

CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

August 2, 2012

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**August 2, 2012
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * July 5, 2012

SITE/FINAL PLANS:

- * 1. Site Plan for Bowers Manufacturing (addition), 6565 South Sprinkle Road

PUBLIC HEARINGS:

- * 1. Special Land Use Permit: Verizon Wireless (mono-pine tower), 8080 Oakland Drive

SITE/FINAL PLANS:

- * 1. Final/Site Plan for Verizon Wireless (mono-pine tower), 8080 Oakland Drive

PUBLIC HEARINGS:

- * 1. Rezoning Application #11-04, East Centre Avenue between Lakewood Drive and Garden Lane
-- referred back from City Council for additional Commission review/recommendation

NEW BUSINESS:

- * 1. Oshtemo Township Master Plan Amendment 2012-1

OLD BUSINESS:

- 1. Election of Officers

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

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

 **DRAFT**

PLANNING COMMISSION

July 5, 2012

The City of Portage Planning Commission meeting of July 5, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three citizens were in attendance.

MEMBERS PRESENT:

Miko Dargitz, Dave Felicijan, Rick Bosch, Allan Reiff, Wayne Stoffer (arrived 7:25 p.m.) and Chairman James Cheesebro.

MEMBERS ABSENT:

Bill Patterson.

MEMBERS EXCUSED:

Paul Welch.

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the June 21, 2012 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Dargitz, seconded by Commissioner Felicijan, to approve the minutes as submitted. The motion was unanimously approved.

PUBLIC HEARINGS:

1. Conceptual Plan Amendment for Trade Centre Holdings LLC, 420 and 750 Trade Centre Way. Mr. Forth summarized the staff report dated June 29, 2012 regarding a request received from Trade Centre Holdings, Inc. to amend a previously approved conceptual plan involving property addressed as 420 and 750 Trade Centre Way. Mr. Forth provided background information regarding the previously approved 2002 conceptual plan submitted by Furniture Row USA LLC and then summarized the conceptual plan amendment submitted by Trade Centre Holdings LLC. Since submission of subsequent specific (site) plans has not occurred in accordance with the approved program of development, Mr. Forth indicated the original 2002 conceptual plan has expired. Mr. Forth summarized the requested building height/number of stories modification, building setback modification and the conflicting land use screening waiver along the northern portion of the development site where adjacent the 50-acre City of Kalamazoo wellfield. Mr. Forth also summarized the MDEQ permit involving planned modifications to a small portion of the 100-year floodplain and wetlands adjacent Portage Creek and the related wetland restoration project planned in downtown Kalamazoo.

Mr. Greg Dobson (representing Trade Centre Holdings LLC) was present to explain the development project and support the amended conceptual plan. Mr. Dobson noted that the developer of the Marriott Courtyard Hotel is ready to move forward with the project. Mr. Dobson also mentioned that unlike the Furniture Row USA concept plan for a commercial shopping center, there is more interest at this location for a mix of office, hotel and restaurant uses. Commissioner Reiff asked Mr. Dobson to summarize the wetland mitigation project proposed in downtown Kalamazoo. Mr. Dobson explained the project.

Chairman Cheesebro opened the public hearing. Ms. Donna Leverage, 741 West Kilgore Road, expressed concern about traffic volumes on West Kilgore Road and the impact it has on her and her child daycare business. There being no further public comment, a motion was made by Commissioner Bosch, seconded by Commissioner Felicijan, to close the public hearing. The motion was unanimously approved.

Commissioner Dargitz asked staff to summarize traffic-related issues. Mr. Forth mentioned that traffic-related issues have been regularly reviewed/addressed since the comprehensive rezoning of this area in 1998 and several infrastructure improvements have been completed to address existing as well as future traffic volumes. Commissioner Felicijan asked for clarification on the wetland impacts. Mr. Forth noted a small area of wetland is proposed to be modified but in accordance with the approved MDEQ permit, Trade Centre Holdings LLC will be creating new wetland areas in downtown Kalamazoo.

There being no further discussion, a motion was made by Commissioner Reiff, seconded by Commissioner Dargitz, to recommend to City Council that the Conceptual Plan Amendment for Trade Centre Holdings LLC, 420 and 750 Trade Centre Way, be approved with the following modifications/waiver:

1. Modify the maximum building height and number of stories to permit the two hotel buildings to be constructed to a height of 59-feet and four stories and office building to be constructed to a height of 65-feet and four stories;
2. Modify the minimum building setback requirement to permit a 30-foot setback from the north property line for the east hotel building and a 10-foot setback from the north property line for the west hotel building; and
3. Waive the conflicting land use screening requirement along the northern portion of the site where adjacent to the 50-acre City of Kalamazoo wellfield property.

The motion was unanimously approved.

SITE/FINAL PLANS:

1. Specific (Site) Plan for Marriott Courtyard, 420 Trade Centre Way. Mr. Forth summarized the staff report dated June 29, 2012 regarding a request received from TMI Hospitality to construct a four-story, 55,123 square foot hotel building and associated site improvements at 420 Trade Centre Way. The Marriott Courtyard hotel represents the first development project under the amended conceptual plan submitted by Trade Centre Holdings LLC for the remaining vacant land located along Trade Centre Way. The approximate 2.3 acre site is zoned CPD, commercial planned development and the hotel development project has been designed in substantial conformance with the proposed amended conceptual plan.

Mr. Greg Dobson, representing TMI Hospitality, was present to support the plan. Commissioner Bosch asked about parking/cross access easement rights. Mr. Dobson indicated that all development sites would provide the minimum amount of parking spaces required by the City of Portage and the appropriate documents would be executed to ensure cross access rights.

Commissioner Stoffer arrived at 7:25 p.m. Attorney Brown asked Commissioner Stoffer if he was familiar with the staff report and heard enough of the discussion at tonight's meeting to vote on the specific plan for Marriott Courtyard. Commissioner Stoffer indicated he read the staff report and based on the discussion he heard during the meeting, is familiar with the development project and will be voting on the plan.

 **DRAFT**

There being no further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner, Felicijan to approve the specific plan for Marriott Courtyard, 420 Trade Centre Way, subject to City Council approving the Conceptual Plan Amendment for Trade Centre Holdings LLC, 420 and 750 Trade Centre Way. The motion was unanimously approved.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Election of Officers. It was the consensus of the Planning Commission to postpone election of officers until the July 19, 2012 meeting when all current officers are present.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Commissioners Reiff and Bosch asked to be excused from the July 19, 2012 meeting. There being no further business to come before the Commission, the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: July 13, 2012

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

SUBJECT: Site Plan for Bowers Manufacturing (addition), 6565 South Sprinkle Road

I. INTRODUCTION:

A site plan has been submitted by Delta Design Group, on behalf of Bowers Manufacturing, to construct a 37,895 square foot building addition and related site improvements along the east side of the existing Bowers Manufacturing facility located at 6565 South Sprinkle Road. The applicant has indicated the addition will be utilized for manufacturing and material handling. Planned site improvements will be limited to the east side of the existing facility with no additional changes proposed across the remainder of the site. The 26.6 acre property is zoned I-1, light industry.

Access to the site will continue through the existing full-service driveways from South Sprinkle Road. The existing storm water treatment system and retention basin along the east side of the site will be located further east to accommodate the building addition: Treatment of the roof water is not required prior to infiltration. New outdoor lighting units (building mounted wall packs) are proposed along the east side of the building addition and will comply with all applicable ordinance requirements.

II. RECOMMENDATION:

The site plan has been reviewed by the City Administrative departments. Staff recommends the Site Plan for Bowers Manufacturing (addition), 6565 South Sprinkle Road, be approved.

Attachment: Site plan

WMA
WIGHTMAN & ASSOCIATES, INC.
 ENGINEERING
 SURVEYING
 ARCHITECTURE

2000 Parkway Road
 Suite 100
 Raleigh, NC 27607
 Phone: 919.876.1000
 Fax: 919.876.1001
 www.wightman.com

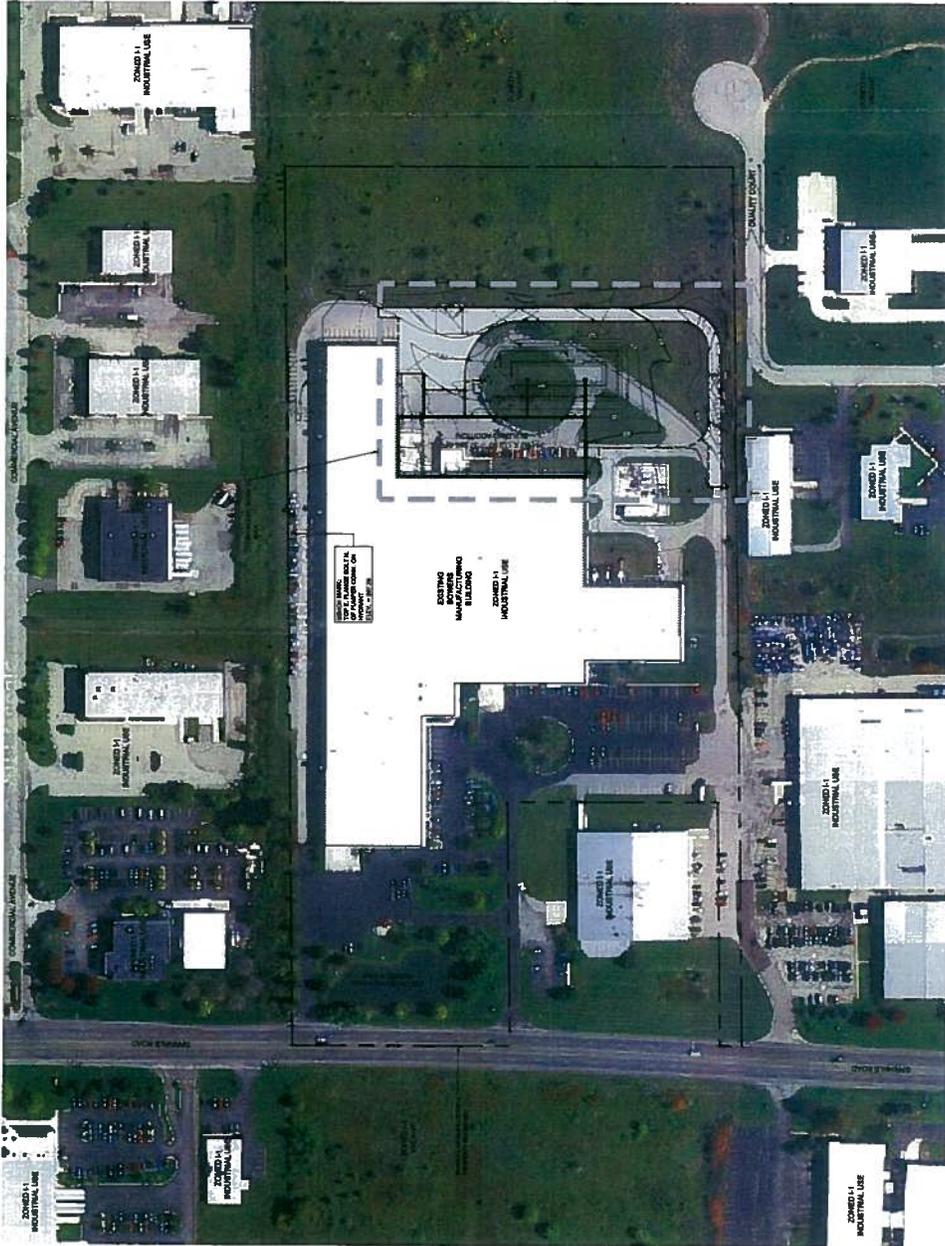
PROJECT NAME:
BOWERS MANUFACTURING FACILITY ADDITION
 10000 W. HUNTER ROAD
 RALEIGH, NC 27615

APPLICANT:
DELTA DESIGN
 10000 W. HUNTER ROAD
 RALEIGH, NC 27615

DATE: JULY 15, 2012
SCALE: 1" = 100'

ENLARGED OVERALL SITE LAYOUT

JOB NO: 120347-3
120347-3



ENLARGED OVERALL SITE LAYOUT
 SHEET 1' = 100'

TO: Planning Commission **DATE:** July 13, 2012
FROM: Vicki Georgeau, ^{VB} Director of Community Development
SUBJECT: Special Land Use Permit: Verizon Wireless (mono-pine), 8080 Oakland Drive.

I. INTRODUCTION:

An application has been submitted by Tele-Site, Inc., on behalf of Verizon Wireless, requesting a Special Land Use Permit to construct a 150-foot tall telecommunications tower (mono-pine) and related improvements at 8080 Oakland Drive. The approximate 1.75 acre property is zoned PD, planned development and situated within the Oakland Hills at Centre Planned Development.

II. PLANNED DEVELOPMENT REVIEW/APPROVAL PROCESS

An application for a telecommunication tower in the PD, planned development district is subject to the two-part PD review and approval process (Tentative Plan and Final/Site Plan), in addition to a Special Land Use Permit. The Tentative Plan process involves review/recommendation by the Planning Commission following a public hearing and review/action by City Council following a public hearing. The Final/Site Plan process involves review/recommendation by the Planning Commission and review/action by City Council. Consistent with the standards listed in Section 42-375.H of the Zoning Code, the Final/Site Plan must be in substantial compliance with the approved Tentative Plan. The Special Land Use Permit process involves review/action by the Planning Commission following a public hearing.

Following the April 19, 2012 Planning Commission recommendation, the City Council approved the Tentative Plan Amendment for the Oakland Hills at Centre Planned Development (8080 Oakland Drive and 2275, 2301 and 2401 West Centre Avenue) on June 12, 2012 (meeting minutes attached), that included the addition of the 150-foot tall mono-pine tower on the 8080 Oakland Drive parcel, revisions to the layout of the attached residential and office portions of the development and an updated project phasing timeline. Approval of the tentative plan amendment included three conditions related to the mono-pine tower and are summarized below:

1. The tower be constructed to accommodate four co-locations and designed to include branches and camouflaging as identified in the Sabre Towers and Poles brochure provided by the applicant. The tower be located at least 55-feet from the north property line and a minimum 90-feet from the east property line;
2. The fenced area around the tower be enclosed by a 6-foot tall decorative, solid vinyl fence and supplemental evergreen tree plantings (minimum 8-10 foot tall, spaced 10 feet on-center) be installed along the north side of the enclosure; and
3. The large Oak tree located west of the mono-pine tower and the existing mature tree line located along Oakland Drive be preserved to the greatest extent possible in order to minimize the visual appearance of the mono-pine tower from adjacent properties and for motorists traveling Oakland Drive.

Also, and for Commission information, following Planning Commission review and recommendation on April 19, 2012, discussions continued between the applicant and adjacent property owner to the north, Mangwn Properties, who expressed concerns about the location of the tower. Prior to City Council approval of the tentative plan amendment, the applicant and Mangwn Properties reached an acceptable agreement on the tower location (see June 12, 2012 City Council meeting minutes).

II. BACKGROUND INFORMATION:

The following background information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> • Subject parcel is approximately 1.75 acres, zoned PD, planned development and currently vacant. • To the south, a nonconforming single family residence (8100 Oakland Drive) zoned OTR, office technology and research. • To the north, vacant land (8040 Oakland Drive) zoned OTR, office technology and research. • To the west, vacant land part of the Oakland Hills at Centre PD that is planned for office attached residential land use and zoned PD, planned development. • To the east (across Oakland Drive), vacant land zoned RM-2, multiple family residential and R-1C, one family residential.
Comprehensive Plan	<ul style="list-style-type: none"> • Future Land Use Map component of the Comprehensive Plan identifies the subject site along with adjacent properties located to the west and south as appropriate for medium density residential land use. Adjacent properties to the north/northwest are designated for local business and office land use, while adjacent properties to the east (across Oakland Drive) are identified for low density residential land use.
Access	<ul style="list-style-type: none"> • Proposed access drive from Oakland Drive, at approximate mid point of parcel. This access will be improved to a full-service boulevard entrance with subsequent phases of the Oakland Hills at Centre Planned Development. • Oakland Drive is designated as a 2-lane minor arterial with approximately 7,800 vehicles per day (2005); capacity of 16,200 vehicles per day (level of service "D").
Environmental Issues	<ul style="list-style-type: none"> • Review of the Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) at the subject parcel.
Historic District/ Structure	<ul style="list-style-type: none"> • The subject site is not located within a historic district and does not contain any historic structures.
Land Development Regulations	<ul style="list-style-type: none"> • The application has been submitted under Section 42-135, Wireless telecommunications facilities and towers (G., Special land uses – Construction of an alternative tower structure in all zoning districts). • Section 42-462, General Standards for Review of Special Land Uses, sets forth additional criteria for evaluating a special land use and allows conditions to be established.

IV. ANALYSIS:

Tower Necessity, Alternative Technology and Accommodations

Consistent with Section 42-135.I, the applicant has submitted written technical information from an RF engineer which indicates that no existing structures in the area of the proposed alternative tower structure (mono-pine tower) can accommodate the antennas. While Verizon Wireless currently has antennas on the flag pole tower located along the east side of Oakland Drive, approximately 500-feet northeast of the proposed mono-pine tower, this structure is at capacity and can not accommodate the additional antennas and equipment necessary to support the 4G LTE enhanced wireless technology. There are no other existing towers or structures located within a one mile radius of the proposed mono-pine tower site that can support

the wireless antennas and equipment. While Verizon Wireless currently has antennas at other locations across the city including the tower at the south end of Portage Industrial Drive, the flag pole tower on Romence Road (near the Crossroads Mall), the flag pole tower on South 12th Street (south of West Centre Avenue) and the Haverhill Water Tower (near Haverhill Park), these sites are all located in excess of one mile from the proposed mono-pine tower site. According to the applicant, the new mono-pine tower is necessary in order to address a coverage gap in this portion of the city, as well as support enhanced 4G LTE technology. Supporting technical information provided by the applicant is attached for Commission review. According to the applicant, alternative technologies such as a cable microcell network are either no longer used by Verizon Wireless, do not meet engineering criteria due to the size of the coverage area, geography and topography or would create greater visual impact due to a high number of antennas needed at a lower height. The proposed mono-pine tower with co-location capabilities is believed to represent an effective solution to address existing cellular service coverage gaps and provide the enhanced 4G LTE wireless technology. According to the applicant, a preliminary analysis performed by the Federal Aviation Administration (FAA) has determined that the proposed 150-foot tall mono-pine tower is acceptable at the proposed location without the need for any artificial lighting.

Setback/Separation Requirements

The proposed 150-foot tall mono-pine tower complies with all applicable setback and separation requirements set forth in the Wireless Telecommunication Facilities and Towers ordinance. Consistent with the recently approved Tentative Plan Amendment for the Oakland Hills at Centre Planned Development, the mono-pine tower will maintain a 55-foot setback from the north property line and a 90-foot setback from the east property line (Oakland Drive right-of-way line). Furthermore, the mono-pine tower will be setback in excess of 400-feet from the south property line and the nonconforming single family residence located at 8100 Oakland Drive. While the ordinance does not establish separation requirements for an alternative tower structure (ATS), the proposed mono-pine tower will be separated by approximately 500-feet from the existing flag pole tower located to the northwest, along the east side of Oakland Drive.

General Requirements

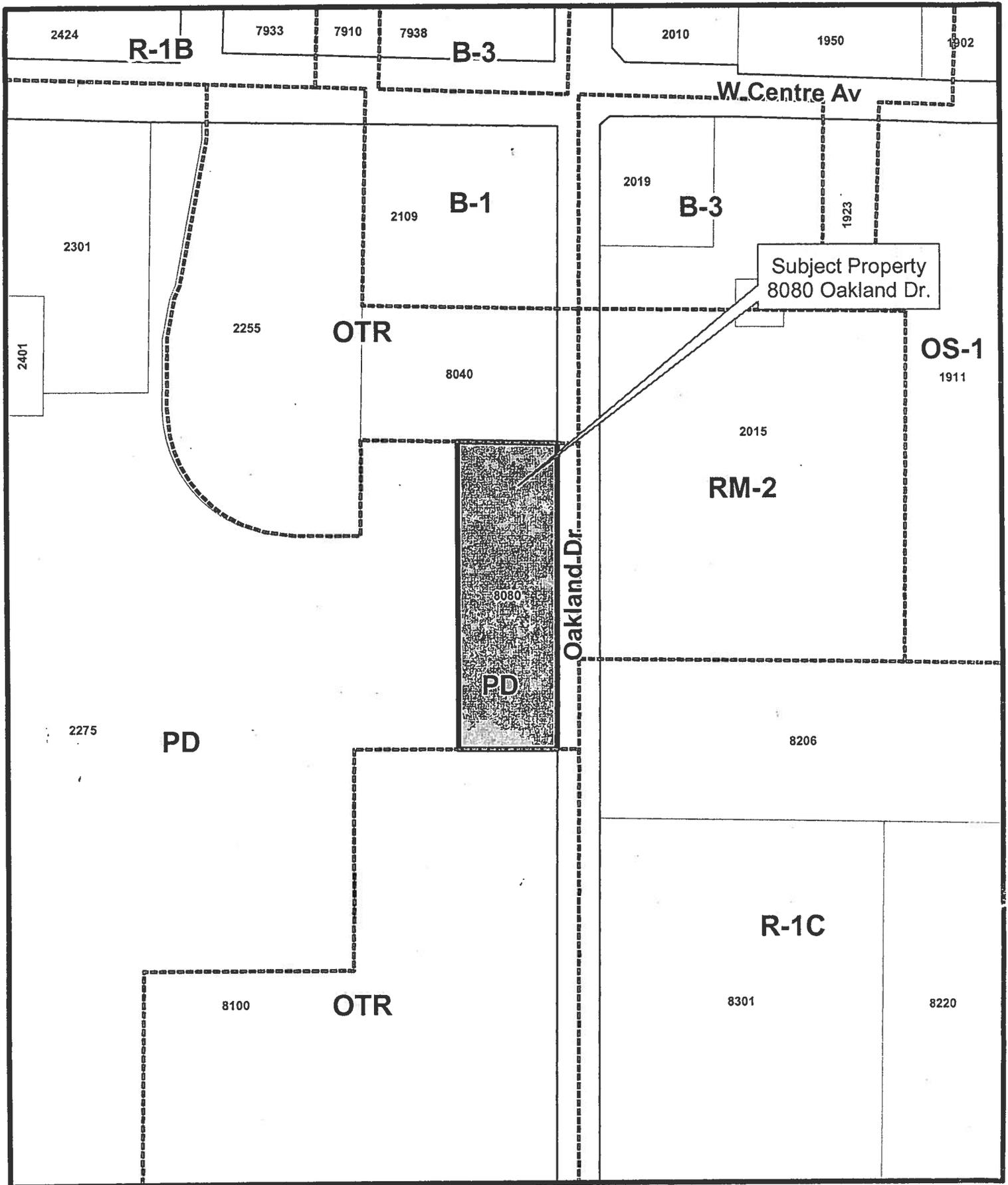
Consistent with the recently approved Tentative Plan Amendment for the Oakland Hills at Centre Planned Development and ordinance requirements, the proposed 150-foot tall mono-pine tower will be designed with a capacity to carry at least four co-locations. Verizon Wireless has submitted a notarized statement reaffirming the commitment to make co-location space available to all interested parties. In addition, the mono-pine tower design will include significant branches and camouflaging as identified in the Sabre Towers and Poles brochure (see attached) provided by the applicant. Finally, the screening and tree preservation conditions noted in the City Council approval of the Tentative Plan Amendment have been satisfied.

V. RECOMMENDATION:

The proposal to construct the 150-foot tall telecommunications tower (mono-pine) and associated improvements at 8080 Oakland Drive fulfills the requirements for issuance of a Special Land Use Permit and is consistent with the recently approved Tentative Plan Amendment for Oakland Hills at Centre Planned Development.

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Special Land Use Permit for Verizon Wireless, 8080 Oakland Drive, be approved to allow construction of a 150-foot tall telecommunications tower (mono-pine) subject to City Council approval of the Final/Site Plan.

Attachments: Vicinity/Zoning Map
Aerial Photograph
Special Land Use Permit Application
Site Plan
February 21, 2012 Communication from Jonathan Crane (attorney representing Verizon Wireless)
September 26, 2011 Email from Bill Maxwell (regarding GTP Flag Pole Tower, 2015 West Centre)
March 15, 2012 Communication from Amy Herbst, Sabre Towers & Poles
January 24, 2012 Notarized Statement from Douglas Weber (Verizon commitment to collocation)
January 25, 2012 Communication from Scott Hubble (regarding alternative technology)
Existing Verizon Wireless Sites (map)
Verizon Wireless Coverage Maps (“not on air” and “on air”)
Verizon Wireless Coverage Gap Maps
Sabre Towers & Poles Brochure (received February 10, 2012)
Photographic Perspectives of Mono-Pine Tower (before/after views from West Centre & Oakland Drive)
June 12, 2012 City Council meeting minutes

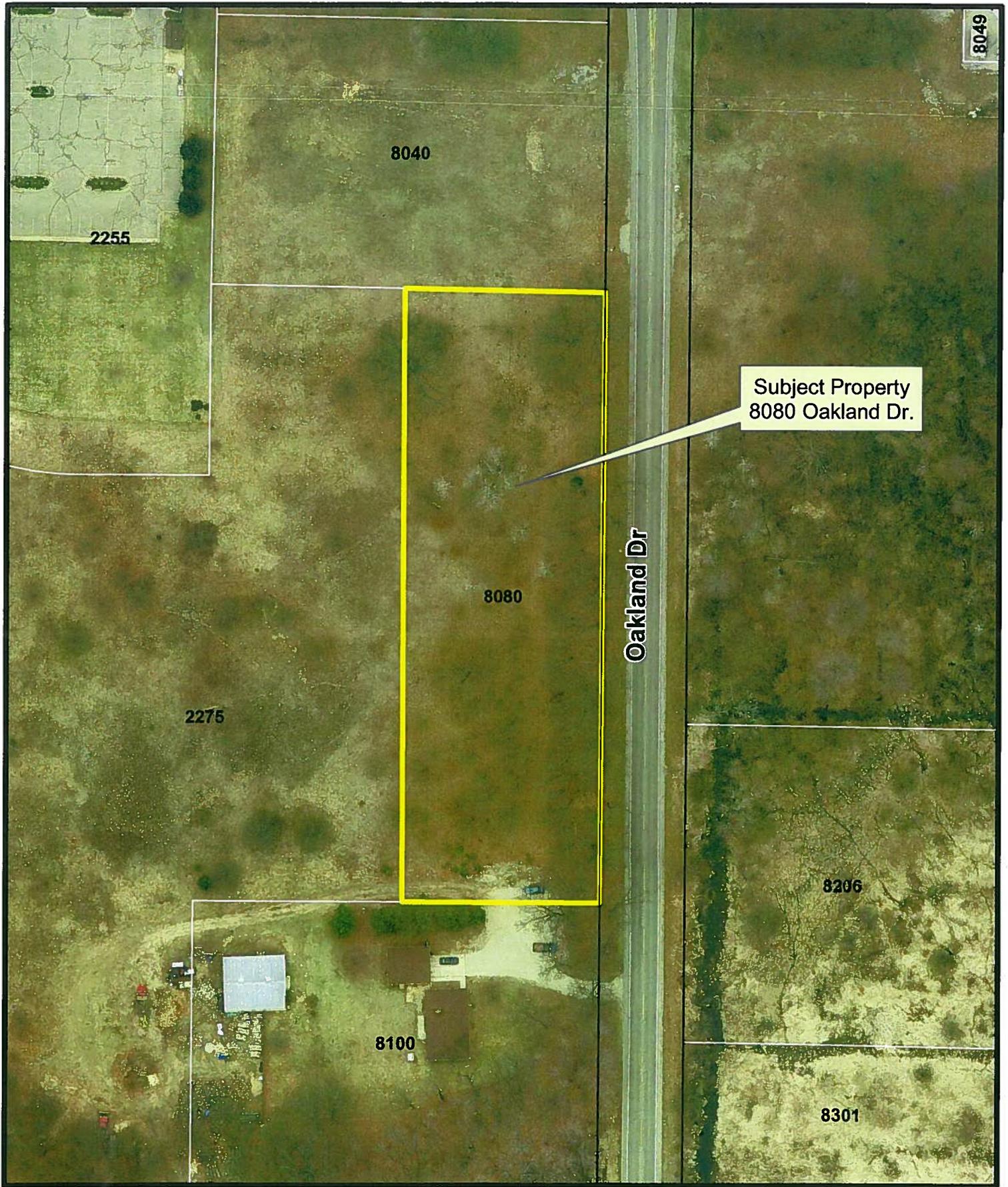


1 inch = 200 feet

Special Land Use Permit 8080 Oakland Drive

Legend

-  Zoning Boundary
-  Subject Property



8049

8040

2255

Subject Property
8080 Oakland Dr.

8080

Oakland Dr

2275

8206

8100

8301



1 inch = 100 feet

Special Land Use Permit 8080 Oakland Drive

RECEIVED

OCT 24 2011

CITY OF
PORTAGE
A Place for Opportunities to Grow

COMMUNITY DEVELOPMENT
Department of Community Development

APPLICANT INFORMATION

Name Tele-Site, Inc. for Verizon Wireless		Telephone Number 248-798-4429	
Address 1015 South Lake Dr.	City Novi	State MI	Zip code 48377

OWNER INFORMATION (if different)

Name Oakland Centre Real Estate		Telephone Number 209-329-1808	
Address 7950 Moadsbridge	City Portage	State MI	Zip code 49024

PROPERTY INFORMATION

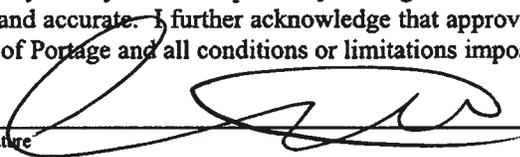
Address of property Unplatted Property	Zoning District PD Planned Dev.	Land Area (acres)
Legal Description (or attach separate page) Please see legal description on site plan.		

PROPOSED USE

Description of proposed Special Land Use (attach additional page(s), if necessary)
Wireless Communications Tower - Stealth

OWNER CERTIFICATION

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

Signature  Date 10-18-11

JONATHAN R. CRANE, P.C.

ATTORNEY AND COUNSELOR
1126 N. MAIN ST.
ROCHESTER, MI 48307

JONATHAN R. CRANE
BENJAMIN S. HERRICK

TELEPHONE: (248) 650-8000
FACSIMILE: (248) 650-9259
EMAIL: JRCPC@SBCGLOBAL.NET

February 21, 2012

Mr. Michael West
Assistant City Planner
City of Portage
7900 South Westnedge
Portage, Michigan 49002

Re: Verizon Wireless Site 2709 "West Centre"
Our File No. JC3232-11

Dear Mr. West:

I am writing to you today to summarize Verizon Wireless' reasons for seeking new antenna approvals in the City of Portage at the 8080 Oakland Drive site.

Verizon Wireless is a tenant on an existing nearby flagpole tower owned by Global Tower Partners. The flagpole design cannot be expanded to provide the latest 4G high speed, high capacity communication services to Portage residents. GTP advises that the flagpole structure does not have the structural integrity to meet Verizon Wireless' new antenna needs. Verizon Wireless, without collocation alternatives, pursued the new antenna site currently before the Board. This new site will serve Verizon Wireless, as well as provide collocation opportunities for other carriers.

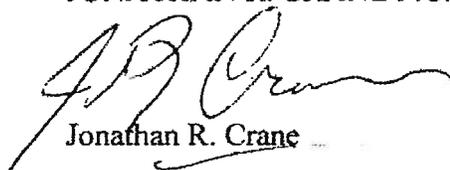
Wireless technology is increasing in both the number of customers and the number of devices. While exciting and useful, the new devices require substantial additional antenna demands. With the addition of high speed services larger antenna capacities are needed. Associated with larger antennas are additional cables, radial arms, diplexers and other antenna devices. The benefits of the proposed antenna are real-time 4G updates to the Verizon Wireless network. These improvements will provide Portage residents with faster, more reliable communications. Global positioning, emergency 911 calls, medical monitoring and improved vehicle dispatching are key benefits to the Portage Emergency Response Programs provided by the antenna upgrades. Residents will experience faster and more reliable data, internet and general wireless services.

Verizon Wireless proposes a stealth monopine-type tower. This enables additional antenna and sectorized radio frequency services into different areas of the community. The new tree structure supports larger antenna creating enhanced communications services. In addition, the mono-pine design allows collocators an alternative of improving the future antenna modifications and upgrades. The stealth design minimizes visual impacts.

We look forward to a favorable review of this new antenna at the March 1, 2012 meeting. In the meantime, should you have any questions please do not hesitate to contact me at (248) 650-8000.

Very truly yours,

JONATHAN R. CRANE P.C.



Jonathan R. Crane

Email from tower tower carriers saying flagpole at 2015 W Centre is not capable of holding Verizon's loading.

Claudine Antoun

From: Bill Maxwell [bmaxwell@gtpsites.com]
Sent: Monday, September 26, 2011 3:00 PM
To: Claudine Antoun
Subject: RE: VZW 2709 W Center-GTP MI5232

RECEIVED
JAN 26 2012
COMMUNITY DEVELOPMENT

Claudine, as we discussed this pole is completely full. Unfortunately additional antennas and coax won't fit.

From: Claudine Antoun [mailto:cantoun@telesitewireless.com]
Sent: Monday, September 26, 2011 2:55 PM
To: Bill Maxwell
Subject: VZW 2709 W Center-GTP MI5232

RE: 2015 West Centre, Portage, MI 49024

Bill, for my files, can you send me a e-mail confirming the flagpole is not capable of holding Verizon's proposed loading of the antennas at the same height located at 2015 West Centre?

I have to call out this tower which is not capable of any modifications and need to seek out another solution for Verizon's antennas.

Thank you,
Claudine Antoun
Tele-Site
248-224-3393
cantoun@telesitewireless.com

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If you are not the intended recipient, you may not review, disclose, copy or use the information in this email or attachments

in any way and are requested to notify us of your receipt immediately by return email and to delete this message in its entirety.

Email communication cannot be guaranteed to be secure or error-free. Therefore, we do not represent that the information contained

herein is complete or accurate and it should not be relied upon as such.



A Division of Sabre Industries, Inc.

March 15, 2012

City of Portage
Planning and Zoning

RE: Proposed 150' Monopine at West Centre Replacement, MI

Dear Planning Commission Members,

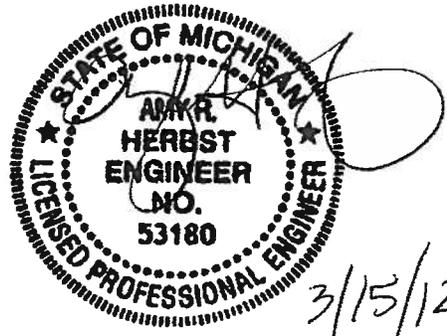
Sabre proposes to design and supply a monopine for a Basic Wind Speed of 90 mph with no ice and 40 mph with 3/4" radial ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

For Sabre's designs according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, the monopine will not have a catastrophic type structural failure (falling on its side) in a wind event where the design wind speed is exceeded within the range of the built-in safety factors. To date, there has never been a failure of a Sabre monopine.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the location of the failure would be within the upper portion of the monopine shaft. This is likely to result in the portion of the monopine above "folding over" onto the portion below, essentially collapsing on itself. There would be no debris in a radius greater than 40' from the monopole. In this instance, there is no probability of the monopine impacting the adjacent property owners. **Please note that this letter only applies to the above referenced monopine designed and manufactured by Sabre Towers & Poles.** In the unlikely event of total separation, this, in turn, would result in collapse of the section above, within a radius of 40 feet.

Sincerely,

Amy R. Herbst, P.E.
Senior Design Engineer



Guyed Towers



Self-Supporting Towers



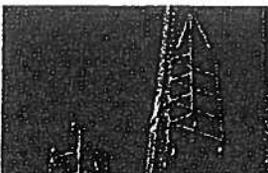
Monopoles



Concealment Structures



Turnkey Installations



Tower Modifications



Network



Verizon Wireless
24242 Northwestern Highway
Southfield, MI 48075

Phone 248 915-3000

January 24, 2012

Mr. Christopher Forth
Deputy Director, Planning and Development Department
City of Portage
7900 South Westnedge Avenue
Portage, Michigan 49002

Re: Notarized Statement / VZW Site #2709 / Promise to Allow Collocators

Dear Mr. Forth:

As a follow-up to your letter dated 10/25/2011 I am writing to you today to re-affirm Verizon's commitment to make available space for collocation to any and all interested parties wishing to offer wireless services in the area. We look forward to other parties taking an interest in the facility.

In the meantime, should you have any questions or require any additional information please do not hesitate to contact me at 248-915-3560

Douglas Weber
Network-Real Estate Manager
Verizon Wireless

Signed and sworn to before me in Oakland County, State of Michigan on this 24 day of January 2012.

Notary Public

My Notary Expires: _____

BARBARA MADIGAN EVANS
Notary Public, State of Michigan
County of Oakland
My Commission Expires May, 10, 2013
Acting in the County of



Jan 25, 2012

City of Portage
7900 South Westnedge Ave
Portage, MI 49002

To Whom It May Concern:

In response to your question regarding "alternative technology":

Technologies such as cable microcell networks are no longer used by Verizon Wireless. This is due mostly in part to this type of technology not meeting our engineering criteria's and or policies.

Although useful in some areas, newer distributed antenna system technologies are not feasible in the Portage area specifically. We made this determination using several guidelines including the size of the coverage area, geography, and topography.

Beyond our engineering criteria's we have found that using DAS systems often create greater visual impact in some applications as a result of the high number of antennas needed, especially as they are likely to be much lower in height.

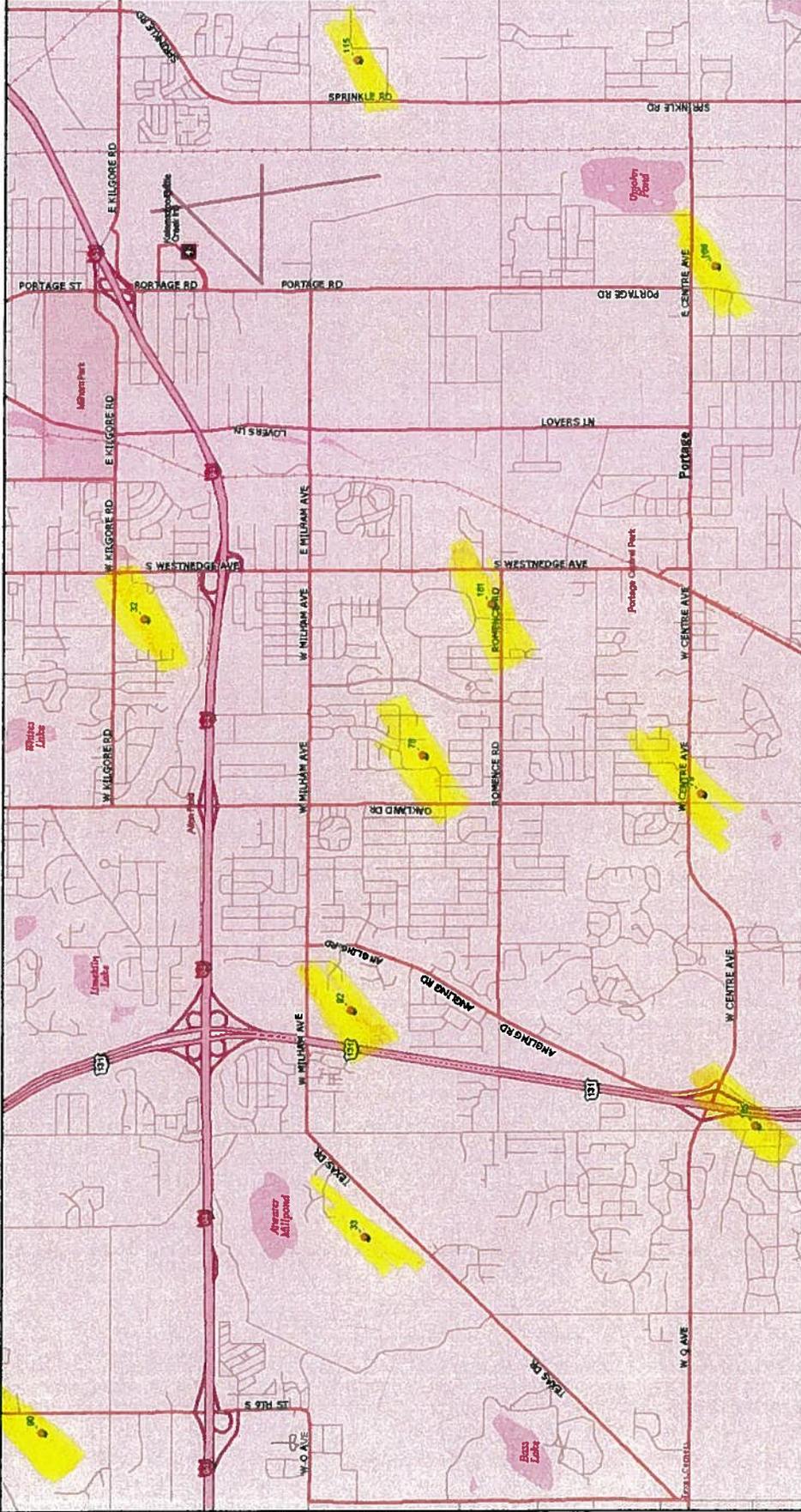
Without our proposed site (West Centre Ave), Verizon and its customers (your constituents) would suffer several hardships: 1.) Ineffective and inefficient network design, reduced data speeds and voice reliability; 2.) Possible gap in coverage and compromised coverage for customers and emergency services including enhanced e911; and a possible inability to provide adequate and reliable coverage to the public as required by the FCC.

Thank you for your time and please don't hesitate to contact me if you have any further questions.

Sincerely,

Scott Hubble

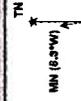
RF Engineer



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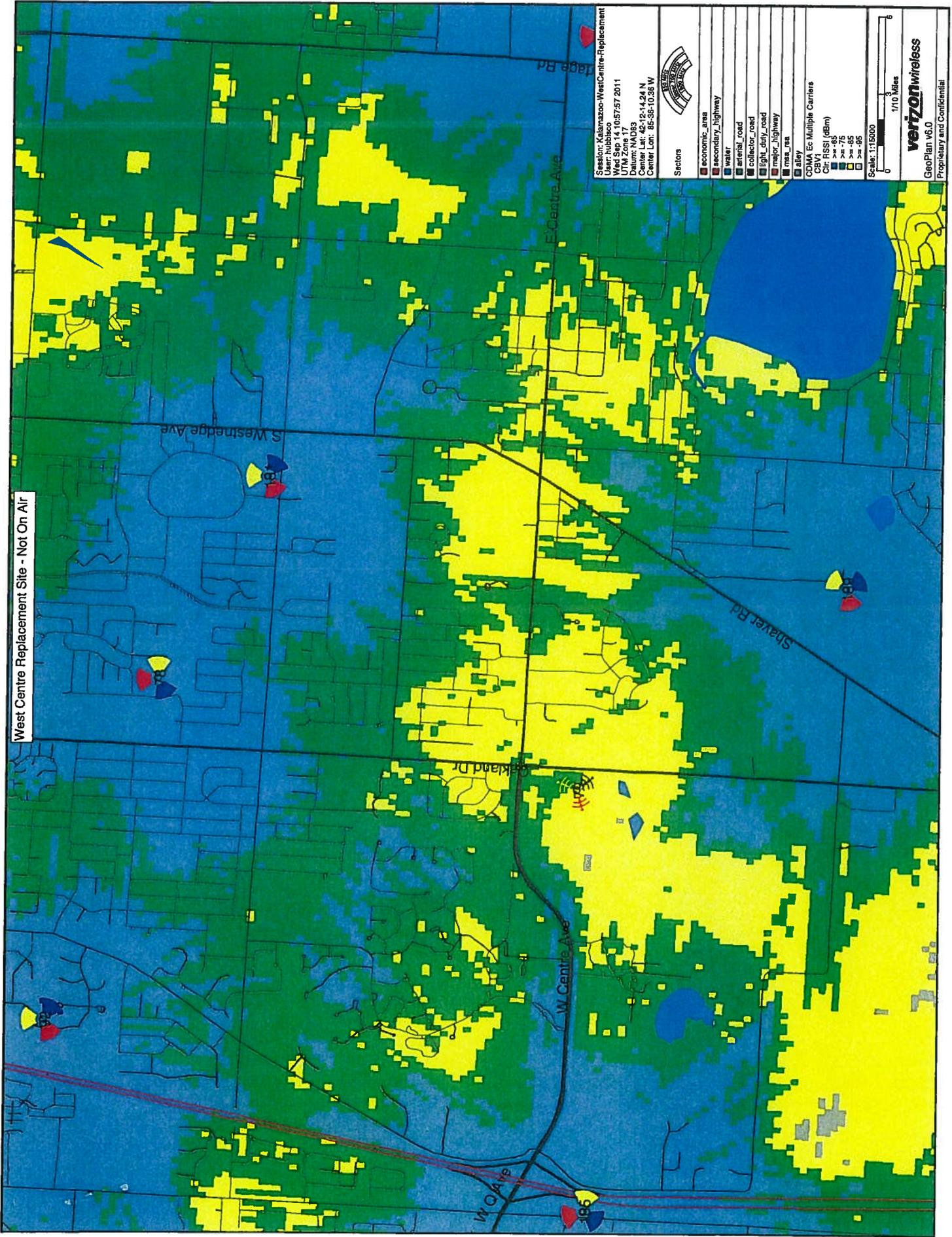
www.delorme.com



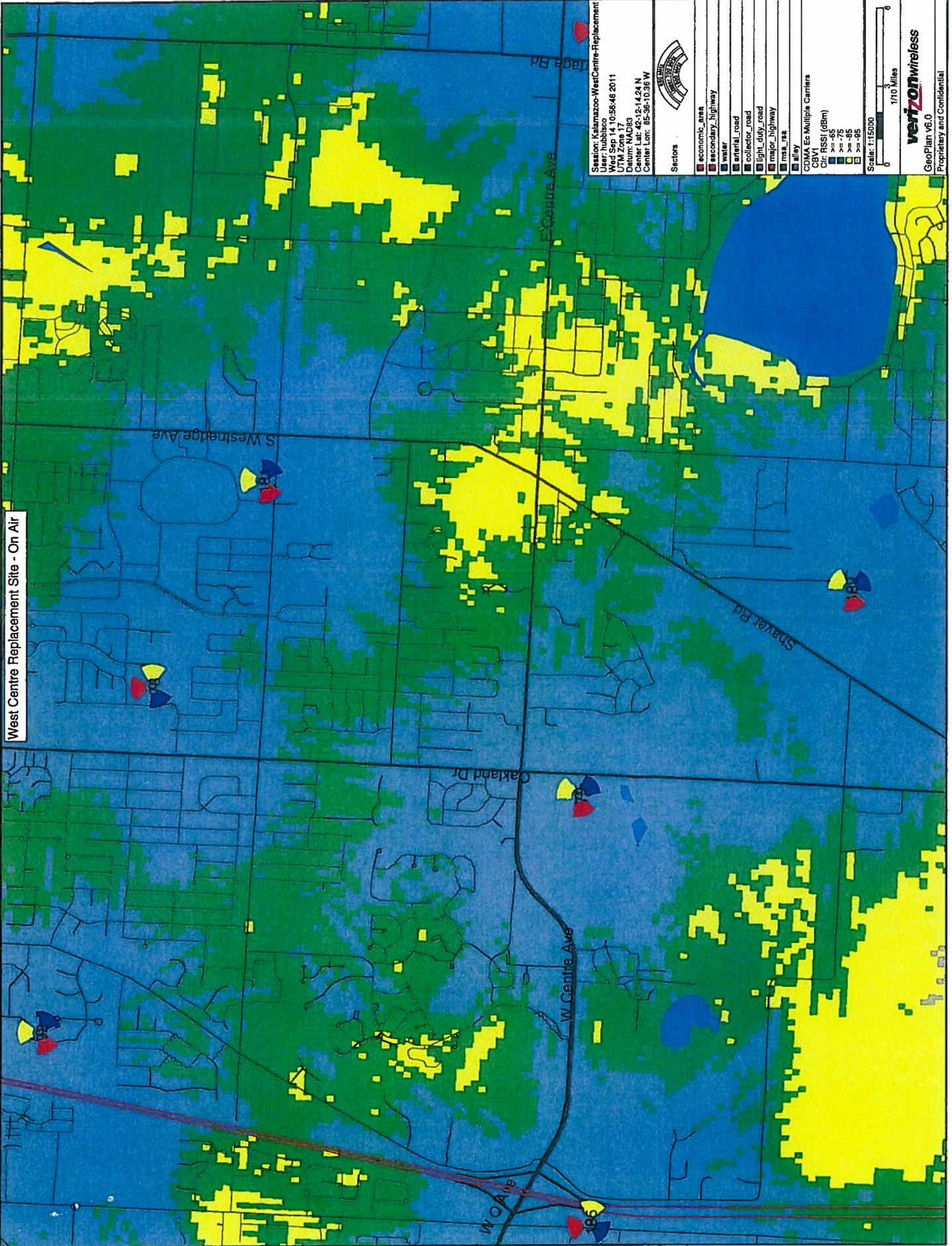
Data Zoom 12-4

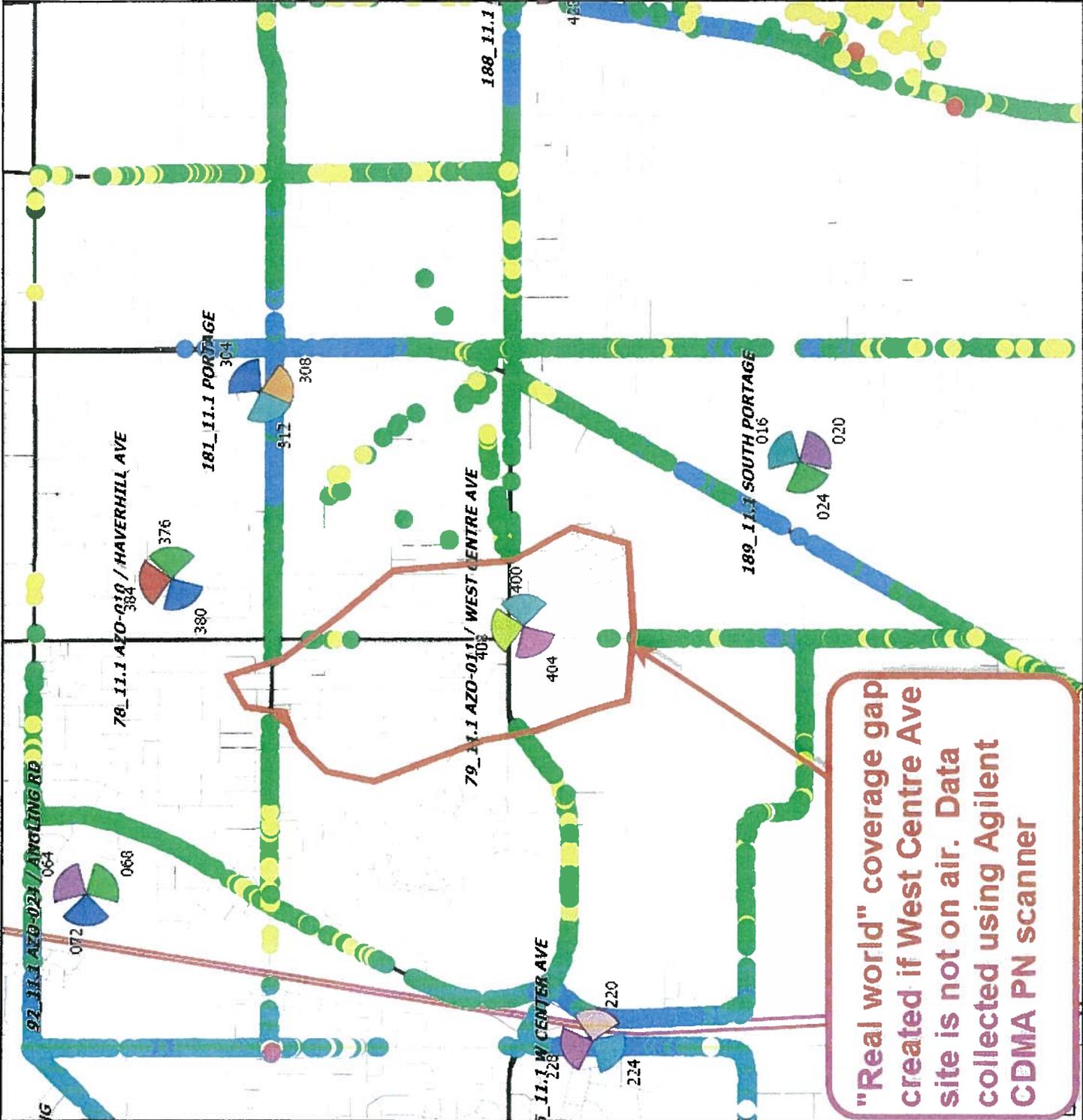
Current V2W sites

West Centre Replacement Site - Not On Air



West Centre Replacement Site - On Air





PN_Scanner_Ec_for_PN_496

- Below -105.0 (0) 0.0%
- >= -105.0 to < -95.0 (17) 2.3%
- >= -95.0 to < -85.0 (297) 39.9%
- >= -85.0 to < -60.0 (431) 57.9%
- Above -60.0 (0) 0.0%

PN_Scanner_Ec_for_PN_428

- Below -105.0 (0) 0.0%
- >= -105.0 to < -95.0 (15) 2.0%
- >= -95.0 to < -85.0 (141) 18.5%
- >= -85.0 to < -60.0 (484) 63.4%
- Above -60.0 (123) 16.1%

PN_Scanner_Ec_for_PN_72

- Below -105.0 (0) 0.0%
- >= -105.0 to < -95.0 (9) 2.4%
- >= -95.0 to < -85.0 (72) 19.2%
- >= -85.0 to < -60.0 (263) 70.1%
- Above -60.0 (31) 8.3%

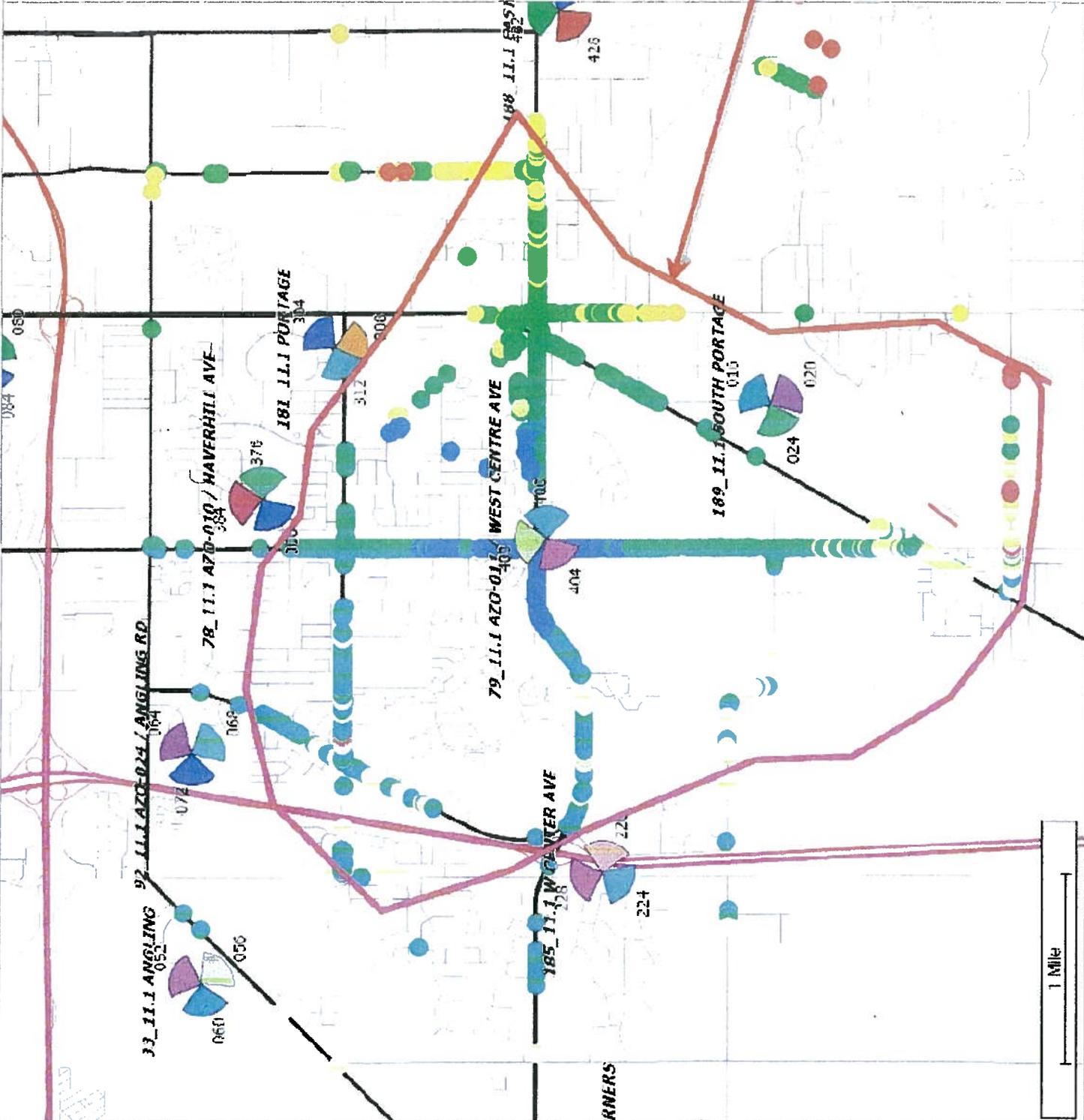
PN_Scanner_Ec_for_PN_224

- Below -105.0 (0) 0.0%
- >= -105.0 to < -95.0 (2) 0.5%
- >= -95.0 to < -85.0 (43) 11.3%
- >= -85.0 to < -60.0 (241) 63.4%
- Above -60.0 (94) 24.7%

PN_Scanner_Ec_for_PN_20

- Below -105.0 (0) 0.0%
- >= -105.0 to < -95.0 (30) 3.0%
- >= -95.0 to < -85.0 (299) 30.1%
- >= -85.0 to < -60.0 (647) 65.1%
- Above -60.0 (18) 1.8%

"Real world" coverage gap created if West Centre Ave site is not on air. Data collected using Agilent CDMA PN scanner



- PN_Scanner_Ec_for_PN_408
- Below -105.0 (0) 0.0%
 - >= -105.0 to < -95.0 (1) 0.2%
 - >= -95.0 to < -85.0 (92) 16.6%
 - >= -85.0 to < -60.0 (319) 57.6%
 - Above -60.0 (142) 25.6%
- PN_Scanner_Ec_for_PN_404
- Below -105.0 (0) 0.0%
 - >= -105.0 to < -95.0 (11) 2.5%
 - >= -95.0 to < -85.0 (124) 28.6%
 - >= -85.0 to < -60.0 (235) 54.3%
 - Above -60.0 (63) 14.5%
- PN_Scanner_Ec_for_PN_400
- Below -105.0 (0) 0.0%
 - >= -105.0 to < -95.0 (8) 1.1%
 - >= -95.0 to < -85.0 (125) 17.4%
 - >= -85.0 to < -60.0 (515) 71.1%
 - Above -60.0 (75) 10.4%

Real world coverage of existing West Centre Ave site. Data collected using Agilent CDMA PN scanner



Bark Cladding Repair Instructions

RECEIVED

FEB 10 2012

COMMUNITY DEVELOPMENT



Sabre Towers and Poles
2101 Murray Street
Sioux City, IA 51111



A Division of Sabre Industries, Inc.

Toll Free: 800.369.6690
Phone: 712.258.6690
www.SabreTowersandPoles.com

BARK CLADDING REPAIR ON MONOPOLES

(Pine bark reflected in attached pictures)

Step # 1

Start with removing (cutting) the bulge out, with either a reciprocating saw or a sharp blade; remove only enough to even out the edges into a nice transition from the skin (bark) back into the repaired area.

Step # 2

Mixing materials and ratios:

Making sure the material (6240) is not frozen (A side), both components need to be mixed together well until it turns a dark brown color.

The mixing cups (containers) will be provided and marked which one to use with what material, and how much of it to use per side.

One cup of each material at a time should be enough to start with to get the hang of adding the cabosil part of it.

For the (Cabosil) Powder Thickening agent, add enough to make the liquid material into a thick dough like consistency. Start with a little at a time then gradually add more until it becomes as thick as you can handle it.

Step # 3

Proceed to apply the thickened material onto the cleaned open area of the pole and spread it evenly at around 1" thick all over. After you've applied the material, go to the acetone and silicone bucket and dip the silicone (skin) into the acetone, then press the skin into the material, following the grain of the texture to match the existing skin(bark). Feather out around the edges with a chip brush, making sure it is really sealed to prevent water running down the pole in between the repaired area and the skin.

Let dry and proceed to paint.

Step # 4

Paint consists of 3 colors which they will be labeled by numbers and steps, the base color (burnt umber), the sponge color (raw umber) and the dry brush (highlights) color (grey) color (see photos). As with the material feather out the colored patch to make it blend in with the rest of the bark.

For any questions please call at any time : Aaron Sosa-760-685-8932-cell





Pine Branch Installation

Universal Mount with T-Arms

Definitions:

Receptor - Short pipes welded to the pole for attaching branches.

Optional Row - Row of receptors located directly above and below the universal mount. Optional rows have nine receptors welded evenly around the pole instead of staggered vertically. There should never be more than three branches attached to this row. Nine receptors are provided as an option to make it easier to determine where branches should be attached to best disguise the mount.

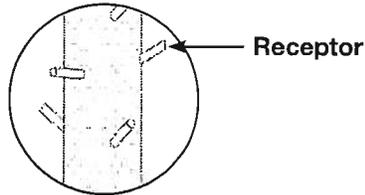
Natural Variation - Describes the shape of the tree. The goal is to attach branches of different lengths in such a manner that the "natural variation" of branch lengths mimics a natural tree.

T-arm Branch - Branches that mount between antennas directly onto the T-arm with their own brackets instead of onto the pole via receptors.

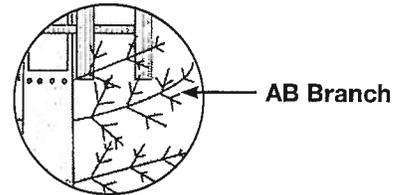
AB Branch - Designed wide with ends that curve upward. When installed the ends will curve up in front of the antennas to help camouflage them.

Snag Branch - Straight, single stem branches with no side sections. They are designed to simulate older, broken branches at the base of the tree.

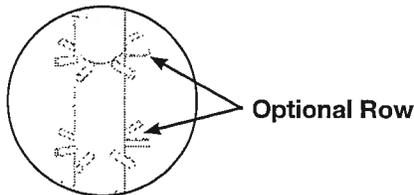
Antenna Wrap - Also referred to in the industry as "Socks". Needle tufts adhered to green plastic mesh which wraps around the antennas to help disguise them.



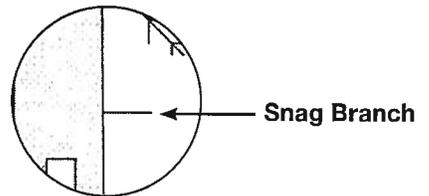
Receptor



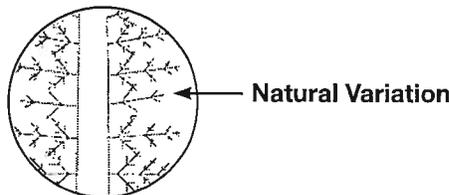
AB Branch



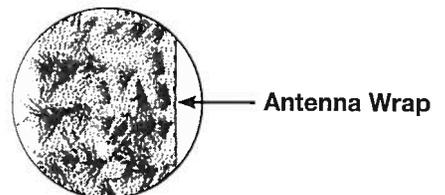
Optional Row



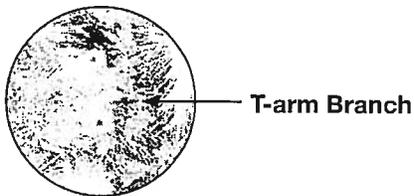
Snag Branch



Natural Variation



Antenna Wrap

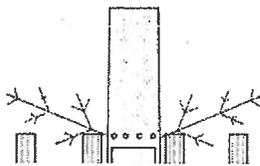
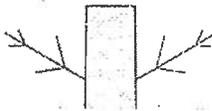
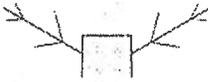
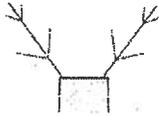


T-arm Branch

Notes for installation:

- 1** Installation of branches starts at the top of the pole
- 2** All branches must be installed curving upward
- 3** Branches are attached by inserting the end of the branch into the receptor (short pipe welded to the pole). The branch is secured with a supplied nut and bolt being placed through the predrilled hole in the branch receptor.

Drawings are not to scale with actual pole



Step 1:

Sort all branches by length before starting the branch installation. All branches are tagged individually by length.

Step 2:

Starting at the top of the pole, install one (1) 7' branch in the center receptor.

Step 3:

Install three (3) 5' branches in the receptors on the top of the pole, surrounding the 7' center branch.

Step 4:

Move down to the row of receptors just below the top plate. Install three (3) 5' branches.

Step 5:

The next row of receptors will receive three (3) 6' branches.

Step 6:

After this row is the first "optional row" of receptors. There are two (2) optional rows, and they are located directly above and below the universal mount. You can identify the optional rows by having nine (9) receptors each, welded evenly around the pole. The purpose of the optional rows is to provide an opportunity for alternate branch installation locations based on varying hardware configurations.

Install three (3) 7' branches into the top optional row. Space branches evenly around the pole using any receptor in the top optional row which will allow branch installation avoiding antennas, cables and mounts as needed.

Note: If you install more than three (3) branches in the top optional row, you will run short of branches at the bottom of the pole.

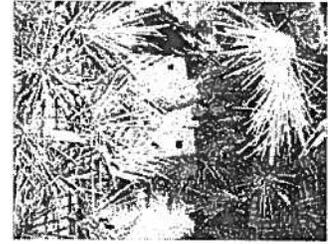
Step 7:

Install the antenna wraps at this time. Center the wrap on the face of the antenna and then fold the wrap around the sides. Using zip ties designed for exterior use, secure the wrap to the antenna on the back side.

Note: Zip ties are not supplied with wraps. Use as many zip ties as necessary, securing the wrap on all sides. If more wraps were supplied than required to cover the installed number of antennas, use remaining wraps to cover as much of the array of hardware as possible.

Step 8:

In the event the array is especially large with multiple antennas, T-arm branches may be added. If there are T-arm branches supplied they will be added in this step. They will be mounted directly to the T-arm between the antennas using their own brackets. If there are no T-arm Branches supplied, this step can be skipped.

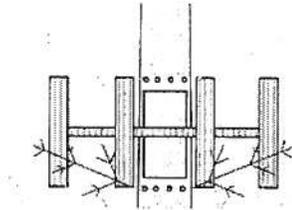


Step 9:

Install three (3) 7' branches in the bottom optional row. As with the top optional row, space the branches evenly around the pole. Use any receptor in the bottom optional row which will allow branch installation avoiding antennas, cables and mounts as needed.

Note: If you install more than three (3) branches in the bottom optional row, you will run short of branches at the bottom of the pole.

Note: There will be a total of six (6) branches used in the top and bottom optional rows.

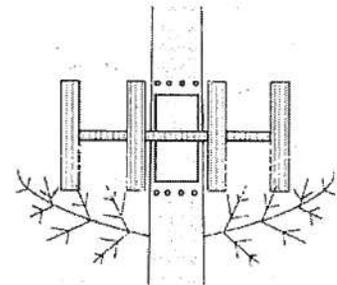


Step 10:

Install the three (3) curved AB branches so they curve upward in the row just below the bottom optional row. These branches should be installed directly under the T-arms, one per sector, and curve up in front of the antennas.

Note: In the event the array is a "hugger" configuration with single antennas mounted on 1' standoffs or even two antennas on a 1' standoff, the AB Branches may not be necessary. If AB Branches are not supplied this step can be skipped.

Note: If the pole has more than one (1) carrier, return to steps 6 through 10 for installing branches to additional optional rows.



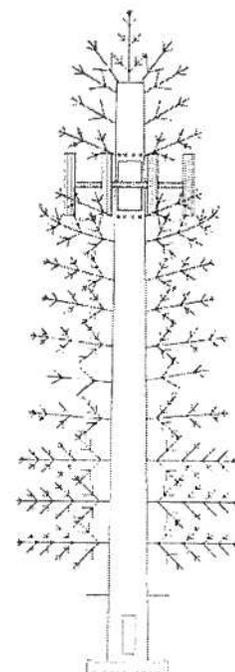
Step 11:

Read this entire step before continuing to install branches. At this point review branch inventory. **The goal the rest of the way down the pole is to create a shape having natural variation and irregularity by using branches of different lengths.**

Begin by installing a row(s) of 7' branches. Then install row(s) that alternate between 7' and 8' branches randomly. Next install a row(s) of 8' branches followed by a row(s) that alternates between 8' and 9' branches randomly. Gradually increase this pattern to the longest branch length supplied. Don't forget to install 5' and 6' branches amongst all of these rows until your inventory of those lengths is exhausted.

Snag branches will be installed in the very bottom row of receptors to simulate older, broken branches at the base of the tree.

The finished pole should gradually get wider from top to bottom, with random and natural looking variations of branch lengths.





2101 Murray Street
P.O. Box 658
Sioux City, IA 51102-0658

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Phone: 712-258-6690
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Project Number: 211096.00
Date: 2-14-12
Sheet Number: 1

Description:
Original View
Location:
Cell Site #2709R - West Centre Replacement
Portage, Michigan

Client:



NSA
Architects
Engineers
Planners

23761 Research Drive
Farmington Hills
Michigan 48335

248.477.2444
248.477.2445 fax
www.nsa-aec.com



NSA Architects Engineers Planners 23761 Research Drive Farmington Hills Michigan 48335 248.477.2444 248.477.2445 fax www.nsa-ac.com	Client: 	Description: Proposed View		Project Number: 211096.00
		Location: Cell Site #2709R - West Centre Replacement Portage, Michigan		Date: 2-14-12
			Sheet Number:	2



Project Number:	211096.00
	Date:
Description: Original View	
Location: Cell Site #2709R - West Centre Replacement Portage, Michigan	
Sheet Number: 3	

Client:



verizonwireless

NSA
A r c h i t e c t s
E n g i n e e r s
P l a n n e r s

23761 Research Drive
Farmington Hills
Michigan 48335

248.477.2444
248.477.2445 fax
www.nsa-ac.com



Project Number: 211096.00
Date: 2-14-12
Sheet Number: 4

Description: Proposed View
Location: Cell Site #2709R - West Centre Replacement
Portage, Michigan



Client: NSA
Architects
Engineers
Planners
23761 Research Drive
Farmington Hills
Michigan 48335
248.477.2444
248.477.2445 fax
www.nsa-aec.com

CITY COUNCIL MEETING MINUTES FROM JUNE 12, 2012

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

At the request of Mayor Strazdas, Councilmember Urban gave the invocation and City Council and the audience recited the Pledge of Allegiance.

The Deputy City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Jim Pearson, Patricia M. Randall and Edward J. Sackley, 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 Deputy City Clerk Adam Herringa.

APPROVAL OF MINUTES: Motion by Reid, seconded by Campbell, to approve the May 22, 2012 Special Budget Work Session and Regular Meeting Minutes and May 31, 2012 Special Meeting Minutes. Upon a voice vote, motion carried 6 to 0 with Councilmember Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Reid to read the Consent Agenda. Councilmember Sackley removed Item H.1, Greenspire Retail / Sewer Utility Connection Charges, from the Consent Agenda. Motion by Reid, seconded by Campbell, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 12, 2012:** Motion by Reid, seconded by Campbell, to approve the Accounts Payable Register of June 12, 2012. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

TENTATIVE PLAN AMENDMENT FOR OAKLAND HILLS AT CENTRE PLANNED DEVELOPMENT: Mayor Strazdas opened the public hearing and introduced Community Development Director Vicki Georgeau, who provided a detailed overview of the proposed amendment and the overall history of the Oakland Hills at Centre Planned Development. Director Georgeau emphasized the proposed changes to the plan with a particular focus on the construction of a unique cell phone tower on the development property. She discussed the reason for the selected cell phone tower design, known as the "monopine," as well as the reasons for its proposed location.

Mr. Greg Dobson of American Village Builders, AVB, spoke next and recognized representatives of the various parties involved in the Oakland Hills at Centre Planned Development that were present in the audience. Mr. Dobson reviewed the current status of the development and focused specifically on the monopine tower and why AVB is supportive of including it in their development. He also emphasized that AVB had been working with the property owner to the north, William Nuyen, and that the two parties had come to agreement on the issue of the cell phone tower as well as areas of mutual interest.

Terry Sherman, 4540 Wishing Well Court, spoke and thanked the developer and City for working to add and preserve trees in the development.

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

Motion by Sackley, seconded by Campbell, to approve the Tentative Plan Amendment for Oakland Hills at Centre Planned Development at 2275, 2301 and 2401 West Centre Avenue and 8080 Oakland Drive, subject to the conditions outlined in the April 13, 2012 Department of Community Development report.

Mayor Strazdas thanked the development team for their effort to grow the community with quality projects as well as the good communication between stakeholders in the project. He then briefly discussed the necessity, number, guidelines and maintenance necessary for cell phone towers in communities.

Attorney Brown reviewed the next steps prior to final approval of the plan amendment.

Councilmember Sackley discussed the need for communities to have widespread broadband access. He also stated that he appreciates developments that are created and implemented by those that live here and work here and strive to make their developments great assets to the community.

Mayor Pro Tem Reid recognized the overall efforts of the developer and complimented them on reaching out to the neighbor who had expressed concerns with the project.

Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Dr. Romeo Phillips, 1983 Brighton Lane, thanked Councilmember Sackley for interceding on his behalf to assist with closing the sale of his former home and being able to move into his new home in a timely manner. Dr. Phillips also thanked Daniel Foecking, City of Portage Finance Director, for taking his time on a lunch hour to personally visit Dr. Phillips in order to answer questions related to a tax matter.

Mayor Strazdas invited Nancy Vandenberg, 4646 Wishing Well Court, to come forward and address the City Council as the spokesperson for a large group of residents attending the meeting on a matter of mutual concern.

Ms. Vandenberg stated that she had contacted several City officials prior to the meeting including Mayor Strazdas, Mayor Pro Tem Reid and City Manager Evans and wondered if there was a representative of Midwest Energy present in the audience. She stated that the City and Midwest Energy were providing different stories as it relates to the cutting of trees in the Angling Road neighborhood she is representing. Ms. Vandenberg then reviewed the tree trimming practices of Consumers Energy and contrasted them with the practices of Midwest Energy which eliminated the trees in the energy company's right-of-way in her neighborhood. She emphasized that the trees that were cut provided protection from wind, snow, dirt, and especially noise pollution as a natural and beautiful barrier between their homes and U.S. 131. Her neighborhood, she stated, was changed in minutes when 150 trees were cut in a matter of minutes.

Ms. Vandenberg stated that she received a notice from the City last Friday of the impending tree cutting but woke up Monday morning to a knock on her door and the sound of chainsaws. She then reviewed a presentation, photos and brief video of the situation. In the presentation she reviewed the history of the tree plantings, emphasized the devastating effect of the cutting, the removal of a tree on Michigan Department of Transportation (MDOT) property, the removal of trees that were not located near the power lines and the future cutting plans of Midwest Energy. She also reviewed a series of questions the residents of her neighborhood would like answered. In reviewing the questions, she expressed concern about items such as differing information she said she received from Midwest Energy and the City of Portage, the planting of trees under power lines, whether Midwest Energy was following Michigan Public Service Commission (MPSC) guidelines, safety as it relates to stranded motorists seeking assistance and decreased property values. Ms. Vandenberg also expressed concern regarding gravel on the roadway, the width of the bikeway along Angling Road and potholes on the roadway. She then asked the City to protect residents from this devastating situation and continued by stating that she is deeply saddened and upset by the abrupt action taken by Midwest Energy and lack of notice.

Ms. Vandenberg then suggested that the City take steps to work with MDOT to plant new trees on the MDOT property. She requested that the City plant tall trees in this area.

Mayor Strazdas then asked if any other citizen would like to speak. Brett Vandenberg, 4646 Wishing Well Court, stated that the neighborhood has been taken back 20 years and would like an adequate replacement of the trees that were taken down.

TO: Planning Commission **DATE:** July 13, 2012
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: Final/Site Plan for Verizon Wireless (mono-pine), 8080 Oakland Drive.

I. INTRODUCTION/BACKGROUND:

A final/site plan has been submitted by Tele-Site, Inc., on behalf of Verizon Wireless, to construct a 150-foot tall telecommunications tower (mono-pine) and related site improvements at 8080 Oakland Drive. The mono-pine tower represents the second project within the Oakland Hills at Centre Planned Development (PD). The approximate 1.75 acre parcel is currently vacant and zoned PD, planned development.

As background for the Commission, the Oakland Hills at Centre PD involves a 47.6 acre tract of land currently addressed as 2275, 2301 and 2401 West Centre Avenue and 8080 Oakland Drive. The original PD rezoning/tentative plan received City Council approval in 2006 and proposed the construction of 116 attached single family residential condominiums within the interior of the property and between 30,000 and 50,000 square feet of offices in a multiple building arrangement along West Centre Avenue and Oakland Drive. In 2009, City Council granted the applicant a two-year extension to the PD rezoning/tentative plan approval and also approved the final plan for the Cole-Gavlas office building at 2301 West Centre Avenue. On June 12, 2012, City Council approved a Tentative Plan Amendment for the Oakland Hills at Centre PD that included the addition of the 150-foot tall mono-pine tower on the 8080 Oakland Drive parcel, revisions to the layout of the attached residential and office portions of the development and an updated project phasing timeline.

II. FINAL PLAN REVIEW/ANALYSIS:

The final/site plan for the Verizon Wireless mono-pine tower and related improvements has been designed in substantial conformance with the 2012 approved tentative plan amendment and Section 42-375.H (Standards for final plan). The mono-pine tower has also been designed in accordance with applicable requirements of Section 42-135, Wireless telecommunications facilities and tower ordinance. Consistent with the 2012 tentative plan amendment, the approximate 50-foot by 70-foot fenced area around the tower will be fully enclosed by a 6-foot tall decorative, solid vinyl fence and supplemental evergreen tree plantings (minimum 8-10 foot tall, spaced 10 feet on-center) will be installed along the north side of the enclosure. Additionally, the applicant will preserve the large Oak tree located west of the mono-pine tower and, to the greatest extent possible, the existing mature tree line located along Oakland Drive as shown on the 2012 approved tentative plan amendment (attached). These site development considerations will minimize the visual appearance of the mono-pine tower from adjacent properties and for motorists traveling Oakland Drive. Access to the mono-pine tower will be provided through a paved drive from Oakland Drive. This drive will be situated approximately in the center of the 8080 Oakland Drive parcel and will be converted to a full-service, boulevard entrance with subsequent phases of the Oakland Hills at Centre PD.

III. RECOMMENDATION:

The final/site plan has been reviewed by the City Administrative departments. Staff advises that the Planning Commission recommend to City Council that the Final/Site Plan for Verizon Wireless, 8080 Oakland Drive, be approved.

Attachments: Final Plan
Approved Tentative Plan Amendment (June 12, 2012)
City Council meeting minutes (June 12, 2012)

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

Motion by Sackley, seconded by Campbell, to approve the Tentative Plan Amendment for Oakland Hills at Centre Planned Development at 2275, 2301 and 2401 West Centre Avenue and 8080 Oakland Drive, subject to the conditions outlined in the April 13, 2012 Department of Community Development report.

Mayor Strazdas thanked the development team for their effort to grow the community with quality projects as well as the good communication between stakeholders in the project. He then briefly discussed the necessity, number, guidelines and maintenance necessary for cell phone towers in communities.

Attorney Brown reviewed the next steps prior to final approval of the plan amendment.

Councilmember Sackley discussed the need for communities to have widespread broadband access. He also stated that he appreciates developments that are created and implemented by those that live here and work here and strive to make their developments great assets to the community.

Mayor Pro Tem Reid recognized the overall efforts of the developer and complimented them on reaching out to the neighbor who had expressed concerns with the project.

Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Dr. Romeo Phillips, 1983 Brighton Lane, thanked Councilmember Sackley for interceding on his behalf to assist with closing the sale of his former home and being able to move into his new home in a timely manner. Dr. Phillips also thanked Daniel Foecking, City of Portage Finance Director, for taking his time on a lunch hour to personally visit Dr. Phillips in order to answer questions related to a tax matter.

Mayor Strazdas invited Nancy Vandenberg, 4646 Wishing Well Court, to come forward and address the City Council as the spokesperson for a large group of residents attending the meeting on a matter of mutual concern.

Ms. Vandenberg stated that she had contacted several City officials prior to the meeting including Mayor Strazdas, Mayor Pro Tem Reid and City Manager Evans and wondered if there was a representative of Midwest Energy present in the audience. She stated that the City and Midwest Energy were providing different stories as it relates to the cutting of trees in the Angling Road neighborhood she is representing. Ms. Vandenberg then reviewed the tree trimming practices of Consumers Energy and contrasted them with the practices of Midwest Energy which eliminated the trees in the energy company's right-of-way in her neighborhood. She emphasized that the trees that were cut provided protection from wind, snow, dirt, and especially noise pollution as a natural and beautiful barrier between their homes and U.S. 131. Her neighborhood, she stated, was changed in minutes when 150 trees were cut in a matter of minutes.

Ms. Vandenberg stated that she received a notice from the City last Friday of the impending tree cutting but woke up Monday morning to a knock on her door and the sound of chainsaws. She then reviewed a presentation, photos and brief video of the situation. In the presentation she reviewed the history of the tree plantings, emphasized the devastating effect of the cutting, the removal of a tree on Michigan Department of Transportation (MDOT) property, the removal of trees that were not located near the power lines and the future cutting plans of Midwest Energy. She also reviewed a series of questions the residents of her neighborhood would like answered. In reviewing the questions, she expressed concern about items such as differing information she said she received from Midwest Energy and the City of Portage, the planting of trees under power lines, whether Midwest Energy was following Michigan Public Service Commission (MPSC) guidelines, safety as it relates to stranded motorists seeking assistance and decreased property values. Ms. Vandenberg also expressed concern regarding gravel on the roadway, the width of the bikeway along Angling Road and potholes on the roadway. She then asked the City to protect residents from this devastating situation and continued by stating that she is deeply saddened and upset by the abrupt action taken by Midwest Energy and lack of notice.

Ms. Vandenberg then suggested that the City take steps to work with MDOT to plant new trees on the MDOT property. She requested that the City plant tall trees in this area.

Mayor Strazdas then asked if any other citizen would like to speak. Brett Vandenberg, 4646 Wishing Well Court, stated that the neighborhood has been taken back 20 years and would like an adequate replacement of the trees that were taken down.

TO: Planning Commission **DATE:** July 27, 2012
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: Supplemental Report: Rezoning Application #11-04 (expanded), East Centre Avenue between Lakewood Drive and Garden Lane – Planning Commission reconsideration

I. PREVIOUS PLANNING COMMISSION/CITY COUNCIL REVIEW:

Review of the above captioned rezoning application by the Planning Commission occurred at the April 5th, May 3rd and May 17th, 2012 meetings (refer to the attached May 11, 2012 Final Report for detailed information and analysis regarding rezoning application #11-04. After considering public comment, information provided by the applicants and the rezoning alternatives presented by staff, the Planning Commission made two separate motions during the May 17, 2012 meeting recommending City Council approve the rezoning application. However, each motion failed to receive the minimum number of votes (five) necessary for approval. The first motion involved a recommendation to rezone the properties to OS-1, except for the north 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue, which would have remained zoned R-1A (staff recommended Alternative 3). Upon a roll call vote, this motion failed 3-4. The second motion involved a recommendation to rezone the properties to OS-1, except for the north 50 feet of 801, 809, 815, 821 and 827 East Centre Avenue, which would have remained zoned R-1A as a buffer. Upon a roll call vote, this motion failed 4-3. After additional discussion, it was the consensus of the Planning Commission to forward Rezoning Application #11-04 to City Council without a specific recommendation. A copy of the May 17, 2012 Planning Commission meeting minutes is attached for Commission review.

On July 10, 2012, the City Council conducted a public hearing to consider Rezoning Application #11-04. In addition to public comment received during this meeting, City Council also considered additional information provided by the applicants and area residents. This additional information included the following documents that are also attached to this report:

- A June 11, 2012 letter from four of the applicants (Thomas Rogers, Steve Nuss, Leroy Butler, Joyce Anderson) that proposes an alternative/compromise rezoning request that would rezone the properties to OS-1, with the exception of the north 50-feet of 801, 809, 815, 821 and 827 East Centre Avenue, that would be retained as an R-1A zoned buffer;
- A July 9, 2012 Petition in Partial Opposition to Rezoning Application #11-04 signed by several area residents that proposes the properties be rezoned to OS-1 with the exception of the north 330-feet of 801 East Centre Avenue that would remain zoned R-1A and the north 50-feet of 809, 815, 821 and 827 East Centre Avenue that would be retained as an R-1A zoned buffer;
- A July 10, 2012 letter from Mr. Nuss, owner of 809 East Centre Avenue, restating his support for an alternative/compromise rezoning that would rezone his property to OS-1, with the exception of the north 50-feet that would be retained as an R-1A zoned buffer.

After further discussion during the July 10th meeting, City Council voted 4-2 to refer Rezoning Application #11-04 and the Petition in Partial Opposition to Rezoning Application #11-04 back to the Planning Commission for discussion and recommendation. A copy of the July 10, 2012 City Council meeting minutes is attached for Commission review. Following the City Council action, Mr. Thomas Rogers submitted two additional communications dated July 23, 2012 and July 17, 2012 (attached).

The required public notice (newspaper publication and resident mailing) for Planning Commission reconsideration of Rezoning Application #11-04 has been provided in accordance with State statute and a public hearing is scheduled for the August 2, 2012 Planning Commission meeting.

II. BACKGROUND:

In March 2012, Mr. Rogers approached the Department of Community Development to inquire about initiating a zoning change from R-1A, one family residential to OS-1, office service for 775 and 801 East Centre Avenue. Mr. Rogers, who is not a developer, indicated the rezoning proposal was speculative as no specific development or redevelopment project was pending. Since these two parcels are situated in the middle of the block between Lakewood Drive to Garden Lane, and similar residential parcel configurations exist in the vicinity that are also planned for future office land use, staff recommended that Mr. Rogers approach other property owners within the block to see if they were interested in joining the rezoning application. Consistent with community planning principles, the purpose of this expanded rezoning consideration was to comprehensively consider a zoning change for all the properties located along East Centre Avenue between Lakewood Drive and Garden Lane, as opposed to only a few scattered parcels located within this block. This type of expanded rezoning consideration has been accomplished with other rezoning applications and is intended to facilitate more viable and coordinated development or redevelopment options. In addition, an expanded application allows staff, the Planning Commission and City Council an opportunity to complete a comprehensive rezoning review of this portion of East Centre Avenue, as opposed to a more fragmented, piecemeal consideration. In response to this suggestion, Mr. Rogers contacted adjacent property owners and a joint rezoning application was subsequently submitted. The property owners involved in this original/joint rezoning 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, and as recommended by staff, the Planning Commission 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 and acreage, 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

III. RECOMMENDATION:

Several alternatives are available for Planning Commission consideration. Alternatives 1-4 below were presented to the Planning Commission and City Council in the May 11, 2012 staff report; Alternative 5 is a compromise proposal presented to City Council by four of the applicants, and Alternative 6 is a Petitioned in Partial Opposition alternative presented to City Council by several area residents. A description and discussion of these various alternatives is provided below, while maps that illustrate each alternative are also 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.
- 5) Recommend to City Council that Rezoning Application #11-04 be approved and all the properties be rezoned to OS-1, office service with the exception of the north 50-feet of 801, 809, 815, 821 and 827 East Centre Avenue that is to remain zoned R-1A, one family residential (Applicant compromise alternative – four applicants).
- 6) Recommend to City Council that Rezoning Application #11-04 be approved and all the properties be rezoned to OS-1, office service with the exception of the north 330-feet of 801 East Centre Avenue and the north 50-feet of 809, 815, 821 and 827 East Centre Avenue that is to remain zoned R-1A, one family residential (Petitioned in Partial Opposition Alternative - area residents).

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 Avenue 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 precise boundary of the Future Land Use Map with a combination of OS-1/R-1A zoning for 801, 809, 815, 821 and 827 East Centre Avenue. 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/challenges for office redevelopment. In addition to the shallow OS-1 zoning depth (132-feet) that would result under this alternative, these parcels are also only 66-feet in width.

Alternative 3 proposes to rezone the properties to OS-1 with the exception of the north 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue that would remain zoned R-1A. This alternative would limit the encroachment of nonresidential development into the adjacent residential neighborhood while allowing for viable office redevelopment options along East Centre Avenue. 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/challenges that may result from a parcel depth of only 132 feet. Appropriate setbacks, screening and buffering techniques would be required with any office redevelopment proposal and would be considered and implemented during the site plan review process to minimize potential adverse impacts. 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 neighborhood and existing office buildings. Finally and consistent with the Comprehensive Plan, retaining the north 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.

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. Under this alternative, appropriate setbacks and conflicting land use screening would also be required between the nonresidential and residential use to mitigate potential adverse impacts.

Alternative 5 has been presented by four of the original applicants and proposes to rezone the entire area to OS-1 with the exception of the north 50-feet of 801, 809, 815, 821 and 827 East Centre Avenue that would remain zoned R-1A. As with the applicants original request (Alternative 1), this alternative is also 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. While this option was considered by staff during the initial rezoning consideration, it was not included in the May 11, 2012 staff report for the reasons stated above. In addition, there have been cases where unbuildable “buffer” areas of residential zoning have raised concerns that such areas may be deemed a “taking” of property. In this case, however, subsequent to the May 17th Planning Commission meeting, four of the five property owners has requested this “buffer” as an acceptable compromise to the staff recommended Alternative 3.

Alternative 6, which represents a Petition in Partial Opposition presented by several area residents, proposes to rezone the entire area to OS-1 with the exception of the north 330-feet of 801 East Centre Avenue and the north 50-feet of 809, 815, 821 and 827 East Centre Avenue that is to remain zoned R-1A. This alternative is also not entirely consistent with the Comprehensive Plan designations since the north portions of 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. While the depth of the OS-1 zoning for the 801 East Centre Avenue parcel in this alternative is consistent with the Future Land Use Map, office redevelopment challenges may be encountered if developed separately given the limited parcel width (66-feet) and depth (132-feet). However, Mr. Rogers also owns 775 East Centre Avenue, which is contiguous to 801 East Centre Avenue, and these two parcels could be developed jointly for OS-1 uses. As additional information, while a single-family home may be constructed on the northern 330-feet of 801 East Centre Avenue, if the northern R-1A zoned portion were divided from the south OS-1 zoned portion of the parcel, development challenges with regard to minimum building setbacks may be encountered.

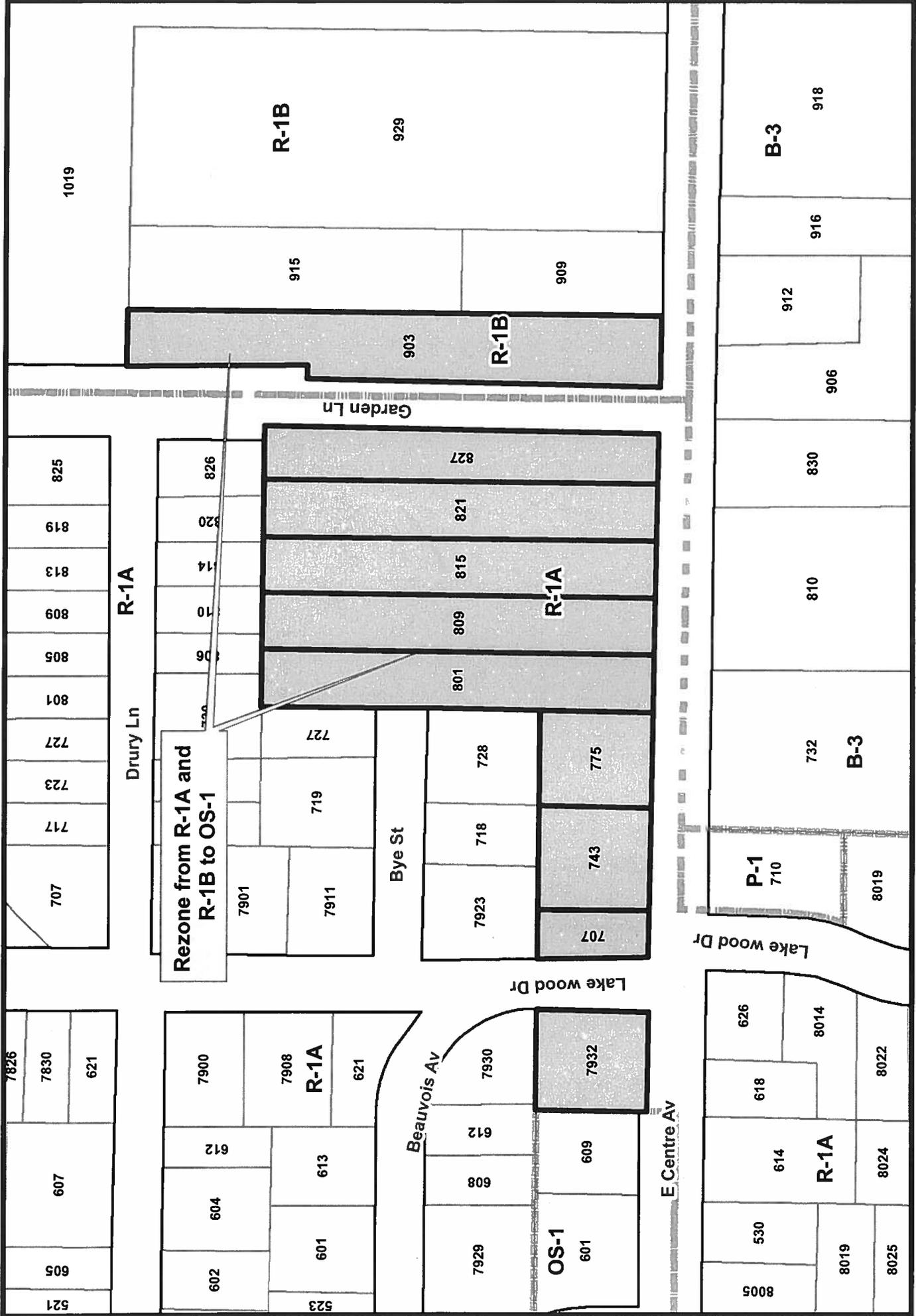
With regard to all of the alternatives presented for consideration, it is noted that office land uses adjacent to residential land uses are common throughout the city, especially along Centre Avenue, which is designated as primary office corridor in the Comprehensive Plan. In addition, potential adverse impacts from nonresidential developments are addressed through appropriate building/parking setbacks, building height limitations, screening/buffering techniques, outdoor lighting restrictions and other Zoning Code related requirements. Office land uses also typically have less impact on adjacent residential uses due to their limited hours of operation, less traffic volumes and a building style and mass similar to residential structures. As such, the Comprehensive Plan identifies offices uses as appropriate within the vicinity. However, the intent of the Plan is to limit the depth of office uses between Lakewood Drive and Garden Lane on the north side of East Centre Avenue.

Considering the site specific characteristics of this rezoning application, staff again recommends Alternative 3. This option provides the property owners involved in the rezoning reasonable office and residential redevelopment options consistent with the Plan designations. While the owners of 801, 809, 821 and 827 East Centre Avenue have questioned the viability of future residential development along the northern 198-feet of these parcels, individual single family residential homes can be constructed on the northern portion of each parcel with access from Bye Street for 801 East Centre Avenue, from Garden Lane for 827 East Centre Avenue and from East Centre Avenue (through the office zoned portion of the parcels) for 809, 815 and 821 East Centre Avenue. While individual home construction could occur under this scenario, it is recognized that residential development of this northern 198-feet would more likely occur through land assembly/division, as will likely be necessary for the proposed OS-1 zoned portion of these parcels. One example of how this land assembly/division could occur on the subject parcels is illustrated in Map 7 (attached). Such land assembly/division has been accomplished for various residential and nonresidential developments/redevelopments throughout the city.

In his July 17th and 23rd, 2012 communications, Mr. Rogers notes concerns regarding costs associated with utility extensions to serve future residential development along the northern portion of these parcels. Staff did complete research regarding both public and private utilities and previously consulted with Mr. Burns of Consumers Energy regarding both electric and gas service for these properties. As with any new construction project (residential and/or nonresidential), in addition to the cost of the land, utility extension costs including public sewer, water, electric and natural gas are typical development costs. Utility extensions are often accomplished after the land sale, and in conjunction with a specific development project, as opposed to more speculative real estate transactions.

Based on the above analysis, staff advises the Planning Commission to recommend to City Council that Rezoning Application #11-04 be approved consistent with Alternative 3 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.

Attachments: Maps 1 through 7 (Alternatives 1-6, and Potential Residential Development Option under Alternative #3)
July 10, 2012 City Council meeting minutes
July 23rd and July 17, 2012 Communications from Thomas Rogers, owner 775 and 801 East Centre Avenue
July 10, 2012 Communication from Steve Nuss, owner of 809 East Centre Avenue
July 9, 2012 Petition in Partial Opposition to Rezoning Application #11-04
June 11, 2012 Communication from Thomas Rogers, Steve Nuss, Leroy Butler, Joyce Anderson
May 17, 2012 Planning Commission meeting minutes
May 11, 2012 Department of Community Development Final Report (with attachments)



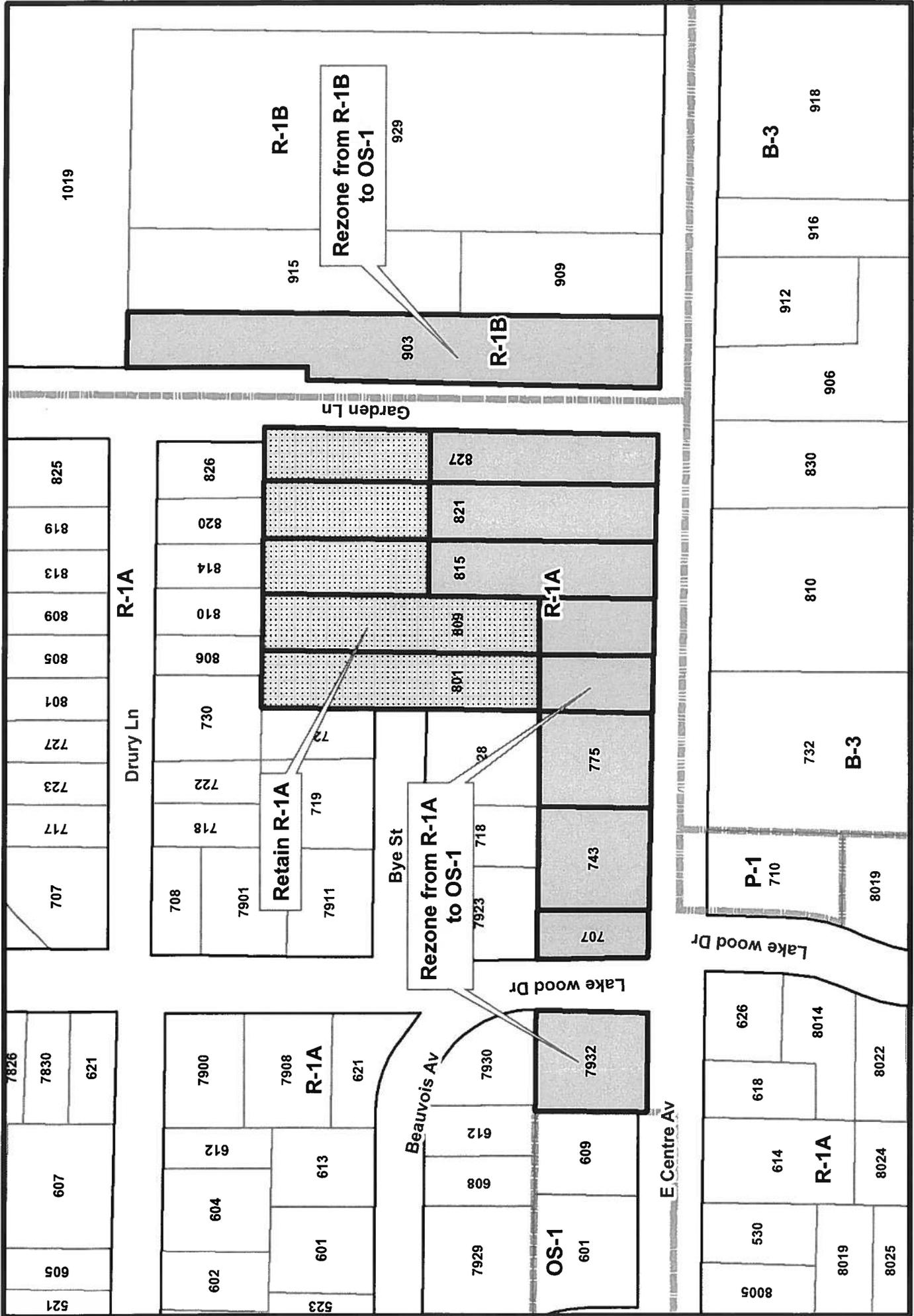
Rezone from R-1A and R-1B to OS-1

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

Proposed OS-1
 Zoning Boundary



1 inch = 150 feet

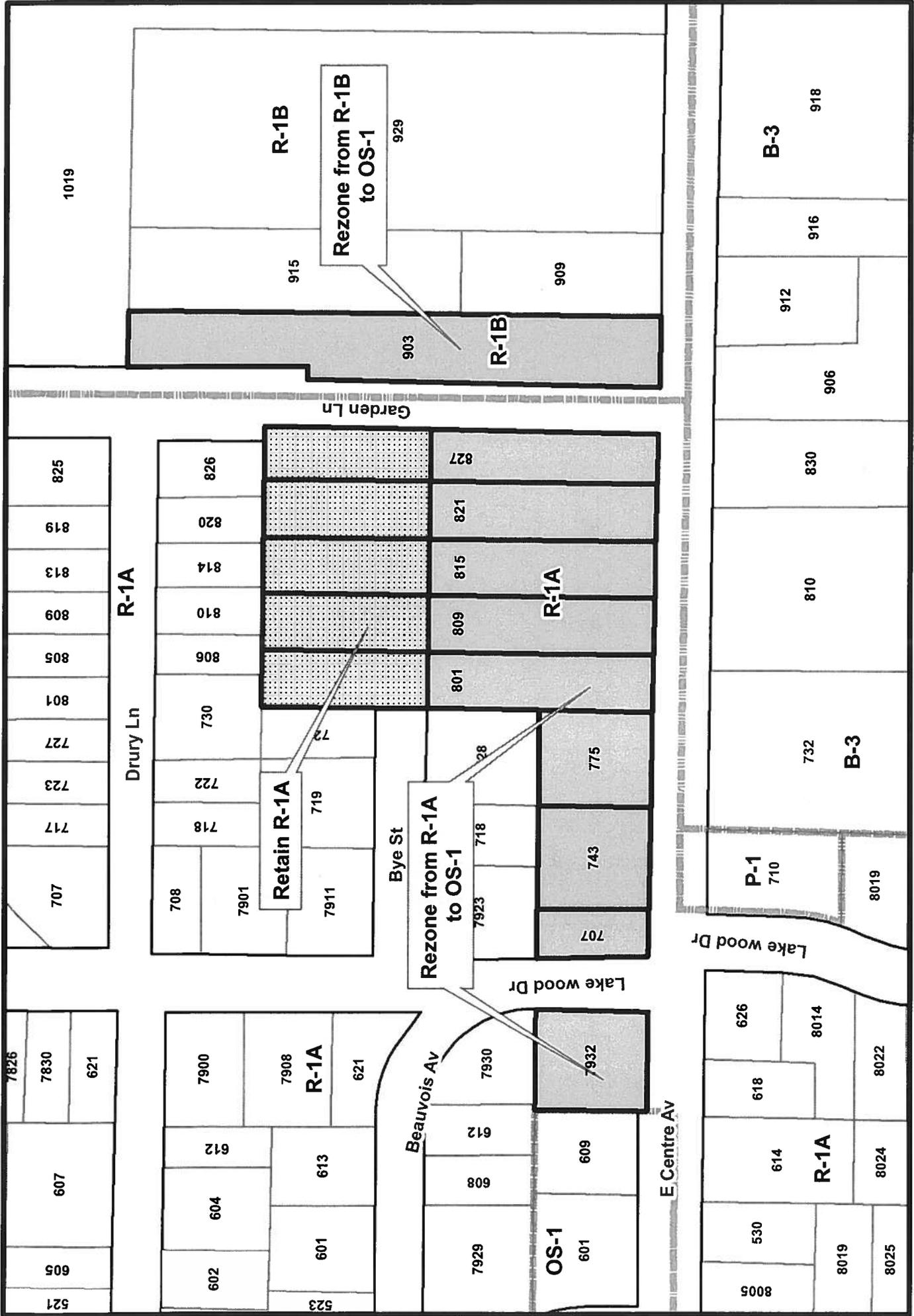


-  Proposed OS-1
-  Retained R-1A
-  Zoning Boundary

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



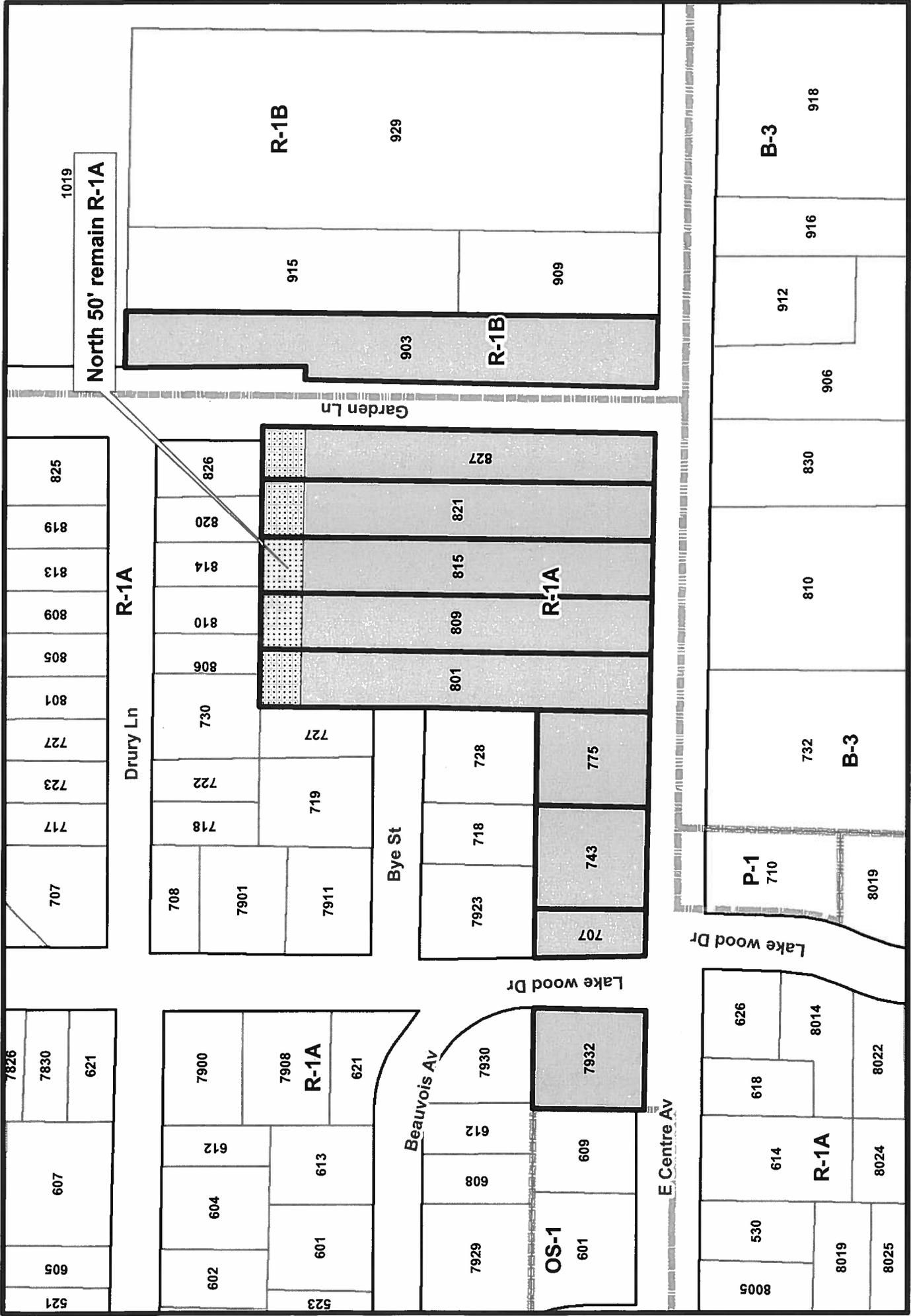
1 inch = 150 feet



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



1 inch = 150 feet



Map 5
Subject Properties Rezoning #11-04 (Alternative #5 - Applicant compromise alternative)

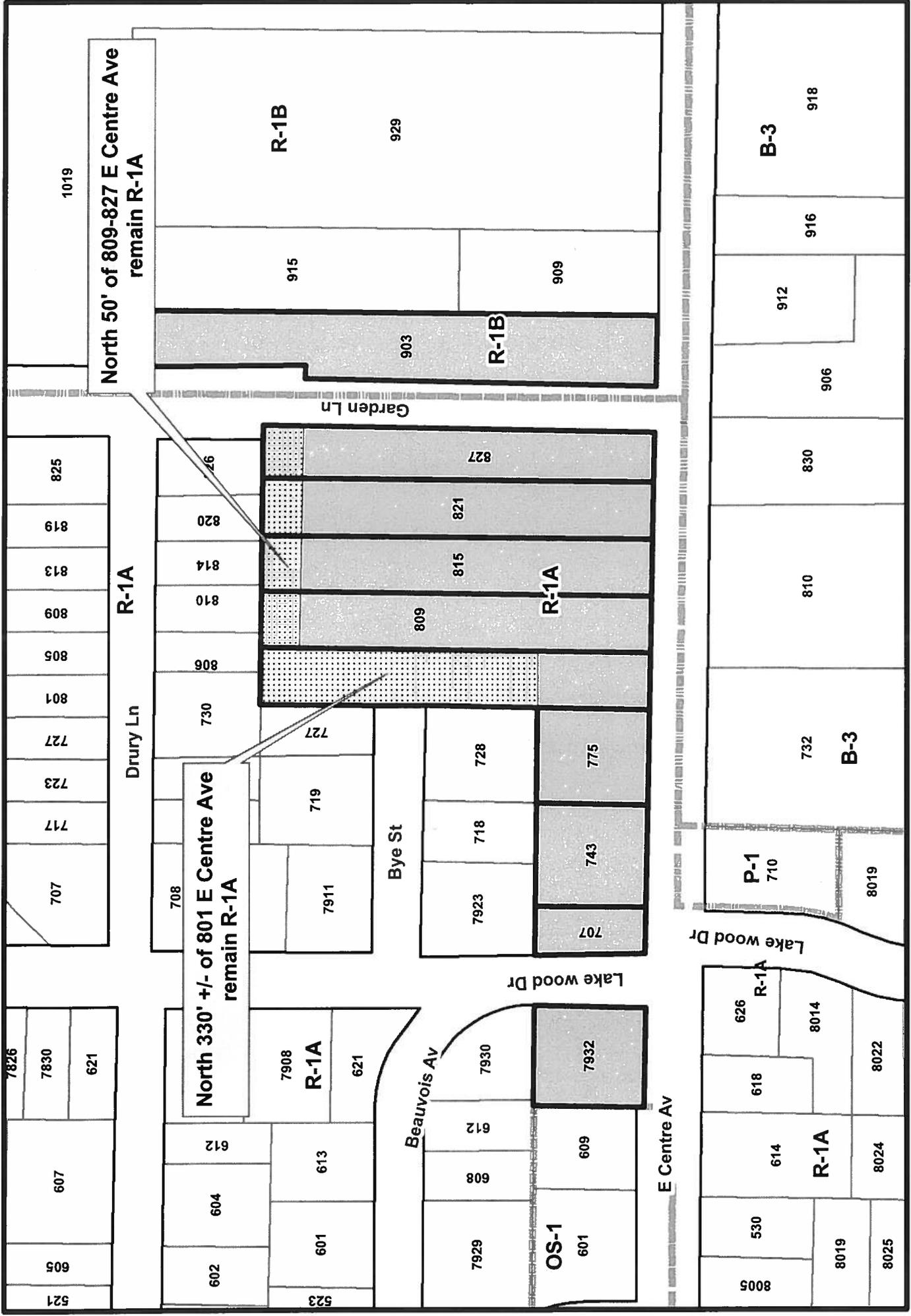
East Centre Avenue
Lakewood Drive to Garden Lane



1 inch = 150 feet



Zoning Boundary



Map 6

Subject Properties Rezoning #11-04 (Alternative #6 - Petition in partial opposition)

East Centre Avenue

Lakewood Drive to Garden Lane

1 inch = 150 feet

CITY COUNCIL MEETING MINUTES FROM JULY 10, 2012

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

At the request of Mayor Pro Tem Reid, Pastor Paul Nuechterlein of the Prince of Peace Lutheran 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 and Mayor Pro Tem Claudette S. Reid. Mayor Peter J. Strazdas was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Urban, to approve the June 26, 2012 Regular Meeting and June 27, 2012 Special Meeting Minutes. Upon a voice vote, motion carried 5 to 0 with Councilmember Campbell abstaining.

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

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 10, 2012:** Motion by Urban, seconded by Campbell, to approve the Accounts Payable Register of July 10, 2012. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARINGS:

PUBLIC HEARING FOR REZONING APPLICATION #11-05, 7812, 7840 AND 7842 PORTAGE ROAD: Mayor Pro Tem Reid opened the public hearing and introduced Community Development Director Vicki Georgeau, who noted that Rezoning Application #11-05 is a request to rezone 7812, 7840 and 7842 Portage Road 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, to P-1, vehicular parking. She outlined the location of the request, provided some history of the process and indicated that the application was originally initiated by Mike Stoddard, who plans to construct a micro-brewery/restaurant with the requisite parking as part of his plan. Discussion followed. Mayor Pro Tem Reid opened the public hearing for comment from the interested parties and citizens. There being no discussion, motion by Sackley, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Sackley, seconded by Urban, to approve Rezoning Application #11-05 and rezone 7812, 7840 and 7842 Portage Road 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, to P-1, vehicular parking. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 231 of City of Portage Ordinance Book No. 12.

PUBLIC HEARING FOR REZONING APPLICATION #11-04, EAST CENTRE AVENUE BETWEEN LAKE WOOD DRIVE AND GARDEN LANE: Mayor Pro Tem Reid opened the public hearing and Ms. Georgeau reviewed the history of the Rezoning Application #11-04 request to rezone various properties on East Centre Avenue between Lake Wood Drive and Garden Lane. She indicated that the Rezoning Application #11-04 is a request to rezone 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 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. She outlined the history of the process, the Planning Commission discussion of the options and the zoning uses of the surrounding properties and the properties assembled as a result of the request. She explained the reasoning behind each of the alternatives discussed in her communication to the Planning Commission dated May 11, 2012, and disclosed that another alternative has since been offered by the applicant, Thomas Rogers, 895 Treasure Island Drive, Mattawan, and an alternative by local residential property owners. She indicated that the staff recommendation is still Alternative 3 as stated above. Discussion followed regarding access to utilities with the use of Alternative 3, the extension of Bye Street, the proposed 50' buffer, possible compromises, the idea of having a full Planning Commission deliberation on the matter for recommendation and residential buffers as being developable.

In response to Mayor Pro Tem Reid, City Attorney Randy Brown indicated that it is his understanding that all of the properties can be developed by having access off of Centre Avenue or the other two side streets, but he hypothesized that if they could not be accessed, then he agreed that the assembly of the properties in order to make them developable is not appropriate, and he said he did not recall a time in the city's history when that was a reason to assemble properties and cause certain properties to not be developed because sometime in the future, property owners could assemble properties in order to make them developable. Councilmember Urban asked for a clarification from City Attorney Brown and Ms. Georgeau explained that residential property could access their property from the commercial property as there is no prohibition to do this even though there is a prohibition to access commercial property from a residential property, so the northern portion of the five deep lots of 801, 809, 815, 821 and 827 East Centre Avenue would not be land-locked. Discussion followed.

Councilmember Sackley pointed out that there is new information that should be placed before a full Planning Commission for discussion; that buffers on top of set backs required for a zoning district can be considered a "taking;" and, City Attorney Brown agreed that City Council could return this matter to the Planning Commission. Councilmember Pearson concurred with Councilmember Sackley to return the matter to the full Planning Commission and indicated that it is awkward to take the staff recommendation when the Planning Commission had some other ideas.

Mayor Pro Tem Reid opened the public hearing to comment from the audience and the applicant, Thomas Rogers, 895 Treasure Island Drive, Mattawan, who explained that at the behest of Mike West, he sent letters to the property owners on East Centre Avenue between Lake Wood Drive and Garden Lane asking them if they wished to join in the rezoning application. He also indicated that the owner of 903 East Center Avenue across Garden Lane found out by word of mouth and asked to join in and the Community Development Department joined four other properties in the rezoning application. Discussion followed. He spoke in favor of the request as he reviewed his progress with the process since he first placed application in February 2012 and argued for consistency in zoning. Discussion followed regarding the options available to City Council when considering rezoning one, some or all of these properties to be rezoned. City Attorney Brown answered some of the concerns by indicating that the Planning Commission can add a rezoning to an application; an applicant can request to be separated from the assembly, but it is not a right; withdrawal is an option; and sending the matter back to the Planning Commission could solve some of these issues as it will be back to City Council in a different form. Discussion followed. City Attorney Brown said that the City Council could rezone the parcels owned by Mr. Rogers, but he expressed his concern that if City Council denies the other requests, there should be a real clear basis why one applicant is being granted and the others are being denied. Discussion followed.

Bryan Mohny, 7911 Lake Wood Drive, filed a Petition in Partial Opposition to Rezoning Application #11-04, asked for protection of the neighborhood, spoke in favor of the 50' buffer and Alternative 3.

Leroy Butler, 821 East Centre Avenue, spoke in opposition to splitting the properties and spoke in favor of the application as presented.

Craig Binder, 743 East Centre Avenue, is neutral with respect to the application and expressed an interest in keeping residential access on Bye Street and a concern for any increase in traffic that would follow a rezoning.

Lucinda Owen, 826 East Centre Avenue, asked whether a fence could be placed to separate the property zoned office from the property zoned residential and, in answer to Councilmember Urban, she indicated that she is still interested in her property being rezoned, but only if her property value would increase.

There being no more discussion, motion by Sackley, seconded by Campbell, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

In response to Mayor Pro Tem Reid, Ms. Georgeau indicated that a 10 foot buffer is required to separate residential property from commercial uses with 6 feet of opaque screening that can be a fence, a wall or landscaping or a combination and is addressed during site plan review. In answer to her question regarding whether rezoning from residential to office increases or decreases the value of property, Ms. Georgeau deferred to the City Assessor for the best answer, but did indicate that generally, depending upon the facts and circumstances, rezoning from residential to office probably increases the value of property. Finally, Ms. Georgeau responded that there is nothing to preclude some type of assembly of properties as it may be necessary to develop a site, but each of the properties could still nevertheless be developed as individual entities and stand alone. She also indicated that the largest building on these 5.8 acres is 63,000 square feet, but the probability is that several smaller buildings of 2,000 to 5000 square feet would be built. In answer to Mayor Pro Tem Reid's question of whether the Planning Commission was considering these properties for the development of a large office complex or for individual offices, Ms. Georgeau answered they appeared to be considering both of these options. Discussion followed regarding the depth of the properties on East Centre Avenue.

Councilmember Sackley asked Ms. Georgeau whether she had a sense of whether the Planning Commission might be in a better position to re-engage in this discussion with all of the additional information and whether it would be a good use of Planning Commission time and staff time. Ms. Georgeau answered that it is hard to determine what they might do with the additional information. Discussion followed regarding the 50 foot buffer.

Councilmember Urban indicated that he is not supportive and is prepared to have the discussion now and Councilmember Randall concurred. Discussion followed regarding the amount of extra time it would take and Ms. Georgeau indicated that it could be handled in one meeting instead of two meetings, so it would take 30 to 45 days or less.

At the request of Mayor Pro Tem Reid, City Clerk James Hudson referred to the Petition in Partial Opposition to Rezoning Application #11-04, and indicated that the six property owners of the neighborhood affected by the rezoning request in opposition to the rezoning of 801, 809, 815, 821 and 827 East Centre Avenue constituted nine percent (9%) of the owners of the area of land included in the proposed zoning change and seventeen percent (17%) of land included within an area extending outward one hundred feet (100') from any point on the boundary of land included in the proposed change, excluding right-of-way or other publicly owned land. He concluded that a two-thirds vote of City Council is not required to pass the amendment. Discussion followed.

Motion by Sackley, seconded by Campbell, to refer Rezoning Application #11-04 and the Petition in Partial Opposition to Rezoning Application #11-04 received by the City Clerk on July 9, 2012, back to the Planning Commission for discussion and recommendation. Discussion followed. Upon a roll call vote, motion carried 4 to 2. Yeas: Councilmembers Sackley, Campbell and Pearson and mayor Pro Tem Reid. No: Councilmembers Urban and Randall.

REPORTS FROM THE ADMINISTRATION:

- * **2012 LOCAL STREET PAVING RECONSTRUCTION – ADDITIONAL STREET RECOMMENDATIONS:** Motion by Urban, seconded by Campbell, to approve a change order in the not to exceed amount of \$431,600 for additional street reconstruction at extended unit pricing with Michigan Paving & Materials Company for the 2012 Local Street Reconstruction Program; a contract amendment with Jones & Henry Engineer, Ltd, for construction administration and material testing for the streets added to the 2012 Local Street Reconstruction Program in the not to exceed amount of \$16,000; and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

- * **UPGRADE OF EMERGENCY WARNING SIREN SYSTEM:** Motion by Urban, seconded by Campbell, to approve the acquisition and installation of equipment necessary to upgrade the emergency warning siren system through West Shore Services in the amount of \$30,483 and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

- * **VERIZON WIRELESS MOBILE PHONE/DATA SERVICE AGREEMENT:** Motion by Urban, seconded by Campbell, to approve the cancellation of the current Sprint Solutions contract for mobile phone/data service; approve the Verizon Wireless mobile phone/data service agreement; and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

- * **AMENDMENT TO CODE OF ORDINANCES - PURCHASING:** Motion by Urban, seconded by Campbell, to adopt the amendment to Article 5, Finance, Division 2, Purchases and Sales, Section 2-171, Purchasing procedures; bids generally; 2-173, Change orders to construction contracts; and 2-175, Sale of personal property in the City of Portage Code of Ordinances. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 231 of City of Portage Ordinance Book No. 12.

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

Portage Youth Advisory Committee of May 21, 2012.
Portage Planning Commission of June 21, 2012.

BID TABULATIONS:

- * **CURBSIDE RECYCLING CONTRACT - RECOMMENDATION:** Motion by Urban, seconded by Campbell, to award a three-year contract for the provision of weekly curbside recycling services to the low bidder, City Star Services, LLC, dba Republic Services of West Michigan, in the not to exceed amount of \$1,563,413.88 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.

*** POLICE FACILITY CONCRETE SIDEWALK AND STAIR REPLACEMENT:**

Motion by Urban, seconded by Campbell, to approve the expenditure for repairs to a portion of the concrete sidewalk and stairs along the northwest corner of the police facility to Schoolcraft Concrete Construction, LLC, of Schoolcraft, Michigan, in the amount of \$18,000 and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Campbell thanked those who attended and worked the July 4th Fireworks Display, especially Councilmember Pearson, Mayor Pro Tem Reid, Dick Wilson and John Beebe for their hard work.

Councilmember Sackley touted the Portage Walking, Running Bike Trail System since he was home from the July 4th Fireworks Display in less than five minutes using his bicycle.

Councilmember Urban admitted that the automobile traffic at the July 4th Fireworks Display was tough, but biking was not an option for him and his two young daughters. He expressed pride in representing Mayor Strazdas at the Boy Scout Court of Honor for five Eagle Scouts from Troop 244.

Councilmember Sackley warned of a planned solicitation disclosed in a letter from the Vice President and General Manager of American Water Resources of Michigan for water and sewer line protection coverage and his e-mail discussing protection coverage for water lines only and implored Tom Haroldson from mLIVE and John McNeal from WKZO to provide information to the public on this and asked the City Administration to look into this matter on behalf of Portage citizens as to whether a third party is legally able to notify our residents of their legal responsibilities with respect to utilities that pass across their property and are connected to the city system.

Councilmember Pearson indicated that Councilmember Campbell understated what she did to make the July 4th Fireworks Display a success and that the Portage Rotary sponsors the July 4th Fireworks Display and the City of Portage does not pay for the fireworks and expressed his appreciation to the Portage businesses who contributed to the effort.

City Manager Evans asked that Portage citizens be cautious if being solicited by the American Water Resources of Michigan Company, announced the Open House on the Angling Road tree plan, Wednesday, July 25, 2012, from 6:30 to 8:30 p.m. in City Council Chambers and announced that Devin Mackinder, Director of Technology Services and Community Marketing, be recognized for receiving the International Academy of Communication Arts Award for the City of Portage website.

Mayor Pro Tem Reid stated that she realized how very good the website of the City of Portage is when looking at another city for a house in Northern Michigan where her daughter's husband recently accepted employment and expressed her appreciation for the July 4th Fireworks Display.

ADJOURNMENT: Mayor Pro Tem Reid adjourned the meeting at 9:31 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

James Cheesebro
Chairman Portage Planning Commission
7900 S. Westnedge Ave.
Portage, Mich. 49002

July 23, 2012

RECEIVED

JUL 24 2012

COMMUNITY DEVELOPMENT

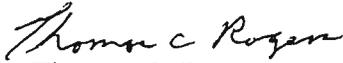
Dear Planning Commissioners:

I was able to call Consumers Energy to get the name & telephone # of the engineer I spoke with regarding the lack of electrical service currently available to my 801 E. Centre Lot from Bye St.

Mr. Jessie Burns, whose direct line is (269) 337-2311.

Hopefully someone from the city will call him to confirm this.

Regards,



Thomas C. Rogers

OS-1 Zoning Applicant

cc: Vicki Georgeau, Director of Community Development

James Hudson, Portage City Clerk

July 17, 2012

RECEIVED

JUL 18 2012

COMMUNITY DEVELOPMENT

James Cheesbro
Chairman Portage Planning Commission
7900 S. Westnedge Ave.
Portage, MI 49002

Dear Planning Commissioners:

I started my quest to rezone my property back in February 2012 by visiting with Michael West, Assistant City Planner. He suggested things would move faster if we checked with the neighbors to see if they wanted to join my application. Things are not proceeding as planned on my application dated 3-12-2012 to rezone my parcels at 775 and 801 E. Centre Avenue from R-1A Residential to OS-1 Commercial. I feel that several more points or questions were raised at the Public Hearing with City Council July 10, 2012.

1. Near the end of July 10th Hearing, Vicki Georgeau, Director of Community Development, stated that she believed that the Planning Commission could have one Public Hearing for the review of the issues before sending it back to council. Last week Assistant City Planner, Michael West, told me that a new Planning Commission Public Hearing would be August 2, 2012, but it was his understanding that we would have to “start from scratch all over again”, meaning more than one hearing. I am also concerned about getting all 8 active Planning Commissioners to this August 2nd hearing so that we may have the 5 votes needed to send your recommendation back to City Council who voted not to take action until you make a recommendation.

2. I am also concerned about the personal questions that I received from City Council, referring to me as “the developer”. Asking if I owned or have any interest in any of the other properties in the rezoning application to OS-1, and was I prepared to have council take action on my property by itself that night.

I am not a developer and do not own or have any interest in the other applicant’s properties. I had never had any real interaction with any of my co-applicants until my March 2012 letter was sent. I have only been through the rezoning process once in my life for the property located at 1316 E. Centre, which happened last year with you. I can only think of two possible reasons why this came up:

- A. The Planning Commissions minutes from April 5, 2012 do not make mention of Michael West stating why he asked me to contact my neighbors along Centre Avenue between Garden Lane and Lakewood Street to see if they wanted to join my application for rezoning to OS-1 (the DVD does capture Mr. West’s statements). Apparently someone told the Council that I was placing options on a city block! (See Mr. West’s letter dated 3-1-12 and my letter dated 3-8-12).
- B. Or they may have looked at the abbreviated City Tax Title of Record which should say “Michigan Commerce Bank FBO (For the Benefit Of) Thomas C.

Rogers – Roth IRA”. Someone may have thought that there were some big bank dollars behind a large development.

Michigan Commerce Bank in Holland, Michigan is the custodian for a special form of self-directed Roth IRA that for a monthly fee allows me to purchase real estate I choose to invest in, instead of stocks or bonds. I cannot write checks from this account, so that is why the check for \$825.00 with my rezoning application comes from a bank check from Michigan Commerce Bank (see attached copy of check).

I purchased the home at 801 E. Centre Avenue as a stand alone property that could be converted to OS-1 per the City’s Comprehensive Plan. Since purchasing this home built in 1917, on June 30, 2011, I have invested over \$50,000 in renovations (new vinyl windows, foamed insulation overhead and blown insulation in the walls, all new flooring on two levels, new appliances plus kitchen cabinets, re-plastered first level and re-drywalled upper story, hooked up to City Water and added a new wheel chair ramp, etc.).

Commissioner Dargit says she wants to preserve the old neighborhood flavor and suggested “the work/live” or “mixed use overlay” could be extended to cover this area. I completely agree and have talked with at least 3 (home based) potential businesses looking to relocate to OS-1 so that they can have outside signage on a major thoroughfare. They currently own a photo studio, interior design studio and a beauty salon, which they wish to grow.

3. I am concerned with the addition of four properties that were added to our rezone application who have not stated that they wanted to be rezoned to OS-1, nor have they paid a fee to join into this process. Two of these property owners at 707 and 743 E. Centre have signed a protest petition dated July 9, 2012 that could require a 2/3 vote of City Council to pass any rezoning measure. Bryan Mohny at 7911 Lakewood and Vickie Kreamalmeyer at 707 E. Centre, who signed this protest petition would not be eligible to sign this petition because they are not within 100 feet of our original applicants properties. Mr. Mohny is the only one to speak out against rezoning at all three public hearings to date (see attached petition).

By including these four extra parcels, we have heard wild claims that “a developer” could place a structure from 250,000 SF to 66,000 SF which is not helping the paying applicants at all. I am asking the city staff and Planning Commission to recommend limiting of the OS-1 rezoning to those who applied, paid the required fees, and made their wishes to have their property rezoned known.

4. As the primary applicant, paying the \$825 fee, I am opposed to the Alternative #2 and #3, which established a new R-1A residential lot taking 43% of 801 E. Centre as a buffer between OS-1 and the existing R-1A neighbors.

A. The well established reality that Centre Avenue is a commercial thoroughfare and your Planning Commission has approved many zoning applications of property owners with greater depth than 132 feet or 264 feet and more intensified zoning than OS-1 abutting R-1A residential property, up and down Centre Avenue. Case

in point is the rezoning of my property at 1316 E. Centre from R-1A to B-1, which was 290 feet deep abutting a residential property with no added buffer.

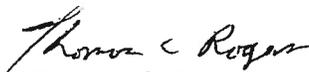
- B. The rear R-1A lot created by a split zoning of my 801 E. Centre currently has no electrical power available to it according to the engineer from Consumers Energy. According to Vicki Georgeau's statements at the July 10th Public Hearing, it would cost approximately \$7,500 to provide a sewer tap to access City Sewers with no City Water available to me. The total cost to bring the utilities to service a home on my lot would exceed \$15,000. In discussing the possibility and "market value" of this lot with two Realtors, they both said that they would list it for no more than \$15,000 but, sewer and electric service would have to be in place before they would take a listing. I feel that this Commission would be recommending creating a lot with no actual value as a buffer for adjacent residential lots, taking away value I might have received for my property under Alternative #1.
- C. SEC.42-240 Intent Of City Ordinance.

"The OS-1 Office Service District is designed to accommodate office and institutional land use activities and planned to serve as a transitional area between residential districts and commercial districts and between major thoroughfares and residential districts." Ms. Georgeau's April 27, 2012 letter to you stated, "Portage's Comprehensive Plan/Future Land Use Plan identifies Centre Avenue as one of two primary office corridors and states that offices are an important 'transitional' use between higher intensity uses and major streets and interior residential neighborhoods."

She and Christopher Forth have stated that future zoning overlay is not "parcel specific", meaning you have some discretion to allow zoning boundaries to conform to existing lot lines and not have to do split zoning of my 801 E. Centre parcel. I believe that Chairman Cheesebro stated "there is a 2% chance of development of these back R-1A lots you would potentially create.

In summary, as was stated in the June 11, 2012 letter to City Council, I am asking that Alternative #1 with a 50 foot Buffer Zoned R-1A along the north end of 801 E. Centre be your recommendation to City Council.

Highest Regards,



Thomas C. Rogers
OS-1 Zoning Applicant

cc: Vicki Georgeau, Director of Community Development
James Hudson, Portage City Clerk

** MARKED UP BY TOM RICARDS*

With 801, due to the large Western frontage into the neighborhood, we would ask that only the southern portion, equal to the depth of parcel 775, be allowed to rezone to OS-1. This is consistent with the city's future land use plan. In fact, from the future land use map, it appears that the zoning of parcel 809 is split across the same line. Since 801 and 755 are owned by the same owner and the back portion of 801 would have access to Bye Street, we feel that the owner could sufficiently use the Centre Street portion for office while leaving the northern portion zoned as R1-A.

We the undersigned, petition the Portage City Council to consider these recommendations, and refrain from passing this rezoning as it stands. We realize that the 801, 809, 815, 821, and 827 parcels are only 66 feet wide, and there is a high chance down the road that a larger development combining these deep parcels will occur. Please help the residents protect its neighborhood.

	Name (Please Print)	Address	Signature	Date
1	DOUGLAS CHAMPAGNE	728 BYE ST	<i>Douglas Champagne</i>	7/7/12
2	Bryan Mohney	7911 Lakewood Dr.	<i>B. Mohney</i>	7/7/12
3	Nikole Kwanne Meyer	707 E. Centre Ave	<i>NK</i>	7/7/12
4	Joanie Patterson Joanie Patterson	730 Drury	<i>Joanie Patterson</i>	7-7-12
5	Tim Vander Bor	718 RTE	<i>Tim</i>	7-7-12
6	CRAIG BINDER	743 E. CENTRE	<i>Craig Binder</i>	7/8/2012
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* NOTE: Joanie Patterson also owns 722 Drury Lane and 806 Drury Lane in addition to 730 Drury Lane.

✓ = PROPERTY OWNERS ADD TO REZONING REQUEST BY STAFF, BUT SIGNED PROTEST PETITION.

[Signature]
7/9/12

○ = PROPERTY OWNERS WHO LIVE OUTSIDE 100' RADIUS OF ORIGINAL REZONING AREA.

THIS DOCUMENT HAS INVISIBLE FLUORESCENT FIBERS - VIEW UNDER BLACKLIGHT

 MICHIGAN
COMMERCE BANK
240 E 8th ST.
HOLLAND, MI 49423

87-427/843

55375

TRUST ACCOUNT

DATE 03/09/2012 AMOUNT \$825.00

PAY ***Eight Hundred Twenty Five dollars and 00/100***

TO THE ORDER OF CITY OF PORTAGE


AUTHORIZED SIGNATURE

DOCUMENT CONTAINS A COLORED BACKGROUND AND MICRO-PRINT SIGNATURE LINE (MAGNIFY TO VIEW)

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TRUST DEPARTMENT • MICHIGAN COMMERCE BANK • 240 E. 8th ST. • HOLLAND, MI 49423

55375

ROGERS, THOMAS

138800

03/09/2012

\$825.00

CITY OF PORTAGE

55375

REAL ESTATE EXPENSE

801 & 775 E CENTRE, PORTAGE, MI

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,

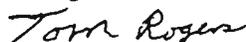
I own the home at 801 E. Centre and adjacent lot at 775 E. Centre. The City Of Portage Master Plan shows the future zoning of our properties to be designated as OS-1 (Commercial Office/Service). I am preparing to rezone the property I own next door to you from R-1A (Residential) to OS-1 (Commercial Office/Service). 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

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

s:\commdev\2011-2012 department files\planning files\miscellaneous\2012 03 01 mkw non-conforming use regulations, 801 east centre.doc

RECEIVED

JUL 11 2012

COMMUNITY DEVELOPMENT

July 10, 2012

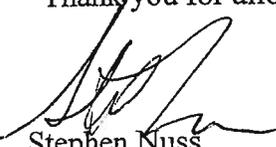
Portage City Council

I Stephen Nuss owner of the property at 809 E. Centre would like to express my concerns about the rezoning of my property and the adjacent properties. As a Realtor for 39 years and owner of investment properties, it is my opinion that dividing the zoning with the front being zoned for office use and the back as residential does not seem like a good option for the owners. I think that to develop three or four residential sites behind the office zoned properties would be very costly. I also feel that the location would not be very desirable, which would make these less saleable than competing homes in the Portage area, especially with the development costs adding to this.

I understand that there may be some of the people in the neighborhood that have concerns also. This is why I would be in favor of a 50 foot buffer zone at the north end of the properties. This seems like a very good compromise, considering that office zoning should not create noise or pollutant issues for the people in the residential area.

If the Council should decide to split the zoning, I would like to have my property withdrawn and leave it as R1. I think my property is very vulnerable to be land locked in the future if the zoning is split.

Thank you for allowing me to express my views.



Stephen Nuss

To: Portage City Clerk

Subject: Proposed Ordinance to amend Article 4 of Chapter 42 of the Codified Ordinances of Portage, Michigan

Tract of land located in Section 15, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

Street Address	Parcel ID Numbers
7932 Lakewood Dr	04200-179-O
707 East Centre Ave	04200-181-O
743 East Centre Ave	04200-182-A
775 East Centre Ave	04200-184-O
801 East Centre Ave	00015-365-O
809 East Centre Ave	00015-370-O
815 East Centre Ave	00015-375-O
821 East Centre Ave	00015-380-O
827 East Centre Ave	00015-385-O
903 East Centre Ave	00015-465-O

Are proposed to change from R-1A, one family residential and R-1B, one family residential to OS-1, office service, or any other classification allowed by law.

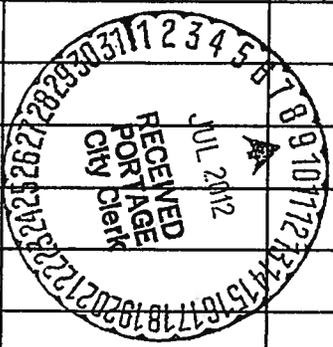
As members of the neighborhood affected, we are concerned about this proposal, and the impact it will have on the quality of life in our neighborhood. Although the changes proposed for 7932, 707, 743, 775, and 903 are consistent with the City's future land use map, we do not feel 801, 809, 815, 821, and 827 are. Pursuing the key recommendation from the City's Comprehensive Plan to "Protect stable neighborhoods from intrusive land uses and motor vehicle traffic", we would ask the Council to adjust the size of OS-1 rezoning of these parcels to protect against commercial land use penetrating too deeply into our neighborhood. We would ask as a compromise to allow 801, 809, 815, 821, and 827 to have OS-1 rezoning, with the following restrictions:

809, 815, 821, and 827 would have a minimum of 50 feet of R1-A buffer to the North to protect neighbors on Drury Lane as they did not expect to have commercial neighbors when originally purchasing their properties.

With 801, due to the large Western frontage into the neighborhood, we would ask that only the southern portion, equal to the depth of parcel 775, be allowed to rezone to OS-1. This is consistent with the city's future land use plan. In fact, from the future land use map, it appears that the zoning of parcel 809 is split across the same line. Since 801 and 755 are owned by the same owner and the back portion of 801 would have access to Bye Street, we feel that the owner could sufficiently use the Centre Street portion for office while leaving the northern portion zoned as R1-A.

We the undersigned, petition the Portage City Council to consider these recommendations, and refrain from passing this rezoning as it stands. We realize that the 801, 809, 815, 821, and 827 parcels are only 66 feet wide, and there is a high chance down the road that a larger development combining these deep parcels will occur. Please help the residents protect its neighborhood.

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* Note: Joanie Patterson also owns 722 Drury Lane and 806 Drury Lane in addition to 730 Drury Lane.

[Signature]
7/9/12

**FIRST READING
CITY OF PORTAGE, MICHIGAN
NOTICE**

**TO THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND
ALL OTHER INTERESTED PERSONS.**

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on June 12, 2012, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on July 10, 2012, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Parcel of land described as follows:

Tract of land located in Section 15, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

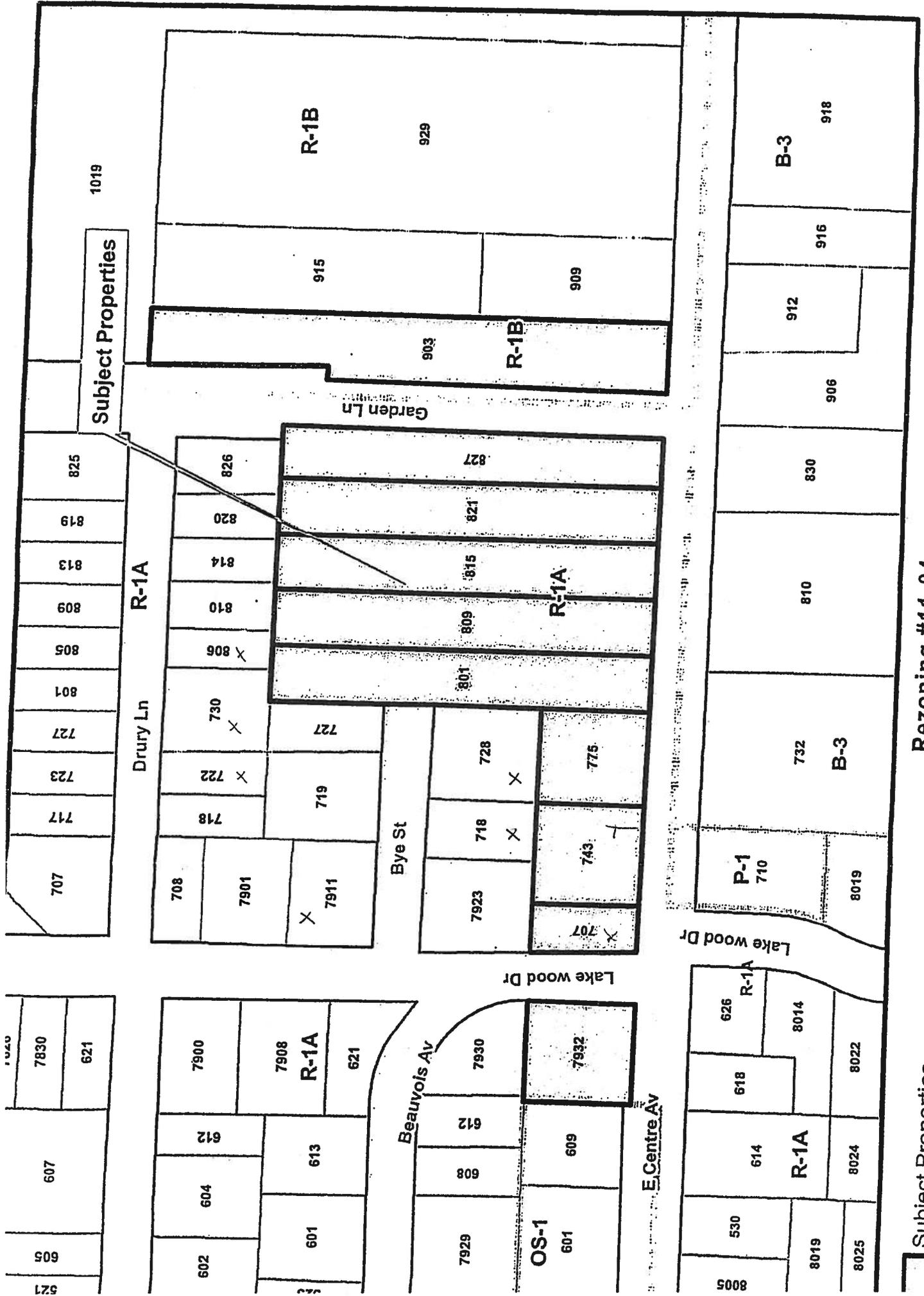
<u>Street Address</u>	<u>Parcel ID Numbers</u>
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707 East Centre Avenue	04200-181-O
743 East Centre Avenue	04200-182-A
775 East Centre Avenue	04200-184-O
801 East Centre Avenue	00015-365-O
809 East Centre Avenue	00015-370-O
815 East Centre Avenue	00015-375-O
821 East Centre Avenue	00015-380-O
827 East Centre Avenue	00015-385-O
903 East Centre Avenue	00015-465-O

From R-1A, one family residential and R-1B, one family residential to OS-1, office service, or any other classification allowed by law.

PLEASE TAKE FURTHER NOTICE that if the owners of at least twenty percent (20%) of the area of land included in the proposed zoning change, or if the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred feet (100') from any point on the boundary of the land included in the proposed change, excluding public right-of-way or other publicly owned land, file a written protest petition against the proposed amendment presented to the City Council before final legislative action on the amendment, a two-thirds vote of the City Council will be required to pass the amendment.

Dated: June 20, 2012


Adam Herringa, Deputy City Clerk



Subject Properties

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

Subject Properties
 Zoning Boundary



June 11, 2012

City Council, City of Portage
7900 S. Westnedge Ave.
Portage, MI 49002

Dear City Council Members:

At the May 17th Public Hearing, the Portage Planning Commission debated the merits of the 4 alternative recommendations of the Department of Community Development.

The Planning Commissioners focused on Alternative #1 and #3. They voted 3 to 4 against Alternative #3 which called for the northern 198 feet of 801, 809, 815, 821 and 827 E. Centre Ave. to remain zoned R-1A, One Family Residential.

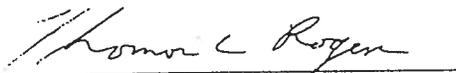
We, the original applicants request the re-zoning of 801, 809, 821 and 827 E. Centre Ave. and are opposed to leaving 5 lots each 198 feet x 66 feet R-1A which are mostly land locked and do not have easy access to water or sewer. Consumers Energy says there is no secondary power available from Bye St. or Garden Lane so a new source of primary electric service would have to be brought to this area "at considerable cost".

The burden of coordinating 5 separate owners to pay for infrastructure/utilities to create residential lots adjacent to OS-1 is of little to no value and would be the taking of 43% of our land to serve as a buffer to the adjacent neighborhood.

As Planning Commissioner Rick Bosch stated "I see a 2% chance of these lots ever being developed" and Chairman James Cheesebro concurred with Commissioner Bosch.

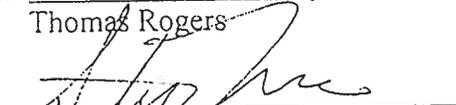
Although we would prefer Alternative #1 calling for our total parcel to be re-zoned OS-1, we believe the Modified Version of Alternative #1, adding a 50 foot R-1A Zone Buffer on the north end of our lots, (which received a 4 to 3 vote in support from the planning commission) is a fair and reasonable compromise which we support. We ask the City Council to support this option.

Highest Regards,



Thomas Rogers

801 E. Centre



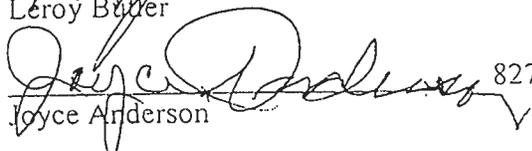
Steve Muss

809 E. Centre



Leroy Butler

821 E. Centre



Joyce Anderson

827 E. Centre

PLANNING COMMISSION

May 17, 2012

The City of Portage Planning Commission meeting of May 17, 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 10 citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Mark Siegfried and Paul Welch

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the May 3, 2012 meeting minutes contained in the agenda packet. Commissioner Dargitz indicated she would be abstaining from any discussion and vote since she was excused from the May 3, 2012 meeting. A motion was offered by Commissioner Stoffer, seconded by Commissioner Bosch, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. Final Report: Rezoning Application #11-04 (expanded), East Centre Avenue between Lakewood Drive and Garden Lane. Mr. Forth summarized the final staff report dated May 11, 2012 regarding the expanded rezoning consideration involving properties located at 7932 Lakewood Drive, 707, 743, 775, 801, 809, 815, 821, 827 and 903 East Centre Avenue. The applicants are requesting that the current zoning of R-1A and R-1B, one-family residential be changed to OS-1, office service. Mr. Forth summarized four alternatives for Planning Commission consideration. Staff was recommending Alternative No. 3, which involves rezoning 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 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.

Commissioner Dargitz asked for a brief summary of the historic nature of the house located at 903 East Centre. Mr. Forth indicated the property is located in the City of Portage Historic District and certain changes to the structure or district boundaries would require review by the Historic District Commission. Commissioner Reiff asked how much it might cost to extend water and sewer utilities to any future residential lot located on the north half of 801, 809, 815, 821 and 827 East Centre Avenue. Mr. Forth stated he did not have an estimate of cost.

Mr. Thomas Rogers, initial applicant and owner of 775 and 801 East Centre Avenue, was present to support the rezoning application. Mr. Rogers indicated he supports Alternative No. 1 and would also support a 20-30 foot buffer adjacent to the residential lots located on Drury Lane. Mr. Rogers also indicated that development of the northern half of 801, 809, 815, 821 and 827 East Centre Avenue would be difficult due to utility extensions and the availability of other residential lots in the area that have not sold.

Chairman Cheesebro opened the public hearing. Leroy Butler, 821 East Centre, also spoke in support of rezoning the entire area to OS-1 and expressed concern about the development potential of the north 198 feet if the R-1A zoning is retained. Mr. Butler indicated it would be easier to sell the property if it was all zoned OS-1. Commissioner Dargitz asked staff about future assemblage, land divisions and parcel configurations. Mr. Forth explained that three residential lots with frontage on Garden Lane could be created by assembling the north 198 feet of 815, 821 and 827 East Centre. A residential lot with frontage on Bye Street is also possible. Mr. Rogers stated that retaining the north portion of the property for residential uses would require the owners to split the parcels, one person to assemble the property and then determine if the lots will sell. Ms. Lucinda Owen, speaking on behalf of Ms. Joyce Anderson, 827 East Centre Avenue, indicated support only if the entire lot is rezoned to OS-1. Mr. Stephen Nuss, 809 East Centre, also spoke in support of the rezoning, but indicated a buffer along the north property line would be acceptable.

Commissioner Patterson indicated he does not prefer split zoning on a lot(s) unless there is a viable use for each zoning district. Commissioner Patterson did indicate he would support a change to OS-1 for the entire area with a residential buffer area along the north property line adjacent to the Drury Lane residential lots.

Brian Mahoney, 7911 Lakewood Drive, indicated he spoke with the applicant about a potential compromise and noted the alternatives presented in the staff report seemed to be an attempt to reach a compromise. Mr. Mahoney noted that while many of the applicants want to sell their property and move away, he is there to stay. Mr. Mahoney prefers option two since it provides an adequate buffer for the Drury Lane residents and also to the resident who lives at 728 Bye Street. Mr. Mahoney indicated he was concerned about noise, lighting and criminal activity if off-street parking lots were constructed near the existing single-family homes. Mr. Doug Champagne, 728 Bye Street, indicated he is the only property owner that will have OS-1 zoning on two sides (south and east) if the proposal to change the zoning to OS-1 is approved. Mr. Champagne noted that many of the trees that buffered his home from the impacts associated with East Centre Avenue traffic were removed last summer and today, trees were being removed from the property located to the east. Mr. Champagne is opposed to a zoning change adjacent to his east property line. There being no further public comment, a motion was then made by Commissioner Reiff, seconded by Commissioner Bosch, to close the public hearing. The motion was unanimously approved.

Commissioner Dargitz indicated she prefers Alternative No. 2 since it is most consistent with the Comprehensive Plan, provides protection to the existing residential neighborhood and office redevelopment options for the East Centre Avenue property owners. Commissioner Bosch agreed with Commissioner Patterson's earlier comments about split zoning. Commissioner Bosch does not believe that residential use on the north 198 feet is a viable use but would support a buffer. Commissioner Bosch also commented on the difficult task to assemble land owned by different property owners and then redraw property lines. Commissioner Bosch believed that if the residential zoning of the north 198 feet of 809, 815 and 821 East Centre

were retained, that portion of the property could be landlocked and unusable. Commissioner Felicijan concurred with Commissioners Patterson and Bosch. Chairman Cheesebro noted that due to the narrow width of 801 East Centre, recommending retention of a residential buffer along the east side of 728 Bye Street is difficult.

The City Attorney discussed the concept of a buffer to protect the adjacent residences versus an area retained for future residential development. Attorney Brown stated that incorporation of a buffer is supportable since one of the factors to consider in a rezoning request is neighborhood protection. However, the depth of the buffer must be reasonable. Attorney Brown further stated that retaining a much larger area zoned for residential use should not be considered a buffer, but rather an area for future residential development. It is also important to demonstrate that this area retained for future residential use can in fact be developed. If it cannot be developed, Attorney Brown cautioned the Commission about a potential taking issue. Commissioner Bosch asked Attorney Brown if the Commission could impose a greater setback during site plan review. Attorney Brown responded that the Commission does not have flexibility with regard to building setback distances since the setback distance is regulated in the Zoning Code. Attorney Brown did state the Zoning Code allows the Commission flexibility with regard to landscaping and conflicting land use screening.

Commissioner Reiff asked staff to comment on the size of an office building that could be constructed under Alternative No. 3. Mr. Forth responded a single story building of nearly 22,000 sq. ft. based on 25% lot coverage could be constructed if the proposed OS-1 portions of 801 through 827 East Centre Avenue were combined. Chairman Cheesebro asked if a R-1A residential buffer was retained on the north side of 601 and 609 East Centre when that property was rezoned. Mr. Forth responded no. Commissioner Dargitz noted there would likely need to be an assemblage of residential land to accommodate residential building sites as well as an assemblage of land to accommodate an office project. With the exception of Alternative No. 2, Commissioner Dargitz asked staff if there other options to protect 728 Bye Street from negative impacts. Mr. Forth mentioned there are provisions in the Zoning Code through the site plan review process that allow staff and the Commission to consider screening/buffering options. Commissioner Dargitz suggested the lots on Bye Street should be given the same amount of protection (buffer area) as those along Drury Lane. Commissioner Reiff noted the Comprehensive Plan was prepared with the intent to protect the existing residential lots but also provide the property owners with office redevelopment options. As a result, he is supporting Alternative No. 3. Commissioner Reiff acknowledged the difficulty with providing a buffer area for the Bye Street properties given the narrow width of 801 East Centre. Commissioner Dargitz noted Alternative No. 2 is most consistent with the Comprehensive Plan. Mr. Forth concurred but stated the Future Land Use Plan Map is not intended to be parcel specific and is a guide for future development. Mr. Forth stated that staff support for Alternative No. 3 was intended to provide the property owners flexibility involving future office redevelopment activities through an appropriate lot depth as well as neighborhood protection. Screening/buffering provisions intended to minimize the impacts on the Bye Street residents would be evaluated/implemented during the site plan review process.

Chairman Cheesebro stated he supports Alternative No. 1 with a buffer along the north property line adjacent to the Duruy Lane lots and along the west side of 801 West Centre. Chairman Cheesebro also stated he does not believe that residential development is possible on the north portion of 801 through 827 East Centre Avenue. Commissioner Stoffer commented that rezoning the entire area to office is too much of an encroachment into the neighborhood and supports Alternative No. 3. A developer/property owner always has the option of requesting the north 198 feet be zoned to office at a later date. Commissioner Dargitz stressed the need to protect the adjacent residential neighborhood but also recognized the negative impacts on the East Centre Avenue residents as a result of current traffic volumes.

Attorney Brown clarified that the 198 feet of retained residential zoning on the north portions of 801 through 827 East Centre Avenue is not a buffer but is land to be developed. Attorney Brown noted that there should be redevelopment options for individual property owners in addition to participating in a land assembly arrangement. Attorney Brown suggested the idea of constructing a residential dwelling unit in the north portion of each individual lot be explored. Mr. Forth indicated the Zoning Code does allow storm water retention areas designed to collect storm water from buildings and parking lots to be located in an area zoned for residential use.

Mr. Forth also noted the Zoning Code would not prohibit the construction of residential dwelling unit in the north portion of each individual lot.

Commissioner Bosch reiterated his support for Alternative No. 1 with a 50 foot buffer along the north portion of lots 801 through 827 East Centre Avenue adjacent to the Drury Lane and was willing to make a motion. Commissioner Reiff reiterated his support of Alternative No. 3 and offered a motion to 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 with the understanding that the north 198 feet of retained residential zoning has the ability to be developed. The motion was supported by Commissioner Stoffer. Commissioner Dargitz asked if Commissioner Reiff would accept an amendment to the motion to include a 50 buffer along the west property line of 801 East Centre. Commissioner Reiff indicated he would not accept the amendment due to the narrow width of the 801 East Centre and the impact retaining a 50 foot buffer of residential zoning would have on future office development potential. Commissioner Dargitz asked what other options were available to protect the Bye Street residents. Commissioner Reiff responded by stating screening/buffering provisions can be considered during site plan review. Commissioner Stoffer asked for clarification regarding the last statement inserted in the motion offered by Commissioner Reiff. Mr. Forth referred the Commission to the last sentence of the last paragraph in the staff report which states "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." Chairman Cheesebro asked Commissioner Reiff if that was his intent. Commissioner responded yes. Chairman Cheesebro also asked Commissioner Stoffer if he was in agreement. Commissioner Stoffer responded yes as well.

Commissioner Patterson indicated he did not agree with the motion on the floor. Commissioner Patterson stated that regardless if the entire area is rezoned to office as requested by the applicants or if the zoning district boundary is moved 198 feet to the south, office zoning will still be directly adjacent to residential zoning. Commissioner Dargitz responded by saying if a person moves to the 198 foot area retained for residential use, this person would do so knowing the area to the south is zoned for office use. The residents who currently live on Drury Lane moved to the area and may have known the property to south was zoned and planned for residential use. Commissioner Patterson noted a 50 foot buffer would provide additional protection for the Drury Lane residents and screening/buffering requirements contained in the Zoning Code could be utilized to protect the Bye Street residents during the site plan review process. Commissioner Stoffer indicated Alternative No. 3 provides the property owner options for redevelopment such as operating an art studio located along the East Centre Avenue frontage and living in a house in the northern half of the property. If it were all zoned office, the option to construct a dwelling unit on the property is eliminated. Commissioner Stoffer also indicated that if a property owner is ready to move forward with a site plan involving development of the entire property, a request could be submitted to rezone the northern portion to office. Commissioner Patterson noted that he did not believe a business owner would construct an office in the front and live in a separate dwelling in the back. Access to a residential use through an office use would make the residential use less valuable. Although the Zoning Code may permit this arrangement, Commissioner Patterson did not believe it would happen. Commissioner Dargitz asked Commissioners Reiff and Stoffer if they would consider any level of residential zoning adjacent 728 Bye Street. Commissioner Reiff reiterated the narrowness of 801 East Centre and, as a result, a buffer would impact redevelopment potential. Commissioner Stoffer noted the screening/buffering adjacent to 728 Bye Street could be evaluated during the site plan review process.

Attorney Brown noted that there has been some discussion involving the value of land and under Michigan case law, a rezoning is sustainable even if it results in a decrease in property value. Also, Attorney Brown clarified that the Commission does not have to consider the highest and best use of land when deliberating zoning issues. Chairman Cheesebro commented that the proposed residential area outlined in Alternative No. 3

had little chance of being developed and will likely become a buffer area. Chairman Cheesebro indicated support for Alternative No. 1 with a 30 foot buffer area along the north portions of the 801 through 827 East Centre.

There being no further discussion, Chairman Cheesebro asked for a roll call vote: Patterson (no), Stoffer (yes), Cheesebro (no), Dargitz (yes), Bosch (no), Reiff (yes) and Felicijan (no). Motion failed 3-4. Commissioner Bosch offered a motion that the Planning Commission 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 except for the north 50 feet of 801, 809, 815, 821 and 827 East Centre Avenue that will remain zoned R-1A as a buffer. The motion was supported by Commissioner Patterson. Commissioner Dargitz asked if there was any support for retaining a R-1A buffer along the east side of 728 Bye Street. Commissioner Bosch responded no citing the same reasons expressed by Commissioner Reiff earlier. Chairman Cheesebro mentioned there are screening/buffering options, such as the use of trees, berms and fences during the site plan review process that are intended to minimize impacts on the adjacent resident. Commissioner Dargitz asked staff if the Commission can justify a buffer along the north end but not on the east adjacent to 728 Bye Street. Mr. Forth stated the Planning Commission must justify its recommendation; however, comments have been made by both Commissioners Reiff and Bosch why a buffer adjacent to 728 Bye Street is not being recommended. Commissioner Bosch concurred with the previous reasons and also reiterated the tools available during the site plan review process. Chairman Cheesebro stated if the Commission is inclined to require a buffer along the west side of 801 East Centre, then a buffer on the north side of 707, 743 and 775 East Centre should also be considered. However, screening in these situations will be adequate given the size of the lots.

Commissioner Reiff asked if the Planning Commission must forward the rezoning application to City Council with a recommendation. Attorney Brown responded by saying a recommendation is not required, only a public hearing per statutory requirements.

There being no further discussion, Chairman Cheesebro asked for a roll call vote: Felicijan (yes), Reiff (no) Bosch (yes), Dargitz (no), Cheesebro (yes), Stoffer (no), Patterson (yes). Motion for support failed 4-3. Commissioner Bosch asked if there could be a compromise regarding the depth of the proposed R-1A zone along the north portions of 801 through 827 East Centre. Commissioner Reiff responded no citing the need to ensure residential redevelopment options. Commissioner Reiff also stated rezoning the entire area would allow a larger office development resulting in greater impacts on the neighborhood. Commissioner Felicijan asked if Alternative No. 3 were to be recommended and approved, would Commissioner Reiff support a future rezoning application involving the northern area. Commissioner Reiff indicated he would be in a better position to consider a change in zoning if it involved a site plan for redevelopment. Commissioner Stoffer indicated Alternative No. 3 provides the most flexibility and is also consistent with the intent of the Comprehensive Plan. Retaining a portion of the residential zoning reduces the impact on the adjacent neighborhood, is still developable as it was intended and as currently zoned. Finally, Commissioner Stoffer stated Alternative No. 3 also provides the land owners an increase in property value by changing the zoning of the southern portion to OS-1. Commissioner Felicijan asked if it were all zoned to OS-1 and, at some point in future, a person desired to construct residential unit, could the zoning be changed back to residential. Mr. Forth responded that the zoning could be changed but other options exist, such as the Work/Live ordinance recently adopted by City Council.

The Planning Commission discussed whether or not to adjourn the public hearing until the June 7, 2012 meeting when there would likely be a full nine member commission. Attorney Brown indicated the discussion could be carried over to another meeting but would have to be noticed since the public hearing had been closed. Commissioner Bosch did not believe another meeting before the Planning Commission was necessary since the City Council makes the final decision, the extensive discussion that took place, the split between Commission members, and uncertainty how the other two Commission members would vote. Commissioner Bosch suggested the rezoning application be forwarded to City Council without a recommendation. Commissioner Patterson concurred and also added that it was a very good discussion with different perspectives and opinions. If the Commission cannot come to an agreement, Commissioner Patterson stated it is appropriate to forward the

application to City Council. The consensus of the Planning Commission was to forward the rezoning application to the City Council without a recommendation.

2. Final 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. Since there was no other officer present, Chairman Cheesebro nominated Commissioner Reiff as the Chair Pro Tem. There being no discussion, Commissioner Reiff assumed the role of Chair Pro Tem. Both Chairman Cheesebro and Commissioner Stoffer left Council Chambers for the duration of the discussion.

Mr. Forth summarized the final staff report dated May 11, 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. Forth stated the rezoning was being requested, in part, to facilitate construction of a micro-brewery and restaurant at 7842 and 7908 Portage Road. Mr. Forth stated staff was recommending the rezoning be approved as submitted. Commissioner Bosch asked if staff has received any other public comments since the last public hearing. Mr. Forth responded that no further comments have been received.

Mr. Todd Neuman, representing the applicant, was present to support the rezoning request. Commissioner Reiff asked if only beer and wine would be sold. Mr. Neuman responded yes, only beer and wine.

The public hearing was opened by Chair Pro Tem Reiff. There being no further public comment, a motion was offered by Commissioner Bosch, seconded by Commissioner Patterson to close the public hearing. The motion was unanimously approved. Commissioner Dargitz asked staff to explain the Comprehensive Plan designation of park/recreation that involves the Consumers Energy property. Mr. Forth explained the intent is to extend a multi-use trail to/from the Portage Road area similar to the Northwest Portage Bikeway. Upon submittal of a site plan for development of the Consumers Energy property in conjunction with the proposed micro-brewery, staff would work with the applicant to preserve a multi-use trail route to Portage Road.

There being no further discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, 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. The motion was approved 5-0-2 with Chairman Cheesebro and Commission Stoffer abstaining.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Planning Commission Minutes
May 17, 2012
Page 7

Commissioner Reiff asked about the first meeting in July since it is scheduled to occur the day after the 4th. No Commissioners indicated they would not be able to attend. There being no further business to come before the Commission, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

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

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TO: Planning Commission **DATE:** May 11, 2012
FROM: Vicki Georgeau, ¹¹⁹ 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.

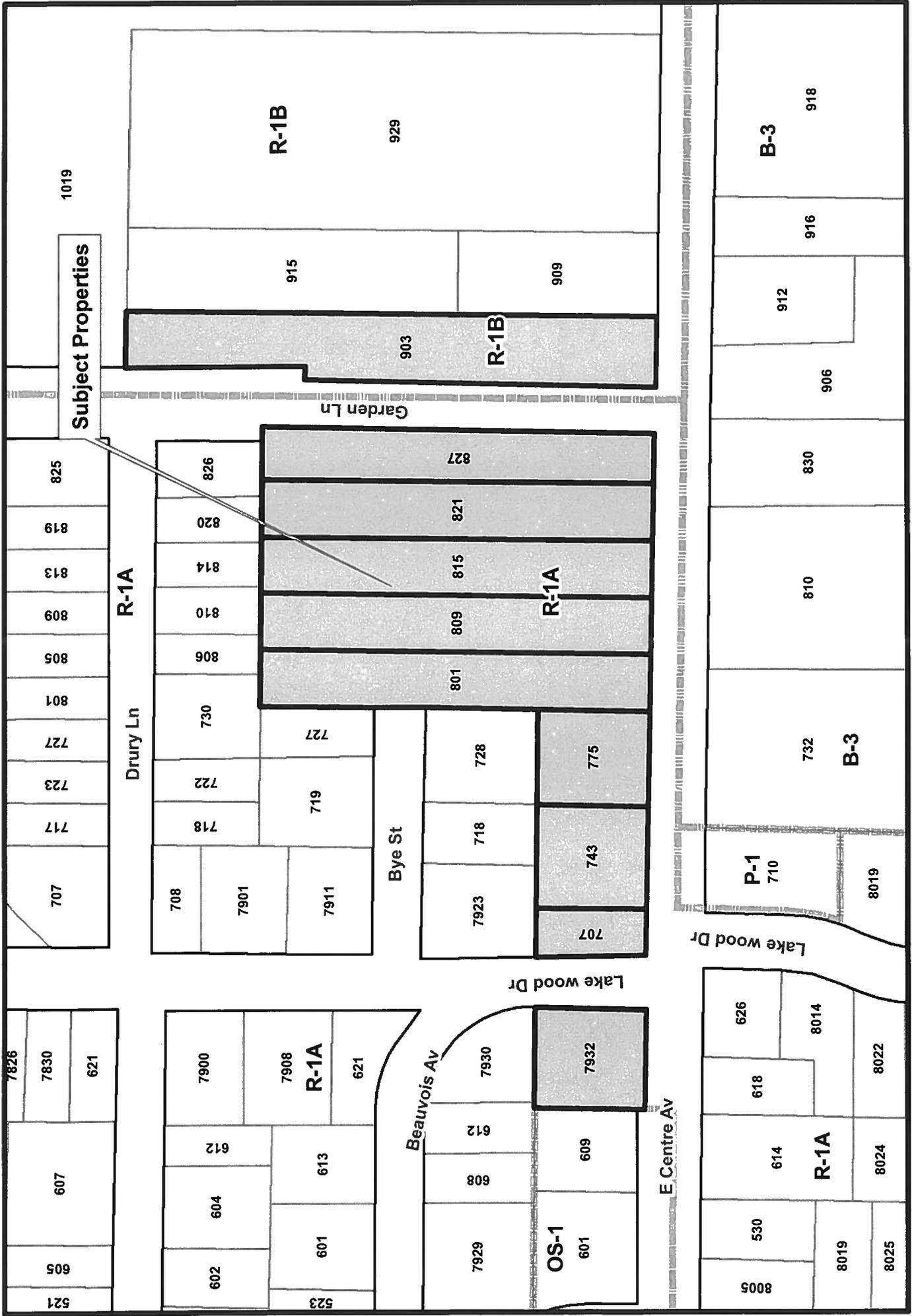
Alternative 2 proposes to follow the boundary of the Future Land Use Map. This alternative does not, however, consider the OS-1 zoning depth (132-feet) that would result for 801 and 809 East Centre Avenue and the potential limitations for office redevelopment of these two parcels.

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

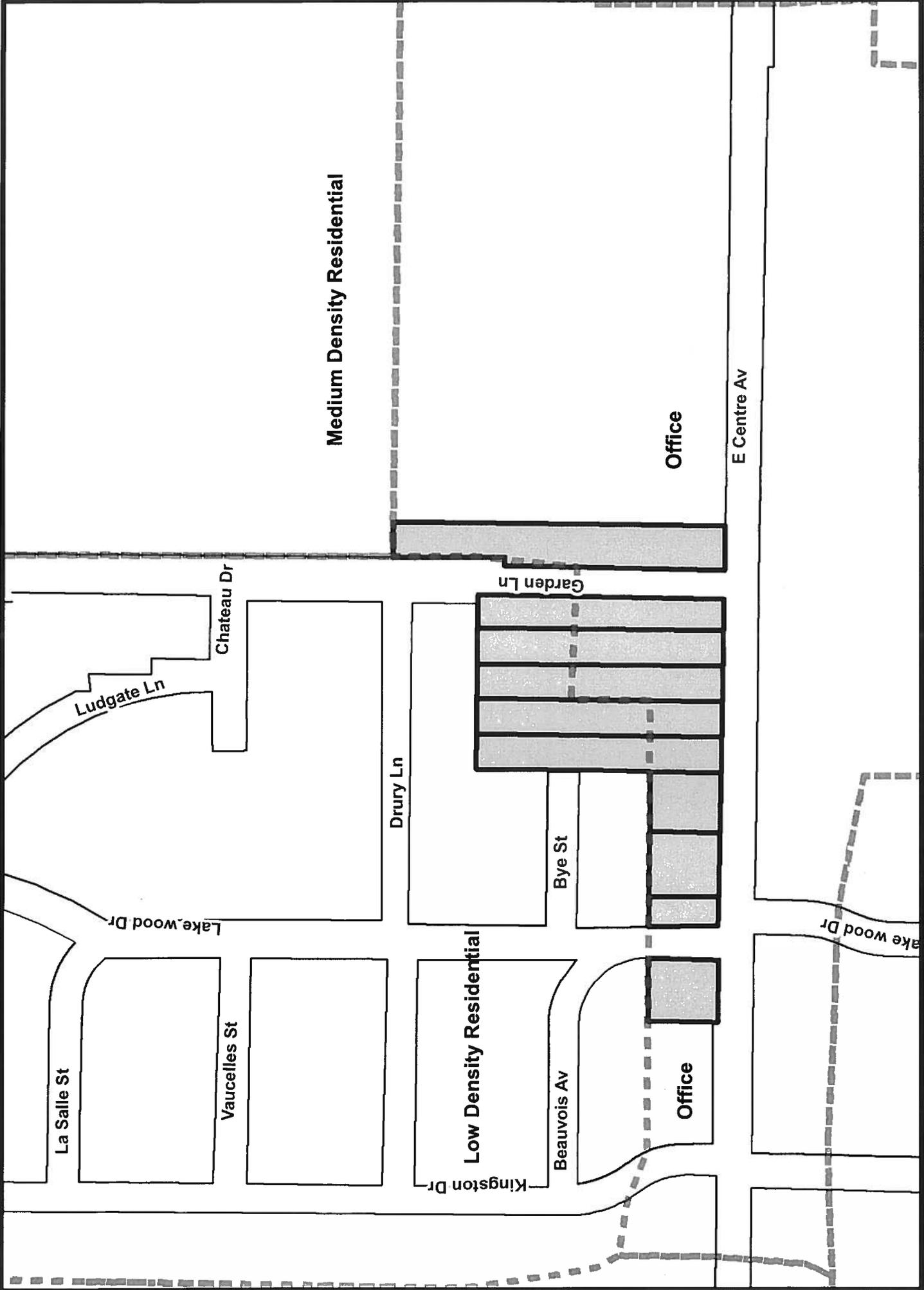


 Subject Properties
 Zoning Boundary

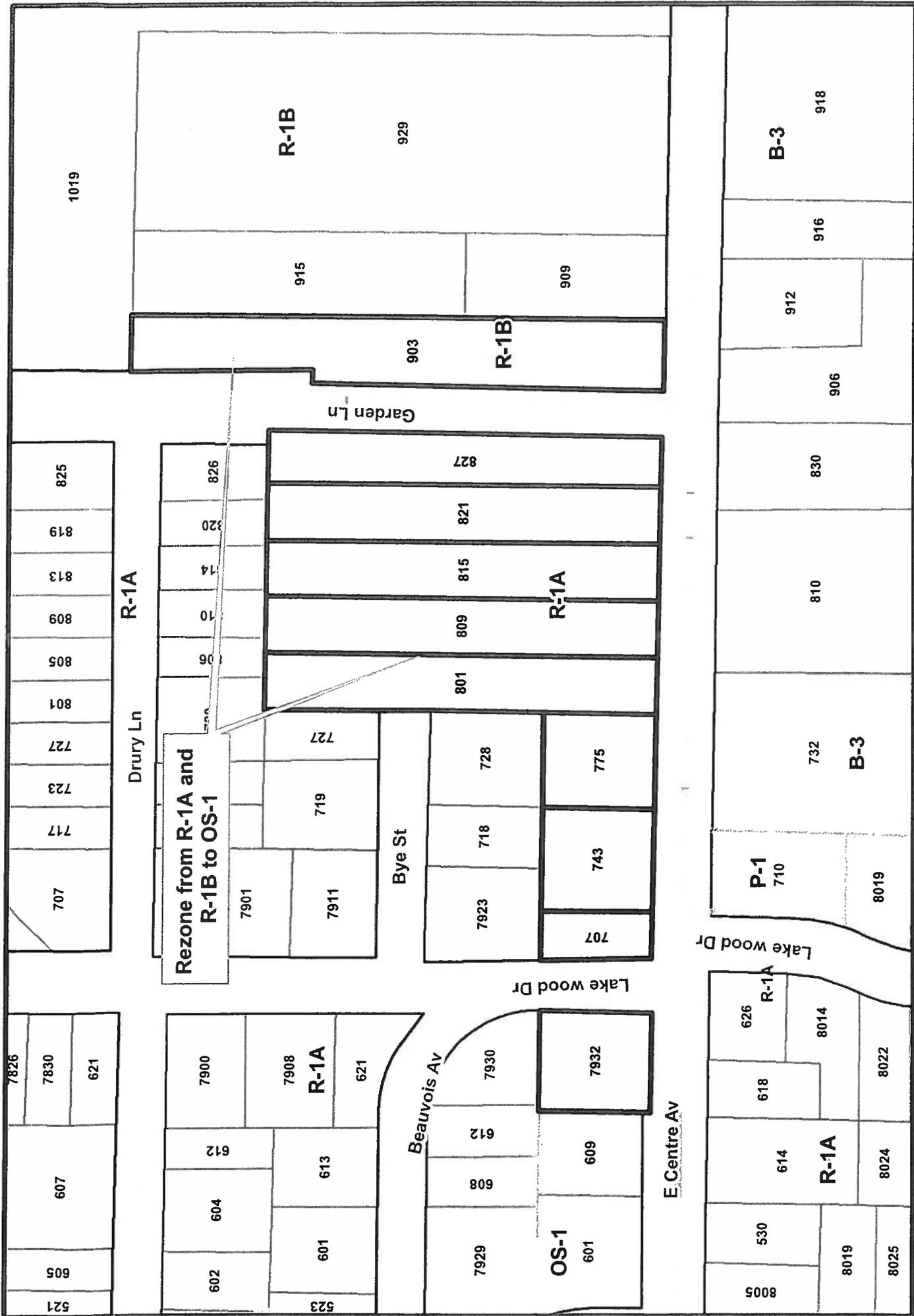
Re zoning #11-04
East Centre Avenue
Lakewood Drive to Garden Lane



1 inch = 150 feet



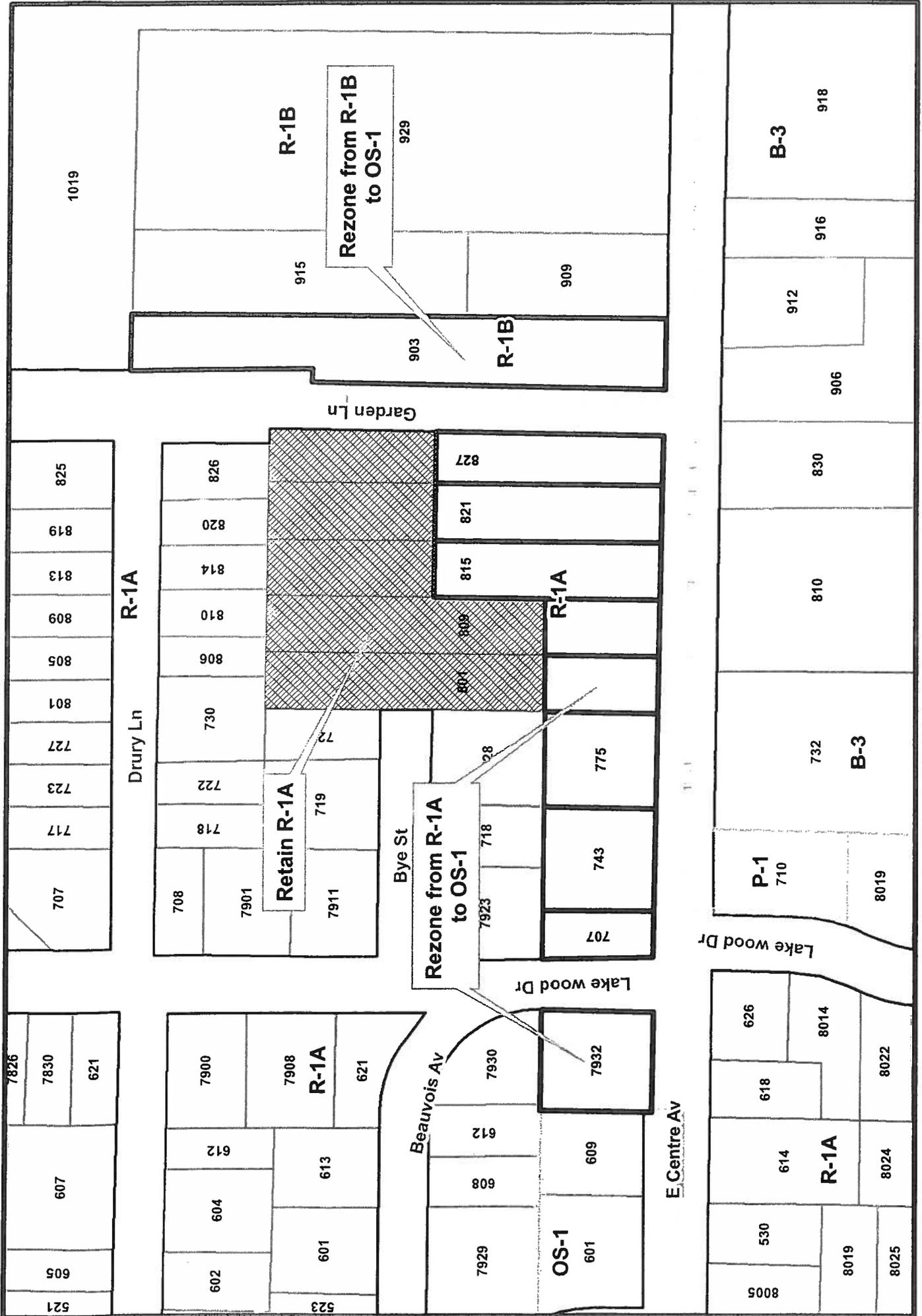
**Future Land Use Map
 East Centre Avenue (Lakewood Drive to Garden Lane)**



1 inch = 150 feet

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

Proposed OS-1
Zoning Boundary



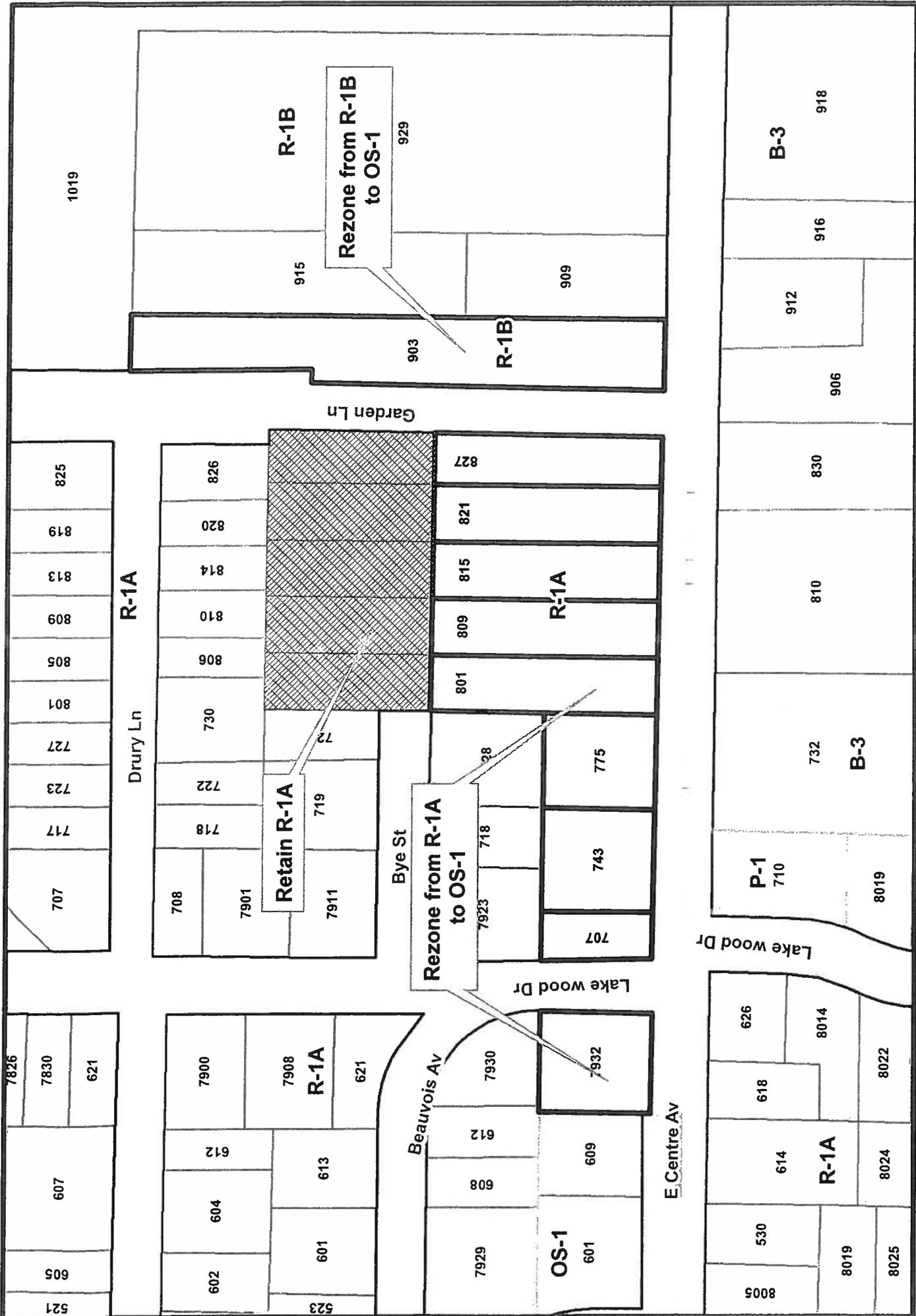
Rezoning #11-04 (Alternative #2)
East Centre Avenue
Lakewood Drive to Garden Lane



1 inch = 150 feet

Legend:

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



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

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: THIS LOT IS ON BUSY CENTRE AVE. ACROSS THE STREET FROM CENTRE ST MAX AND THE CITY FUTURE ZONING PLAN SAYS THIS SHOULD BE OS-1 FOR HIGHEST AND BEST USE, I AGREE

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

ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.

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

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.

Thomas C. Rogan
(Signature of Applicant)

(Signature of Applicant)

895 TRANTSURK ISLAND DR. MATTHEWAN MI
(Address)

49071 (Address)

(269) 760-6448
(Phone)

(Phone)

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

Subject: Fw: 801 East Centre Avenue, Portage, Michigan

From: tom rogers (rogerstom2000@yahoo.com)

To: rogerstom2000@yahoo.com;

Date: Thursday, March 8, 2012 12:02 PM

Hi Neighbor,

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

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 encouraged 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

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.

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

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

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

7. Any time a nonconforming use is superseded by a use permitted in the district in which it is located, the use shall thereafter conform to the regulations of the district in which it is located, and a nonconforming use may not thereafter be resumed.
8. Any use for which a special land use or use variance is granted shall not be deemed a nonconforming use, but shall without further action be deemed a conforming use in the district.

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:

- 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

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 Centre (10-00015-385-0)

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

b. Name of the owner of the property to be rezoned: Jaya Andressa

Address 827 East Centre, Portage, MI 49002

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

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

ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.

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

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.

<u>Jay R. Ruderman</u> (Signature of Applicant)	<u>Jay R. Ruderman</u> (Signature of Applicant)
<u>897 E Centre</u> (Address)	<u>Portage MI 49802</u> (Address)
<u>269 324-6049</u> (Phone)	<u></u> (Phone)

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

APPLICATION FOR ZONING AMENDMENT

Application number #11-04

Date 3-13-12

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

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

b. Unplatted Land:

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

903 EAST CENTRE AVE

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

b. Name of the owner of the property to be rezoned: _____

Address 903 E. CENTRE AVE

APPLICATION FOR ZONING AMENDMENT

Application number #11-09
Date 3-14-12

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at 821 E. Centre Ave. between Westnedge Street and Lovers Lane Street on the North side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of 66' feet and a depth of 460 feet.

b. Unplatted Land:

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

2. a. Do you own the property to be rezoned? Yes 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-1H PROPOSED ZONING: OS-1

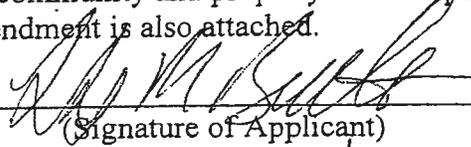
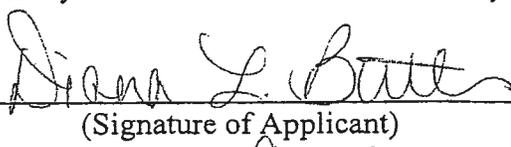
ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.

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

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.

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

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

APPLICATION FOR ZONING AMENDMENT

Application number #11-04

Date 3-15-12

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at 809 E. Centre between Lakewood Street and Grandview 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 2 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 Roberts
Possible Office Development

4. CURRENT ZONING: RIA PROPOSED ZONING: OS 1

ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.

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

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.

<u>[Signature]</u> (Signature of Applicant)	<u>[Signature]</u> (Signature of Applicant)
<u>1249 Pauline St., Portage MI 49002</u> (Address)	<u>1249 Pauline St., Portage MI 49002</u> (Address)
<u>269-341-0756</u> (Phone)	<u>269-488-6505</u> (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

May 8, 2012

RECEIVED
MAY 08 2012
COMMUNITY DEVELOPMENT

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:

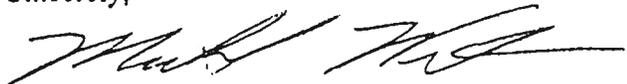
RE: Non-Conforming Use Regulations, 801 East Centre Avenue, Portage, Michigan.

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: July 27, 2012

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Oshtemo Township Master Plan Amendment 2012-1

I. INTRODUCTION

The Charter Township of Oshtemo provided notice that was received June 20, 2012 to all contiguous communities and other required agencies that a draft copy of the Oshtemo Township Master Plan Amendment 2012-1 has been completed and is being considered for adoption. After two separate requests, a copy of the Master Plan Amendment 2012-1 was provided to the Department of Community Development on July 25th. Per the Michigan Planning Enabling Act, Oshtemo Township is requesting review and comment on the draft Master Plan. Comments must be submitted to the Oshtemo Township Planning Commission prior to the scheduled public hearing on August 23, 2012.

The draft Master Plan document contains over 200 pages, plus a supplemental document with over 100 pages. In order to reduce costs and paper usage, Oshtemo Township has provided a link to the document located on their website, which is www.oshtemo.org (click on "Master Plan Amendment 2012-1"). There are three options to review the Oshtemo Township Master Plan Amendment 2012-1:

- Access the Master Plan through the above Oshtemo Township website,
- Visit the Department of Community Development and refer to the paper copy of the plan; or
- Receive a paper copy of the Master Plan for review.

Planning Commissioners are requested to advise Community Development staff as to which option is most convenient/preferred. If a paper copy is most convenient/preferred, a copy will be provided.

II. COMMUNITY DEVELOPMENT REVIEW

As background information, the Planning Commission reviewed the entire 2011 Oshtemo Township Master Plan in March/April 2011. Oshtemo Township subsequently approved this Plan in June 2011. The Oshtemo Township Master Plan Amendment 2012-1 proposes amendments to six areas of this previously approved 2011 Master Plan. These six areas of proposed amendments are discussed in a July 18, 2012 memo from Mr. Gregory Milliken (see attached) and summarized below:

- The 9th Street Sub Area Plan
 - New document (Chapter 11) that was developed and included into the Master Plan.
 - A detailed analysis and evaluation of the 9th Street corridor extending from just north of Meijer and Menards (north of West Main), south to KL Avenue. This sub-area also extends from 8th Street to the parcels just east of 9th Street.
 - Sub-area plan includes a vision, goals, principles of development and a future land use map for this area of the Township.
- The Century Highfield Sub Area Plan
 - New document (Chapter 12) that was developed and included into the Master Plan.
 - A detailed analysis and evaluation of the area bounded by Drake Road to the east, West Michigan Avenue to the north, US-131 to the west and Stadium Drive to the south.
 - Sub-area plan includes a vision, goals, principles of development and a future land use map for this area of the Township.

- Update to the Community Profile Chapter
 - Changes and reformatting of Chapter 1 to reflect new data received from the 2010 Census.
- Future Land Use Map Amendments (two areas: 9th Street & West Main and Maple Hill Drive)
 - Two proposed changes to the Future Land Use Map (Chapter 8).
 - These two areas are 1) Along 9th Street at West Main Street and 2) Maple Hill Drive area north of West Main Street and east of US-131.
- Airport Plan for Newman Field
 - Inclusion of an Airport Plan (Supporting Document #6) for the private grass airstrip situated in the Skyview Estates Plat located between 1st Street and 2nd Street, between Almena Drive and M-43.
- Limited Text Amendments
 - Minor text changes and reformatting of Community Profile (Chapter 1) and Goals and Objectives (Chapter 7) to reflect new data received from the 2010 Census and exclusion of perceived negative references to student housing.

Since the Oshtemo Township Master Plan Amendment 2012-1 documents were just received a couple days before this staff report was generated, the Department of Community Development has not yet conducted a thorough review. Additional review by staff will occur before the August 2, 2012 Planning Commission meeting.

III. RECOMMENDATION

The Planning Commission is advised to review the Oshtemo Township Master Plan Amendment 2012-1 for preliminary discussion during the August 2, 2012 meeting. Final review and action on this item can be taken during the August 16, 2012 meeting where any comments can then be formulated and conveyed to Oshtemo Township.

For Commissioners who do not wish to review the documents through the Oshtemo Township web site and prefer a paper copy, please contact Administrative Assistant, Tamara Stephens at 329-4477, or at stephent@portagemi.gov, and a copy will be mailed, or can be picked up at City Hall.

Attachments: July 18, 2012 Memo from Mr. Gregory Milliken, Oshtemo Township Planning Director
Oshtemo Township Notice of Transmittal of Proposed Master Plan Amendment 2012-1



July 18, 2012

From: Gregory Milliken, AICP
Subject: Public Hearing for Draft Master Plan Amendments

RECEIVED
JUL 25 2012
COMMUNITY DEVELOPMENT

AMENDMENT PROCESS

Over the past several months, the Township Planning Commission has been working on a variety of amendments to the Township Master Plan. Each one has received vigorous review and has been polished into a final draft format. At their May 28th meeting, the Planning Commission recommended the Township Board approve the distribution of the Draft Plan to the surrounding communities, the County, and other required entities. The Board did so in June, and the draft amendments are currently under review by these organizations. They have until early August to submit comments to the Township.

At the conclusion of that period, the Planning Commission will hold a public hearing on the amendments. That hearing is scheduled for August 23rd at 7:00 at the Township Hall. All are invited to submit comments to the Planning Commission either in writing prior to the meeting or in person at the meeting. Following the hearing, the Plan will be available for formal adoption by the Planning Commission and Township Board.

PROPOSED AMENDMENTS

The proposed amendments have been integrated into the draft Master Plan documents that are also available on this page. The portions of the Plan that included proposed changes are described below. In order to better understand the amendments and the context within which they are located, we presented them in this format. The proposed amendments address six different topics, which are described here:

1. 9th Street Sub Area Plan

This Sub Area Plan was completed last year and put on the shelf until several other components were ready to be added to the Plan at the same time. The only change since that process was completed is that the document has been reformatted to match the

design of the rest of the Master Plan. This includes adding pictures, captions, and text boxes. Otherwise, the substance of the plan (including the maps) has not changed. The public input results have also been added to the Supporting Documents. The entire Sub Area Plan that is included in the document is new to the Master Plan.

2. Century Highfield Sub Area Plan

This Sub Area Plan was completed last year and put on the shelf until several other components were ready to be added to the Plan at the same time. The only change since that process was completed is that the document has been reformatted to match the design of the rest of the Master Plan. This includes adding pictures, captions, and text boxes. Otherwise, the substance of the plan (including the maps) has not changed. The public input results have also been added to the Supporting Documents. The entire Sub Area Plan that is included in the document is new to the Master Plan.

3. Community Profile Chapter

This chapter was reviewed and approved by the Planning Commission a couple of months ago. At that time, a significant number of changes to the chapter were reviewed based on new data received from the 2010 Census. However, no changes have been made since that time other than the chapter has been reformatted to match the design of the existing Master Plan. Other than how it is presented, the data and findings have not been altered.

4. Future Land Use Map

There are two areas on the Future Land Use Map where changes are proposed.

- a. Along *9th Street* just north of the “General Commercial (Red)” area at West Main Street, a band of “Focus Area” should be added and labeled with a “5” due to the expansion of the 9th Street Sub Area that occurred when that sub area planning process occurred.
- b. In the *Maple Hill Drive* area north of West Main Street and east of 131, an area that is currently zoned commercial and was designated commercial on the previous future land use plan was inadvertently designated “High Density Residential” on the latest future land use map. In inquiring about that change, the property owner suggested that the “General Commercial” designated be expanded further to the north into what is presently designated as “Medium Density Residential”. Apparently, they are making efforts to redevelop / develop the property, and due to the existing development in the area, the traffic patterns, and the adjacent freeway, interest in the area is solely commercial. Remember, this will not change the zoning of the property, it will just change the vision / land use plan.

5. Airport Plan

The Zoning Enabling Act requires that any time an Airport Approach Plan or Airport Layout Plan has been filed in a community, it shall be incorporated into the community’s Master Plan. When we were developing the Master Plan, we were not aware of such documents.

However, we have recently been made aware that Newman's Airport has filed such documents.

The Skyview Estates Plat is located between 1st Street and 2nd Street and between Almena Drive and M-43. It consists of approximately 15 dwelling units and an airstrip – a private grass airstrip referred to as Newman's Airport. We obtained the two airport approach plans provided from the Airports Division of MDOT for Newman's Airport. These illustrate the various requirements and/or recommendations applied to airports by the FAA or other entities. These include land use strategies and height requirements as well as approach patterns for aircraft using the facility.

To comply with the enabling legislation, we recommend a brief mention of the airport in the Master Plan as well as identification on a map. This is included in Chapter 5 – Transportation & Community Services. Then, we recommend including the official maps and documentation from MDOT in the Supporting Documents.

6. Other Amendments

On July 14, 2011, the Planning Commission held a discussion regarding desired future amendments to the Master Plan. Included in that discussion were the future land use map amendments identified above and the updates to the Community Profile chapter to reflect the new census results. In addition, concerns were raised about negative references in the Plan to student housing. Two of these references were included in the Community Profile section, which was thoroughly edited and the references were removed. The other was on page 118 under Goal #2. The proposed amendment is shown in the draft document.

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF TRANSMITTAL OF PROPOSED MASTER PLAN AMENDMENT 2012-1
AND REQUEST FOR COMMENT

RECEIVED

JUN 20 2012

FROM OSHTEMO CHARTER TOWNSHIP TO ALL INTERESTED ENTITIES

COMMUNITY DEVELOPMENT

Dear Recipient:

This communication will serve to transmit a copy of proposed Oshtemo Charter Township Master Plan Amendment 2012-1 for review and comment by your organization. Enclosed herewith is a CD containing the complete Master Plan Amendment 2012-1. It may be opened as a PDF file.

The purpose of the Charter Township of Oshtemo Master Plan Amendment 2012-1 is to develop the following Sub-Area Plans:

The 9th Street Sub-Area Plan
The Century Highfield Sub-Area Plan
An update to the Community Profile Chapter Based on the 2011 Census
Amendments to the Future Land Use Map
An Airport Plan for Newman Field
Limited Text Amendments

To achieve such, Master Plan Amendment 2012-1 reviews current conditions and trends, and establishes goals, recommendations and maps for the future use of land within the Township. Finally, Master Plan Amendment 2012-1 serves as a basis for Township land development regulations.

Master Plan Amendment 2012-1 was submitted to the Township Board by the Oshtemo Charter Township Planning Commission at its meeting of May 24, 2012 and the Township Board authorized its distribution, under Section 41 of the Michigan Zoning Enabling Act, at its meeting of June 12, 2012.

Master Plan Amendment 2012-1 was formally approved for submission for your comment commencing June 20, 2012, and we formally request that your organization review proposed Master Plan Amendment 2012-1 and submit comments on its contents. Pursuant to Section 41 of the Michigan Planning Enabling Act, you have 42 days after proposed Master Plan Amendment 2012-1 was submitted in which to provide any written comments. Therefore, we should receive your comments no later than August 1, 2012. Please direct any correspondence to:

OSHTEMO CHARTER TOWNSHIP
ATTN: GREG MILLIKEN, PLANNING DIRECTOR
7275 WEST MAIN STREET, KALAMAZOO, MI 49009
269-375-4260

If you would like a printed copy, in addition to the hard copy CD which is provided with this Notice, please contact us, and we will forward a copy to you immediately. You may also review proposed Master Plan Amendment 2012-1 on the Oshtemo Charter Township Website at www.oshtemo.org and click on "Master Plan Amendment 2012-1."

If you have any questions, please feel free to contact Greg Milliken.

Respectfully submitted,

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

By: Carl Benson, Secretary

2012-1 Amendment\Form V