

CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

November 15, 2012

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

November 15, 2012

(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * November 1, 2012

SITE/FINAL PLANS:

- * 1. Repertoire Restaurant, 412 West Centre Avenue

PUBLIC HEARINGS:

- * 1. Final Report: Rezoning Application #12-01, 9136 Shaver Road

NEW BUSINESS:

OLD BUSINESS:

- 1. City of Portage 50th Anniversary Celebration – Recognition of Portage Businesses

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

October 23, 2012 City Council meeting minutes

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

PLANNING COMMISSION

November 1, 2012

 DRAFT

The City of Portage Planning Commission meeting of November 1, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

MEMBERS PRESENT:

Wayne Stoffer, Bill Patterson, Miko Dargitz, David Artley, Allan Reiff and James Cheesebro.

MEMBERS ABSENT:

Dave Felicijan.

MEMBERS EXCUSED:

Paul Welch and Rick Bosch.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; 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 October 18, 2012 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Artley, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved.

PUBLIC HEARINGS:

1. Preliminary Report: Rezoning Application #12-01, 9136 Shaver Road. Mr. West summarized the preliminary staff report dated October 26, 2012 regarding a request received from Mr. Robert Wiitanen to rezone 9136 Shaver Road from I-1, light industry to B-3, general business. Mr. West stated the rezoning was being requested to facilitate redevelopment of the site for a new Mulligans Grill and Sports Bar. Mr. West discussed the Future Land Use Map designation, surrounding zoning/land use pattern, suitability of the existing I-1 zone and the potential impacts of the proposed B-3 zone. Mr. West also discussed the different building/parking setback requirements in the I-1 and B-3 zones and indicated the applicant desired to redevelop the new Mulligans Grill and Sports Bar under the less restrictive B-3 standards.

Mr. Robert Wiitanen was present to support the rezoning request and explain his plans to redevelop the Mulligans Grill and Sports Bar. Mr. Wiitanen stated the existing restaurant/bar was over 50 years old and it was time to invest in a new, modern establishment. Mr. Wiitanen indicated the proposed B-3 zone allows for more redevelopment flexibility in areas of building setbacks, parking setbacks and signage and will ensure better visibility along Shaver Road. The public hearing was then opened by Chairman Cheesebro. No citizens spoke in regards to the proposed rezoning. After a brief discussion, a motion was made by Commissioner Artley, seconded by Commissioner Reiff, to adjourn Rezoning Application #12-01, 9136 Shaver Road, to the November 15, 2012 meeting. The motion was unanimously approved.

SITE/FINAL PLANS:

None.

A large, grey, slanted stamp with the word "DRAFT" in bold, capital letters. To the left of the text is a small icon of a document with a checkmark.

NEW BUSINESS:

1. FY 2011-2012 Final Work Program Update and proposed FY 2012-2013 Work Program. Mr. Forth summarized the staff report dated October 26, 2012 that included a final update of the FY 2011-2012 Work Program and a copy of the proposed FY 2012-2013 Work Program. Commissioner Dargitz asked about the status of the Comprehensive Plan Update since it was not included in the proposed work program. Mr. Forth stated the Comprehensive Plan was tentatively scheduled for FY 2013-2014. Commissioner Artley inquired about Planning Commission training. Mr. Forth indicated staff will schedule a training session during the upcoming months. Commissioner Dargitz revisited her idea of discussing various planning topics such as placemaking, traffic calming, etc. over the course of the year, under items of New Business, during regularly scheduled meetings. Mr. Forth stated this could be accomplished either as items of New Business or as short workshops following regularly scheduled meeting, if desired by the Commission. Commissioner Patterson asked if there would be any opportunities to engage the Youth Advisory Board. Mr. Forth stated he would discuss with Deputy City Clerk, Adam Herringa, who is the staff liaison to the Youth Advisory Board, but the initial thought was to engage this board in the update of the Comprehensive Plan. After additional discussion, a motion was made by Commissioner Artley, seconded by Commissioner Patterson, to adopt the 2012-2013 Work Program, as presented. The motion was unanimously approved.

OLD BUSINESS:

1. City of Portage 50th Anniversary Celebration – Recognition of Portage Businesses. Mr. Forth referred the Commission to the October 24, 2012 communication from City Council that requests the Planning Commission identify ways in which the Portage business community can be recognized as part of the 50th Anniversary Celebration. Mr. Forth indicated a report to City Council was requested by December 18, 2012.

Commissioner Dargitz suggested a “pass book” with various business stickers. Citizens who patronize all the businesses and collect the stickers in their pass book would receive a prize or an entry into a drawing. Commissioner Artley suggested a special listing of businesses would have been in Portage for 50 years. Commissioner Patterson expanded upon this idea and suggested a short profile and recognition of businesses who have been in Portage for 50 years, 25 years, 15 years, etc. be placed on the City’s web site. Commissioner Dargitz suggested development of some form of unifying placemaking signage/banners that would recognize businesses within certain geographic areas of the city or by corridor. Commissioner Artley suggested that the planned documentary of the History of the City of Portage be made available in the public library. Commissioner Reiff suggested offering businesses recognition through corporate sponsorship of planned events and activities. Commissioner Reiff also suggested a public viewing area for all school banners submitted for the planned banner competition. Commissioner Stoffer suggested a raffle with prizes leading up to the actual date of incorporation of the City of Portage. Chairman Cheesebro thanked the Commission for these initial suggestions and stated additional discussion could occur at the November 15, 2012 meeting.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:35p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: November 9, 2012

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Specific Plan for Repertoire Restaurant, 412 West Centre Avenue

I. INTRODUCTION/BACKGROUND

A specific plan has been submitted by Hurley & Stewart, LLC, on behalf of Repertoire Entertainment Partners, to construct a 6,710 square foot restaurant/blues-jazz club building and associated site improvements at 412 West Centre Avenue. The Repertoire Restaurant represents the third project within the Portage Creek Landings – City Centre commercial planned development (CPD). An approximate 76,000 square foot lifestyle center with an integrated mix of retail, office and dining establishments in a multiple building arrangement is envisioned for the overall 16.5 acre CPD zoned property.

II. DEVELOPMENT ISSUES

Section 42-414(H) of the Zoning Code states that the specific plan for a development in the CPD zoning district must be in substantial conformance with the approved conceptual plan. The original CPD zoning and conceptual plan for the Portage Creek Landings – City Centre development was approved by City Council in March 2006. The first project within the development (Walgreens Neighborhood Pharmacy) was approved in May 2006, while the second project (Huntington Bank) was approved in March 2008. Recently, in September 2012, the original developer (Mr. Michael Marshburn of PLC Curtis, LLC) requested and received from City Council a waiver from the CPD conceptual plan resubmission requirement and a two-year extension of the conceptual plan approval for the Portage Creek Landings – City Centre development. While consistent with the originally approved 2006 conceptual plan, the conceptual plan submitted to City Council in September 2012 included two minor changes: 1) Building Site 3 (a 19,500 square foot retail building) was replaced with the proposed 6,710 square foot Repertoire Restaurant building and a second future building site, and, 2) The second floors within Buildings 4 and 5 were eliminated. These two changes have resulted in a decrease in building footprint area from 87,320 square feet to approximately 76,000 square feet and an increase in open/green space. Attached is the 2012 revised conceptual plan, along with the original 2006 conceptual plan/narrative for the project.

A new boulevard driveway from Shaver Road will be constructed, between the proposed Repertoire Restaurant and the City of Portage Fire Station, which represents the third and final access point for the overall Portage Creek Landings – City Centre development: An existing boulevard driveway from Shaver Road is present along the north side of Walgreens and an existing boulevard driveway from West Centre Avenue is present between the Walgreens and Huntington Bank sites. The original conceptual plan indicated left turn movements onto Shaver Road would be restricted from the proposed northern driveway. However, southbound Shaver Road vehicles that are waiting at the West Centre Avenue traffic signal oftentimes stack past the existing Shaver Road driveway and block vehicles attempting to exit the site. In an effort to alleviate this situation, left turn movements onto Shaver Road will be permitted from this drive. The Repertoire Restaurant site will be designed so as to be interconnected with the existing Walgreens and Huntington Bank developments to the south that will also provide ingress/egress options for customers. Consistent with the Access Management Ordinance and approved conceptual plan/narrative, these three driveways will also serve future projects within the interior of the development and similar interconnections will be provided. While a sidewalk exists along Shaver Road, an internal sidewalk will be installed along the south of the proposed Shaver Road driveway and extended further west along the north side of the existing Shaver Road driveway, to further facilitate pedestrian movements.

In conjunction with the specific plan review, the applicant is also requesting approval to exceed the maximum parking provision of the Zoning Code. Section 42-520.O of the Zoning Code states in part that “...no parking lot shall have parking spaces totaling more than an amount equal to ten percent greater than the minimum parking requirement...”. Based on the useable floor area of the restaurant, a maximum of 78 parking spaces is allowed for the proposed use [71 spaces + 7 spaces (10%) = 78 spaces]. The applicant is proposing a total of 111 parking spaces. Requests to exceed the maximum parking requirement are subject to Planning Commission review and determination that the additional parking is necessary “based on documented evidence of actual use and demand provided by the applicant”, and consideration of “impacts on the property and surrounding properties including any natural features thereon”. Consistent with Section 42-520(O), the applicant has submitted written documentation in support of these additional parking spaces (see attached). According to the information provided by the applicant, the Repertoire Restaurant will be a high volume restaurant with a calculated occupant load of 322 people. The applicant indicates these factors plus the target market of the restaurant/blues-jazz club (25-60 year olds) requires the proposed 111 parking spaces to accommodate the proposed use.

There currently exists across the site, an open ditch that conveys pretreated storm water from the area near the Shaver Road/West Centre Avenue intersection to the Portage Creek. In conjunction with development of the Repertoire Restaurant site, this open ditch will be enclosed and buried within a 36-inch underground storm pipe that will convey storm water runoff to a detention basin located within the northwest portion of the Portage Creek Landings – City Centre development (adjacent to Portage Creek), prior to discharge to the Portage Creek. Plans to enclose this open ditch and construct this detention basin within the 100-year floodplain have been reviewed, approved and permitted by the Michigan Department of Environmental Quality (MDEQ). Storm water from the Repertoire Restaurant site will be collected and treated beneath the parking lot of the site, prior to discharge to this 36-inch underground storm pipe. Municipal water and sanitary sewer will service the development and all private utilities be installed underground consistent with the CPD ordinance.

The Repertoire Restaurant building will be constructed with brick veneer and glass with masonry accents (see attached building elevations) consistent with the approval conceptual plan/narrative. Additionally and also consistent with the approved conceptual plan/narrative, outdoor light poles/fixtures installed on the Repertoire Restaurant will be of a decorative style and dark green color similar to existing outdoor light poles/fixtures installed within the West Centre Avenue and Shaver Road driveway boulevards and in other locations within the City Centre Area.

III. RECOMMENDATION

The specific plan has been reviewed by the City Administrative departments and is consistent with the 2012 approved conceptual plan and other applicable Zoning Code provisions. Staff recommends the specific plan for Repertoire Restaurant, 412 West Centre Avenue, be approved including the request to exceed the maximum parking requirement and construct a total of 111 spaces for the use based on documented evidence provided by the applicant that the additional parking is necessary and will not adversely impact the subject property, surrounding properties or related natural features.

Attachment: Specific Plan Sheets for Repertoire Restaurant
Building Elevations/Floor Plan/Lighting Plan Sheet
Correspondence from M3 Architects dated November 9, 2012 (request to exceed maximum parking requirement)
Letter from PCL Curtis, LLC and Revised Conceptual Plan (approved September 2012)
Original Conceptual Plan/Narrative (approved March 2006)

Site Plan Resubmittal

Repertoire Restaurant

412 West Centre Avenue
 Portage, MI
 Kalamazoo County
 11/9/12

OWNER
 repertoire entertainment partners
 228 samantha ave.
 portage, michigan 49002
 (269)344-8349

ARCHITECT:



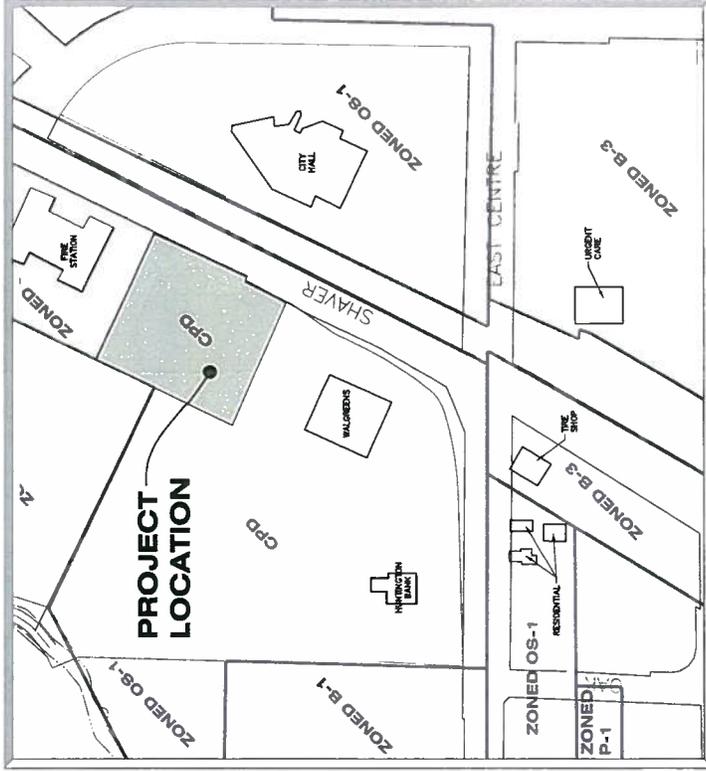
PLANS PREPARED BY:

hurley & stewart, llc
 2900 south 11th street
 kalamazoo, michigan 49009
 269.337.2314
 www.hurlystewart.com



hurley & stewart

- DRAWING INDEX**
- | SHT # | DESCRIPTION |
|-------|------------------------------------|
| C-0 | TITLE SHEET |
| C-1 | EXISTING CONDITIONS AND DEMOLITION |
| C-2 | SITE LAYOUT |
| C-3 | UTILITIES |
| C-4 | GRADING PLAN |
| C-5 | SITE DETAILS |
| C-6 | STORM DETAILS |
| C-7 | TREATMENT BASIN PLAN |
| C-8 | UTILITY PROFILES |



SITE LOCATION MAP
 SCALE 1" = 100'



RECEIVED
 NOV 9 8 2012
 COMMUNITY DEVELOPMENT



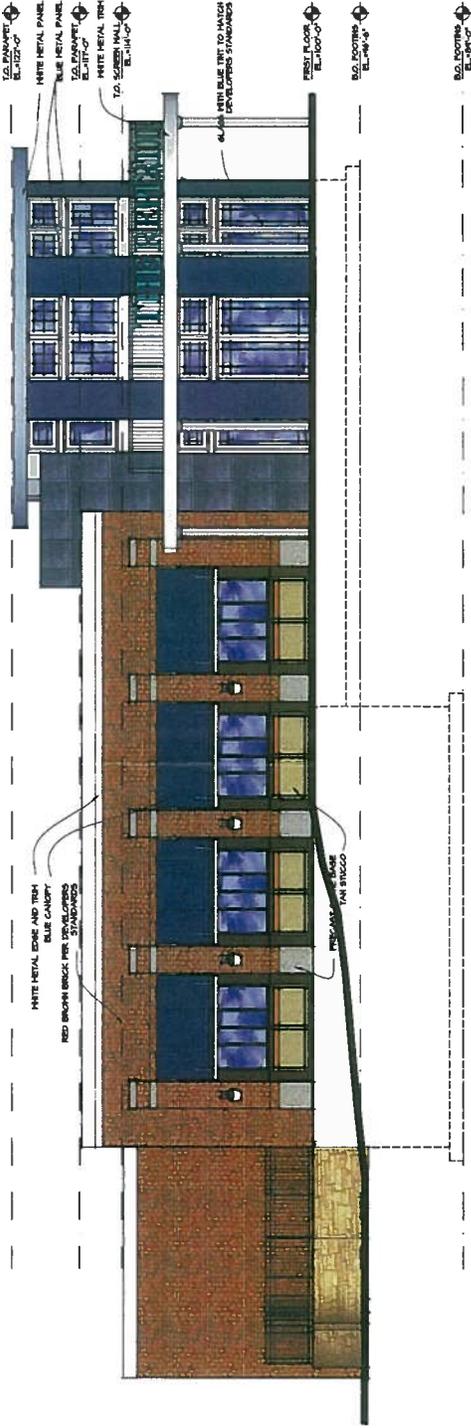
GENERAL INFORMATION: THIS DRAWING AND ANY INFORMATION CONTAINED HEREIN IS THE PROPERTY OF HURLEY & STEWART, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE SHEET AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF HURLEY & STEWART, LLC.

PRELIMINARY
 NOT FOR CONSTRUCTION

ISSUED FOR:
 SITE PLAN RESUBMITTAL
 11/9/12

UTILITY CONTACTS:

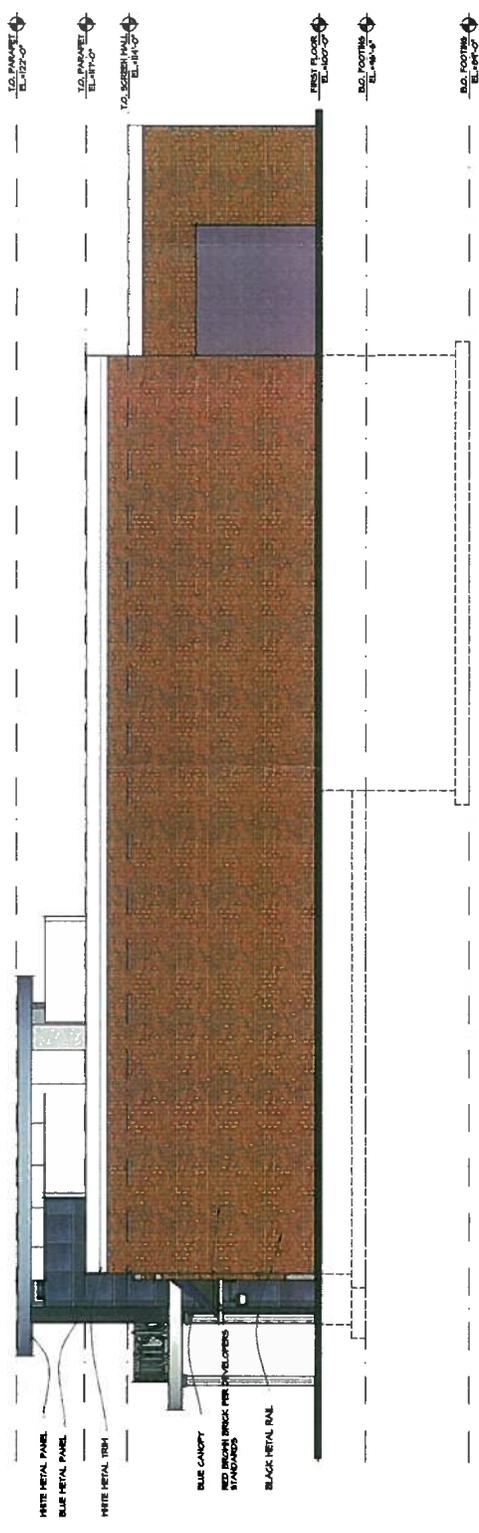
- CONSUMERS ENERGY CO. ELECTRIC/GAS
- MARK ELECTRIC INC. ELECTRIC/GAS
- 444 ALAMAZOO, M. 49001
- 269.337.2314
- CHARTER COMMUNICATIONS CABLE TELEVISION
- 4176 COMMERCIAL AVE.
- PORTAGE, MI 49002
- 269.217.8132
- 1321 TELEPHONE
- 7000 SHELVANA
- 444 ALAMAZOO, M. 49001
- 269.384.5981
- CITY OF PORTAGE WATER/ SANITARY
- 3719 S. WESTMEADE AVENUE
- PORTAGE, MI 49024
- 269.224.1233



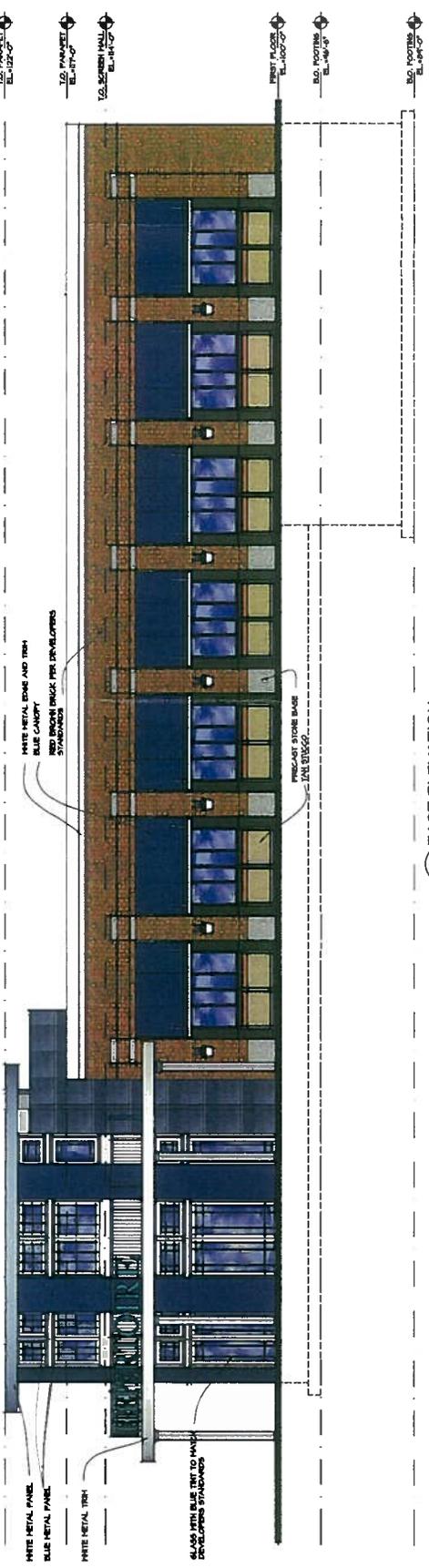
1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



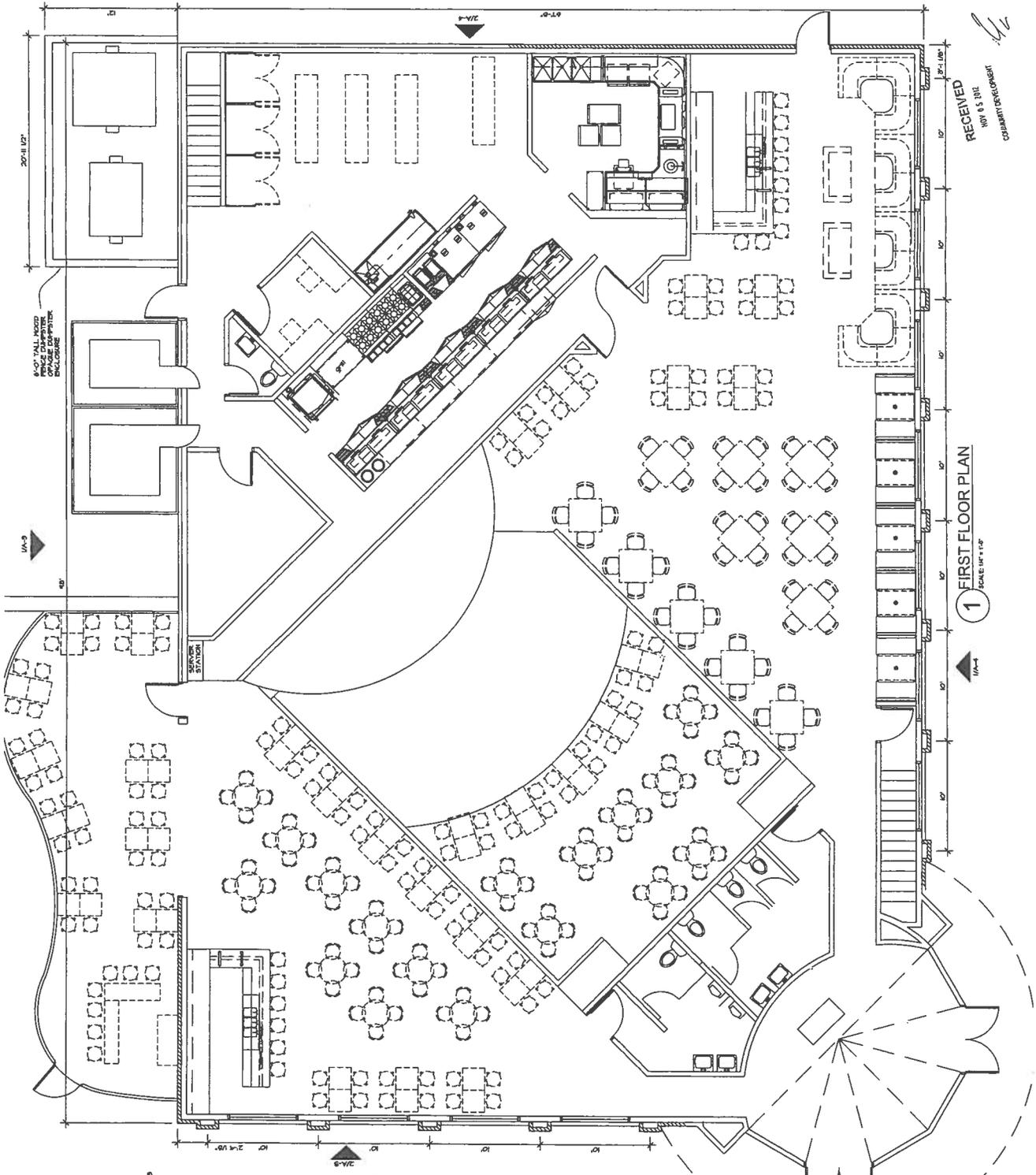
1 SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



2 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

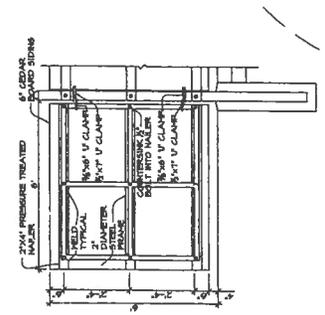
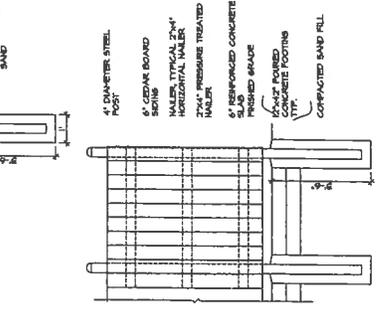
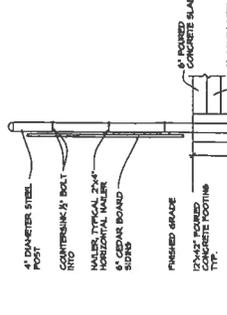


1 EAST ELEVATION
SCALE: 1/8" = 1'-0"

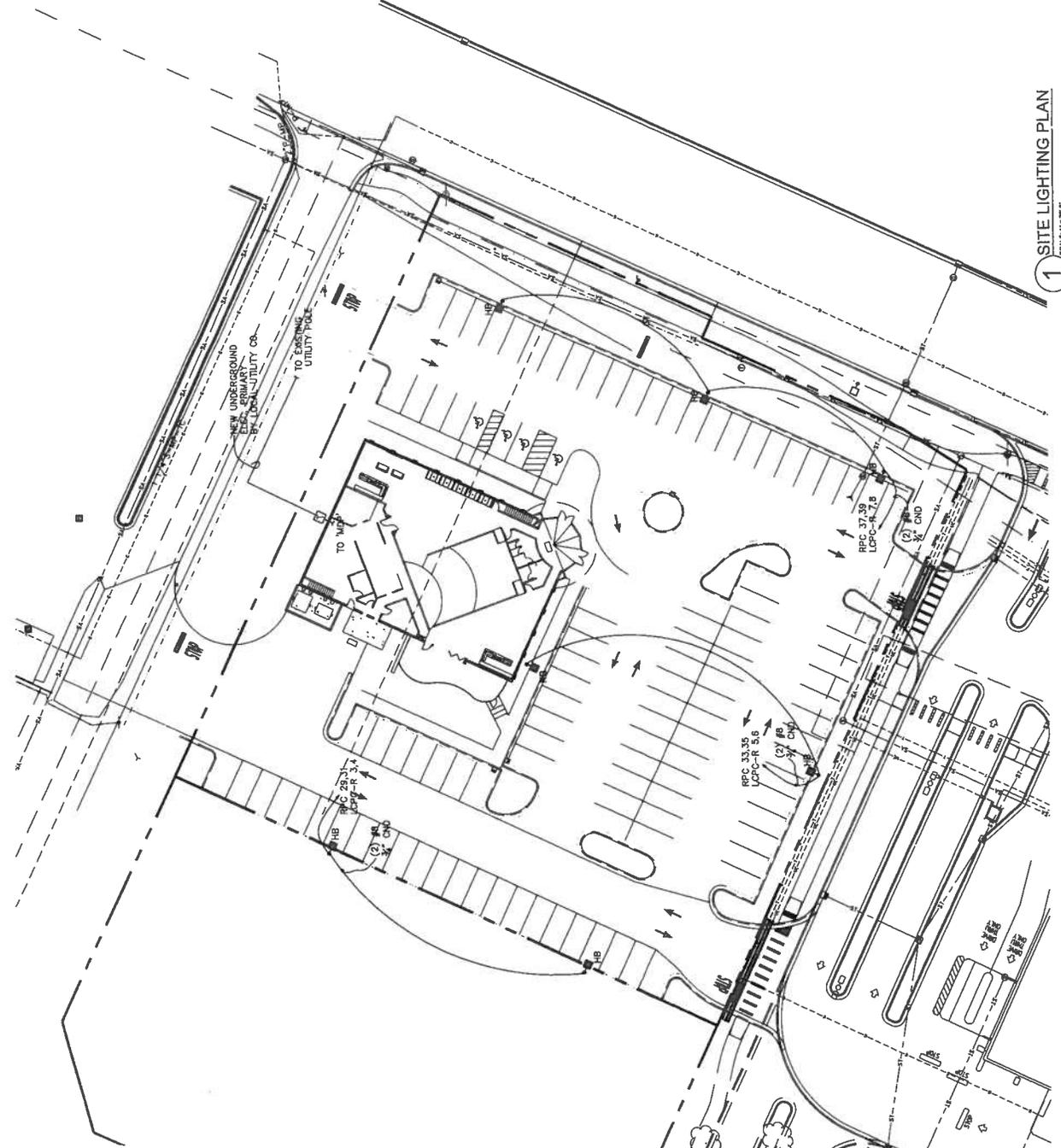
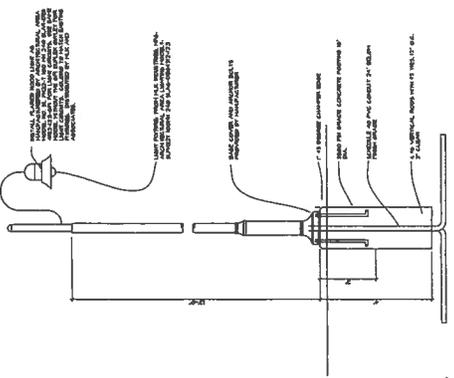


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NOV 05 2012
COMMUNITY DEVELOPMENT

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



2 DUMPSTER ENCLOSURE
SCALE: 1/8" = 1'-0"



RECEIVED
NOV 09 2012
COMMUNITY DEVELOPMENT

November 9, 2012

Attention:
Christopher Forth
Deputy Director of Planning, Development and Neighborhood Services
7900 South Westnedge Ave
Portage, MI 49002

Dear Christopher,

Re: Revised specific Site Plan Review for Repertoire Restaurant, 412 West Centre Avenue, Portage, MI

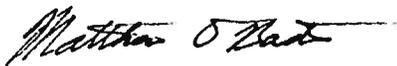
Regarding the review letter dated November 8th, 2012 addressed to Todd Hurley; item number 3 Parking regulations.

The Repertoire Coffee House and Theater Corporation is requesting 111 parking spots in lieu of the maximum 78 spots allowed. This is above the 10% indicated in section 42-520-O of the city ordinances. We are requesting this higher number of spots be provided for the following reasons:

- We are providing a calculated occupancy of 322.
- Our target market is 25-60 years old and the chance of those people driving with fewer passengers is much higher. Providing the calculated spots of 78 assumes that approximately 4 people will be in each car and given that employees will drive separately that number would be significantly higher. We would feel much more comfortable providing the 111 spots.

If you have any questions or concerns please feel free to contact me through my Architect Matt Bastos (269)352-2988 or my Owner's representative, Gary Barton (269) 207-5433.

Thank you for your time,



Matthew D. Bastos
Architect representing Repertoire Coffee House and Theater Corporation



PCL Curtis, LLC, Developer
903 Lakeview Drive, Portage, Michigan 49002

September 7, 2012

Mayor Peter J. Strazdas and Portage City Council
City of Portage
2900 S. Westnedge Ave.
Portage, MI 49002

Re: Renewing of Previously Approved Conceptual Plan for NW Corner of Centre and Shaver

Dear Mayor Strazdas and City Councilpersons:

As the owners and developers of the vacant land at the northwest corner of Centre Ave and Shaver Road, we are appealing to the Council for a favorable interpretation that our CPD conceptual plan remains valid and current. We were recently made aware that our conceptual plan may have expired due to a perceived inactivity for the past several years per the provisions of Code of Ordinances, Section 42-414-F. We respectfully ask that Council grant a waiver from the F.4. Resubmission requirement and grant us a two-year extension of our conceptual plan. An opportunity to continue that development, with a project that will be a credit to the City Center, will be expedited by your favorable actions. A strict interpretation would entail additional meetings and a requisite 90-120 days of delays and public hearings.

We have resubmitted an updated Conceptual Plan for the remaining 13.78 acres of vacant land we have designated as the Portage Creek Landings City Centre development. That land was rezoned and our conceptual plan approved as a commercial planned development (CPD) by our mutual actions in 2006. Since that approval, both the Walgreen's and Huntington Bank sites have been developed within that CPD area. Despite our continued efforts to market and develop additional sites, the poor economy has forced us to take an unwanted hiatus. During that lull, we have continued to market and promote our concept while holding our standards high. Our conceptual plan remains basically intact with a couple of minor amendments. The purpose of this letter is to refresh the City's memory of where we are presently, inform you of those minor amendments and ask for a continuance of the conceptual plan.

Our desire remains, as shown on the attached, updated conceptual plan is to create a new lifestyle center featuring retail, office and dining properties. Depending on future market conditions, it is our intent to also consider rental residential apartments above some of the future phase retail buildings. The property is anchored at the corner by a Walgreen's drugstore and an adjacent Huntington Bank branch. We currently have a signed sales agreement for a restaurant that would be located on the parcel that fronts on Shaver Road, south of Walgreens and just north of the fire station. A variety of complementary uses are planned for the remaining six potential lots.

We have found that the negative economy has caused potential investors to be more interested in single-occupancy, owner-occupied structures on smaller lots, rather than the multi-tenant buildings originally conceptualized. No one wants to speculate on rental real estate and financing is not available for speculative ventures. This has caused us to increase the number of building sites while shrinking the size of both the lots and the buildings. The Huntington Bank was the first example of that happening and now the current restaurant project is following suit. This results in a reduction of building area within the development, fewer parking spaces and more green area.

Portage City Council
September 7, 2012
Page No. 2

We have paid particular attention in our conceptual site plans and standards to create a lifestyle center that feels good, is respectful of the environment, is pedestrian and City Center in nature and has excellent linkages to existing and proposed City of Portage parks and recreation areas. One of the key features in a new national trend towards lifestyle centers is using the very best models for pedestrian site planning with a focus towards excellent architecture.

As the economy rebounds, we are anxious to resume this development. We know we can create an upscale environment for working, dining, shopping and recreation that is unique to the lifestyles now seen in Portage. Your support in this request is very much appreciated. We look forward to the opportunity to continue to work on this plan to create a showpiece for us and the City of Portage.

To take advantage of the new restaurant opportunity, we respectfully request that City Council take what ever means are available to them to expedite this review and re-endorsement of our conceptual plan.

Thank you for the chance to be heard.

*Sincerely,
PCL Curtis, LLC*

A handwritten signature in black ink, appearing to read "Michael A. Marshburn". The signature is written in a cursive, somewhat stylized font.

*Michael A. Marshburn
Managing Member*



TMT ASSOCIATES INC.
 1000 CENTRE AVENUE
 PORTAGE, MI 49882
 (989) 337-8310

PROJECT TITLE
PORTAGE CREEK LANDINGS CITY CENTRE

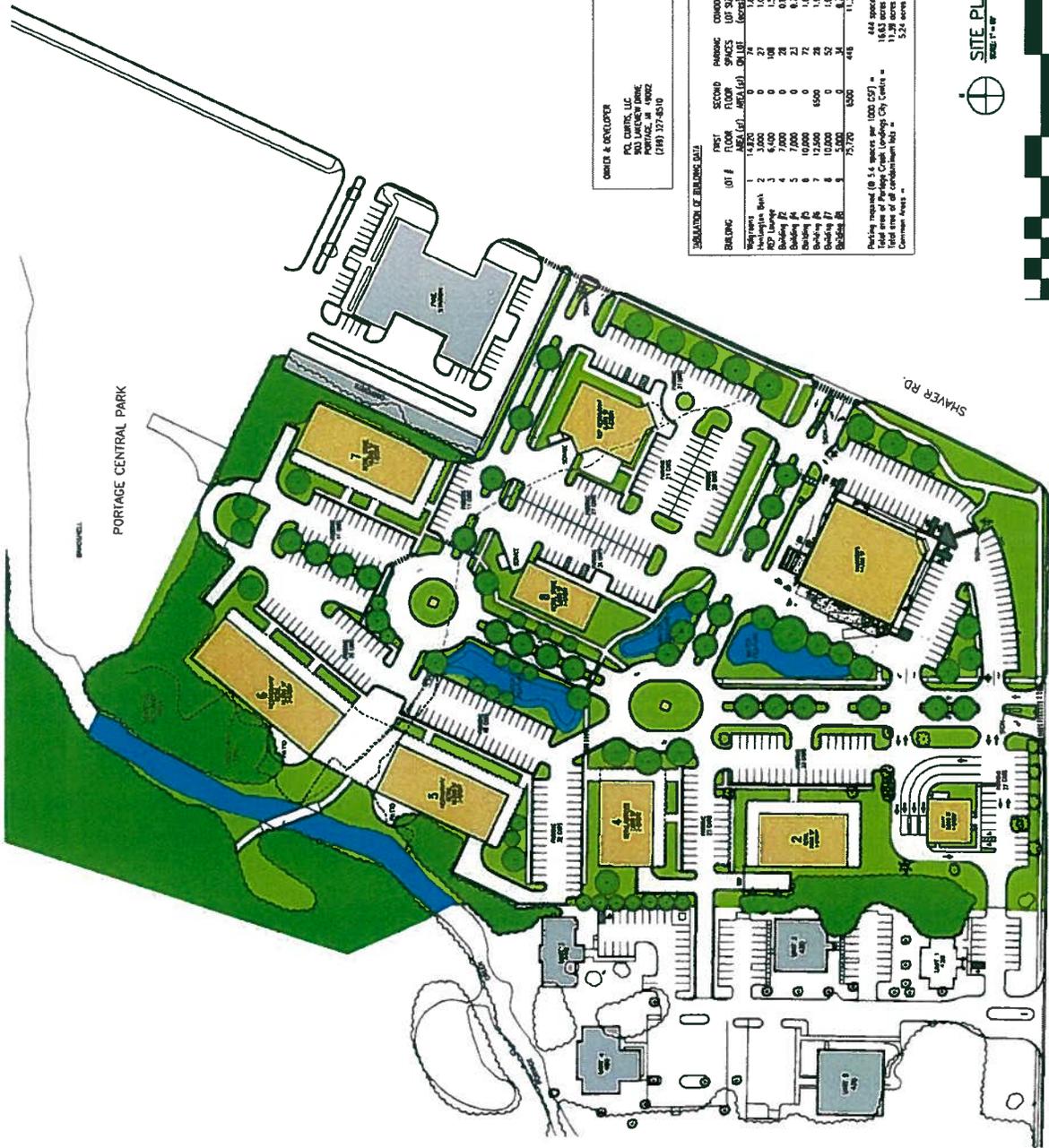
SHEET TITLE
Conceptual Site Plan

OWNER & DEVELOPER
 MFC GROUP, LLC
 300 LAMAR AVENUE
 PORTAGE, MI 49882
 (989) 337-8310

TABLE 1: SUMMARY OF BUILDING DATA

BUILDING	GT F	FIRST FLOOR AREA (SQ. FT.)	SECOND FLOOR AREA (SQ. FT.)	PARKING SPACES	CONDO UNIT SIZE (SQ. FT.)
Widgents	1	14,765	0	24	1,044
Hickory Hill	2	3,000	0	27	1,044
RD Lounge	3	6,400	0	108	1,044
Building #1	4	7,000	0	21	9,250
Building #2	5	7,000	0	21	9,250
Building #3	6	10,000	0	72	1,800
Building #4	7	12,500	6,500	28	1,800
Building #5	8	10,000	0	52	8,100
Building #6	9	10,000	0	52	8,100
TOTAL	10	75,170	6,500	448	11,338

Notes:
 Parking required (8 2.5 spaces per 1000 CSF) = 644 spaces
 Total area of all buildings = 165,280 sq. ft.
 Total area of all parking lots = 115,280 sq. ft.
 Total area of all common areas = 5,240 sq. ft.



SITE PLAN
 SCALE: 1" = 80'



PROJECT NO.
05159

SHEET NO.
AS.1



PCL Curtis, LLC

470 West Centre Avenue Portage, Michigan 49024

January 13, 2006

RECEIVED

JAN 13 2006

COMMUNITY DEVELOPMENT

Mr. Christopher Forth
Deputy Director of Planning and Community Development
City of Portage
2900 S. Westnedge Ave.
Portage, MI 49002

Re: Rezoning and Conceptual Plan for NW Corner of Centre and Shaver

Dear Christopher:

We are pleased and excited to submit for the rezoning of approximately 16 acres at the NW Corner of Centre and Shaver for the proposed Portage Creek Landings City Centre commercial development. As you know, we have been acquiring property in this area since 1981. The final acquisition will be the two parcels that contain additional street frontage on Centre and Shaver that we are purchasing from the City of Portage. The approval of that purchase was received at the December 19, 2005 City Council meeting.

We are requesting that the property, in its entirety, be rezoned to Community Planned Development (CPD) from its current, mixed zoning classifications. Our desire, as shown on our attached conceptual plan and detailed below, is to create a new lifestyle center featuring retail, office and dining properties. Depending on future market conditions, it is our intent to also consider rental residential apartments above some of the future phase retail buildings. The property will be anchored at the corner by a Walgreen's drugstore and a variety of complementary uses are planned should our rezoning request be granted.

We have paid particular attention in our conceptual site plans and elevations to create a lifestyle center that feels good, is respectful of the environment, is pedestrian and City Center in nature and has excellent linkages to existing and proposed City of Portage parks and recreation areas. One of the key features in a new national trend towards lifestyle centers is using the very best models for pedestrian site planning with a focus towards excellent architecture.

Our members of PCL Curtis, LLC have professional backgrounds in both construction and architecture. In addition, we have requested and received the assistance of Joe Gesmundo and Greg Dobson of American Village Development Company "AVD". AVD has helped us with this site plan and has also been instrumental in securing our anchor tenant for the corner property.

Suffice it to say we are anxious to begin this development. We know we can create an upscale environment for working, dining, shopping and recreation that is unique to the lifestyles now seen in Portage. Your support in this rezoning request is very much appreciated. We look forward to the opportunity to continue to work on this plan to create a showpiece for us and the City of Portage.

Per your request we are answering each of the required questions that are provided in Section 42-414 of the City of Portage Land Development Regulations.

A. STANDARDS & OBJECTIVES

1. *The site is divided into seven (7) buildings that range in size from 9000 to 20,000 square feet and totaling approximately 100,000 square feet of building area. The entire development is designed to create a pleasant pedestrian scale while being compatible with the adjacent office park and municipal buildings. The moderate building sizes and number of buildings, rather than a "strip" center, allows the development to better fit the land and preserve native vegetation. Providing public utilities to each building will be more manageable and serviceable with individual buildings. All utilities will be underground.*
2. *All buildings will be designed with a unifying theme and compatible signage. It is the intent to create a cohesive development that will promote way-finding and compatible appearances. Public art or unique structures are planned at the center of each roundabout to create landmark status within the development. The density of the development will be controlled to create an appropriate balance of open area, required parking and buildings. Respect is given to the Central Park and sensitive wetlands to the north.*
3. *It is the intent, starting with the Walgreen's, that all buildings have a harmonious and compatible appearance and scale. Restrictive covenants and design standards will be utilized to control the appearance of not only buildings but also all site features and service functions.*
4. *We have specifically designed our plan to allow for a variety of differently sized buildings. The changing sizes as well as architecture that changes but stays true to common elements will provide for an innovative land use plan. All buildings will be constructed with all four faces of combinations of brick veneer and glass with stone or other masonry accents. Covered walkways front every building. The two buildings (#5 & 6) will have windows, decks and patios toward the Creek to take advantage of the beautiful views. Our plans call for more green space than is required and anticipates pedestrian linkages to both existing and proposed/future City of Portage linear trail and public parks. A water feature is planned that serves both as a visual element as well as a functional storm water component.*
5. *The landscaping, while not detailed on this plan, will be first class in nature and will provide a common unifying theme throughout the development. Native mature trees will be saved and protected through-out the site. New plantings will utilize native plantings such as Oak trees and flowering shrubs. The wetland areas will be enhanced by acceptable native plantings.*
6. *Note that the entire 16-acre development shares just three curb cuts. The southern curb cut on Shaver Road and the curb cut on Centre will be designed as full-service drives; the other curb cut will be restricted to prevent left turns exiting the development. The parking has been designed to provide adequate parking within the development for all the anticipated future uses. The parking space count is slightly short of Ordinance requirements but we are reserving additional green space should the needs exceed the spaces shown. Storefront parking is provided in all cases however, if storefront parking is not available, additional parking will be available throughout the remainder of the development. And, as is common in lifestyle centers, the site plan is designed so that all the common elements and storefront are easily accessible by foot. In addition, the development will be attractive and at a scale that is very people friendly.*
7. *Although this development does not neighbor any residential neighborhoods it is certainly designed so that it would be very compatible if there were an adjacent residential neighborhood. We do feel that this development type is very consistent with the existing office park and City neighbors. The character of the development will blend with the office and municipal structures that surround the site.*

8. *The main transitions occur between parking areas within this development. We have used a boulevard entry road and roundabouts to slow traffic, provide for a better feel when entering the development and also to separate the roadway system from the parking lots. This allows for a safe pedestrian and vehicular movement as the number of locations where pedestrians and vehicles are meant to cross is kept to a minimum. In addition, having the roadway system outside of the parking lots (which is unusual in normal commercial development) is a real plus to the overall feel of this development.*
9. *We are confident that the redesigned intersection of Centre and Shaver that will be forthcoming this spring will adequately be able to handle the traffic from this development. Lifestyle centers are known for generating fairly low traffic levels with very high sales levels. This is because a greater portion of the people who come to the typical lifestyle center are buyers as opposed to shoppers. Public utilities of sufficient size to service this development are available at both Shaver Road and Centre Street. Public easements will be granted to distribute these utilities through the development.*
10. *This plan is very cognizant of the surrounding natural features. Specifically note that larger percentage of this development which is dedicated to green space. A particularly nice feature is the Portage Creek and the surrounding green area that has been left undeveloped. We expect that these natural areas will be enjoyed by the customers of this lifestyle center as well as the residents of the City of Portage. Only 14% of the site area is covered by buildings while approximately 35% is dedicated to green space, water features and landscaping.*

Per your request we are also answering each of the required questions that are provided in Section 42-414 B of the City of Portage Land Development Regulations.

B. PROCEDURE FOR PLAN REVIEW

1. *A conceptual plan accompanies this narrative. That plan shows the proposed development, existing topography of the site and existing mature trees, preliminary phasing plans, present zoning and proposed utilities locations.*
2. *An earlier version of the conceptual plan was submitted to the Department of Development in December of 2005 and was reviewed. A letter of December 22, 2005 was received and contained their preliminary comments on that version of the conceptual plan. This narrative is intended to address those comments.*
3. *An informal meeting between the developer and the Department of Development was held on December 22, 2005 for the purposes of discussing their comments and procedures for future reviews by the Planning Commission.*
4. *The revised conceptual plan that accompanies this narrative contains graphic representation of the following information:*
 - a. *Purpose & Objectives – To create a new City Centre identity for the City by developing the largest available vacant piece of land in the vicinity of all the major municipal buildings into a cohesive and planned commercial development.*
 - b. *The plan shows proposed uses for all buildings. Actual market conditions will determine the final mix of tenants between shops, restaurants, offices and possibly loft apartments.*
 - c. *The plan is at a scale of on inch equals 60 feet and the north arrow is shown.*
 - d. *The name of the development will be Portage Creek Landings City Centre to continue with the identity already started for that corner. The conceptual site plan includes the legal description for the property to be rezoned. The owner and developer of the parcel is PCL Curtis, LLC of 470 West Centre, Portage, Michigan, 49024.*
 - e. *The contiguous land holdings of PCL Curtis, LLC are shown on the attached conceptual plan and survey. Please see the attached affidavit of land ownership.*
 - f. *The conceptual plan includes a supplementary drawing which shows the other, non-owned surrounding parcels of land and present zoning boundaries.*

- g. The conceptual plan indicates the intersection of Shaver Road and Centre Street which define the east and south boundaries of the site. No other public roads are affected by this development. The subject land is encumbered to a small degree by historic utility and cross-access easements. The developer intends to work with the beneficiary of those easements to have them rescinded since most are not used and will not be required for the new development. One cross-access easement with the Portage Fire Department to the north has been discussed and the Fire Department has indicated a preference to develop a private drive to replace that common drive. The conceptual plan indicates that solution. That will be resolved in phase III of the development.*
- h. The conceptual plan indicates existing and planned utilities to serve the development. It is planned to serve the new development with City water and sewer. Storm drainage will be accomplished by a combination of underground structures and retention basins. An existing open storm drain that serves other developments in the area, including Centre Street and City Hall, is being investigated as to the possibilities of burying and/or rerouting. A local engineering firm has been retained to research and advise the developer of alternative solutions to this drain. The open drain will not be affected until Phase IV of the development.*
- i. The conceptual site plan is overlaid on existing topography but no final grading plans have yet been attempted. The individual buildings and separate parking lots will make topographical transitions within the site easier. The land is generally flat with a gentle slope toward the Creek.*
- j. The use, height and locations of the proposed buildings are shown on the conceptual plan. All buildings will be less than the 35 feet height dictated by the Ordinance. Accompanying the conceptual plan are some actual elevations, in color, of the planned Walgreen's drugstore and some preliminary elevation studies of the other typical buildings. Setbacks are in compliance with the Ordinance with the exception that modification is requested from the 75 foot setback requirement along the west property line for buildings #2 & 4 where they abut the OS-1 zone and for building #7 where it backs-up to the City's carport structures. In both these locations, existing screening is dense. Exact dimensions of the requested modifications will be undetermined until such time as a tenant for those building is known. The criteria for granting such modifications, as spelled out in the Ordinance (42-414G), will be easily satisfied when taken in the context of the overall development. Additionally, the future land use suggestions within the City Centre area of the City's Comprehensive Plan encourages some leniency to "reduce building setbacks" to create better pedestrian linkages within the site (page 10-14).*
- k. The development is planned to be phased as follows. The exact phasing will depend on actual market conditions. Please refer to the phasing plan on the drawings submitted with this letter.*

<i>Phase I</i>	<i>Corner Walgreens</i>	<i>July 1, 2006 to June 30, 2007</i>
<i>Phase II</i>	<i>Out-Parcel on Centre</i>	<i>Sept. 1, 2006 to Sept. 1, 2007</i>
<i>Phase III</i>	<i>Out-Parcels on Shaver</i>	<i>Sept. 1, 2007 to Sept. 1, 2008</i>
<i>Phase IV</i>	<i>Core Buildings #4-7</i>	<i>Sept. 1 2007 to Sept. 1, 2010</i>
- l. Each of these phases could easily be developed without the other. The utilities that are available at the site allow for easy extension should phase IV, for example, be developed before phase II. Additionally, the roadway lengths are not so long as they would be financially prohibitive, even if phase IV were to go before phase I. Additionally, we have shown on the attached conceptual plan how this development ties in well to the existing adjacent developments both at the City of Portage Fire Station and to Portage Creek Landings office park.*
- m. The common open spaces, driveways, landscape and parking lots will be maintained owned and operated by PCL Curtis, LLC the developer.*

- n. City water and sanitary sewer will be brought into the site from Shaver and/or Centre streets. Storm water will be contained on site using a combination of underground leaching structures and open retention/recharge basins. An existing open ditch drain that crosses the site and flows untreated to the Portage Creek is being investigated for responsibility, rerouting and burying.
- o. Both Shaver Road and Centre Street are designated as a five-lane, major arterial (level of service "D") roadways with capacities of 37,100 vehicles per day. 2004 traffic counts on Centre recorded 24,329 vehicles per day and Shaver at 24,518 vehicles per day. Based on the ITE Trip Generation Manual, Sixth Edition, it is estimated that the new development, when fully occupied, will generate an additional 2400 vehicle trip ends (1150 vehicles) on a average workday – well within the capacities of the adjacent roads.
- p. We plan to record a set of restrictive covenants on the property should this rezoning be approved. These covenants would govern the maintenance and operation of the common areas and cross-access easements as well as set up an architectural control committee that would approve all site plans and architectural plans to ensure they are consistent with the overall development plan as submitted herein.
- q. The natural features are noted on the attached survey and conceptual plan. It is our intent to incorporate as many existing desirable trees into the final landscape as is feasible. Screening between this development and the office park to the West and City property to the North will be by the retention of groves of existing trees; those natural barriers will be supplemented by additional plantings to create a harmonious transition while respecting the needs of the neighbors. The 100 year floodplain of Portage Creek is acknowledged and no buildings are planned to be placed in that area of the site. However, the existing open drainage ditch is intended to be changed to an underground conduit system and the floodplain immediately along the Creek in this area may be filled as/if acceptable to the Department of Environmental Quality. Current floodplain maps used by the city are over 10 years old and do not take into account recent improvements made by the City to the conduits immediately downstream and behind the Bandshell. Those improvements to the flow of the Creek relieve the back-up of high waters into this site considerably. An area identified as "highly sensitive wetland" has been identified at the northwest corner of the site. Since this area is also included in the floodplain, and it is a desirable natural area, there will be no development in this area. Both the floodplain and the sensitive wetland area are in the future phase IV of the development. A local civil engineering firm has been retained to research and advise the developer in these matters.

Please note that the City of Portage Future Land Use Plan indicates this property should be City Center. We feel that this development is exactly that. It embodies the current-day trends of a new, upscale, pedestrian city center. We look forward to the opportunity to discuss this plan with City Staff, Planning Commission and City Council. We feel this can be another first-class development for the City of Portage, PCL Curtis, LLC and AVD.

Sincerely,
PCL Curtis, LLC



Michael A. Marshburn, AIA
Managing Member

cc: Joe Gesmundo, American Village Development
Greg Dobson, American Village Development



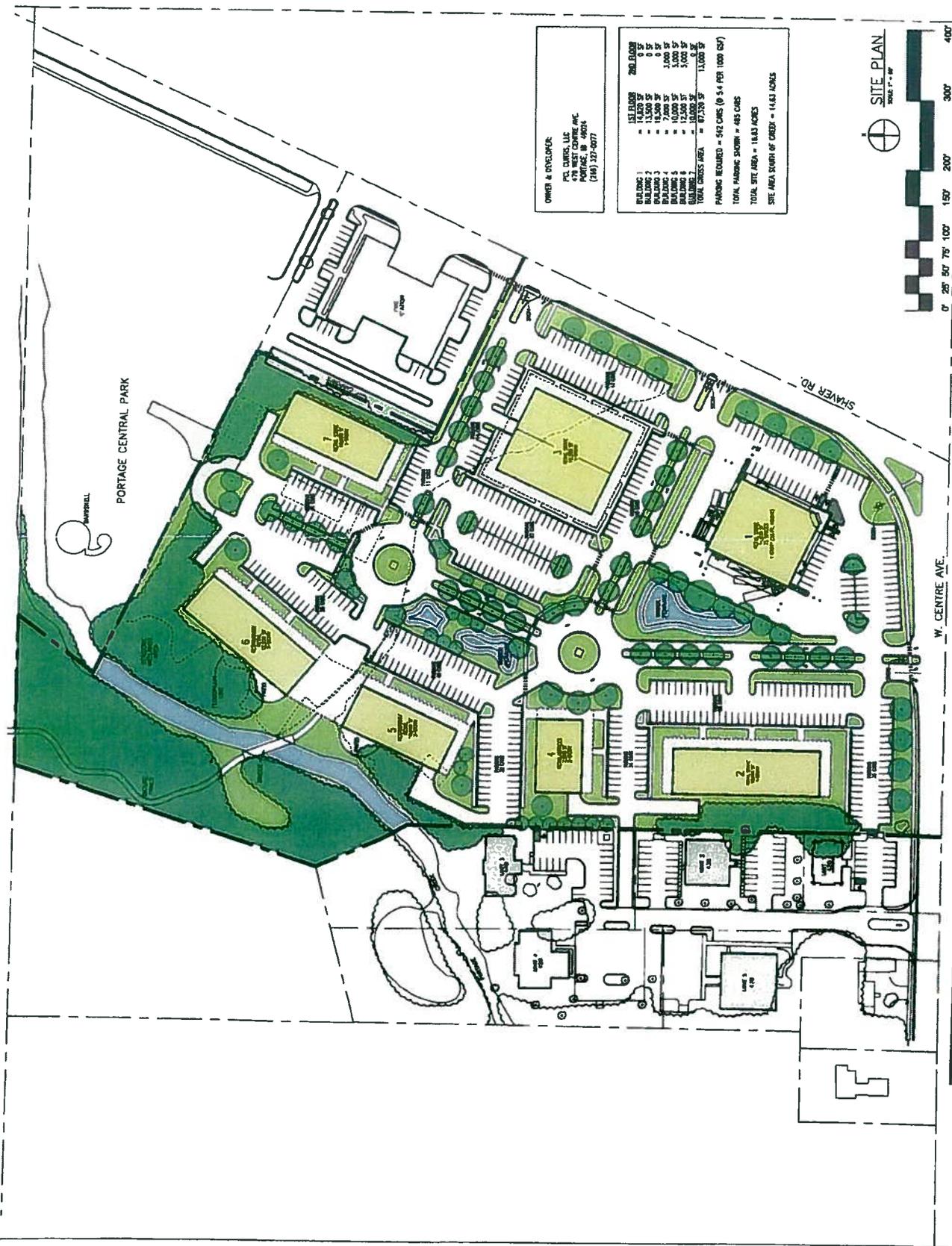
TMAA ASSOCIATES INC.
 470 WEST CENTRE AVE.
 PORTAGE, IN 46304
 (317) 227-6077

PROJECT TITLE
PORTAGE CREEK LANDINGS CITY CENTRE

SUBMITTAL
Conceptual Site Plan

DATE:	10-12-04
DESIGNED BY:	WES
CHECKED BY:	
APPROVED BY:	

PROJECT NO.
05159
SHEET NO.
AS.1



OWNER & DEVELOPER
 PCL CHURCH, LLC
 470 WEST CENTRE AVE.
 PORTAGE, IN 46304
 (317) 227-6077

BUILDING	NET FLOOR AREA	EST. FLOOR AREA
BUILDING 1	15,000 SF	0 SF
BUILDING 2	15,000 SF	0 SF
BUILDING 3	7,000 SF	1,000 SF
BUILDING 4	12,500 SF	3,000 SF
BUILDING 5	12,500 SF	3,000 SF
BUILDING 6	12,500 SF	3,000 SF
BUILDING 7	12,500 SF	3,000 SF
TOTAL GROSS AREA	87,500 SF	11,000 SF

PARKING REQUIRED = 542 CARS @ 5.4 PER 1000 SF
 TOTAL PARKING SHOWN = 485 CARS
 TOTAL SITE AREA = 18.83 ACRES
 SITE AREA SHOWN OF CREEK = 14.83 ACRES



SITE PLAN
 SCALE: 1" = 40'



TO: Planning Commission **DATE:** November 9, 2012
FROM: Vicki Georgeau, ^{Va} Director of Community Development
SUBJECT: Final Report: Rezoning Application #12-01, 9136 Shaver Road

I. INTRODUCTION:

An application has been received from Mr. Robert Wiitanen requesting that 9136 Shaver Road Avenue be rezoned from I-1, light industry to B-3, general business. According to the applicant, the rezoning is being requested to facilitate redevelopment of the site for a new Mulligans Grill and Sports Bar.

Applicant	Property Address	Description	Zoning	
			Existing	Proposed
Robert Wiitanen	9136 Shaver Road	Parcel 00028-110-O	I-1	B-3
One parcel - 1.88 acres				

II. EXISTING CONDITIONS:

Land Use/Zoning	<p><u>Rezoning Site:</u> Mulligans Grill and Sports Bar (3,914 square foot building), parking lot and associated site improvements that were constructed in 1960.</p> <p><u>West/South:</u> Vacant land, 9220 Shaver Road, zoned I-1, light industry.</p> <p><u>North:</u> Nonconforming single family residence and accessory storage, 9126 Shaver Road, zoned I-1, light industry.</p> <p><u>East:</u> Across Shaver Road, industrial land use zoned I-2, heavy industry.</p>
Zoning/Development History	<p>No rezoning of properties in the surrounding area since adoption of the 2008 Comprehensive Plan. However, significant rezoning did occur further to the north, along the west side of Shaver Road, during the late 1990s and early 2000s.</p> <p>In 1999/2000, several properties located between 8830 and 9010 Shaver Road were rezoned from I-1, light industry to B-3, general business to facilitate the Meijer redevelopment project.</p> <p>In 2002/2003, several properties located between 8250 and 8540 Shaver Road were rezoned from I-1, light industry, B-3, general business and RM-1, multiple family residential to CPD, commercial planned development to facilitate the Walmart redevelopment project.</p>
Historic District/Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	Shaver Road is designated as a 4-5 lane major arterial with 19,108 vehicles per day (2011); capacity of 32,500 vehicles per day (level of service "D").
Public Utilities	Municipal water and sewer are available.
Environmental	The City of Portage Sensitive Land Use Inventory Map does not identify wetland and/or floodplain areas on the subject site. However, a designated wetland area is identified on the adjacent parcel to the west.

III. PUBLIC REVIEW/COMMENT

The Planning Commission convened a public hearing at the November 1, 2012 meeting. Mr. Robert Wiitanen (applicant/owner) was present to support the rezoning request and explain his plans to redevelop the Mulligans Grill and Sports Bar. Mr. Wiitanen stated the proposed B-3 zone allows for more redevelopment flexibility in areas of building setbacks, parking setbacks and signage and will ensure better visibility along Shaver Road. No additional citizens spoke during the November 1, 2012 public hearing.

IV. FINAL ANALYSIS:

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

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Plan Map component of the Comprehensive Plan identifies the rezoning site, along with properties to the north and south, as being situated within the Shaver Road Business Corridor. The Comprehensive Plan describes the Shaver Road Business Corridor as a developing corridor that serves as an employment generator and source of production of a variety of products and commercial needs that benefit the city. The Shaver Road Business Corridor consists of a mixture of land uses with growing/stable industrial uses primarily located along the east side of Shaver Road and a mixture of light industrial and commercial uses and some nonconforming single-family dwellings located along the west side of Shaver Road. The west side of the corridor has experienced significant (re)development activity during the past 10-15 years including the Meijer and Walmart facilities and additional redevelopment is expected in the future that will strengthen corridor and provide additional job opportunities. The proposed B-3 zoning district is consistent with the Comprehensive Plan designation for the subject property.

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 that influence the use of land for consistency with community development objectives. The proposed B-3 zoning district is consistent with applicable development guidelines contained in the Comprehensive Plan (attached).

Suitability of Existing I-1 Zone/Impacts of Proposed B-3 Zone. Both the existing I-1, light industry zone and proposed B-3, general business zone are consistent with the Comprehensive Plan/Future Land Use Map designation for the Shaver Road Business Corridor. The west side of the Shaver Road Business Corridor is intended to include a mixture of light industry and commercial land uses and the existing zoning/land use pattern reflects this arrangement. The subject site and immediately adjacent parcels are zoned I-1, while properties located further to the north and near the southwest corner of Shaver Road and Vanderbilt Avenue are zoned B-3. The I-1 district allows a variety of land uses including manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared materials. The B-3 district allows a variety of retail/commercial land uses that can serve pass-by traffic along major streets and the employment base that exists in the area including general retail, personal service establishments, sit-down and fast-food restaurants, minor auto repair, car washes and motels/hotels.

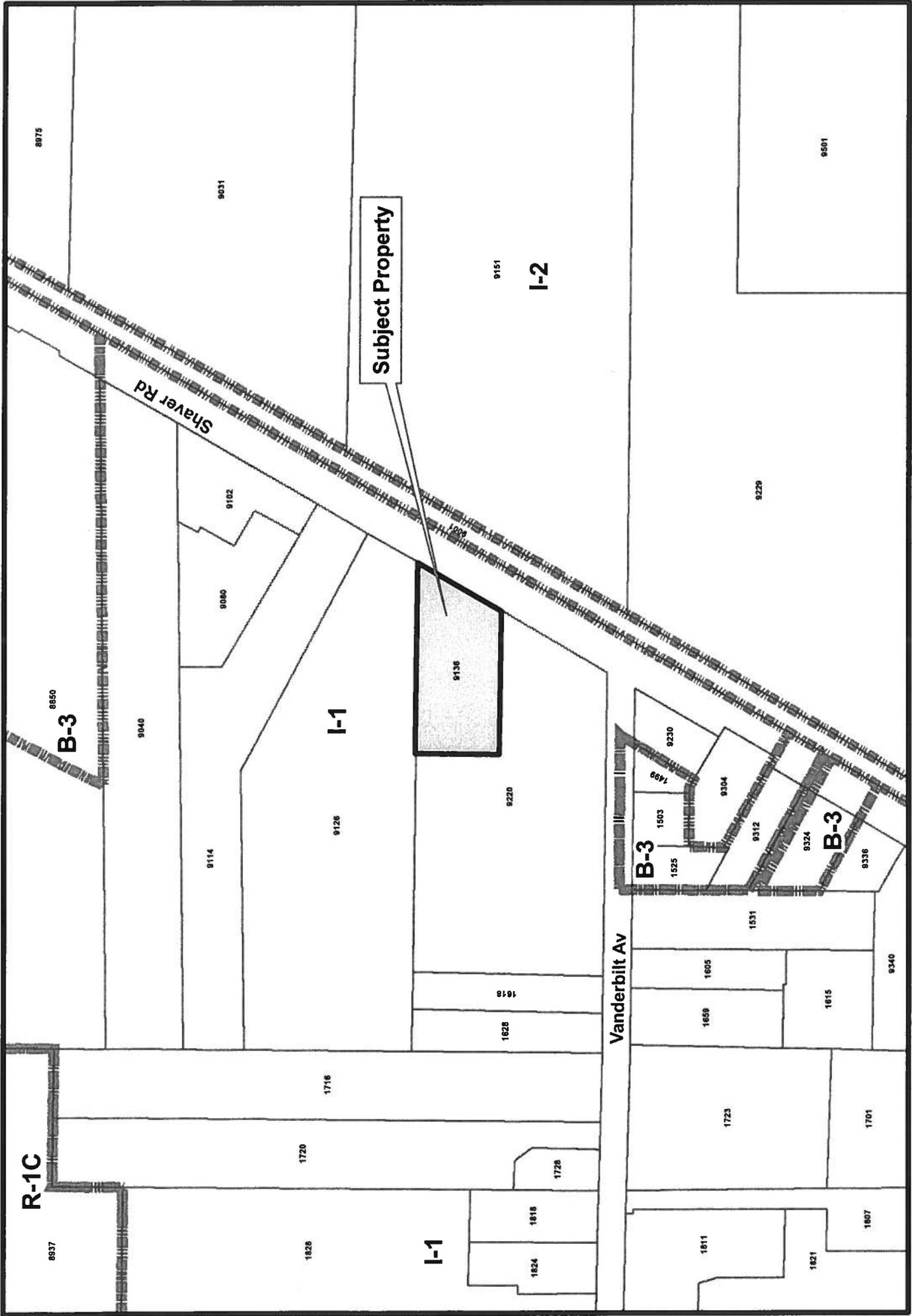
The applicant is requesting the zoning change from I-1 to B-3 to facilitate redevelopment of the site for a new Mulligans Grill and Sports Bar. As information for the Commission, the site has been operated as a restaurant/bar since its original construction in 1960. While the restaurant/bar use at the site is protected as a permitted use in the I-1 zone, the applicant has indicated that redevelopment of a new Mulligans Grill and Sports Bar is less restrictive under the proposed B-3 zone. For example, the minimum front yard building setback in the I-1 district is 75-feet, compared to 30-feet in the B-3 district. Similarly, the minimum front yard parking setback in the I-1 district is 50-feet, compared to 10-feet in the B-3 district. The lesser building/parking setback requirements under the proposed B-3 zone provide more redevelopment options and flexibility for the applicant.

Traffic Considerations. Under either the existing I-1 zone or proposed B-3 zone, the 1.88 acre property could accommodate an approximate 20,500 square foot building based on 25% lot coverage. While traffic generation from such a development would vary based upon the specific use(s) of the site, any additional traffic generation resulting from a zoning change to B-3 can be accommodated by the adjacent roadway network. When Shaver Road was reconstructed as a 4-5 lane boulevard street in 2004, consideration was given to future commercial/industrial growth and development along the corridor. Shaver Road is currently operating at less than 60% capacity with approximately 19,108 vehicles per day travelling the corridor (capacity of 32,500 vehicles per day – level of service “D”). 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:

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 #12-01 be approved and 9136 Shaver Road be rezoned to B-3, general business. The proposed zoning change is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern and will provide the applicant redevelopment flexibility in areas of site design, building and parking setbacks, signage and visibility.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial Photograph Map
Development Guidelines (B-3)
Rezoning Application



Subject Property

Rezoning #12-01 9136 Shaver Road

 Zoning Boundary
 Subject Properties
 300' Notification Boundary



1 inch = 300 feet



Subject Property

Aerial Photo 9136 Shaver Road

 Subject Property



1 inch = 100 feet

DEVELOPMENT GUIDELINES
Rezoning Application #12-01 (B-3, General Business)

Guideline	Description	Consistent	Comments
Rezoning Requests Z-1	Consistency with Future Land Use Plan	Yes	Future Land Use Map designates 9136 Shaver Road, as well as properties to the north and south, as being situated within the Shaver Road Business Corridor with light industrial uses located along the east side of Shaver Road and a mixture of light industrial and commercial uses located along the west side of Shaver Road.
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	The rezoning is being requested to facilitate redevelopment of the Mulligan Grill and Sports Bar consistent with other commercial redevelopments within the Shaver Road Business Corridor.
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 along the west side of the Shaver Road Business Corridor where a mixture of light industrial and commercial land uses is planned. Property has frontage on Shaver Road and access will be obtained through this major arterial street.
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	City of Portage Sensitive Land Use Inventory does not identify wetland/floodplain areas on the subject property, however, designated wetland areas are identified on adjacent parcel to west.
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 the proposed 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	Shaver Road is a 4-5 lane major arterial roadway with 19,108 vehicles per day (2011) and a capacity of 32,500 vehicles per day. While anticipated traffic generation can be accommodated, issues associated with shared/cross access will be reviewed at the site plan stage of development consistent with the City of Portage Access Management Ordinance.
Transportation – 2	Street Design	Yes	Subject property has frontage on Shaver Road and 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
OCT 09 2012

APPLICATION FOR ZONING AMENDMENT

Application number 12-1

Date October 9, 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 9136 Shaver Rd between Centre Street and Van Der Bilt Street on the west side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of 200' feet and a depth of 410' 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: Robert + Tiffany Wiltanen

Address 29506 Heritage Ln. Paw Paw, MI 49079

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM OCTOBER 23, 2012

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

At the request of Mayor Strazdas, Pastor Todd Korpi of the Kalamazoo First Assembly of God Church of Portage gave an invocation and Boy Scout Troop 287 led City Council and the audience in the recitation of the Pledge of Allegiance.

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

PROCLAMATIONS: Mayor Strazdas issued a Pancreatic Cancer Awareness Month Proclamation, a Make a Difference Day Proclamation and a Red Ribbon Week Proclamation.

APPROVAL OF MINUTES: Motion by Urban, seconded by Reid, to approve the October 9, 2012 Committee of the Whole Meeting, Special Meeting and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0 with Councilmember Sackley abstaining from vote on the Committee of the Whole Meeting Minutes.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Pearson to read the Consent Agenda. Motion by Pearson, seconded by Reid, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF OCTOBER 23, 2012:** Motion by Pearson, seconded by Reid, to approve the Accounts Payable Register of October 23, 2012. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARINGS:

MUELLER COPPER TUBE PRODUCTS COMPANY – PA 198 TAX ABATEMENT: Mayor Strazdas introduced Community Development Director Vicki Georgeau, who explained that this public hearing was for the request to expand Industrial Development District Number 1 for Mueller Copper Tube Products Company. She provided a brief review of the process involved in this request and indicated that it was initially a request for a 12-year tax abatement, but is now a 5-year tax abatement request for both real and personal property before City Council with the understanding that Mueller Copper Tube Products Company could come back for a review and a request for extra years per City Council Policy. She also pointed out that the process was reduced to two steps in order to meet the October 31 deadline set by the State Tax Commission. She explained that the expansion of the District was necessary to accommodate the proposed rail spur on the property.

In response to Mayor Strazdas, Jack Treas, Vice President and General Manager, Mueller Plastic Systems, spoke in support of the application and highly praised the quality of the workforce in Portage as a major reason for relocating to their facility at 6700 Sprinkle Road. Mayor Strazdas opened the public hearing to discussion and comment from the public. There being no discussion, motion by Urban, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Sackley, seconded by Urban, to adopt Resolution No. 2-12 expanding Industrial Development District No.1. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 447 of City of Portage Resolution Book No. 44.

MUELLER COPPER TUBE PRODUCTS COMPANY – PA 198 TAX ABATEMENT:

At the request of Mayor Strazdas, Community Development Director Vicki Georgeau explained the tax abatement process and provided review of the application materials presented in the City Council Agenda Packet. She explained that normal City Council Policy is a tax abatement for six (6) years for real property and three (3) years for personal property; however, since the property at 6700 Sprinkle Road has been vacant since January, 2011, she indicated that Mueller Copper Tube Products Company is eligible for a 5-year tax abatement request for both real and personal property with the option of coming back after three years for an evaluation of a request for an extra three years. Discussion followed. Mayor Strazdas opened the public hearing to discussion and comment from the public. There being no discussion, motion by Sackley, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Sackley, seconded by Urban, to adopt Resolution No. 4-12, approving the Industrial Facilities Exemption Certificate for the Mueller Copper Tube Products Company at 6700 Sprinkle Road for five years on the real property and personal property in the total amount of \$26.5 million; and approve the tax abatement agreement and the affidavit between the City of Portage and Mueller Copper Tube Products Company. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 449 of City of Portage Resolution Book No. 44.

PETITIONS AND STATEMENTS OF CITIZENS: At the request of Fred Walter, 1010 Forest Drive, motion by Reid, seconded by Randall, to direct the City Manager to write a letter from the City Council to the Little League, Williamsport, Pennsylvania, in support of the Little League Softball World Series Championship being hosted by South Portage Little League.

Former Betty Lee Ongley read a letter as Chair of the Portage District Library Board recognizing the efforts of City Council, the City Manager and the Administration concerning economic growth in the region, a review of the library services offered by the District Library and their concerns regarding the creation and utilization of Industrial Development Districts and related tax abatements.

REPORTS FROM THE ADMINISTRATION:

* **MAJOR STREET RECONSTRUCTION PROGRAM:** Motion by Pearson, seconded by Reid, to approve the substitution of the Angling Road (West Centre Avenue to Squire Heath Lane) and Romence Road Parkway (Lovers Lane to Portage Road) projects for the Portage Road (East Milham Avenue to Byrd Drive) and Oakland Drive (I-94 to Kilgore Road) projects in the 2011-2014 Kalamazoo Area Transportation Study (KATS) Transportation Improvement Program. Upon a roll call vote, motion carried 6 to 0.

* **CITY OF PORTAGE 50TH ANNIVERSARY CELEBRATION IDEAS:** Motion by Pearson, seconded by Reid, to affirm additional events and activities to commemorate the 50th Anniversary of the City of Portage as presented herein. Upon a roll call vote, motion carried 6 to 0.

* **TRANSFER OWNERSHIP OF THE 2012 CLASS C LICENSED BUSINESS FROM DSV ENTERTAINMENT, LLC, TO STELLANT, LLC:** Motion by Pearson, seconded by Reid, to grant the request to transfer ownership of the 2012 Class C Licensed Business with Dance and Entertainment Permits located at 3750 East Kilgore Road, Portage, MI 49002, Kalamazoo County (The Venue), from DSV Entertainment, LLC, to Stellant, LLC. Upon a roll call vote, motion carried 6 to 0.

* **UPGRADE OF THE 2000 TAVERN LICENSED BUSINESS (PIZZA HUT) TO CLASS C:** Motion by Pearson, seconded by Reid, to grant the request for an upgrade of the 2000 Tavern licensed business, located at 6300 South Westnedge (Pizza Hut), Portage, MI 49002, Kalamazoo County to Class C Liquor License. Upon a roll call vote, motion carried 6 to 0.

* **MICHIGAN ASSOCIATION OF MUNICIPAL ATTORNEYS:** Motion by Pearson, seconded by Reid, to receive the communication from the City Manager regarding the Michigan Association of Municipal Attorneys as information only. Upon a roll call vote, motion carried 6 to 0.

* **SEPTEMBER 2012 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Pearson, seconded by Reid, to receive the communication from the City Manager regarding the September 2012 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

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

COMMUNICATIONS:

LINDA TEETER, CHAIRPERSON OF THE KALAMAZOO COUNTY TRANSIT AUTHORITY: City Council received a verbal communication from Linda Teeter, Chairperson of the Kalamazoo County Transit Authority, who provided a brief update on regional public transit efforts.

MAKE A DIFFERENCE - VOLUNTEERING IN THE CITY OF PORTAGE: Mayor Strazdas explained the request to make it easier to volunteer for various activities and departments through the City of Portage website. After discussion, motion by Urban, seconded by Reid, to direct the City Manager to modify the city website to provide a convenient link to volunteer opportunities within the City of Portage. Upon a voice vote, motion carried 6 to 0

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

Portage Historic District Commission of September 5, 2012.

Portage Park Board of September 5, 2012.

Portage Youth Advisory Committee of September 10, 2012.

Portage Zoning Board of Appeals of September 10, 2012.

Portage Environmental Board of September 12, 2012.

AD HOC COMMITTEE REPORT:

2012-2013 GOALS FOR ADVISORY BOARDS AND COMMISSIONS: Councilmember Pearson reviewed some of the document changes. Motion by Randall, seconded by Reid, to adopt the 2012-2013 Advisory Boards and Commissions Goals and Objectives. Upon a roll call vote, motion carried 6 to 0.

NEW BUSINESS:

* **APPOINTMENTS TO INVESTMENT COMMITTEE:** Motion by Pearson, seconded by Reid, to appoint James Novaria and Steven Kreider with terms ending October 1, 2015, to the Investment Committee. Upon a roll call vote, motion carried 6 to 0.

BID TABULATIONS:

* **VEHICLE PURCHASE RECOMMENDATION:** Motion by Pearson, seconded by Reid, to approve the purchase of two four-wheel drive one-half ton pickup trucks, one two-wheel drive one ton pickup truck, two 7400 tandem axle dump/plow trucks, and one four-wheel drive three-quarter ton Fire Command vehicle through the State of Michigan Purchasing Program (MiDEAL) at a total cost not to exceed \$460,757 and authorize the City Manager to execute all documents related to these purchases on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **AT&T SERVICES MASTER CONTRACT AGREEMENT:** Motion by Pearson, seconded by Reid, to approve the AT&T Master Contract Agreement for the continuation of telecommunication services through October 2015 in the annual amount of \$59,000 and authorize the City Manager to execute all documents related to this agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Pearson extended congratulations to City Attorney Randy Brown for his reelection to President of the Michigan Association of Municipal Attorneys (MAMA) and City Council and Mayor Strazdas concurred and gave him a round of applause.

Councilmember Sackley reminded everyone to vote in the Presidential Election, Tuesday, November 6, 2012.

Mayor Pro Tem Reid announced that the Michigan Occupational Therapists are meeting in Kalamazoo this weekend with the assistance of Western Michigan University and the Occupational Therapist Program.

Mayor Strazdas recounted the highlights of the meeting citing the reelection of City Attorney Brown as President of the Michigan Association of Municipal Attorneys, Red Ribbon Week, Boy Scouts helping with the Pledge of Allegiance, the proposed new website addition for city volunteers and the \$26.5 million investment by Mueller Copper Tube Products Company. He then thanked the City Council for all they do for the community.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:44 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.