** Motion by Campbell, seconded by Reid, to adopt the Resolution setting a public hearing on May 8, 2012, for the Fiscal Year 2012-2013 proposed city budget and the proposed 2012 tax levy. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 397 of City of Portage Book No. 44.

* **REZONING APPLICATION #11-03, ROMENCE ROAD PARKWAY:** Motion by Campbell, seconded by Reid, to accept Rezoning Application #11-03 for first reading and set a public hearing for May 22, 2012; and, subsequent to the public hearing, consider approving Rezoning Application #11-03 and rezone: 1901 Romence Road Parkway to OTR, office technology and research, with the exception of the northwest area that is to remain R-1B, one family residential, and the southwest area that is to be rezoned to OS-1, office service; 2301 Romence Road Parkway, 6710, 6718 and 6726 Portage Road and 2328 and 2402 Lansing Avenue to OTR, office technology and research; and 6646 Portage Road and 6941, 7013 and 7019 Lovers Lane to OS-1, office service. Upon a roll call vote, motion carried 7 to 0.

MICHIGAN DEPARTMENT OF TRANSPORTATION (MDOT) CONTRACT FOR A FLASHING BEACON INSTALLATION AT THE OSTERHOUT AVENUE/OAKLAND DRIVE INTERSECTION: In response to Councilmember Sackley, Mr. Barnes indicated that the funding of a flashing beacon installation at the Osterhout Avenue/Oakland Drive intersection is made possible as part of an annual traffic safety analysis and explained that it is the safety issue and a fatality that makes this intersection qualified. He indicated that the improvement is paid for by Federal Safety Funds and cited other past examples. Discussion followed. In answer to Councilmember Sackley, Mr. Barnes indicated that these funds are not applicable to railroad crossings, but a separate railroad protection funding mechanism through the federal government and the state. Also, he said that last winter, the Michigan Department of Transportation, the Rail Road and City staff performed a diagnostic team review for safety, and one of the main topics was the installation of gates, but because of the geometrics and the proximity of the tracks to Shaver Road and the proximity of the outside rail, the gates cannot be constructed.

In answer to Councilmember Campbell, Mr. Barnes indicated that the intersection of West Centre Avenue and Old Centre Avenue, accidents per million vehicle miles so accidents per cars is the measure and high volume of cars is compared with the number of accidents; restricted to Federal Ave Routes; and, there is a threshold for the funds as all projects in the county are presented based upon accidents. He indicated that he will be proposing a remedy for the intersection of West Centre Avenue and Old Centre Avenue as he is aware of the number of accidents at that intersection.

Motion by Sackley, seconded by Reid, to approve Contract 12-5119 between MDOT and the City of Portage for funding of a flashing beacon installation at the Osterhout Avenue/Oakland Drive intersection and adopt a Resolution authorizing the City Manager to sign Contract 12-5119 and any other documents related to this project on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 399 of City of Portage Resolution Book No. 44.

* **MARCH 2012 SUMMARY ENVIRONMENTAL ACTIVITY REPORT - INFORMATION ONLY:** Motion by Campbell, seconded by Reid, to receive the communication from the City Manager regarding the March 2012 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

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

COMMUNICATION:

PRESENTATION BY HUMAN SERVICES BOARD CHAIRPERSON MARC MEULMAN: Human Services Board Chair Marc Meulman updated City Council regarding the Human Services Board FY 2011-2012 goals by reading the progress statements from his communication dated March 29, 2012, for each of the five goals approved by City Council for the Board. Discussion followed.

Motion by Urban, seconded by Reid, to receive the presentation by Human Services Board Chairperson Marc Meulman. Upon a voice vote, motion carried 7 to 0.

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

- Portage Zoning Board of Appeals of March 12, 2012.
- Portage Environmental Board of March 14, 2012.
- Portage Youth Advisory Committee of March 26, 2012.
- Portage Board of Education Special and Regular of March 26, 2012.
- Portage Planning Commission of April 5, 2012.

AD HOC COMMITTEE REPORTS:

FEES (TRANSPARENCY/FAIRNESS) COMMITTEE: Mayor Pro Tem Reid indicated that the Committee consisted of Councilmember Pearson, Mayor Strazdas and herself, and it looked at cases where "Fees" had been a subject of complaint and found that the City is handling them fair and with clear focus, including the information on all fees, how they were established based upon the service provided, and trends or patterns where transparency can be improved. Discussion followed.

Councilmember Sackley noted that Joe Gesmundo, 4200 West Centre Avenue, representing Greenspire, Hinman Company and Gesmundo Associates, was present and asked whether the Committee discussed the Greenspire Retail sanitary sewer. Councilmember Reid acknowledged that that was one of the tow cases discussed. She explained that the city had brought the sewer up to a point and, at its own cost, the company brought the sewer line across an undeveloped tract of land to service Greenspire Apartments. She indicated that now that the land is being developed, the question became why is a charge being charged at this time, and the Committee found that the related hook-up charges were incurred because the entire system becomes available to the property being developed. Discussion followed.

Councilmember Sackley asked for a clarification if the Committee is making a decision on behalf of the City or a recommendation, and Mayor Pro Tem Reid indicated that the Committee was taking two situations where there had been citizen queries about why a fee was charged, how the fee was established and to determine whether the process used was fair, transparent or showed a pattern or trend that would require a change in the way of looking at things. She stated that the Committee was not trying to review or make a decision on either one of these cases, but was only attempting to see if the process was clear and fair. Also, the Committee was trying to determine whether there was a need for a change in the way of looking at things. She acknowledged that both situations were unusual and difficult to explain, and it was easy to see why the citizens did not see it the same way as the City because there were many issues involved.

City Attorney Brown indicated that the Committee cannot make decisions, only recommendations, and it sounds like the Committee had an assigned task; and, the task was to investigate this particular issue; and the Committee has come back with the recommendation that nothing has to be done on that particular issue, so if the City Council chooses to accept that then the motion should read that nothing be done on that particular issue. Discussion followed.

Joe Gesmundo, 4200 West Centre Avenue, representing Greenspire, Hinman Company and Gesmundo Associates, indicated that he has paid for a sewer line once, and now is being asked to pay for it again. He asked, "If the payee situation was reversed....if city had paid for it years ago and we had been assessed would we be asked to pay it again?" He indicated that the answer is, "No." He distinguished this situation by saying the City feels it deserves a "windfall" and to get payment for the sewer pipe, so his opinion was that the Ordinance should be changed. Discussion followed.

Mr. Barnes concurred with Mayor Pro Tem Reid and her explanation, reiterated the matter a second time and provided a history of the installation. Discussion followed on the merits with Mr. Barnes relying on the 1991 Special Assessment Policy and the City Ordinance. Each City Councilmember who did not serve on the Committee felt a need for more information. Discussion followed.

Motion by Reid, seconded by Sackley, to receive the report from Mayor Pro Tem Claudette Reid regarding the recent activity of the Fees (Transparency/ Fairness) Committee, and to delegate or request of staff to provide information for the May 22, 2012 Regular City Council Meeting regarding the particular situation and the ordinance involved to all Councilmembers and refer to the entire Committee of the entire Council a discussion of whether or not there is the appropriateness to change or consider change of ordinance in this situation, including the integration of the ordinance and the policy into the report and what possible remedies or recommendations from staff are available to the City Council to move this forward. Discussion followed and Mr. Joe Gesmundo expressed a concern that he perceives that there is some risk of not having an occupancy permit which is required in order for his first tenant to open and do business. Deputy City Manager Brian Bowling explained that the city has indicated that the Administration would proceed with this process under a Temporary Certificate of Occupancy so as not to provide a hindrance to the business that is occupying the site at this point. Upon a roll call vote, motion carried 7 to 0.

BID TABULATION:

* **FOREST DRIVE RECONSTRUCTION AND WATER MAIN REPLACEMENT- LOVERS LANE TO PORTAGE ROAD:** Motion by Campbell, seconded by Reid, to 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. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Randall announced the Leaders Breakfast to be held, Wednesday, April 25, 2012, from 8 a.m. until 10 a.m. at Cityscape, Kalamazoo, for a "Placemaking" discussion or "What makes Michigan cities vibrant and exciting places to live, work and play." She also mentioned that the Y.M.C.A. is sponsoring a "Get Out and Walk" on Sunday, April 29, 2012; and, she reminded everyone that the Kalamazoo Marathon takes place on Sunday, May 6, 2012.

Councilmember Pearson indicated that he and his wife plan to attend the Greenathon coordinated by Deputy City Clerk Adam Herringa with the support of the City Council Youth Advisory Committee, the Parks Department, Park Board and Environmental Board, that will take place on Saturday, April 28, 2012, from 12 noon until 4 p.m. at Celery Flats.

Mayor Pro Tem Reid indicated that she will be attending the American Occupational Therapy Association Conference in Indianapolis, Indiana, and indicated that it is National Occupational Therapy Month.

Mayor Strazdas gave credit to John Milowe and Bill Deming of the Parks Department for celebrating Portage as a Tree City with the planting of a tree earlier in honor of National Arbor Day; and thanked those participants of the Greenathon for their fine efforts and indicated that good, sustainable things are being created in our community.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:01 p.m.

James R. Hudson, City Clerk

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

MINUTES OF THE BUDGET WORK SESSION OF THE PORTAGE CITY COUNCIL
April 30, 2012

Meeting was called to order by Mayor Strazdas at 3:02 p.m.

The following members of Council were present: Councilmembers Jim Pearson, Patricia Randall, Ed Sackley, Terry Urban, and Mayor Peter Strazdas. Mayor Pro Tem Claudette Reid arrived at 3:03 p.m. and Councilmember Elizabeth Campbell arrived at 3:37 p.m. Also in attendance were City Manager Maurice Evans, Deputy City Manager Brian Bowling, Financial Services Director Bob Luders, Finance Director Daniel Foecking, Deputy Finance Director Patricia Fitnitch and City Clerk James Hudson.

Mayor Strazdas provided introductory remarks and introduced City Manager Maurice Evans, who indicated that the 2012-13 Budget commemorates the 50th Anniversary of the City noting that throughout this period the City has practiced an approach to the provision of public services that promotes lower-cost service delivery that has proven to be of added value through a time of serious economic challenges, including: partial or complete privatization of services; the use of part-time, on-call and contracted personnel to supplement full time staff; funding of post employment benefit obligations to lessen or eliminate long-term unfunded liability; altering benefit programs for new hires to limit added liability in the future; and, the City has done this with no layoffs, furlough days, early retirement incentives or neglecting obligations to appropriately fund long-term liability accounts, but has reduced the overall levels of debt and has made additions to the General Fund balance.

Mr. Evans highlighted the 2012-13 proposed budget by indicating that there is a decrease in the overall city tax rate from 10.8916 mills to 10.7778 mills; a decrease in budgeted General Fund expenditures of approximately 2.4 percent; incorporation of a 1.5 percent increase in property tax revenue, resulting from an increase in personal property tax revenue; incorporation of Economic Vitality Incentive Program payments from the State of Michigan; continuation of General Fund support for the Capital Improvement Program (CIP), the Major Street Fund and the Local Street Fund; a decrease in Act 51 moneys left; and an incorporation of a recommendation to increase for the next several years the City Council prescribed fund balance for the General Fund from 13 percent to 25 percent.

He referenced the financial analysis and projection of budget trends shared with City Council at the 2011 Goal Session, indicated city departments have implemented cost containment plans that will be shared during the budget sessions and the city will continue to provide core services. He asked City Council to review the City of Portage Millage Rate History spreadsheet that he handed out asked them to feel free to ask any questions via e-mail or personal contact. Discussion followed.

Financial Services Director Bob Luders indicated that in Fiscal Year 2006-07, City Manager Maurice Evans put together a team whose goal was to reduce the rate of increase of the CIP debt service and to level its growth. His analysis reviewed the past present and future by utilizing Certified Financial Statements, noting that the City of Portage debt is for infrastructure in contrast with other communities that are in debt owing to costs associated with health care and pension liabilities. He referenced and explained three charts provided the City Council: Ten year debt reduction plan, the CIP where the majority of debt lies and the

Debt Service Ratio. Discussion followed regarding the condition of the streets in 2017-18 and how to fund them. Mr. Luders explained the balance between funding and still keeping streets in good shape. Discussion followed regarding unknowns from the State that keep fluctuating and changing and Mr. Luders indicated that losing personal property taxes is the same as losing Pfizer, or \$4 million. Discussion followed.

Benefit Services Director Patti Thompson with Deputy Director Tracy Schmitt explained some of the functions and responsibilities of the Benefit Services Department, including benefits, compensation, workers compensation and various legal mandates. The primary goal of the department is to competitive compensation plan for the recruitment and retention of city employees. She reviewed cost control measures and the proactive approach to the defined contribution plans, long-term funded liabilities such as the retiree health plan, the retiree health savings plan for new hires, savings in health insurance costs for non-union and Department Head personnel, and workers compensation. She discussed Public Act 152, insurance carrier contracts, staffing opportunities and the change in funeral leave language to allow employees time away from the job during time of death of a relative. Discussion followed.

Financial Services Director Bob Luders provided a brief background of the department work functions related to the budget, including responsibilities in the areas of management of city contracts and work preparing the city budget. He indicated the primary focus of the Purchasing Department is the procurement of goods and capital improvement of the city and explained. He said that the Department supports the various user departments with 4,000 to 5,000 purchase orders, 25 to 35 sealed bids, the issuance of 50-75 formal contracts and assists in the management of over 225 contracts. He also indicated that the Department also assists in the area of risk and liability, including property and auto insurance through the Michigan Municipal Risk Authority. He then highlighted the United Water Contract, Michigan Municipal Risk Authority contract, personnel reduction, collaboration in purchasing, joint bidding and the City of Portage role in the county wide effort to consolidate 911 Dispatch services in Kalamazoo County. Discussion followed.

City Assessor Jim Bush introduced Deputy City Assessor Brian Oakey and reviewed the highlights of the Department operations and objectives, as well as some specific upcoming changes in the tax system and goals for the upcoming fiscal year.

He said that following a 2.9% decline in Taxable Value for 2011, the City of Portage experienced a slight Taxable Value increase for 2012 primarily due to four Pfizer PA-198 real and personal Tax Abatements that expired so the assets were reported on the regular assessment roll and the purchase of additional new equipment at Pfizer during 2011. He stated that because of the abatement expirations and additional new property, the Pfizer real estate assessment increased 7% and the personal property assessment increased 15%; accordingly, the city reliance on the Pfizer portion of the overall tax base has increased from 16% to 17.5%.

He also revealed that residential foreclosure activity has lightened to approximately 150 per year from 200 last year and that the breakdown of our overall tax base is 81% real property and 19% personal property; with that, he indicated that the City's tax base continues to be well balanced consisting of 55% residential property, 22% commercial property and 23% industrial property.

He also said that Tax Base and Revenue Forecasting is by far the most important activity that will be ongoing beginning next month, and after several years of declining residential values, for 2012 the

residential ratio was 49.24% indicating that the valuation decline has eased, but Commercial and Industrial values have declined the past two years and will probably continue to decline throughout the year and possibly next year.

He said that personal property tax represents 19% of our total tax base and equates to approximately \$4.2 million dollars and, if the legislation is signed into law before year end, those personal property accounts under \$40,000 Taxable Value will be exempted for the 2013 tax year based upon draft proposals. He indicated that approximately 1,400 (or 78%) of our 1,800 personal property accounts are under \$40,000; however, this represents only 3% of our personal property Taxable Value and equates to a tax dollar loss of less than \$150,000.

He reviewed the Board of Review activities, including training, the two residential forums and the one commercial property tax forum, and the plan for additional training opportunities which would lead toward further improvements in this area.

He reported that there are only three pending commercial property tax appeals and accordingly, the city has a very small future property tax refund liability; all residential Michigan Tax Tribunal appeals have either been resolved or have gone to hearing and the city assessments upheld; and, there are no pending residential appeals.

He also reported that the residential inspection program was designed in response to the State Tax Commissions recommendation to inspect 20% of all properties annually, or at least once every five years, and reviewed the Lexington Green neighborhood inspection pilot program that was selected as a test project during 2012 with approximately 400 relatively small inexpensively constructed properties, most all homogeneous in nature. Discussion followed.

Transportation and Utilities Director Chris Barnes introduced Utilities Engineer Kendra Gwin provided an overview of the Capital Improvement Program (CIP) and outlined future improvements to various roadways in Portage for the upcoming construction season. He cited some of the major streets projects, including Mall Drive, Forest Drive, Romence Road and Angling Road. He indicated that Mall Drive, Forest Drive and Romence Road are all part of the KATS Improvement Program and Angling Road is locally funded. Discussion followed.

He also explained improvements to data collection, signaling of the South Westnedge Avenue and maintenance to alleviate congestion, and reviewed some of the projects in the Major Street Reconstruction Program and the Local Street Program

Mr. Barnes then discussed traffic engineering, water and sewer, coordination of railroad signals and crossings, MDOT Contracts, site plan review, road maintenance, street lights, maintenance operations and Austin Lake Bioaugmentation Program. Discussion followed.

Utilities Engineer Kendra Gwin discussed Portage's water storage program, the North 12th Street Lift Station, the water main replacement on Forest Drive, the United Water Contract, equipment needs and water quality preservation expenditures. Discussion followed.

RECESS: 5:47 p.m.

RECONVENE: 6:16 p.m.

Parks, Recreation & Public Services Director William Deming introduced Deputy Director of Recreation & Senior Citizen Services Jill Hess, Deputy Director of Streets & Parks Maintenance Ray Waurio and Deputy Director of Fleet & Facilities Rod Russell. He discussed the revamping of the Parks & Recreation Department, significant reductions, bike paths, the use of volunteers, grounds maintenance, cemeteries, parks, Tree City USA, recreation, the ice rink, team sports, Ramona Park Beach, 16 walk/runs this year, collaborations with Portage Community Center, Senior Citizen

Services and cultural activities. Discussion followed. Deputy Director of Recreation & Senior Citizen Services Jill Hess discussed the evidence-based Health Promotion Program, Health Screening, balancing programs with limited facilities, the Portage Senior Center van and the availability of a van from Kalamazoo County Transit Authority. Discussion followed.

Deputy Director of Streets & Parks Maintenance Ray Waurio discussed the repair of major streets, the mill and fill, crack filling, the Local Street Fund, household hazardous waste, Spring Cleanup Program, the Fall Leaf Pick-up Program, equipment replacement and compost management. Discussion followed.

Deputy Director of Fleet & Facilities Rod Russell discussed the Equipment Fund, contractual agreements, the Operation and Maintenance Fund, fuel costs, truck replacements, administrative costs, building maintenance and the Portage Public Schools fuel contract for staff vehicles only. Discussion followed.

Police Chief Richard White introduced Assistant Fire Chief Stacy French, Senior Deputy Fire Chief John Podgorski and Senior Deputy Fire/Police Chief of Administration Deputy Dan Mills. He reviewed efforts in drug and alcohol prevention, work with the County Drug Task Force, Prevention Works, and summarized some of the recent efforts regarding sale of alcohol to minors. He discussed the big red box at the Police Department lobby for drug disposal, the Epic Vehicle and fatal vision goggles at the high school for preparation for prom activities, Secondhand Dealer Licenses, partnership with the Community Development regarding quality of life issues in the neighborhoods, traffic safety, police officer bicycle program, bike helmet cams, half-band all radio communications in 150 mhz range by 2013 with no signal degradation, reaccreditation award for the third year, SWAT Team issues, Fire Mutual Aid Box Alarm System (MABAS), Countywide investigative team, the use of various vehicles for appropriate response to a call, Countywide Hazmat Team (13 agencies), training for Fire Department personnel for Fire Accreditation, Child Safety Seat Program and the closing of the holding facility. He indicated that request for proposals have been received from various vendors regarding the consolidation of dispatch operations in the County and discussed the budget reduction of approximately \$298,000 and explained the reorganization efforts in some detail, including personnel changes, staffing, part time police officers, negotiations and arbitration. Discussion followed.

Mayor Strazdas asked Councilmember Pearson for assurances that he received satisfactory explanation of the \$40,000 personal property exemption and he indicated that he did. Discussion followed regarding the \$10,000 ceiling for City Manager contract approval and, after discussion, Mayor Strazdas asked for a proposal from the Administration to raise the ceiling to as much as \$20,000. Discussion followed.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 6:57 p.m.

James R. Hudson, City Clerk

**MINUTES OF THE BUDGET WORK SESSION OF THE PORTAGE CITY COUNCIL
May 1, 2012**

Meeting was called to order by Mayor Strazdas at 4:32 p.m.

The following members of Council were present: Councilmembers Elizabeth Campbell, Jim Pearson, Patricia Randall, Ed Sackley and Terry Urban, Mayor Pro Tem Claudette Reid and Mayor Peter Strazdas. Also in attendance were City Manager Maurice Evans, Deputy City Manager Brian Bowling, Financial Services Director Bob Luders, Finance Director Daniel Foecking, Deputy Finance Director Patricia Fitnitch and City Clerk James Hudson.

Mayor Strazdas asked Daniel Foecking to begin. He provided an overview of the Legislative/Human Services Budget and indicated that there is \$100,000 for a study of consolidation of services and \$5,000 for a celebration of the 50th Anniversary of the City in the City Council Budget. He then introduced Community Development Director Vicki Georgeau, who indicated that the funding recommendations of the Human Services Board (HSB) and the Administration were very close, so staff took the HSB recommendation.

Community Development Director Vicki Georgeau introduced Deputy Director of Planning, Development and Neighborhood Services Chris Forth, who helped with the activity this year and the Human/Public Service Funding Applications and the Supplemental Budget. Using the Supplemental Budget, she then outlined the Fiscal Year 2012-13 General Fund and Community Development Block Grant (CDBG) funds available for human/public services. She discussed the method of selection of applicants, the funds available in detail and explained what can be done with surplus funds in answer to Mayor Pro Tem Reid. Discussion followed.

Because there was little difference between the recommendations of the HSB and City Administration, staff concurred with the HSB recommendations. Under this funding level proposal, she indicated that under the Community Development Block Grant Program, the Portage Community Center would receive \$36,000; from the General Fund, the Portage Community Center would receive \$80,513; Housing Resources, Inc., would receive \$17,400; Catholic Family Services would receive \$9,080; the YWCA would receive \$8,570; and, Gryphon Place would receive \$2,000. Discussion followed.

Housing Resources, Inc. (HRI) Executive Director Ellen Kisinger-Rothi, indicated that HRI serves citizens to help them stay in their housing; she commented that children who have to be moved fall behind in academic achievement and stand a chance to become homeless as adults, but is encouraged at this time as some of the stimulus money and best practices has allowed her organization and others across the state to get a better "handle" on these problems as she feels HRI is "making headway." Discussion followed. Councilmember Randall mentioned that Catholic Family Services is becoming Catholic Charities at 5:15 p.m. at the Kalamazoo Institute of Arts, and expressed appreciation for funding from Catholic Charities. Discussion followed regarding the 50th Anniversary of the City of Portage.

Councilmember Sackley asked about the \$100,000 in the City Council Budget for a study of the feasibility of consolidating dispatch on a countywide basis, asked about the size of the amount and, knowing expenditures will still come to City Council for discussion, expressed

concern that it is not specifically earmarked. City Manager Evans explained that collaboration studies are planned and some are underway. With reference to countywide dispatch, he indicated that the County did not get the grant funds they anticipated, and that Southwest Michigan First has indicated that the first study is funded, but Phase II and Phase III are not paid for, and City of Portage needs to be ready to assist. Councilmember Sackley indicated that he does not want the City of Portage to be alone on this like with the Housing Assistance Fund or the Southwest Michigan Alliance where the City of Kalamazoo backed out and refused to pay even though they enjoyed the benefits of it. He issued the challenge that he wants to know that this does not set the stage for this to happen, again, and he indicated a desire for a better plan with matching dollars and with Southwest Michigan First, the Kalamazoo Foundation and all other municipalities participating. City Manager Evans explained. Discussion followed. Councilmember Sackley expressed an interest in knowing whether the City of Kalamazoo and/or the County of Kalamazoo have gone through this process and whether there is an allocation in their budgets, or if they plan to do a budget amendment. Discussion followed.

Employee Development Director Rob Boulis reviewed the Employee Development Department Budget and indicated that the HTE Software did not include the Fringe Benefits and did not accurately reflect the amounts in the Personnel Services Administration Recommendation column: \$187,565 should read \$270,805 for a total of \$433,525 instead of \$350,285. He reviewed the department efforts in the areas of recruitment, safety administration, training, labor and employee relations, employee discipline, contract negotiations and the Respecting Differences Program. Discussion followed. Mayor Strazdas asked for a *Portager* article informing the public that city employees attended the diversity program.

City Clerk Jim Hudson cited some of the services provided by the City Clerk staff in the areas of elections, Freedom of Information Act Requests, Youth Advisory Committee, website updates, liquor license application processing, research, legal notices, record keeping, cemeteries and matters before City Council. Discussion followed. Mayor Strazdas asked to find out what the City of Ann Arbor is doing in this regard since they totally lost their newspaper. Discussion followed.

Councilmember Campbell left with excuse at 5:45 p.m.

Information Technology Services Director Devin Mackinder indicated that the IT Department reviews emerging technologies and indicated that there are increases in costs savings, customer service and computer expertise as a result of the contractual arrangement between the City of Portage and SARCOM. Mr. Mackinder listed the various equipment and areas of service provided by the IT Department. He reviewed the Annual Technology Plan and mentioned that a few of the major projects in this fiscal year completed were: GroupWise System e-mail upgrade, replacement of primary firewalls, a new overhead paging system and the introduction of iPad Devices for fire inspections. A few of the planned projects for Fiscal Year 2012-13 he mentioned were: continue planning the replacement of the HTE System, MicroSoft Upgrade, increase broadband to support internet data traffic to assist with cloud-based operations, firehouse software, and the agency payroll system. He cited the collaboration efforts with the City of Kalamazoo IT Department to share GIS Mapping functions for Public Safety operations and collaboration efforts with the Public Media Center. Discussion followed.

RECESS: 6:14 p.m.

RECONVENE: 6:40 p.m.

Community Development Director Vicki Georgeau introduced Deputy Director of Building and Housing Services Terry Novak and Deputy Director of Planning, Development and Neighborhood Services Chris Forth, and thanked them and the Community Development Department staff for their fine assistance and hard work since she became Director. She reviewed the Community Development operating budget and the Supplemental Budget Document. She noted that the Department has oversight responsibilities in the areas of long term and short term planning, growth and redevelopment, private construction projects and maintaining the quality of life in the City of Portage with a special emphasis on neighborhood quality of life.

She reviewed the staff reorganization effort and the added responsibilities of the office. She reviewed the Community Development budget, including Building Services, Department service indicators, and permits associated with Planning and Development Services, and Neighborhood Services with descriptions of these projects. She touched on management of the neighborhood complaints and City Hall maintenance. Discussion followed. In response to Councilmember Urban, Ms. Georgeau indicated that the property for sale on Portage Road south of the AirZoo is zoned I-2 and in response to Councilmember Randall she said that the City hopes to close on PCOC property on June 12, 2012. Discussion followed.

Ms. Georgeau referred City Council to Sections 2 and 3 of the Supplemental Budget Book of 2012-2013 and advised City Council that they would be asked to approve the FY 2012-2013 Community Development Block Grant Program and authorize the Administration to submit the FY 2012-2013 One-Year Action Plan to the Department of Housing and Urban Development on May 8, 2012. She outlined the services that are provided in the FY 2012-2013 One-Year Action Plan, explained the decreases in the budget and future cuts anticipated and reviewed the Five-Year Comparative Analysis Table in Section 2 and the maps that depict low income neighborhood areas of the city. Discussion followed.

Mr. Foecking introduced Deputy Director of Accounting/Budget Pat Fitnich and reviewed the City Manager Department Budget, including: oversight responsibilities for all phases of city operations, implementation of City Council policy directives, general supervision and oversight of departmental operations, and development of administrative procedures intended to improve organizational effectiveness, as well as administrative responsibility for all city goals and objectives. He reviewed the public information division responsibilities, including copies, mailing and the *Portager* published six times per year.

Mr. Foecking also reviewed the City Attorney budget. He then summarized the Finance Department budget which includes: Accounting Fund, Finance and Budget Fund and the Treasury Fund. Discussion followed. He pointed out that there were no Brownfield Authority approvals and discussion followed. He reviewed the West Lake Weed Management Fund and announced that on May 8, 2012, there would be a public hearing on the Fiscal Year 2012-2013 proposed Budget and the tax rate of 10.7778 mills required to support the proposed budget. He also mentioned that on May 22, 2012, City Council will be asked to adopt the Fiscal Year 2012-2013 Budget and adopt the General Appropriations Act Resolution and the Salary and Wage Resolution. Discussion followed regarding the ability to retire more bonds and Mr. Foecking indicated that it was not probable at this time that anymore bonds could be retired in Fiscal Year 2012-2013. Discussion followed.

Next, Ms. Georgeau reviewed the Capital Improvement Program (CIP) Budget, explained that the 10-year plan provides only essential services

such as streets combined with sidewalks & bikeways, water and sewer and public safety. She referred to the Revenues and Expenditures chart on page i and the pie graphs on pages ii and iii to explain expenditures as compared to revenues in the CIP Budget.

She provided an overview of the 10-year plan and some of the eight categories listed: Streets, Utilities Public Safety, Public Facilities and Parks & Recreation and Debt Service. She referred to the locations of proposed improvements as outlined on the map on page iv, the expenditures by categories depicted on the pie chart on page v and the revenues shown on the pie chart on page vi of the document. She highlighted some of the proposed projects and purchases. Discussion followed regarding the Senior Center, the Haverhill Water Tower replacement, the 25% proposed Fund Balance, the elimination of the personal property tax, funds to be used for emergency preparedness and the City Hall motor pool. Discussion followed.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:13 p.m.

James R. Hudson, City Clerk