

CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

April 5, 2012

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**April 5, 2012
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * March 15, 2012

SITE/FINAL PLANS:

- * 1. Site Plan (reapproval): Fifth-Third Bank, 2610 East Centre Avenue

PUBLIC HEARINGS:

- * 1. Special Land Use Permit: Group Child Care Home, 1225 Warwick Street
- * 2. Final Report: Rezoning Application #11-03, Romence Road Parkway Corridor

OLD BUSINESS:

NEW BUSINESS:

- * 1. Rezoning Application #11-04, East Centre Avenue between Lakewood Avenue and Garden Lane
-- expanded rezoning consideration
- * 2. 2011-2012 City Council Assigned Goals and Objectives Update (April 2012) and Recommended 2012-2013 Goals and Objectives

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

February 2012 Summary of Environmental Activities Report
March 13, 2012 City Council meeting minutes
February 28, 2012 City Council meeting minutes
February 13, 2012 Zoning Board of Appeals meeting minutes

PLANNING COMMISSION

March 15, 2012

DRAFT

The City of Portage Planning Commission meeting of March 15, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Allan Reiff, Mark Siegfried and Paul Welch.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Assistant City Planner and Randall Brown, City Attorney.

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the March 1, 2012 meeting minutes. A motion was offered by Commissioner Bosch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Final Plan for Alkhamis Financial, 7900 Kirkland Court. Mr. West summarized the staff report dated March 9, 2012 involving a final plan submitted by Walt Hansen, on behalf of Alkhamis Financial, to construct an approximate 4,200 square foot professional office building and associated site improvements. Mr. West stated the 1.2 acre site is zoned PD, planned development and located within Woodbridge Hills in an area designated for office use. Mr. West discussed the existing natural screening that was present along the eastern portion of the property (double row of evergreen trees and scattered deciduous trees) and indicated this screening will be preserved. Mr. West stated the final plan is consistent with the approved tentative plan for the Woodbridge Hills planned development.

Mr. Walt Hansen (Hansen Building & Design Corporation) was present to support and explain the office development project. No citizens spoke in regard to the development project. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that the Final Plan for Alkhamis Financial, 7900 Kirkland Court, be approved. The motion was unanimously approved.

DRAFT

PUBLIC HEARINGS:

1. Tentative Plan Amendment (Oakland Hills at Centre PD), 2275, 2301 and 2401 West Centre Avenue and 8080 Oakland Drive. Mr. West referred the Commission to the March 8, 2012 correspondence from Mr. Greg Dobson, American Village Development II, LLC, requesting the public hearing for the tentative plan amendment be adjourned to the April 19, 2012 meeting. Mr. West indicated the adjournment was being requested by the applicant to allow additional time to complete discussions with the neighboring property owner to the north and to more fully develop the mono-pine tower proposal. A motion was made by Commissioner Stoffer, seconded by Commissioner Patterson, to adjourn the public hearing for the Tentative Plan Amendment for the Oakland Hills at Centre Planned Development to the April 19, 2012 meeting. The motion was unanimously approved.

2. Preliminary Report: Rezoning Application #11-03, Romence Road Parkway Corridor. Mr. Forth summarized the preliminary staff report dated March 9, 2012 regarding the Planning Commission initiated rezoning consideration of several properties located along the north and south sides of Romence Road Parkway, between Lovers Lane and Portage Road. Mr. Forth discussed the Planning Commission initial review of the Romence Road Parkway Corridor Study during the February 2, 2012 meeting and the proposed zoning change from I-2, heavy industry and R-1B, one family residential to OTR, office technology and research. Mr. Forth stated the property owners whose land is being considered for rezoning were personally contacted to further explain the proposed zoning change. Although none of the affected property owners provided written comments, Mr. Forth indicated the owner of 1901 Romence Road Parkway did not object to the proposed OTR zoning. Mr. Forth stated the Pfizer representative did not object to OTR zoning for Pfizer properties located on the north side of Romence Road Parkway but asked that the current I-2 zoning for properties located on the south side of Romence Road Parkway (7000 Portage Road and 7005 Lovers Lane) be retained. Mr. Forth indicated the other property owners also did not object to a zoning change but preferred the alternative OS-1, office service district given the small parcel size and OTR minimum project area and setback standards. Mr. Forth summarized the Research & Development/Technology Future Land Use Plan designation, the corresponding OTR, Office Technology and Research zoning district and potential impacts associated with an OTR rezoning. Commissioner Dargitz asked whether the Pfizer representative provided a reason why they did not want the zoning changed on the south side of Romence Road Parkway. Mr. Forth indicated that a specific reason was not provided.

The public hearing was opened by Chairman Cheesebro. Two citizens (Chad Learned, 6813 Gertrude Drive and Phil Merchant, 6822 Gertrude Drive) were present and spoke in regards to the proposed rezoning. Mr. Learned and Mr. Merchant expressed concerns about future development on the 1901 Romence Road Parkway property, whether vehicular access would be allowed to Gertrude Drive and whether the R-1B zoned strip along the northwest portion the 1901 Romence Road Parkway would be rezoned. Mr. Forth indicated that future development involving 1901 Romence Road Parkway would not be permitted access to Gertrude Drive to the north and retention of the existing R-1B zoned land located in the northwest portion of the property as a buffer area was previously discussed by the Commission. Mr. Forth also reviewed building setback requirements for any future development in the OTR district and the OTR review/approval process. Mr. Learned requested that the existing R-1B zoned area be retained and the mature tree line along the south side of Kromdyke also be preserved with any future development plans. No additional citizens spoke regarding the proposed rezoning.

The Commission discussed the two Pfizer owned properties along the south side of Romence Road Parkway and possible impacts if these properties were rezoned to OTR. Mr. Forth indicated that during development of the Research, Development and Technology Comprehensive Plan designation and OTR zoning district, Pharmacia (now Pfizer) representatives requested that pharmaceutical manufacturing be included in the descriptions. As a result, pharmaceutical manufacturing is permitted in either the I-2 or OTR

DRAFT

districts. After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to adjourn Rezoning Application#11-03, Romence Road Parkway Corridor, to the April 5, 2012 meeting. The motion was unanimously approved.

7:30 p.m. – The Commission took a short recess. 7:35 p.m. – The Commission reconvened the meeting.

OLD BUSINESS:

1. 2012-2022 Capital Improvement Program. Mr. Forth and the Planning Commission reviewed and discussed the March 15, 2012 staff memo that provided responses to Commissioner questions regarding the FY 2012-2022 Capital Improvement Program (CIP). Mr. Forth explained the Vincent Drive/Oakland Drive realignment project planned for FY 2021-2022 and the use of general funds to address CIP debt. The Commission reviewed each category of the CIP with emphasis on the FY 2012-2013 budget year:

- Program Overview – The Commission did not have any further questions or comments regarding this category.
- Streets – The Commission did not have any further questions regarding this category.
- Sidewalks/Bikeways – Commissioner Dargitz noted the lack of funding for future sidewalk extensions in the CIP. Mr. Forth indicated that previous CIPs have included sidewalk projects and the majority of the major thoroughfares in the city have sidewalks on at least one side of the street.
- Water – The Commission did not have any further questions or comments regarding this category.
- Sanitary Sewer – The Commission did not have any questions or comments regarding this category.
- Police Category – Commissioner Dargitz asked whether the protective vests, identified in last year’s CIP, were purchased for the Police Department. Mr. Forth stated the vests were recently purchased.
- Fire Category – The Commission did not have any further questions or comments regarding this category.
- Public Facilities Category – The Commission discussed the Information Systems Improvements project in the current CIP and what items were purchased last fiscal year.
- Parks & Recreation Category – The Commission discussed the Eliason Nature Reserve Development project. Mr. Forth indicated the land was donated by the Eliason Family and a master plan will be developed for future park improvements. The Commission also discussed the Dog Park Development project and whether it was still necessary given the construction of other public and private dog parks in the surrounding area.
- Debt Services Category – The Commission did not have any further questions or comments regarding this category.

Chairman Cheesebro noted the City Administration has continued a conservative approach with CIP projects and debt reduction. After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to recommend to City Council that the FY 2012-2022 CIP be approved (FY 2012-2013 budget year and remaining nine-year planning projects). The motion was unanimously approved.

NEW BUSINESS:

None.

DRAFT

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

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

TO: Planning Commission **DATE:** March 29, 2012
FROM: Vicki Georgeau, ^{Vb} Director of Community Development
SUBJECT: Site Plan (Re-approval): Fifth-Third Bank, 2610 East Centre Avenue.

I. INTRODUCTION

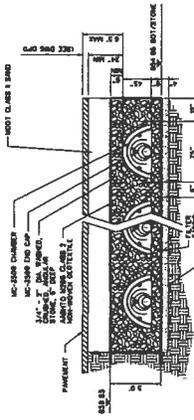
On May 21, 2009 the Planning Commission initially approved a site plan submitted by Progressive AE, on behalf of Fifth-Third Bank, to construct an approximate 4,300 square foot bank building and associated site improvements at 2610 East Centre Avenue. The Fifth-Third Bank project represents the first building within the Centreport Commons commercial development (Unit 2, Centreport Commons Condominium) planned at the southeast corner of Portage Road and East Centre Avenue. At the request of the applicant and since the site plan approval was about to expire, the site plan was re-approved by the Planning Commission on November 19, 2009, May 6, 2010, November 4, 2010, April 21, 2011 and October 6, 2011. The October 6, 2011 site plan approval included a reduction in the building size from 4,300 square feet to 3,285 square feet. Section 42-484 of the Zoning Code requires that construction activities commence within six months of site plan approval or the approval becomes null and void. Although staff has advised the applicant that they could allow the site plan to expire and then resubmit when construction is more definite, the applicant has indicated that Fifth-Third Bank wishes to maintain an "approved" site plan.

Since site plan approval is scheduled to expire on April 6, 2012 the applicant is requesting re-approval. The site plan is being resubmitted with no changes from the October 6, 2011 approval and proposes a 3,285 square foot bank building and associated site improvements at 2610 East Centre Avenue. Per the previously approved site plan for the CentrePort Commons development project, access to the condominium units including the Fifth-Third Bank site will be provided from one full-service driveway and one right-in/right-out only driveway on East Centre Avenue and on Portage Road. The East Centre Avenue full-service driveway is located at the east end of the property and the Portage Road full-service driveway is located at the south end of the property. Storm water from the Fifth-Third Bank site will be collected and conveyed to an underground detention system located beneath the parking lot.

II. RECOMMENDATION

The site plan has been reviewed by the City Administrative departments and staff recommends that the site plan for Fifth-Third Bank, 2610 East Centre Avenue, be re-approved.

Attachments: Site plan sheets



SEE CONSTRUCTION DESIGN MANUAL
 THIS SYSTEM IS TO BE PLACED
 BETWEEN STORM AND SAND

S.E.-C KEYING SYSTEM

KEY	SET	UNDEVELOPED FINISHED	FINISH	NOTE
1B	PAVEMENT FINISH	AS SHOWN	AS SHOWN	Subgrade material shall be placed in the area with 1/2" aggregate and compacted to the proposed grade.
5S1	1/2" FLOOD	AS SHOWN	AS SHOWN	See note 1 to this sheet. 2' proposed maximum depth. 1/2" aggregate base with 1/2" sand on top.
5S4	1/2" PROPOSED FLOOD CONTROL	AS SHOWN	AS SHOWN	See note 1 to this sheet. 2' proposed maximum depth. 1/2" aggregate base, 1/2" sand, 1/2" aggregate on top.

NOTE: NO CONSTRUCTION SCHEDULE HAS BEEN ESTABLISHED AT THIS TIME.

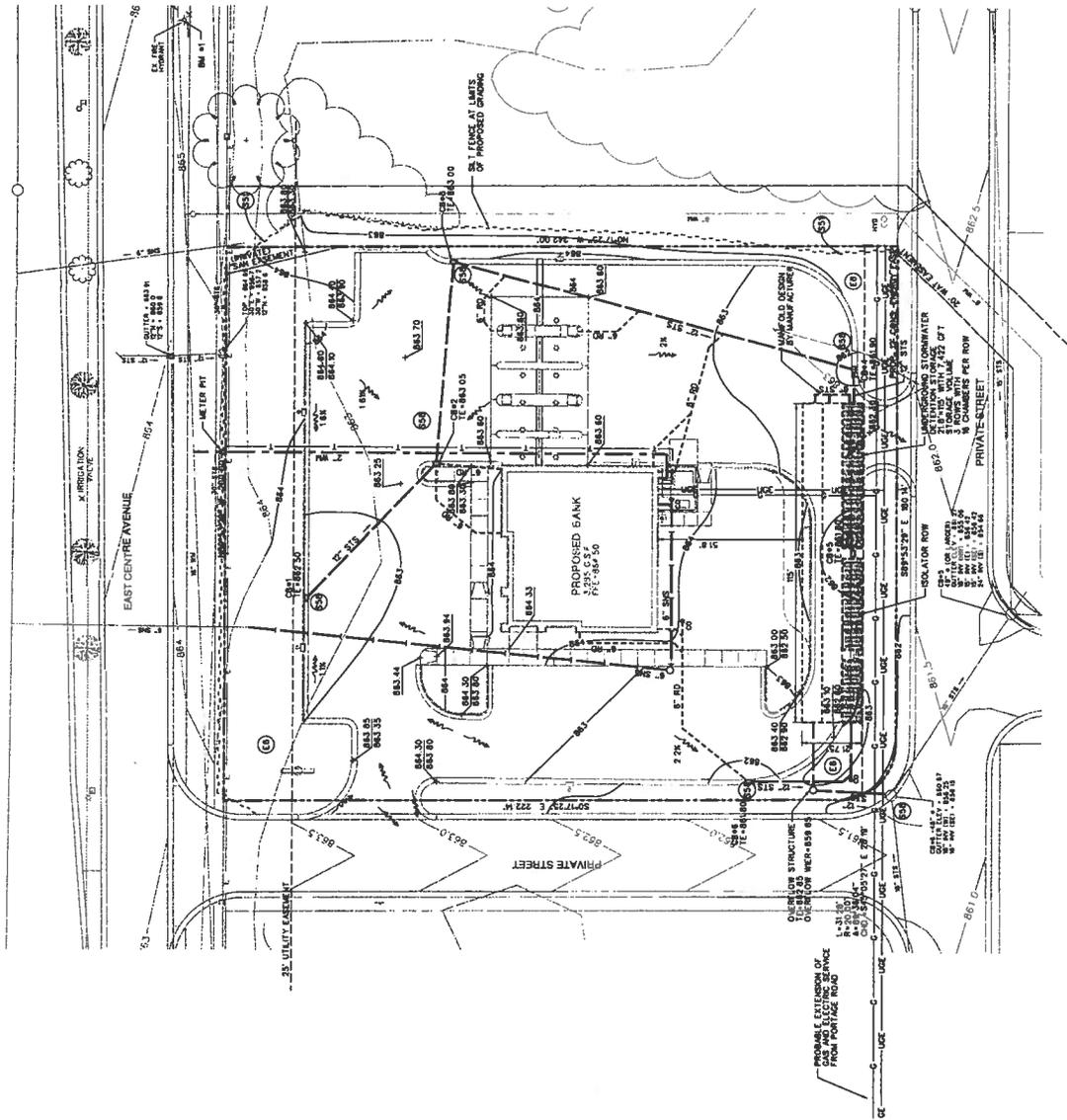
STORMWATER NOTES:

- REQUIRED FLOOD CONTROL VOLUME = 2000 CFT
- DESIGN STORM = 25 YEAR RAINFALL EVENT
- PROPOSED UNDERGROUND INFILTRATION BASIN VOLUME = 7236 CFT
- PER WALWALDO COUNTY SOIL SURVEY
- PROPOSED WATER QUALITY VOLUME = 7236 CFT
- EMERGENCY OVERFLOW DISCHARGE TO 18" SITE IN PRIVATE STREET WHEN 75 YEAR FLOOD CONTROL VOLUME IS EXCEEDED

BENCHMARKS:
 811
 ELEVATION
 TOP OF LARGE OUTLET ON HYDRANT
 887.20
 TOP OF PROPERTY LINE
 887.20

SURVEY PROVIDED BY:
 WILSON, WATSON & MORGAN, INC.
 1000 W. WALWALDO ROAD
 GRAND RAPIDS, MI 49502
 PHONE: 269-344-8185
 BASED ON USGS DATUM

CALL 811 NOTE:
 CONTRACTOR TO CONTACT 811
 SERVICE TO OBTAIN LOCATION OF
 UTILITIES TO AVOID DAMAGE TO
 EXISTING UTILITIES. SEE 811.



TO: Planning Commission

DATE: March 29, 2012

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

SUBJECT: Special Land Use Permit: Group Child Care Home, 1225 Warwick Street

I. INTRODUCTION:

An application has been submitted by Ms. Christine Whitt requesting approval to establish a group child care home for up to 12 children at her residence located at 1225 Warwick Street. Ms. Whitt has been operating a family child care home (up to six children) from this residence since September 2011 and would like to expand her day care license. Prior to September 2011, Ms. Whitt indicates the previous occupant of the house also operated a family child care home from this residence. According to the applicant, the group child care home will operate primarily Monday through Friday from 6:00 a.m. to 6:30 p.m. with evening and/or weekend care occurring on a very limited and occasional basis.

II. BACKGROUND INFORMATION:

Existing Land Use/Zoning	<ul style="list-style-type: none"> The 0.25 acre parcel is zoned R-1A, one-family residential and occupied by a 1,724 square foot tri-level home with an attached two-car garage and associated driveway. The lot is situated at the southwest corner of Warwick Street and Avon Street. Single-family residences zoned R-1A border the site to the north, south, east and west.
Comprehensive Plan	<ul style="list-style-type: none"> The Future Land Use Map of the Comprehensive Plan identifies the subject site and surrounding properties as appropriate for low density residential land use.
Environmental/Historic District	<ul style="list-style-type: none"> These characteristics/issues are not applicable in this instance.
Land Development Regulations	<ul style="list-style-type: none"> The application is submitted pursuant to Section 42-182(I), Special Land Uses in the R-1A, One-Family Residential District. Subject to review and approval by the Planning Commission, this section permits "Group child care homes" subject to conditions; and Section 42-462, General Standards for Review of Special Land Uses.

III. ANALYSIS:

Michigan statute (PA 110 of 2006, Zoning Enabling Act and PA 116 of 1973, Child Care Organizations) permits family and group child care homes in residential zoning districts including the R-1A zone. The application fulfills the conditions set forth in the Zoning Code with the exception of the separation distance from another licensed group child care home. Section 42-182(I)(1) states that a lot containing a group child care home shall not be located within 500 feet (measured from nearest property line) and 1,500 feet (measured as a traveled distance along public streets) from another licensed group child care home, adult foster care home or other similar use. Two other group child care homes are located less than the 1,500 feet travel distance: 1) Rosemary Stevens, 6217 Avon Street (approximately 400-feet north) and 2) Cristy Cate, 1225 Brent Avenue (approximately 1,300-feet north). The Planning Commission approved the group child care homes for Ms. Stevens in 1996 and for Ms. Cate in 2009. Attached is an aerial photograph with 6217 Avon Street and 1225 Brent Avenue highlighted.

In considering applications where the above separation requirements are not satisfied, Section 42-182(I)(2) of the Zoning Code allows the Planning Commission to waive the separation requirements upon a finding “...that the proximity of the uses will not result in excessive noise, traffic or other disturbances which may adversely affect abutting or nearby residential uses.” The two existing group child care homes located at 6217 Avon Street and 1225 Brent Avenue, along with a family child care home at 1225 Warwick Street, have coexisted since November 2008 and no complaints or documented code violations associated with these child care operations have been received by the Community Development Department. The proposed change in licensing from a family child care home to a group child care home at 1225 Warwick Street would result in six additional children at this location which would generate a maximum of 24 additional vehicle trip ends to/from the residence (12 trips in and out in the morning and 12 trips in and out in the afternoon) on an average weekday. These three day care homes are located on different streets (Brent Avenue, Avon Street and Warwick Street) with multiple routes to/from West Milham Avenue and Oakland Drive (such as Avon Street, Devon Street, Marlow Street, Bradford Street and Haverhill Avenue) to distribute traffic during the course of the day. Also, child drop off and pick up does not typically occur at the same time, but is staggered depending on schedules influenced by place of residence, location of employment, roadway traffic conditions and other time-related factors.

The subject property is a corner lot with frontage on Warwick Street (north) and Avon Street (east) and an outdoor play area enclosed by a four-foot tall chain-link fence is located in the rear yard. Mature evergreen trees are also located along the south and east (adjacent Avon Street) property lines. Section 42-182(I)(3) of the Zoning Code allows the Planning Commission to require installation of up to a six-foot tall screening fence around an outdoor play area “...in order to mitigate and/or avoid possible adverse impacts on surrounding property and to improve safety.” Since the rear yard is visible from Avon Street and only enclosed by a four foot high chain link fence, staff suggested the applicant approach adjacent neighbors regarding the adequacy of the fencing and natural screening that currently exists. At the time of report preparation, no letters from adjacent property owners have been received.

No more than one nonresident employee will assist with the group day care home. The site has an attached two-car garage and associated driveway from Warwick Street that provides adequate drop-off, pick-up and parking for the site. Finally, the group child care home will be maintained in a manner that is compatible and consistent with the surrounding neighborhood.

In addition to the special land use permit requirements, the application is also subject to the General Standards of Review contained in Section 42-462 of the Zoning Code. A listing of the General Standards of Review, along with a brief analysis, is presented below:

- Promote the intent and purpose of this article. Article 4, Zoning, promotes the public health, safety, comfort, convenience and general welfare through orderly development. A group child care home promotes this article by providing a valuable service for working parents who desire quality child care in a residential setting.
- Be compatible with adjacent uses of land and the natural environment. The care of children in a residential setting is compatible with adjacent uses and the natural environment since children are associated with most every residential neighborhood. Recognizing that higher concentrations of children beyond those normally associated with a single-family residential home may impact adjacent homeowners, reasonable conditions such as screening can be required as part of the special land use approval process.
- Not unduly affect the capacities of public services or facilities. No impact anticipated.
- Be consistent with the public health, safety and welfare. Operation of a licensed group child care home from a single-family residence located in the neighborhood would not be inconsistent with the public health, safety and welfare.
- Be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan. A group child care home would promote Goal 2, Housing - Objective 2.6, and address housing and services for special groups such as families in need of child day care.

- Be planned and designed to ensure that the nature and intensity of the principal use and all accessory uses, and the site layout and its relation to the streets giving access to it, shall not be hazardous or otherwise detrimental to the area or unduly conflict with normal traffic to and from the use. The operation of a group child care home from this location will not be detrimental to the area or unduly conflict with normal traffic. The current family child care home at this location, which is permitted by right in residential districts, generates approximately 24 vehicle trip ends (12 trip ends in/12 trip ends out) during an average weekday. Comparatively, the proposed group child care home would add 24 more vehicle trip ends for a total of 48 vehicle trips (24 trip ends in/24 trip ends out) on an average weekday. A single family residence typically generates between 8-12 vehicles trip ends during an average weekday. The additional traffic resulting from a change to a group child care home will not have a substantial impact on traffic flow and safety within the surrounding neighborhood since the vehicles do not typically arrive and depart at the same time and more than one route to/from the home is available to distribute the traffic.

Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. A notice was also placed in the local newspaper. At the time of report preparation, no letters from area property owners have been received.

IV. RECOMMENDATION:

Based upon the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends that the Special Land Use Permit for Ms. Christine Whitt (group child care home), 1225 Warwick Street, be approved including a waiver from the separation requirements set forth in Section 42-182(I)(1). Establishment of another group child care home at 1225 Warwick Street would result in three being located within 1,500 feet of each other. However, the three group child care homes are sufficiently separated so as not to create a combined noise and/or traffic problem for area residents. Traffic can be distributed to/from West Milham Avenue and Oakland Drive from Avon Street, Devon Street, Marlow Street, and Haverhill Street as well as other local streets in this neighborhood. With regard to a screening fence, the Planning Commission should consider, among others, the location of the outdoor play area, proximity of abutting properties and indoor/outdoor living space arrangement, existing vegetation and public comment when evaluating the need for the fence.

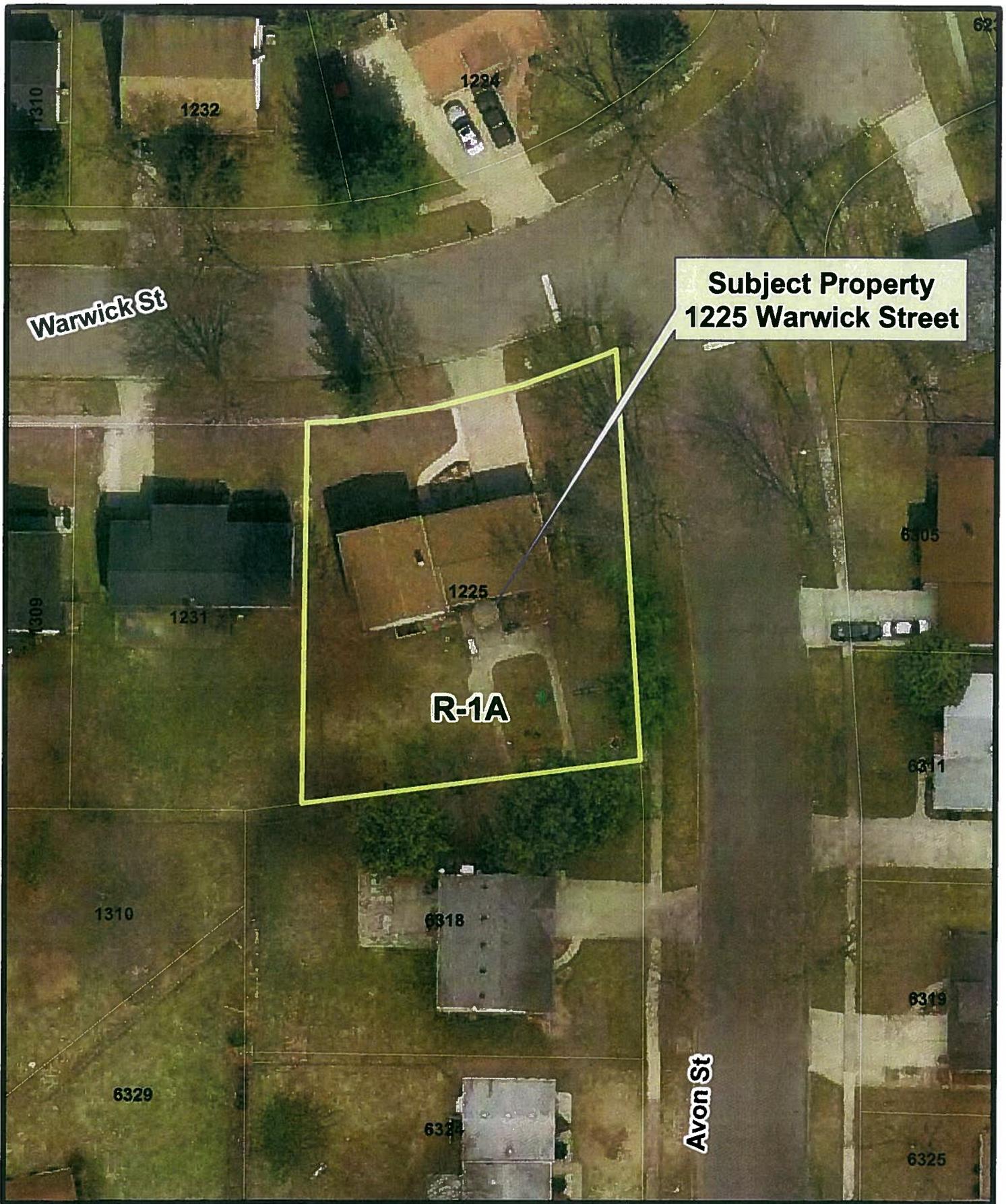
Attachments: Vicinity/Zoning Map

Aerial Photograph Map (subject property)

Aerial Photograph Map (larger neighborhood view)

Digital Photograph – rear yard of 1225 Warwick (view from Avon Street)

Special Land Use Permit Application and Supporting Documentation



Warwick St

Subject Property
1225 Warwick Street

R-1A

Avon St

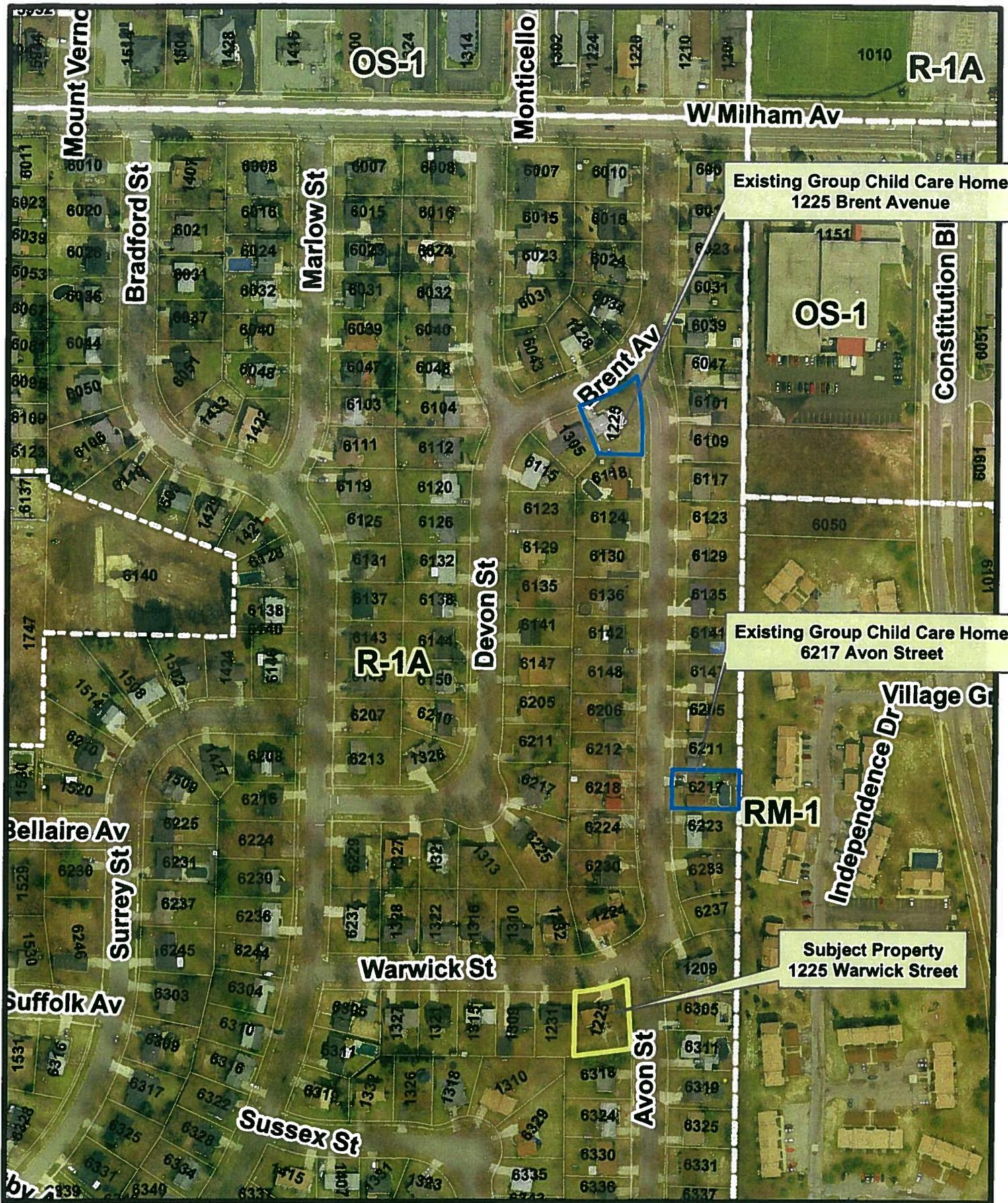


0 15 30 60 Feet

SPECIAL LAND USE PERMIT 1225 Warwick Street

Legend

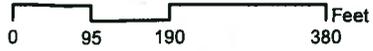
-  Subject Property
-  Zoning Boundary



Existing Group Child Care Home
1225 Brent Avenue

Existing Group Child Care Home
6217 Avon Street

Subject Property
1225 Warwick Street



SPECIAL LAND USE PERMIT 1225 Warwick Street

Legend	
	Subject Property
	Zoning Boundary



03/20/2012 10:44

APPLICANT INFORMATION

Name Christine Lynn Whitt		Telephone Number (269) 547-8140	
Address 1225 Warwick St.	City Portage	State MI	Zip code 49024

OWNER INFORMATION (if different)

Name Susan Squiers		Telephone Number (269)	
Address 1215 32nd St.	City Allegan	State MI	Zip code 49010-9198

PROPERTY INFORMATION

Address of property 1225 Warwick St.	Zoning District Portage	Land Area (acres) lot size 91'x121'
---	----------------------------	--

Legal Description (or attach separate page)

Coventry Village Subdivision No. 1, Lot 51

PROPOSED USE

Description of proposed Special Land Use (attach additional page(s), if necessary)

To run a licensed group child care home with a capacity of up to 12 children.

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.

Christine Whitt
 Signature

2-16-12
 Date

RECEIVED
 FEB 21 2012
 COMMUNITY DEVELOPMENT

Portage City Planning Commission
Department of Community Development
7900 South Westnedge Avenue
Portage, MI 49002

RECEIVED
MAR 22 2012
COMMUNITY DEVELOPMENT

February 16, 2012

Dear Sir or Madam,

I am a child care provider, with a current license through the State of Michigan to care for up to 6 children in a family daycare home setting. I am hoping to expand into a group daycare home, with the capacity to care for up to a total of 12 children at one time. My fiance' lives with me and also helps to run this day care. In addition, my 20 year old daughter sometimes comes over to help as a daycare assistant, when needed. There will be no additional employees for my child care home.

I am set up to provide 24 hour child care, seven days per week. However, it is my goal that I will keep 99% of my business restricted to Monday through Friday, 6 a.m. until 6:30 p.m. I intend to only take evening or weekend children on a very limited and occasional basis.

My home is located at 1225 Warwick Street, Portage, MI 49024. It is located in the Haverhill neighborhood on the corner of Avon and Warwick. The home is a tri-level home with over 1700 square feet. The daycare room is located within the basement level, which has an exit directly outside from it at the rear of the home. The home is located on a lot that is 91'X121'. Over half of this lot includes a fully fenced in back yard, complete with a built in play structure and sandbox.

Ample parking is available and should not create a disturbance to the neighbors or the normal traffic flow of the neighborhood. My daycare parents will be instructed to park in the driveway when dropping off or picking up their children. If they are unable to do so for some reason, I will ask that they park on our side of the street directly in front of, or beside, our house (which is on the corner).

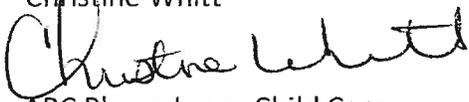
I intend to insure that my daycare home will not be a disturbance for any of the neighbors, especially those immediately adjacent to my west and south. The children in my care will be fully supervised at all times and I hope that any neighbors who find issue with my business will discuss the matters with us so that I may reach an agreeable solution to any differences.

With all of this in mind, I ask the City Planning Commission to approve a zoning/special land use permit to allow me to operate a group child care home to care for up to 12 children.

I appreciate your time and consideration in this matter. If you have any questions or concerns, please do not hesitate to contact me at (269) 547-8140.

Thank you,

Christine Whitt

A handwritten signature in black ink that reads "Christine Whitt". The signature is written in a cursive style with a large initial "C".

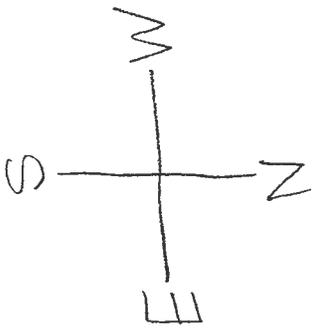
ABC Play-n-Learn Child Care

1225 Warwick Street

Portage, MI 49024

(269) 547-8140

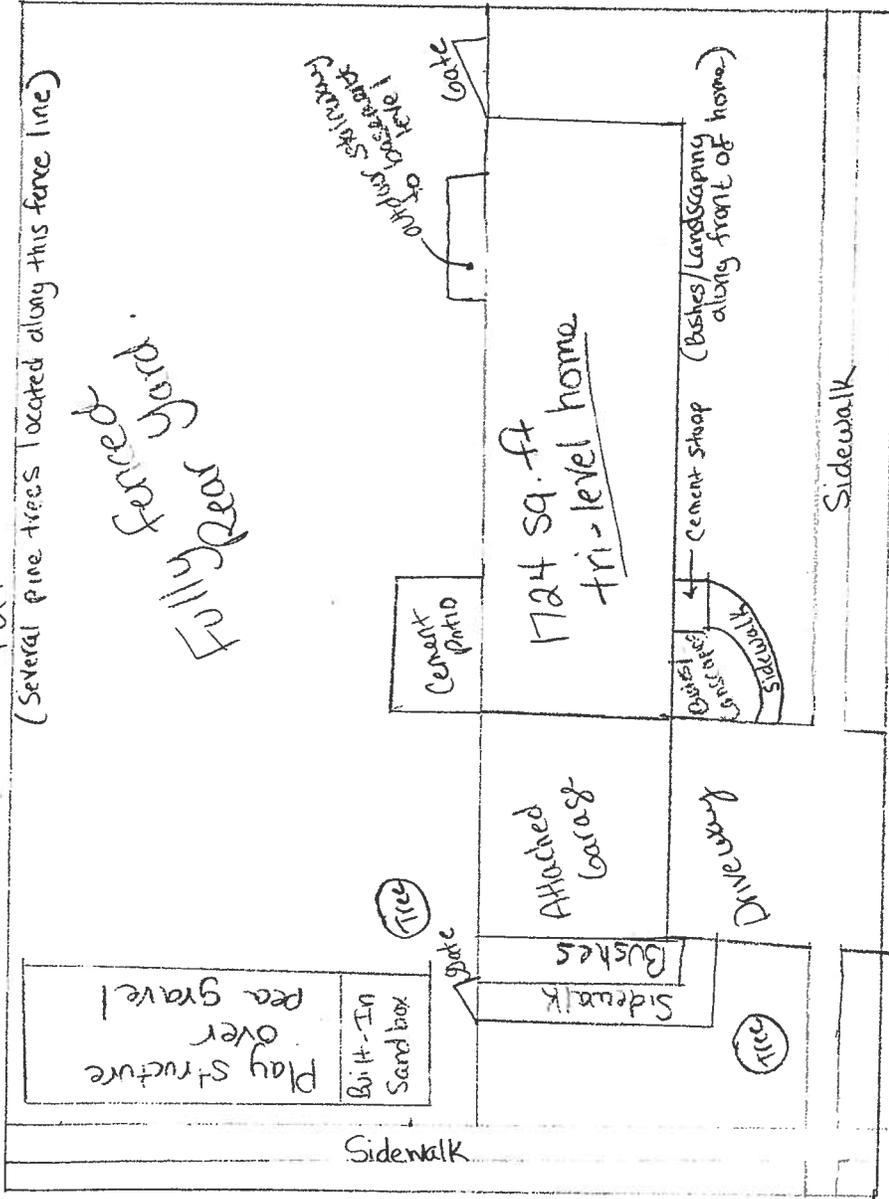
State of Michigan Child Care License No. DF390315393



121'

(Several pine trees located along this fence line)

Full Guller yard.



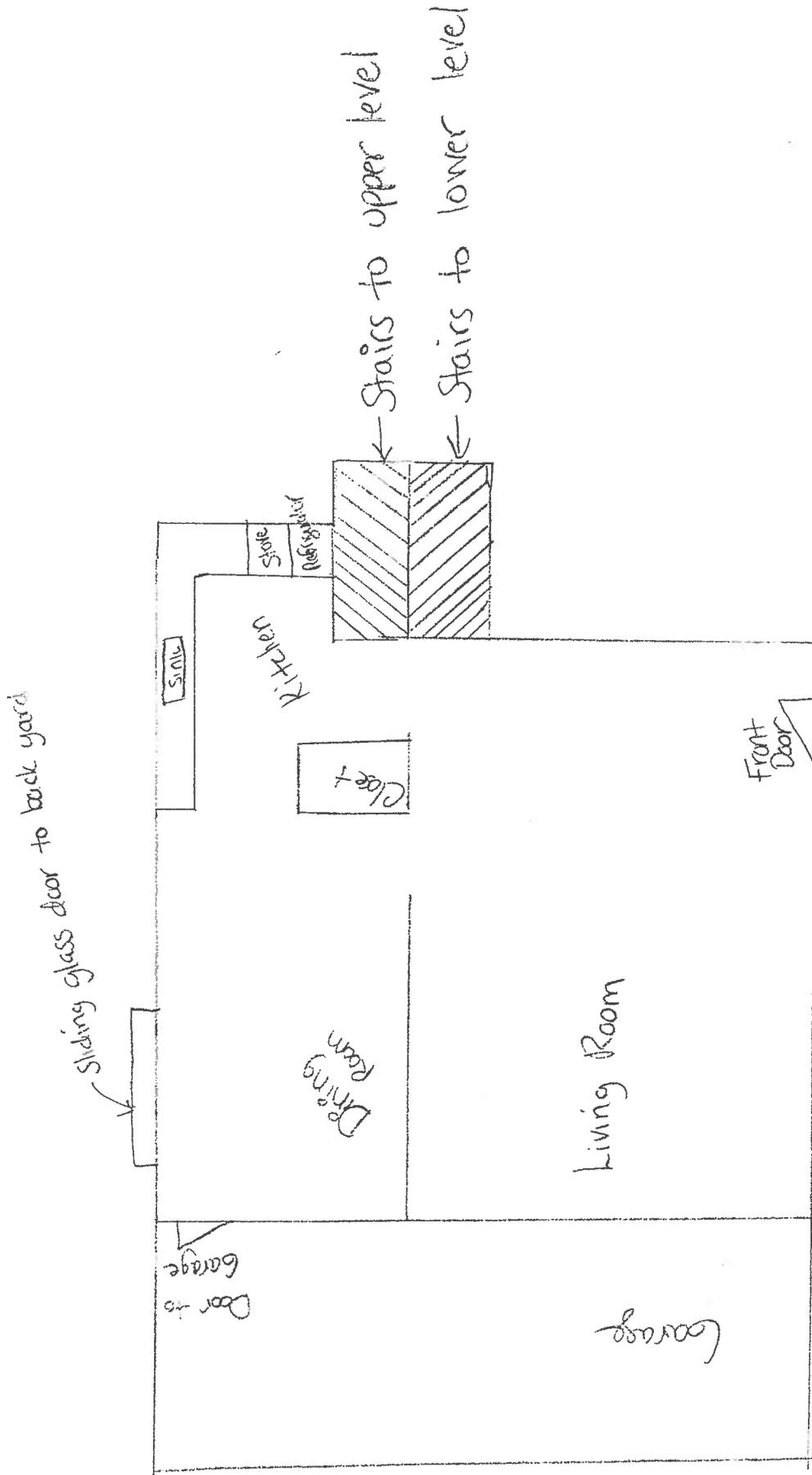
91'

Warwick Street

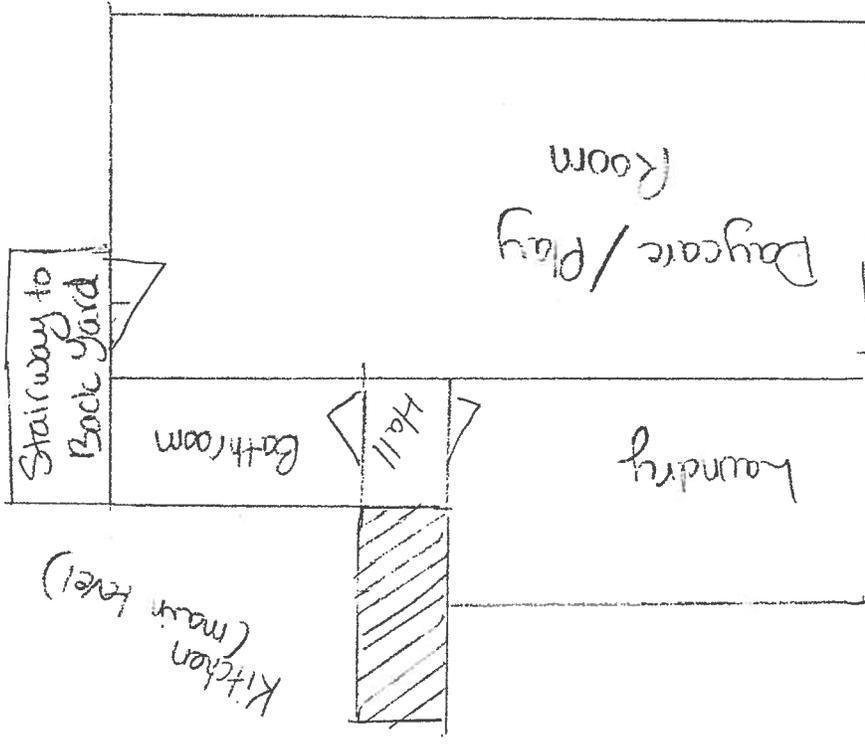
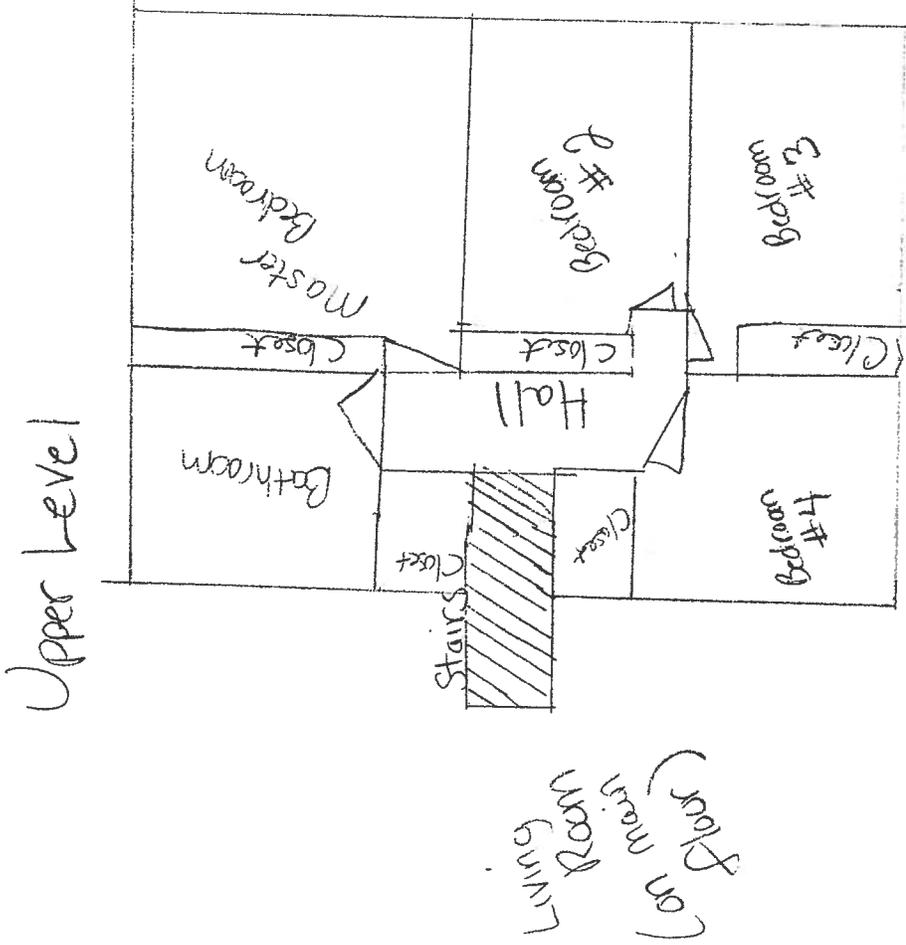
Lot size: 91' x 121'

1225 Warwick, Portage MI 49024
Lot Layout

Main Floor Sketch - 1225 Warwick.



1225 Warwick - Interior Sketch



TO: Planning Commission **DATE:** March 29, 2012
FROM: Vicki Georgeau, ^{VJ} Director of Community Development
SUBJECT: Final Report: Rezoning Application #11-03, Romence Road Parkway Corridor

I. INTRODUCTION:

During the October 2011 rezoning consideration of a 1.3 acre portion of 1901 Romence Road Parkway, the City of Portage Planning Commission determined that further study of the Romence Road Parkway corridor from Lovers Lane to Portage Road was appropriate. The corridor study was prompted by comments from area residents and Commissioners regarding the existence of heavy industry zoning adjacent to single family residential zoning/land use and the Future Land Use Map designation of the subject property and surrounding properties as appropriate for Research & Development/Technology land use. Similar comments also arose during City Council review of the rezoning request.

The Planning Commission completed review of the initial Romence Road Parkway Corridor Study during the February 2, 2012 meeting. Several rezoning options were presented by staff for consideration by the Commission. At the conclusion of the discussion, the Commission decided to initiate the public hearing process to consider changing the zoning of several parcels of land located adjacent to the north and south sides of Romence Road Parkway and along the west side of Portage Road from I-2, heavy industry, OS-1 office service and R-1B, one family residential to OTR, office, technology and research. Table 1 below lists the properties that are subject to rezoning consideration, including ownership and other site related information.

Table 1

Address	Parcel I.D. Number	Property Owner	Acres	Existing Land Use	Current Zoning	Proposed Zoning
1901 Romence Road Parkway	06480-085-E	1901 Romence LLC	34	Office	I-2 & R-1B	OTR
7005 Lovers Lane	00015-001-O	Pfizer	16.5	Vacant	I-2	OTR
7000 Portage Road	00014-005-A	Pfizer	80.5	Vacant	I-2	OTR
2301 Romence Road Parkway	00011-002-O	Pfizer	33.2	Vacant	I-2	OTR
6710 Portage Road	06480-039-O	Pfizer	0.33	Vacant	I-2	OTR
6718 Portage Road	06480-040-O	Pfizer	0.31	Vacant	I-2	OTR
6726 Portage Road	06480-041-O	Pfizer	0.31	Vacant	I-2	OTR
2328 Lansing Avenue	06480-043-O	Pfizer	0.29	Vacant	I-2	OTR
2402 Lansing Avenue	06480-042-O	Pfizer	0.29	Vacant	I-2	OTR
6646 Portage Road	06480-001-A	ImageStream	1.8	Office	I-2 & OS-1	OTR
6941 Lovers Lane	06480-085-D	Slomp	0.9	Residential	I-2	OTR
7013 Lovers Lane	08340-026-A	Meyers & Pacheco	1.6	Residential	R-1B	OTR
7019 Lovers Lane	08340-027-O	Meyers & Pacheco	1.9	Residential	R-1B	OTR
Total acres: 171.93						

Staff personally contacted the above property owners and provided information regarding the corridor study and the rezoning initiative concurrent with the required public notice. Although none of the affected property owners have yet provided written comments, the owner of 1901 Romence Road Parkway stated no objection to the proposed OTR zoning district. A representative of Pfizer stated no objection to OTR zoning for the Pfizer properties located on the north side of Romence Road Parkway but requested the

current I-2 zoning for properties located on the south side of Romence Road Parkway (7000 Portage Road and 7005 Lovers Lane) be retained. While no current plans exist, Pfizer may have some future need for these two large parcels and prefers the current I-2 zoning. The other property owners involved in the rezoning consideration (ImageStream, Slomp and Meyers & Pacheco) also indicated no objection to a zoning change, but stated a preference for an alternative OS-1, office service district given the small parcel sizes and OTR minimum project area and setback standards.

II. EXISTING CONDITIONS:

Table 2

Land Use/Zoning	<p>Rezoning Area: See Table 1 above for existing land use and zoning designations.</p> <p>West: Single family residences (6901-6937 Lovers Lane) and vacant land zoned R-1B, one family residential. Across Lovers Lane, vacant land zoned I-1, light industry and OS-1, office service.</p> <p>East: Across Portage Road, Pfizer manufacturing headquarters, office building and vacant land zoned I-2, heavy industry.</p> <p>North: Single family residences and vacant lots located within the Portage Heights subdivision zoned R-1B, one family residential, along with vacant land zoned I-1, light industry (along Lovers Lane) and I-2, heavy industry (north of Ramona Avenue).</p> <p>South: Vacant land zoned R-1B, one family residential and I-2, heavy industry.</p>
Zoning/Development History	<p>In December 2011, City Council approved Rezoning Application #11-01 that rezoned a 1.3 acre portion of 1901 Romence Road Parkway from R-1B, one family residential to I-2, heavy industry.</p> <p>Other than the recent rezoning of the 1.3 acre area of 1901 Romence Road Parkway, no rezoning of properties in the surrounding area have occurred since adoption of the 2002 Comprehensive Plan. The 2002 Comprehensive Plan changed the future land use designation of the area from industrial to research & development/technology.</p>
Historic District/ Structures	<p>The properties involved in the rezoning consideration are not located within a historic district and do not contain any historic structures.</p>
Public Streets	<p>Romence Road Parkway is a limited access boulevard and designated as a four-lane minor arterial with 10,600 vehicles per day (2008) with a capacity of 32,500 vehicles per day at a level of service "D."</p> <p>Lovers Lane is also designated as four-lane minor arterial with 8,866 vehicles per day (2011) north of Romence Road Parkway and 7,745 vehicles per day (2011) south of Romence Road Parkway. Lovers Lane has a capacity of 32,500 vehicles per day at a level of service "D."</p> <p>Portage Road is designated as four-five lane major arterial with 16,242 vehicles per day (2008) with a capacity of 34,200 vehicles per day at 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 identifies areas of potential wetlands along the northwest portion of 1901 Romence Road Parkway, along the southwest portion of 7000 Portage Road, and within portions of 7005, 7013 and 7019 Lovers Lane (refer to the attached aerial photograph). A more detailed site-specific environmental review of these areas would be necessary with any future development plans occurring proximate to these areas.</p>

III. PUBLIC REVIEW/COMMENT:

The Planning Commission convened a public hearing on March 15, 2012. Two citizens (Chad Learned, 6813 Gertrude Drive and Phil Merchant, 6822 Gertrude Drive) were present and spoke in regards to the proposed rezoning. Mr. Learned and Mr. Merchant expressed concerns about future development on the 1901 Romence Road Parkway property, whether vehicular access would be allowed to Gertrude Drive and whether the R-1B zoned strip along the northwest portion the 1901 Romence Road Parkway would be

rezoned. Mr. Learned requested that the existing R-1B zoned area be retained and the mature tree line along the south side of Kromdyke Avenue also be preserved with any future development plans. 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 Plan Map and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification.

Comprehensive Plan/Future Land Use Map Consistency. As shown on the attached Future Land Use Plan Map component of the Comprehensive Plan, all the subject properties as well as the properties located to the north, south and east as appropriate for research & development/technology (RDT) land use. In total, the RDT designation encompasses approximately 1,100 acres of land located in this area of the city generally defined as south of East Milham Avenue and north of East Centre Avenue, between Lovers Lane and Portage Road. This area is served by an excellent roadway and municipal water/sanitary sewer network and quick/convenient access to major transportation facilities including I-94 and Kalamazoo/Battle Creek International Airport.

The RDT future land use map designation was first developed and included in the 2002 Comprehensive Plan to address, in part, the changing Michigan economy as it continues to transition from an industrial-based economy to a knowledge-based economy. Prior to 2002, industrial land use designations were identified in one general "Industrial" classification. The RDT designation was retained in the 2008 Comprehensive Plan update and is one of three industrial-related land use classifications.

The RDT designation provides "... a location for certain industrial-related uses distinct from other types of industrial or commercial businesses..." The designation intends to concentrate compatible uses "...in a planned, campus-like setting with more extensive landscaping, higher quality architecture and more site amenities than typically found in general industrial areas." Representative uses envisioned for the RDT designation include research facilities and centers, technology and testing facilities, microelectronic and biotechnology uses, large-scale corporate or professional offices and pharmaceutical production operations, along with supporting businesses such as accommodation/motels, conference facilities and service oriented businesses.

In conjunction with development of the RDT land use classification with the 2002 Comprehensive Plan, a corresponding OTR, Office Technology and Research zoning district was also developed and included with the 2003 Zoning Code Update. The OTR district replaced two previous zoning districts: OS-2, Office Service (High-Tech, Research Use) and RC, Research Park. Given the fairly recent adoption of the OTR zoning district, uncertainty regarding future plans for Pfizer, Inc. (majority owner of property designated for RDT land use) and the lack of new development/redevelopment activity in the central area of the city, rezoning of land to the OTR district was not yet previously requested or initiated.

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

community development objectives. A change in zoning to OTR would be consistent with applicable development guidelines contained in the Comprehensive Plan (attached).

Suitability of Existing I-2, OS-1 and R-1B Zones and Proposed OTR Zone. The existing I-2, heavy industrial zoning district has been part of the City of Portage Zoning Code since 1965 and was developed when the Michigan economy was invested heavily in manufacturing activities. There are two primary areas of the city zoned for heavy industrial land uses: The Portage Road and South Sprinkle Road corridors (majority of the I-2 zoned land in this area is owned by Pfizer), and the east side of Shaver Road south of West Centre Avenue. Within these two areas are approximately 2,100 acres zoned for I-2 use of which approximately 1,040 acres are vacant. For Commission information, Pfizer owns approximately 1,500 of the 2,100 acres, or 71% of the total. Table 3 below includes the intent and a list of allowable uses permitted in the I-2 district. A cursory review of the land uses currently located in these two heavy industrial areas indicates Pfizer's Portage Road manufacturing facility is a use restricted to the heavy industrial zoning district. Although the other land uses are located in the I-2 district, these uses would also be permitted in the I-1, light industrial zoning classification. While retention of I-2 heavy industrial zoning within the city is beneficial to accommodate heavy manufacturing operations, the amount of acres zoned for such use appears to exceed the demand based on development trends. Nevertheless, potential future development plans of the I-2 property owners in the vicinity should be carefully considered during this rezoning initiative.

With regard to the OTR district, this zoning designation was developed to capitalize on the shift from traditional manufacturing to a more knowledge-based economy emphasizing innovation through research and development. As such, the OTR district permits land uses intended to foster this type of development by emphasizing research, development, pilot production and related facilities. The zoning district also permits several types of land uses, such as health/fitness clubs and restaurants, designed to support the principal land uses. Uses allowed in the OTR district are generally less intensive than those allowed in the I-2 district.

A summary of other differences between the I-2, heavy industry and OTR, office technology and research zoning districts is provided in the following table.

Table 3

Differences Between I-2 and OTR Zoning Districts		
	I-2	OTR¹
Intent	Designed primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations whose external effects will be felt to some degree by surrounding districts.	Designed to provide for a community of production and research and development facilities, rather than for a single research structure, and to ensure compatibility between production, research and development operations and the activities and character of the community in which the operations are located. Further intended to permit the design and development of larger land areas in a campus setting submitted as a unified form of land development. Land areas to be designed with suitable open space and landscaping and to be harmonious and compatible with the environment and adjacent residential and/or nonresidential areas.
Allowable Uses (examples)	Manufacturing, Processing, Compounding, Packaging and/or Warehousing; Heating and Electrical Power Generating Plants, Central Dry Cleaning Plants and Laundries;	Research, Design and Experimental Product Development; High Technology, Research & Development Uses; Laboratories; University-Based Research Facilities; Product Testing &

Differences Between I-2 and OTR Zoning Districts		
	I-2	OTR¹
	Railroad and Truck Terminal Freight Facilities; Recycling Facilities; Junkyards; Trade or Industrial Schools; Veterinary Clinics; Warehouses or Wholesale/Retail Outlets; Outdoor Theatres.	Analysis; Computer & Hardware Design; Telecommunications; Biotechnology; Pharmaceutical Research and Production; Vocational and Business Schools; Office Buildings; Data Processing Facilities; Medical Facilities; Health & Fitness Clubs; Restaurants (except drive-in and drive-thru).
Setbacks	<u>Front:</u> 100' (50' for office/parking) <u>Rear:</u> 12' or ½ building height (75' from residential district) <u>Side:</u> 12' or ½ building height (100' from residential district)	<u>Front:</u> 50' <u>Rear:</u> 50' (25' for parking) <u>Side:</u> 50' (25' for parking unless adjacent residential district)
Height	60' (one-story and 25' if adjacent residential district; increases in height permitted subject to PC/CC approval)	35' (one-story and 25' if adjacent residential district; increases in height permitted subject to PC/CC approval)
Screening	6' landscaped berm, if greater than 3 acres. 6'- tall screen, 10 foot greenstrip, if less than 3 acres	Same
Development Approval Process	<u>One-Step</u> -- PC review/approval -- Site Plan and Special Land Use Permit, if necessary	<u>Two-Step</u> -- Conceptual Plan – public hearing (PC recommendation/CC approval) -- Specific Plan (PC review/approval)
Minimum Land Area	<u>None Specified:</u> Determined based on building size, setbacks, parking, storm water, etc.	<u>Project Area:</u> 10 acre minimum <u>Lot Area:</u> 2 acre minimum (within the project area)

¹ City Council may waive or modify the standards or requirements for a conceptual plan in the OTR district.

To ensure a more unified and compatible project, developments in the OTR zone are required to first obtain conceptual plan review/approval by the Planning Commission and City Council. The Planning Commission then subsequently reviews/approves a specific/site plan prior to development.

With regard to the smaller properties included in the rezoning consideration (e.g., 6941 Lovers Lane, northern portion of 6646 Portage Road and small lots at the southwest corner of Portage Road and Lansing Avenue), redevelopment potential is limited under the existing I-2 zoning due to significant building setbacks (100 feet when adjacent to a residential area) and other site development requirements.

The parcel located at 6941 Lovers Lane, near the northeast corner of Lovers Lane and Romence Road Parkway, is 72-feet wide by 550-feet long and occupied by nonconforming single family dwellings and accessory buildings within the I-2 zoning district. Additionally, a long, narrow portion of the 1901 Romence Road Parkway parcel (48.59-feet wide by 550-feet long) is also situated at this corner, between the 6941 Lovers Lane parcel and Romence Road Parkway. A change in zoning from I-2 to OTR (or other similar classification) for 6941 Lovers Lane would not change the nonconforming status of the single family residential uses on the property. However, since this parcel does not meet the minimum 10-acre project area standard in the OTR zone, redevelopment would either require additional land assemblage with the adjacent 1901 Romence Road Parkway property, a waiver/modification from City Council or an alternative zoning classification. Additionally, stand alone redevelopment of this parcel under either the existing I-2 or proposed OTR zoning districts is extremely limited due to the parcel configuration (72-foot width) and minimum building setbacks in the I-2 and OTR zones. Similar development challenges also exist with the long, narrow portion of the 1901 Romence Road Parkway parcel (48.59-feet wide by 550-feet long) even if this land area was combined with the 6941 Romence Road Parkway parcel. As such, an alternative OS-1, office service zoning designation for these properties with less restrictive building

setbacks (front: 27-feet, side: 15-feet, rear: 20-feet) is appropriate and will afford the property owners more feasible future development options.

The parcel located at 6646 Portage Road is 212-feet wide by 383-feet deep with frontage on three public streets: Portage Road, Lansing Avenue and Ramona Avenue. The property is owned by ImageStream Properties and contains split zoning with the southern approximate one-third zoned OS-1, office service and northern two-thirds zoned I-2. The OS-1 zoned portion of the parcel is improved with an approximate 4,500 square foot office building and associated parking lot, while the I-2 zoned portion of the parcel is vacant land. Since this property is approximately 1.9 acres, it would not meet the minimum 10 acre project area standard in the OTR zone and, therefore, would require a waiver/modification from City Council. Rezoning this parcel to OTR would also create nonconformities with the existing office building and parking lot since they were originally developed under OS-1 standards and would not meet minimum setbacks requirements established for the OTR zone. Finally, future development of the vacant northern portion of the property under either the I-2 or OTR designations is limited due to the parcel configuration with three public street frontages and minimum building setbacks in the I-2 and OTR zones. For these reasons, an alternative OS-1 zoning designation for the entire parcel is appropriate and would afford the property owner more feasible future development options.

The continued use of the former Upjohn/Pfizer Quad Building at 1901 Romence Road Parkway for offices is protected under the existing I-2 district and is permitted in the OTR district. As noted above, the southwest portion of this parcel, which is long and narrow (48.59-feet wide by 550-feet long) and situated between the 6941 Lovers Lane parcel and Romence Road Parkway, is considered more appropriate for OS-1 rezoning. The northwest portion of this parcel, between Gertrude Drive and Lovers Lane, is currently zoned R-1B, one family residential and occupied by underground utilities associated with the Pfizer manufacturing operation. During review of the corridor study and at the March 15th public hearing, the Commission discussed retaining this R-1B zoning to serve as a buffer to adjacent single family residences and to restrict future non-residential vehicular access to Lovers Lane. Given the presence of adjacent residences to the north and south, retention of this R-1B zoned portion of 1901 Romence Road Parkway is also considered appropriate. The remaining larger acreage of 1901 Romence Road Parkway is considered appropriate for OTR zoning.

The five vacant lots located at the southwest corner of Portage Road and Lansing Avenue are owned by Pfizer, Inc. (Pharmacia/Upjohn) and zoned I-2. While these lots individually or collectively do not meet the 10-acre minimum project area standard in the OTR zone, they are under common ownership with the larger 2301 Romence Road Parkway parcel to the south. These smaller lots cannot be readily developed under the existing I-2 or OTR zones. However, together with the 2301 Romence Road Parkway parcel, development under the OTR district is feasible and considered appropriate.

With regard to the smaller parcels on the south side of Romence Road Parkway, a zoning change from R-1B to OTR for the two single family residential parcels (7013 and 7019 Lovers Lane) located at the southeast corner of Lovers Lane and Romence Road Parkway would cause the residences to become nonconforming, however, the residential uses could continue until redevelopment was desired. Although currently under the same ownership, these two parcels collectively do not meet the minimum 10-acre project area standard in the OTR zone. Therefore, development of these two parcels under an OTR designation would either require additional land assemblage and/or a waiver/modification from City Council. Similar to the properties located at the northeast corner of Lovers Lane and Romence Road Parkway, an alternative OS-1 zoning designation for 7013 and 7019 Lovers Lane would provide less restrictive building setbacks and more redevelopment flexibility and options for the property owners.

The two large Pfizer parcels located along the south side of Romence Road Parkway (7005 Lovers Lane and 7000 Portage Road) are vacant and pharmaceutical production could be accommodated in either the I-2 or OTR zoning districts. However, Pfizer has requested that the I-2 zoning be retained. Given the combined large acreage of these two parcels (97 acres) and additional vacant, large acreage parcels owned by Pfizer to the south, retention of the I-2 zoning would provide further flexibility and broader development options for the property owner.

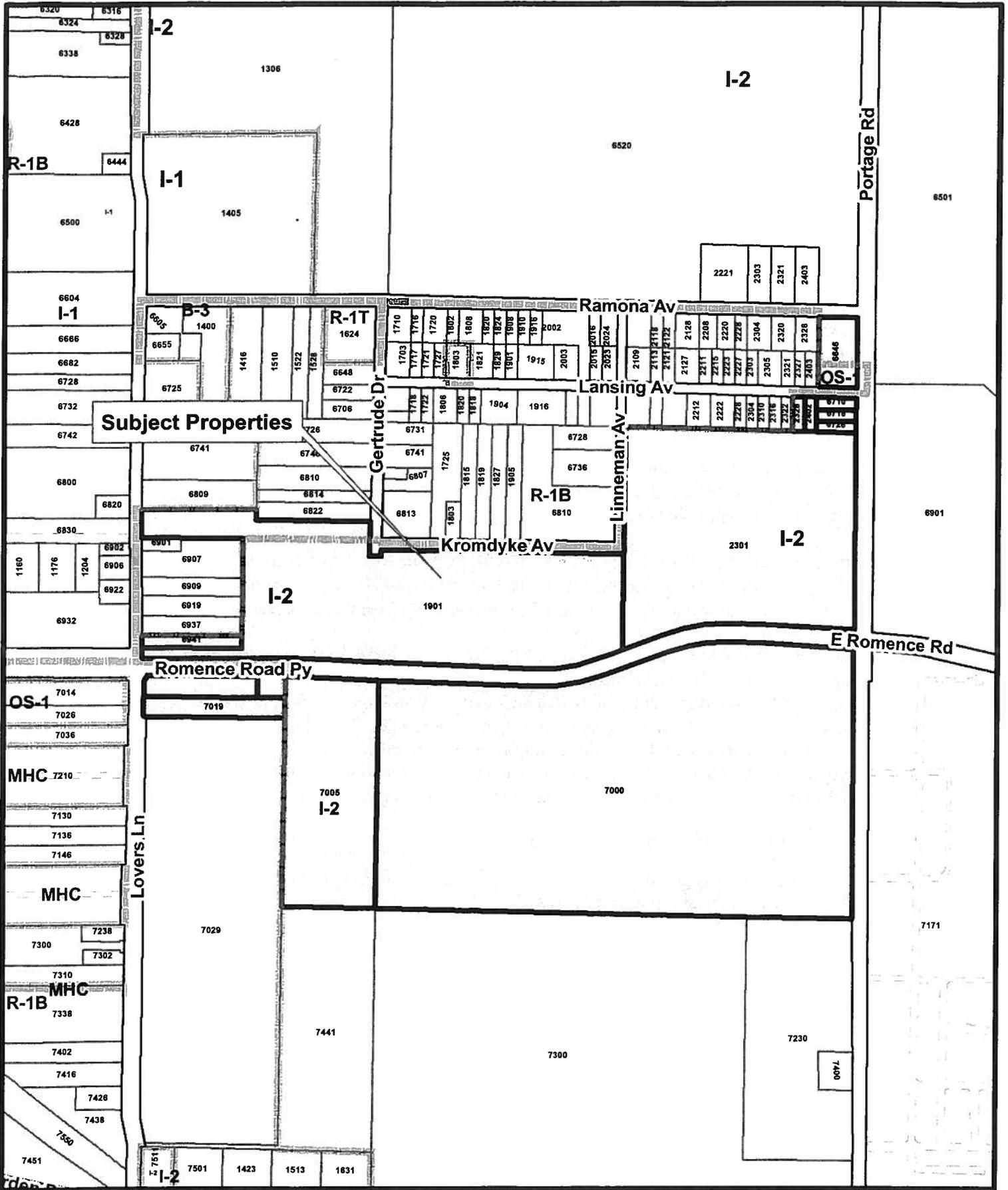
Traffic Considerations. Anticipated traffic generation under either the existing I-2, OS-1 and R-1B zones or the proposed OTR and OS-1 zones can be accommodated by the adjacent roadway network. Specific access management related issues including proposed access location, shared and/or cross access will be reviewed during the site plan stage of redevelopment.

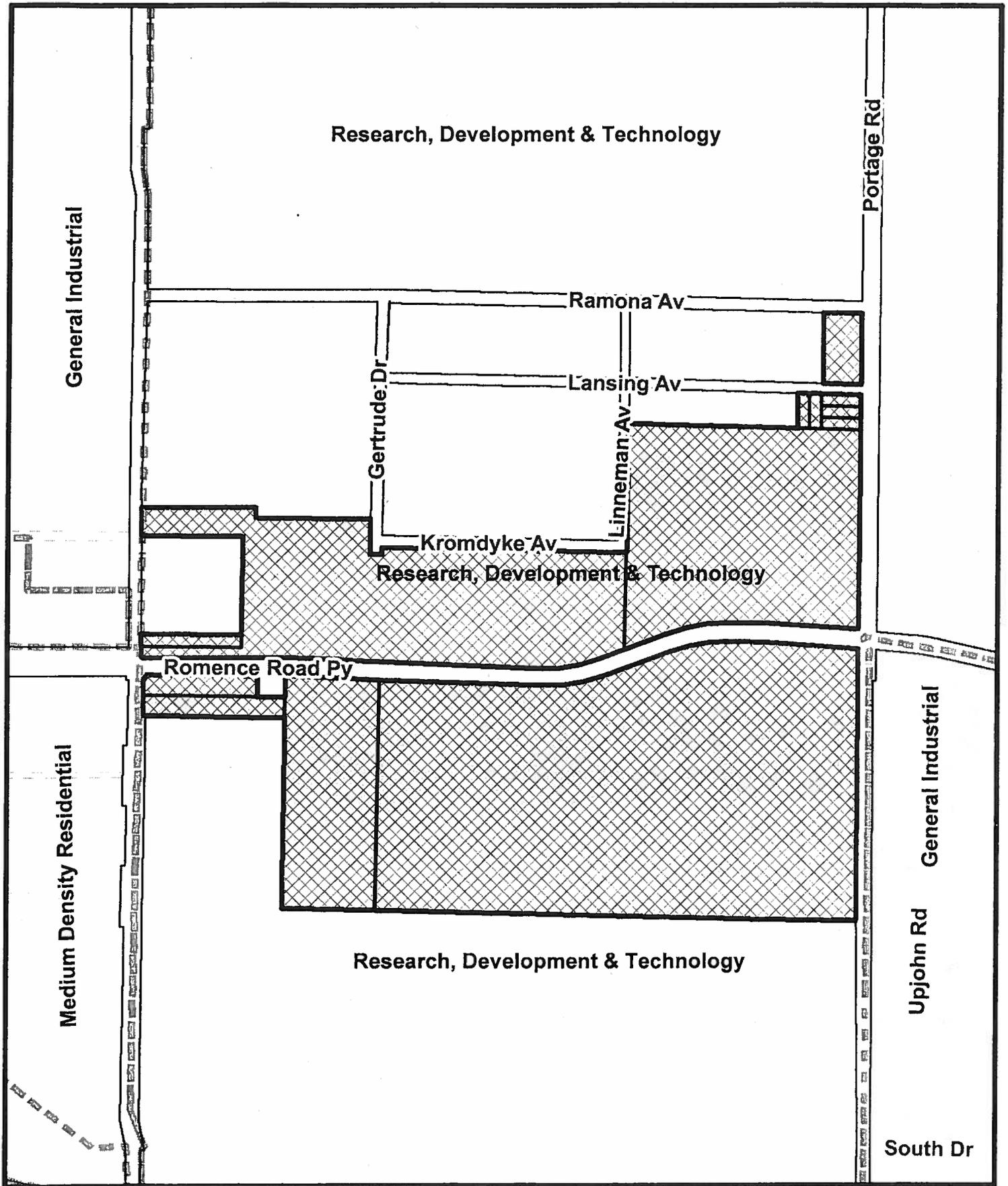
V. RECOMMENDATION:

Based on the above analysis and subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council that Rezoning Application #11-03 be approved as follows:

1. Rezone 1901 Romence Road Parkway to OTR, office technology and research with the exception of:
 - the northwest portion of the parcel that is to remain zoned R-1B, one family residential, and
 - the southwest portion of the parcel (48.59-feet by 550-feet) which is recommended to be rezoned to OS-1, office service;
2. Rezone 2301 Romence Road Parkway, 6710, 6718 and 6726 Portage Road and 2328 and 2402 Lansing Avenue to OTR, office technology and research;
3. Rezone 6646 Portage Road and 6941, 7013 and 7019 Lovers Lane to OS-1, office service; and
4. Retain the current I-2, heavy industry zoning designation for 7005 Lovers Lane and 7000 Portage Road. Given the potential future development plans for these two parcels by Pfizer and since the property is not adjacent to an existing single family residential neighborhood, there is no current development activity that necessitates a rezoning of these properties at this time.

Attachments: Zoning/Vicinity Map
 Future Land Use Map
 Aerial Photograph Map
 Staff Recommended Rezoning Map
 Development Guidelines Table (OTR)
 Rezoning Application





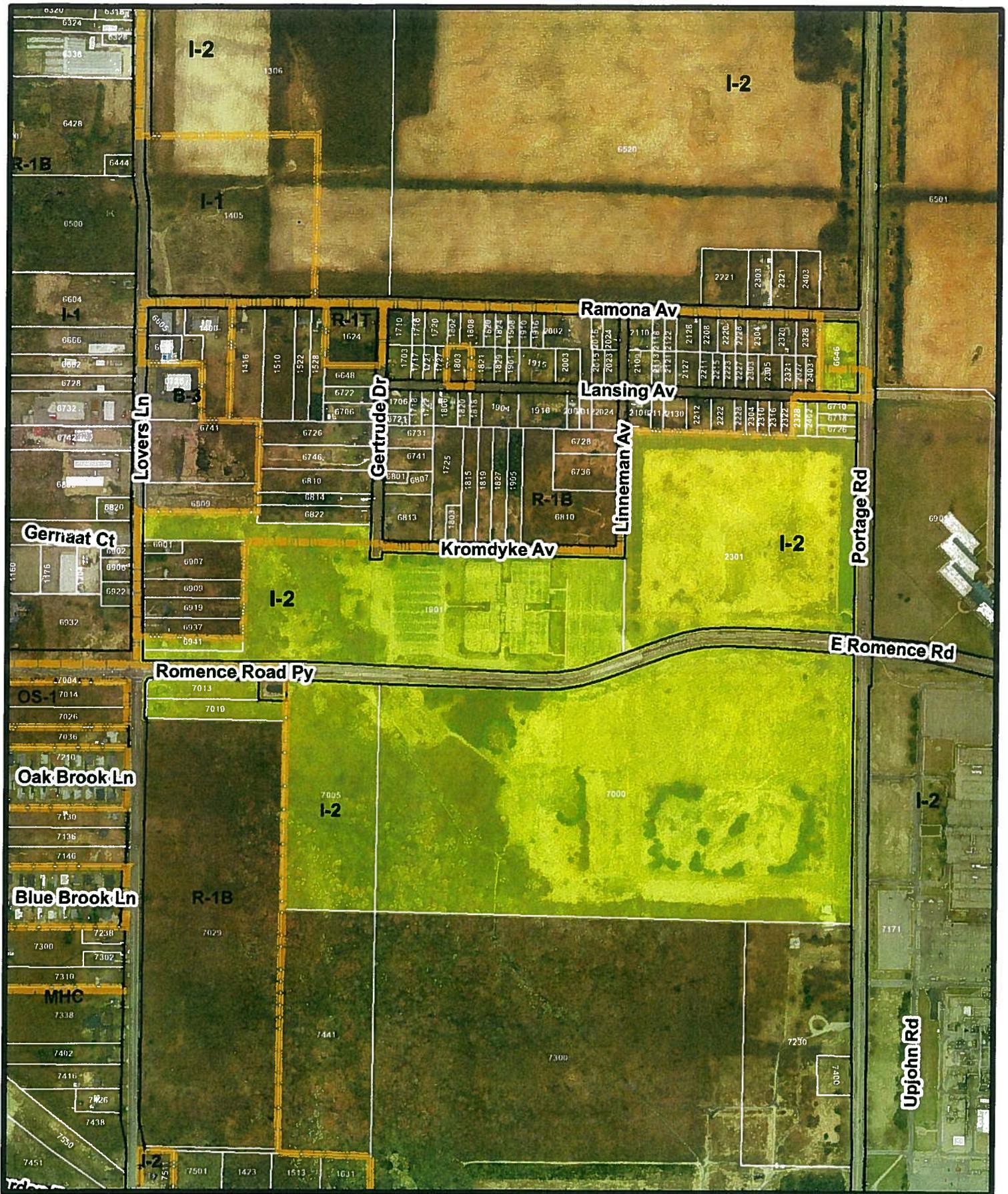
-  Subject Properties
-  Future Land Use

Future Land Use Map

Lovers Lane, Portage Road, Lansing Avenue, Romence Road Parkway



1 inch = 700 feet



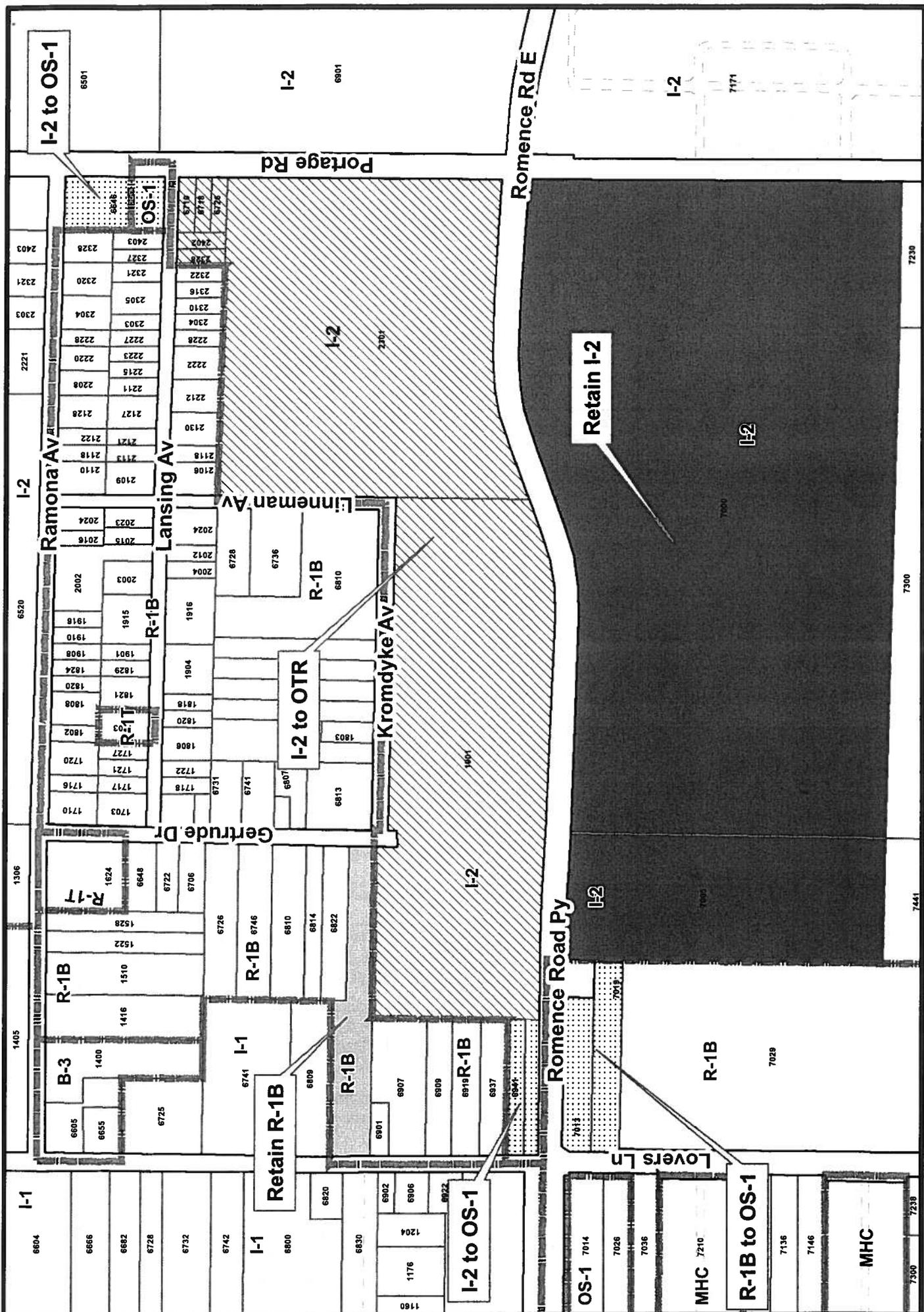
 Zoning Boundary
 Subject Properties

Aerial Photo Map

Lovers Lane, Portage Road, Lansing Avenue, Romence Road Parkway



1 inch = 700 feet



Legend

- Existing Zoning Boundary
- Staff Recommended Rezoning
- OS-1
- OTR
- R-1B (retained)
- I-2 (retained)

Staff Recommended Rezoning
Lovers Lane, Portage Road,
Lansing Avenue, Romence Road Parkway



1 inch = 500 feet

DEVELOPMENT GUIDELINES

Rezoning Application #11-03 (OTR, Office Technology and Research)

Guideline	Description	Consistent	Comments
Rezoning Request – Z-1	Consistency with Future Land Use Plan	Yes	Future Land Use Map designates the rezoning site and adjacent properties as appropriate for research, development and technology land use. This plan designation corresponds with the OTR, office, technology and research zoning district.
Industrial – 1	Industrial Uses in General	Yes	The majority of the properties involved in the rezoning consideration are zoned I-2, heavy industry. Additional I-2 zoning is also located to the south and east (across Portage Road).
Industrial – 2	Environmental Standards	Yes	Properties involved in the rezoning consideration, situated north of Romence Road Parkway, are situated adjacent to residential areas. A change in zoning from I-2 to OTR would result in less intensive land uses where adjacent to these residential areas.
Industrial – 3	Industrial Expansion	Yes	A zoning change from I-2 to OTR along the north side of Romence Road Parkway would allow for office, technology and research land use expansion while protecting adjacent residential areas.
Industrial – 4	Research and Technology Parks	Yes	A zoning change from I-2 to OTR along the north side of Romence Road Parkway would establish a large contiguous land area for possible development of a specialized research and technology business park.
Natural & Historic Resources - 1	Environmental Protection	Yes	Areas of potential wetlands are situated on some of the properties included in the rezoning consideration. A more detailed environmental review of these areas would be necessary with any future development plans.
Natural & Historic Resources - 2	Floodplain	Yes	Rezoning area is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	Yes	Site specific development issues including storm water treatment and design and protection of groundwater resources would be reviewed at the conceptual/specific plan stage of development.
Natural & Historic Resources – 4	Noise	Yes	Reviewed at the conceptual/specific plan stage of development.
Natural & Historic Resources – 5	Historic Resource Preservation	N/A	Historic buildings are not present at the rezoning site.
Natural & Historic Resources – 6	Open Space Protection	N/A	Reviewed at the conceptual/specific plan stage of development.
Transportation – 1	Transportation Systems	Yes	<p>Romence Road Parkway is a 4-lane minor arterial street (limited access boulevard) with 10,600 vehicles per day (2008); and a capacity of 32,500 vehicles per day (level of service “D”).</p> <p>Lovers Lane is a 4-lane minor arterial street with 8,866 vehicles per day north of Romence Road Parkway (2011) and 7,745 vehicles per day south of Romence Road Parkway; and a capacity of 32,500 vehicles per day (level of service “D”).</p> <p>Portage Road is a 4/5-lane major arterial street with 16,242 vehicles per day (2008); and a capacity of 34,200 vehicles per day (level of service “D”).</p> <p>Anticipated traffic generation from the rezoning area, under either the I-2, OTR or OS-1 zones, can be accommodated by the adjacent roadway network.</p>
Transportation – 2	Street Design	Yes	Specific access management related details including driveway locations and shared/cross access will be reviewed at the conceptual/specific plan stage of development.

Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	Specifics associated with the inclusion of walkways and pathways will be reviewed at the conceptual/specific plan stage of development.
Transportation – 5	Right-of-Way Preservation	Yes	Reviewed at the conceptual/specific plan stage of development.
Transportation – 6	Parking	Yes	Reviewed at the conceptual/specific plan stage of development.
Municipal Facilities & Services – 1	Sound Fiscal Growth	Yes	Existing public infrastructure is adequate to accommodate any future development or expansion projects.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available.
Municipal Facilities & Services – 3	Underground Utilities	Yes	Reviewed at the conceptual/specific plan stage of development.

APPLICATION FOR ZONING AMENDMENT

RECEIVED
FEB 02 2012
COMMUNITY DEVELOPMENT

Application number #11-03

Date February 2, 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 _____ 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).

Several properties located along Romence Road Parkway, between Lovers Lane and Portage Road (see attached).

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

b. Name of the owner of the property to be rezoned: Several owners (see attached).

Address Several properties (see attached).

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Planning Commission decision at the February 2, 2012 meeting to initiate rezoning consideration of various properties located along the Romence Road Parkway corridor, between Lovers Lane and Portage Road, consistent with the Comprehensive Plan and Future Land Use map.

4. CURRENT ZONING: I-2, R-1B, OS-1 PROPOSED ZONING: OTR

ZONING TEXT AMENDMENT

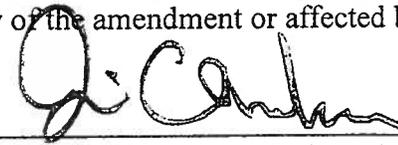
1. The proposed language to be considered is (attach additional sheets as necessary):
NA

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

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

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.

City of Portage Planning Commission
(Signature of Applicant)


(James Cheesebro, Chairman)

7900 South Westnedge Avenue, Portage, Michigan 49002
(Address)

(Address)

(269) 329-4477
(Phone)

(Phone)

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

Properties Subject To Rezoning Consideration

(Romence Road Parkway – Lovers Lane to Portage Road)

Parcel	Ownership	Acres	Zoning	Land Use
1901 Romence Road Pky	1901 Romence LLC	34	I-2/R-1B	Office/Vacant
6941 Lovers Lane	Slomp	0.9	I-2	Single Family Residential
7013 Lovers Lane	Meyers & Pacheco	1.6	R-1B	Single Family Residential
7019 Lovers Lane	Meyers & Pacheco	1.9	R-1B	Single Family Residential
7005 Lovers Lane	Pfizer, Inc.	16.5	I-2	Vacant
7000 Portage Road	Pfizer, Inc.	80.5	I-2	Vacant
2301 Romence Road Pky	Pfizer, Inc.	33.2	I-2	Vacant
6710 Portage Road	Pfizer, Inc.	0.33	I-2	Vacant
6718 Portage Road	Pfizer, Inc.	0.31	I-2	Vacant
6726 Portage Road	Pfizer, Inc.	0.31	I-2	Vacant
2402 Lansing Avenue	Pfizer, Inc.	0.29	I-2	Vacant
2328 Lansing Avenue	Pfizer, Inc.	0.29	I-2	Vacant
6646 Portage Road	Imagestream Properties	1.8	OS-1/I-2	Office/Vacant
Total: 171.93 acres				

TO: Planning Commission **DATE:** March 29, 2012
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: Rezoning Application #11-04, East Centre Avenue between Lakewood Avenue and Garden Lane – expanded rezoning consideration

A joint rezoning application has been received from several property owners located along the north side of East Centre Avenue, between Lakewood Avenue and Garden Lane, requesting that the zoning be changed from R-1A, one family residential and R-1B, one family residential to OS-1, office service. The property owners submitting the 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. These six properties are identified on the attached Zoning/Vicinity Map.

As shown on the Zoning/Vicinity Map, there are four additional parcels along this section of East Centre Avenue between Lakewood Avenue and Garden Lane that are not currently part of the rezoning application. These four properties include 7932 Lakewood Drive, 707 East Centre Avenue, 743 East Centre Avenue and 815 East Centre Avenue. After reviewing the surrounding land use/zoning pattern and the Future Land Use Map designation for this section of East Centre Avenue, staff believes the rezoning application should be expanded to include these four additional properties. A listing of all the properties proposed to be included in this expanded rezoning application, 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						

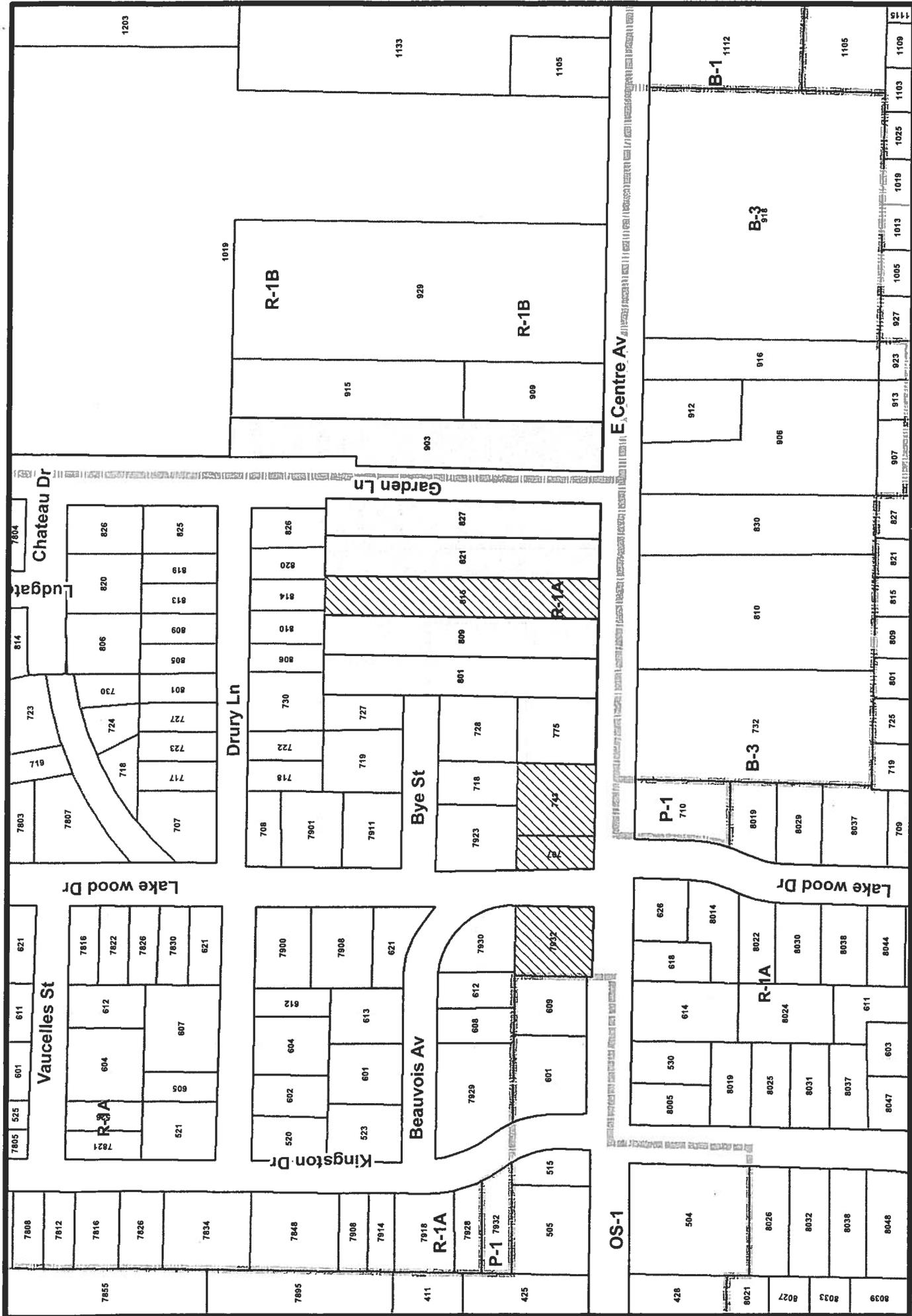
During review of this rezoning request, staff also reviewed the north and south sides of East Centre Avenue, from approximately Kingston Drive to Portage Road. While this section of East Centre Avenue is planned for future office use, review of this entire corridor in advance of the Comprehensive Plan update, which will include an evaluation of appropriate future land uses based on current and evolving development trends, is premature and is not recommended at this time.

Rezoning Application #11-04 (expanded consideration)
East Centre Avenue, Lakewood Drive to Garden Lane
Page 2

The Planning Commission is advised to review the attached materials and then expand Rezoning Application #11-04 to include 7932 Lakewood Avenue and 707, 743, 775, 801, 809, 815, 821, 827 and 903 East Centre Avenue and set a public hearing for May 3, 2012.

Attachment: Zoning/Vicinity Map
 Future Land Use Map
 Aerial Photograph
 Joint Rezoning Application and Supporting Material

s:\commdev\2011-2012 department files\board files\planning files\pc reports\rezonings\rezoning application 11-04, east centre avenue (lakewood - garden)expanded rezoning 3-29-12.doc



□ Parcels in original rezoning request

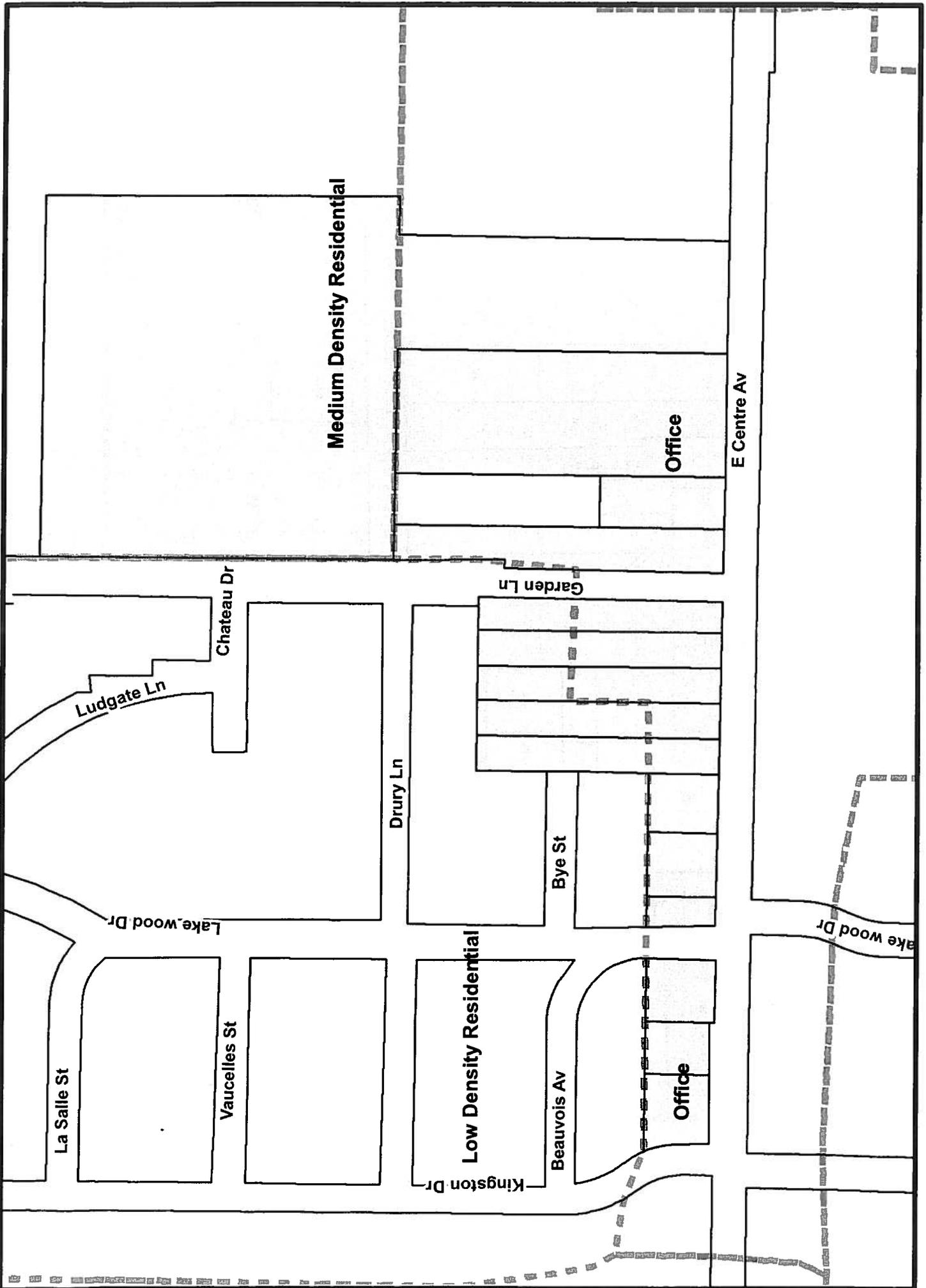
▨ Parcels to be considered in expanded rezoning

▬ Zoning Boundary

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



1 inch = 214 feet

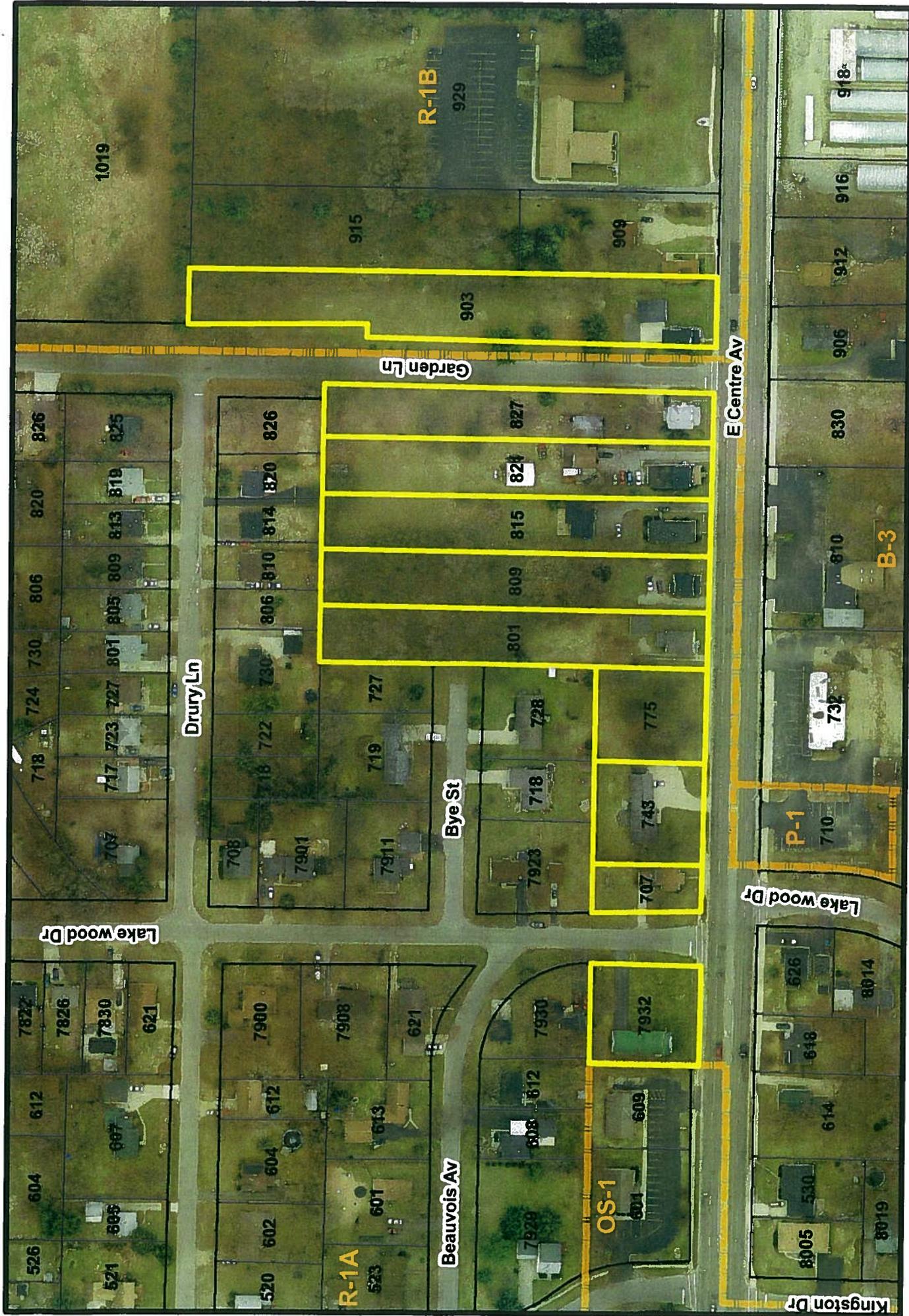


**Rezoning #11-04
East Centre Avenue (Lakewood Drive to Garden Lane)**

-  Future Land Use
-  Parcels considered for Rezoning



1 inch = 233 feet



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

 Parcels considered for Rezoning
 Zoning Boundary



1 inch = 150 feet

APPLICATION FOR ZONING AMENDMENT

Application number 11-04

Date MARCH 12 2012

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

RECEIVED
MAR 12 2012
COMMUNITY DEVELOPMENT

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at 801 & 775 E. CENTRE AVE between LAKEWOOD Street and GARDEN LAKE Street on the NORTH side of the street, and is known as Lot Number(s) 184+185 of LAKEWOOD HOMESITES Plat (Subdivision). It has a frontage of 116 feet and a depth of 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 MARK AND THE CITY FUTURE ZONING PLAN SAYS THIS SHOULD BE OS-1 FOR HIGHEST AND BEST USE, I AGREE.

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

ZONING TEXT AMENDMENT

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

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

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

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

Thomas C. Rogan
(Signature of Applicant) (Signature of Applicant)

895 TREASURE ISLAND DR. MATTEWAN, MI
(Address) 49071 (Address)

(269) 760-6448
(Phone) (Phone)

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

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

Hi Neighbor,

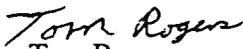
I own the home at 801 E. Centre and adjacent lot at 775 E. Centre. The City Of Portage Master Plan shows the future zoning of our properties to be designated as OS-1 (Commercial Office/Service). I am preparing to rezone the property I own next door to you from R-1A (Residential) to OS-1 (Commercial Office/Service).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

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

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

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

Regards,


Tom Rogers

March 1, 2012

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

Dear Tom:

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

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

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

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

Sincerely,


Michael K. West, AICP
Assistant City Planner

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

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

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

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

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

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

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

A. General requirements.

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

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

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

B. Nonconforming lots.

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

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

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

C. Nonconforming uses.

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

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

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

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

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

D. Nonconforming buildings and structures.

1. No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity.
2. Should a nonconforming building or structure be destroyed by an act of God or the public enemy to an extent of more than 60 percent of its replacement cost, exclusive of the foundation, it shall be reconstructed in conformity with the provisions of this article unless it is reconstructed to its original location within 18 months of the date destroyed.
3. Should a nonconforming building or structure be moved any distance for any reason, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
4. The intentional removal or destruction of the nonconforming portion of a building or structure by the property owner or his/her agent shall eliminate the nonconforming status of the building or structure.
5. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official, provided that the area of the building as it existed on

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

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

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

Sec. 42-134. Helistops.

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

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

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

D. Helistops:

1. It shall be unlawful to take off and land helicopters anywhere within the city except at an approved helistop for which a special land use permit has been issued as provided in this section, unless such landing or takeoff is done:
 - a. In conjunction with a one-time special event, such as an athletic contest, holiday celebration, parade or similar activity, after reasonable advance notice has been given to the city police department.
 - b. When necessary for on-site emergencies.
2. Helistops are not permitted on property used for residential purposes, or in any residential zoning district.

APPLICATION FOR ZONING AMENDMENT

Application number #11-04

Date 3-12-12

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

RECEIVED
MAR 12 2012
COMMUNITY DEVELOPMENT

ZONING MAP AMENDMENT

1. a. Platted Land:

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

b. Unplatted Land:

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

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

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

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

Address 827 East Centre, Portage, MI 49002

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

4. CURRENT ZONING: R-1A PROPOSED ZONING: OS1

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>827 E Centre</u> (Address)	<u>Portage MI 49802</u> (Address)
<u>269 324-6849</u> (Phone)	<u></u> (Phone)

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

APPLICATION FOR ZONING AMENDMENT

Application number #11-04

Date 3-13-12

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

RECEIVED
MAR 13 2012
COMMUNITY DEVELOPMENT

ZONING MAP AMENDMENT

1. a. Platted Land:

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

b. Unplatted Land:

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

903 EAST CENTRE AVE

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

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

Address 903 E. CENTRE AVE

APPLICATION FOR ZONING AMENDMENT

Application number #11-09

Date 3-14-12

RECEIVED
MAR 14 2012
COMMUNITY DEVELOPMENT

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

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

b. Unplatted Land:

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

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

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

Address 821 E. Centre, Portage, MI 49002

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

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

ZONING TEXT AMENDMENT

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

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

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

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

[Signature]
(Signature of Applicant)

[Signature]
(Signature of Applicant)

821 E. Centre
(Address)

821 E. Centre
(Address)

269-207-3065
(Phone)

269 ~~018~~ 217-5039
(Phone)

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

APPLICATION FOR ZONING AMENDMENT

Application number #11-04

Date 3-15-12

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at 809 E. Centre between Lakewood Street and Garden Ln Street on the North side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of 66' feet and a depth of 462 feet.

b. Unplatted Land:

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

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

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

Address 1249 PANAMA ST., Portage MI 49002

RECEIVED
MAR 25 2012
COMMUNITY DEVELOPMENT

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

4. CURRENT ZONING: RIA PROPOSED ZONING: OS 1

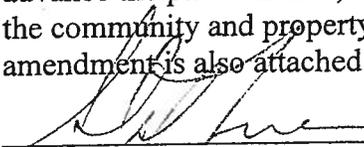
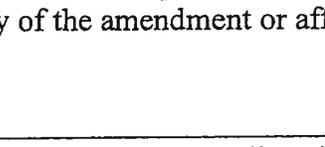
ZONING TEXT AMENDMENT

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

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

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

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

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

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

TO: Planning Commission **DATE:** March 29, 2012
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: 2011-2012 City Council Assigned Goals and Objectives Update (April 2012) and Recommended 2012-2013 Goals and Objectives

In November and April of every year, updates on progress made by the respective advisory boards/commissions on the City Council-assigned activities are requested. Additionally, in April of every year, recommended goals and objectives for the upcoming fiscal year are also requested. Attached is a copy of the City Council assigned Advisory Boards and Commissions 2011-2012 Goals and Objectives (activities) that have been approved.

The Commission is advised to review the attached materials and draft transmittal to City Council and discuss the information during the April 5, 2012 meeting. The progress update must be submitted to the Office of the City Clerk by April 15, 2012. If additional discussion is needed, a special meeting can be scheduled for April 12, 2012 for finalization.

Attachments: Advisory Board communication from Deputy City Clerk dated February 27, 2012
DRAFT Planning Commission transmittal to City Council dated April 5, 2012
Advisory Boards and Commissions Approved FY 2011-2012 Goals and Objectives
Approved FY 2011-2012 Council Mission Statement and Goals and Objectives

S:/Commdev/2011-2012 Department Files/Board Files/Planning Files/PC Reports/Work Program/PC G&O's 2011-12 Update (April 2012) and Recommended 2012-2013 G&Os.doc

CITY OF PORTAGE

COMMUNICATION

TO: Advisory Board Chairperson*

DATE: February 27, 2012

FROM: Adam Herringa, Deputy City Clerk ~~AA~~

SUBJECT: Goal Updates for 2011-12 and Proposed Goals for 2012-13

This is a reminder that goal updates for 2011-12 need to be prepared and forwarded to the City Clerk Office by April 15, 2012. Additionally, proposed goals and objectives for 2012-13 are also due on or before April 15. The goals and objectives updates and proposed goals and objectives will be compiled and forwarded to City Council for review.

A hard copy of the update as well as an electronic copy, sent to herringa@portagemi.gov, would be appreciated.

Please contact the City Clerk Office if you need further assistance.

- * Ruth Caputo, Chair, Environmental Board
 - Mark Reile, Chair, Historic District Commission
 - Marc Meulman, Chair, Human Services Board
 - Mike Zajac, Chair, Park Board
 - Ruth Ann Meyer, Chair, Senior Citizens Advisory Board
 - Sujay Dewan, Chair, Youth Advisory Committee
- c: Maurice S. Evans, City Manager
- Staff Liaison: Christopher Barnes, Environmental Board
 - MaryBeth Block, Historic District Commission
 - Elizabeth Money, Human Services Board ✓
 - William Deming, Park Board
 - Jill Hess, Senior Citizens Advisory Board

DRAFT

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: April 5, 2012
SUBJECT: 2011-2012 Planning Commission Goals and Objectives Update (April 2012) and Recommended 2012-2013 Goals and Objectives

The purpose of this communication is two-fold. First, to update Council on the progress made during the second part of the 2011-2012 fiscal year regarding the City Council assigned goals and objectives. Second, to recommend 2012-2013 goals and objectives for City Council consideration.

2011-2012 Planning Commission Goals and Objectives Update

1. *Continue to guide development to appropriately planned areas of the community and consider the protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water.*

The Planning Commission continues to guide development consistent with the 2008 Comprehensive Plan Update/Future Land Use Map and remains cognizant of the impacts development may have on environmentally sensitive land areas. Additionally, the Planning Commission also continues to ensure new development projects are designed consistent with applicable ordinances through review of site plans, plats and other development proposals.

2. *During project plan review, consider the following:*
 - a) *Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.*
 - b) *Adjacent residential protection measures.*
 - c) *Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water.*

Since the last update provided to City Council (November 2011), the Planning Commission has reviewed/approved the following private development projects: special land use permit for Wiggles, Waggles and Tails (indoor kennels), 8585 Portage Road; active home occupation permit for Arrow Car/Taxi Service, 3617 Wedgewood Drive; height modification for Dicks Sporting Goods, 6355 South Westnedge Avenue; tentative plan amendment and final plan for The Homestead Planned Development, 3821 West Milham Avenue; historic district modification for Van Riper Property, 3821 West Milham Avenue; special land use permit for Kalamazoo Choppers, 9820 Portage Road; final plan for Oakland Hills Condominiums (Phase III), 8716 Oakland Drive; tentative plan amendment for Oakland Hills at Centre Planned Development, 2275, 2301 and 2401 West Centre Avenue and 8080 Oakland Drive; and a final plan for Alkhamis Financial, 7900 Kirkland Court.

DRAFT

Several of the projects listed above included shared access arrangements and measures to protect adjacent residential uses including Wiggles, Waggles and Tails, Dicks Sporting Goods, Kalamazoo Choppers and Alkhamis Financial. Environmental issues were considered as part of the final plan for the Oakland Hills at Centre Planned Development (Phase III) due to the close proximity of wetlands, floodplain and Portage Creek.

3. *Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.*

One rezoning application was received and acted upon by the Planning Commission since the last update to City Council (November 2011): Rezoning Application #11-02, 1106 West Centre Avenue. Additionally, the Planning Commission at the February 2, 2012 meeting conducted a corridor study of Romence Road Parkway, between Lovers Lane and Portage Road, for rezoning consideration to OTR, office technology and research, or other appropriate zoning district. At the conclusion of this meeting, the Commission voted unanimously to initiate rezoning consideration of 13 properties located along the north and south sides of Romence Road Parkway, between Lovers Lane and Portage Road. The initial public hearing to consider Rezoning Application #11-03 was conducted on March 15, 2012.

4. *Review/recommend Zoning Code text amendments including, but not limited to, the City Council referred mixed-use ordinances and the Landscaping and Screening ordinance.*

In 2011, the Commission completed the review and public hearing process involving Ordinance Amendment #10-E, Mixed Use Zoning Ordinances. These new ordinances were subsequently adopted by City Council. In addition, an amendment to the sign regulations to permit wider use and flexibility of banner signs was reviewed and subsequently adopted by City Council. Review of other possible ordinance amendments, including the Landscape and Screening Ordinance, will begin later this fiscal year.

5. *When appropriate, engage the Youth Advisory Committee in the planning process.*

Since approval of the Goals and Objectives, opportunities to engage the Youth Advisory Committee have not arisen.

6. *Prepare the 2012 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update.*

Preparation of the 2012 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update was completed and accepted during the March 1, 2012 meeting.

7. *Review and recommend the annual Capital Improvement Program.*

The Planning Commission reviewed the FY 2012-22 Capital Improvement Program during the March 1st and 15th meeting. Following discussion at the March 15th meeting, the Commission voted unanimously to recommend to City Council approval of the FY 2012-22 Capital Improvement Program.

8. *Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).*

April 2012 status update complete.

DRAFT

Recommended 2012-2013 Goals and Objectives

1. Respond to all City Council referrals and directives.
2. Continue to guide development to appropriately planned area of the community with the intent to achieve a well organized, balanced, sustainable, and efficient use of land at densities that:
 - meets the current and future needs of city residents
 - ensures compatibility and harmony amongst land uses
 - protects key natural and historic resources
 - complements the existing and planned capacity of streets and infrastructure
 - sustains prosperity to support desired public facilities and services
3. During project plan review, consider the following:
 - Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
 - Adjacent residential neighborhood protection measures.
 - Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map including regulated wetlands, ground water and surface water.
4. Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and 2008 City Centre Area Plan to encourage sustainable residential, commercial, industrial, planned development and high tech development opportunities, as appropriate.
5. Consider Zoning Code text amendments including, but not limited to, City Council referrals and ordinances that emphasize, as appropriate, a green, sustainable and healthy community focus.
6. When appropriate, engage the Youth Advisory Committee in the community planning process.
7. Review the 2013 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update.
8. Review and recommend the annual Capital Improvement Program.
9. Forward update to goals for FY 2012-13 (November 2012 and April 2013) and recommended goals for FY 2013-14 (April 2013).

If Council needs any further information, please advise.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION

James Cheesebro
Chairman

ADVISORY BOARDS AND COMMISSIONS APPROVED 2011-2012 GOALS AND OBJECTIVES

ENVIRONMENTAL BOARD

1. Continue to implement the City Council approved Purple Loösestrife bio-control plan:
 - a. Release additional beetles at appropriate surveyed sites as beetle supplies are available.
 - b. Provide oversight to the work group.
 - c. Submit an annual progress report to the City Council.
2. Enhance environmental quality and protect natural resources:
 - a. Continue to promote effective recycling plans, the use of recycled/recyclable products and responsible disposal of hazardous and solid waste.
 - b. Protect water quality through the continued implementation of water management principles, including surface water, groundwater and storm water programs.
 - c. Promote environmental protection, planning, monitoring and educational programs.
3. Continue working with the City Administration to determine if Single-Stream Recycling is a viable and practical program for the City of Portage.
4. Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Youth Advisory Committee and Parks Board.
5. Advise the City Council in areas / subjects under the purview of the Environmental Board.
6. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).
7. Present an annual verbal report to the City Council.

HISTORIC DISTRICT COMMISSION

1. Safeguard the heritage of the city through the exterior preservation of the historic district by evaluating and considering applications for Certificates of Appropriateness. Identify and evaluate historically significant structures in the City of Portage.
2. Increase visibility and public awareness of the Portage Historic District.
 - a. Continue to interview and transcribe select interviews with historic homeowners and other people knowledgeable about Portage's history.
 - b. Continue with book sales of *Where the Trails Crossed*.
 - c. Continue to support the historic educational programs in the Portage Schools.
 - d. Continue to have communication and cooperation with similar organizations in the local community.
3. Maintain a Library exhibit wall of framed photos representing the history of Portage. Continue to add new material throughout the year. This exhibit will be on display at the Portage District Library.

4. Present a Preservation Award to a citizen who has met the criteria as established by the Portage Historic Commission.
5. Continue the biannual newsletter called *Picket Fences* to be distributed to homeowners of Portage historic homes, councilmembers and other supporters.
6. Observe National Preservation Week in May by presenting a special event in the community.
7. Advise the City Council in areas / subjects under the purview of the Historic District Commission
8. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).
9. Present an annual verbal report to the City Council.

HUMAN SERVICES BOARD

1. Fulfill advisory role requirements for CDBG program and human/public service funding requests.
 - a. Make recommendations regarding the Community Development Block Grant (CDBG) Program.
 - b. Make recommendations regarding human/public service funding from the CDBG Program and General Fund to the City Council
 - Convene public hearings for the CDBG Program Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance Evaluation Report.
 - Hear appeals from the CDBG Housing Program Guidelines.
 - Review fair housing activities.
 - Review applications and presentations from agencies for human/public services and recommend funding levels to City Council.
2. Serve as a resource and provide information to City Council regarding public transportation in the City of Portage.
 - a. Advise City Council on matters pertaining to public transportation in the City of Portage and make recommendations as appropriate.
 - Review public transportation needs within the City of Portage.
 - Review countywide demand/response of transportation services.
3. Serve as a resource to City Council for special projects.
 - a. Take appropriate action on projects as assigned by City Council
 - b. Review mechanisms for identifying human service needs in the community.
 - c. Identify and educate City Council on emerging human service issues in Portage.
 - Continue to serve on Metro Transit ADA Advisory Committee.
 - Assist City Council with Red Ribbon Week activities.
4. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).
5. Present an annual verbal report to the City Council.

PARKS BOARD

1. Continue to participate in Portage cultural and special events as event volunteers and fundraising for marketing efforts. Possible venues include:
 - a. Concerts
 - b. Festivals
 - c. Recreation programs special events
2. Continue implementation of the expanded "Get Active Portage" day at Ramona Park, to include a youth triathlon, health fair and Paddle Fest kayak races.
3. Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Youth Advisory Committee and Environmental Board.
4. Implement a new "Landmark Sculpture" activity for the community to promote recycling. This event would engage participants in creating Kalamazoo County landmarks out of discarded goods and objects.
5. Investigate opportunities to expand the effectiveness and ability to increase park events and activities through volunteer development.
6. Work together with the City Administration to facilitate the development of a Park Master Plan for the Eliason property on Shaver Road.
7. Advise the City Council in areas / subjects under the purview of the Parks Board.
8. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).
9. Present an annual verbal report to the City Council.

PLANNING COMMISSION

1. Continue to guide development to appropriately planned area of the community.
2. During project plan review, consider the following:
 - a. Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
 - b. Adjacent residential neighborhood protection measures. .
 - c. Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water.
3. Consider and act appropriately upon site-specific re-zonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.

4. Review / recommend Zoning Code text amendments including, but not limited to, the City Council referred mixed-use ordinances and the Landscaping and Screening ordinance.
5. When appropriate, engage the Youth Advisory Committee in the planning process.
6. Prepare the 2012 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update.
7. Review and recommend the annual Capital Improvement Program.
8. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).

SENIOR CITIZEN ADVISORY BOARD

1. Help to increase new and renewal membership to 2,000 or more.
2. Help to increase funding for operational support: investigate new ideas and sources of funding in cooperation with the Friends of the Portage Senior Center.
3. Continue development of innovative programming to reach the population of seniors 50 years of age and older.
4. Conduct discussions on specific senior center topics in cooperation with the Friends of the Portage Senior Center and the City Council on the results of the Portage Visioning Project.
5. Advise the City Council and the Portage Senior Center management on issues or projects pertaining to seniors and the Portage Senior Center.
6. Assist with plans to implement suggestions from the accreditation report such as updating technology use and developing plans for expansion of services.
7. Continue to explore opportunities for interaction and partnering with the Portage Community Center.
8. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).
9. Present an annual verbal report to the City Council.

YOUTH ADVISORY COMMITTEE

1. Continue to support educating members of the Youth Advisory committee on the roles and functions of City of Portage Government.
2. Continue a commitment to community service by volunteering time at organizations such as the Portage Community Center. In addition, take the initiative to volunteer in support of other causes as the need may arise.
3. Promote environmental awareness in the community by hosting an annual Earth Day event in conjunction with the Environmental Board and Parks Board.
4. Participate in and support community efforts – specifically those of the Kalamazoo County Substance Abuse Task Force – related to addressing substance abuse in the community.
 - a. Provide teens an opportunity to socialize without the use of drugs and alcohol, including hosting activities such as the Snow Party and Teen Movie Night.
5. Advise the City Council in areas / subjects under the purview of the Youth Advisory Committee.
6. Forward update to goals for FY 2011-12 (November 2011 and April 2012) and recommended goals for FY 2012-13 (April 2012).
6. Present an annual verbal report to the City Council.



**CITY OF PORTAGE
2011-2012 COUNCIL MISSION STATEMENT and GOALS & OBJECTIVES**

Mission Statement of the Portage City Council

To function as the elected body serving the shareholders (all citizens) of the city:

- (1) to ensure the long-term financial health of the city;
- (2) to promote the highest level of quality of life in all aspects for all residents;
- (3) to provide positive leadership for the entire county-wide community in all areas of municipal governance; and
- (4) to encourage effective long-term planning in all considerations within Council purview.
- (5) to ensure transparency and access to information.

2011-2012 GOALS & OBJECTIVES

COMMUNITY DEVELOPMENT

Goal: Promote quality of life in Portage.

Objectives:

- Continue prevention and enforcement efforts concerning substance abuse.
- Continue effective community safety programs through prevention, enforcement, and education.
- Ensure decent and safe housing and the livability of community neighborhoods.
- Maintain effective planning and development programs to promote orderly, attractive, and environmentally sound growth.
- Continue a commitment to human services to enhance the desirability of the community.
- Continue to encourage citizen involvement in crime prevention measures – business and residential.
- Maintain a coordinated and innovative approach toward developing park land and providing recreational opportunities.
- Continue planning and implementing programs and projects to enhance the City Centre area.
- Promote aesthetic and cultural enhancement.

ECONOMIC DEVELOPMENT

Goal: Demonstrate a commitment to quality economic growth and development.

Objectives:

- Develop an improvement strategy to ensure the continued strength of the city.
- Promote business diversification.

TRANSPORTATION

Goal: Continue to plan and implement improvements to move people and commerce safely and effectively through the community.

Objectives:

- Implement projects proposed within the major thoroughfare plan.
- Continue to implement operational and functional improvements to improve traffic safety and movement.
- Evaluate and promote alternate modes of transportation.
- Continue appropriate improvement of the local street system.
- Continue to seek alternative approaches and methods to enhance preventive maintenance programs.

CUSTOMER RELATIONS

Goal: Promote excellent customer relations.

Objectives:

- Continue emphasis on courteous public service.
- Continue efforts to enhance communication between local government, citizens, the business community and the local educational institutions on city projects and services.

PUBLIC IMPROVEMENTS

Goal: Continue to improve the infrastructure to meet demonstrated needs.

Objectives:

- Continue to improve the wastewater and stormwater systems.
- Continue to improve the water system.
- Promote underground utilities within the city.
- Continue to expand, update and maintain equipment and facilities to provide for the effective operation of city departments.
- Maintain a systematic preventative maintenance program for city-owned buildings.

QUALITY OF ENVIRONMENT

Goal: Enhance environmental quality and protect natural resources.

Objectives:

- Continue to promote effective recycling plans, the use of recycled/recyclable products, and the responsible disposal of hazardous and solid waste.
- Protect water quality through the continued implementation of water management principles, including surface water, groundwater, and stormwater programs.
- Promote environmental protection, planning, monitoring, and educational programs.

SERVICE DELIVERY

Goal: Continue to provide high quality, effective and cost efficient municipal services.

Objectives:

- Continue to evaluate alternatives to meet increased service demands.
- Promote teamwork and unity of purpose between the public and private sectors.
- Continue to increase efficiency by applying new technology.
- Continue to prioritize existing services--including the elimination of low-priority services.
- Monitor, evaluate, and communicate service delivery options.
- Continue to pursue mutually beneficial intergovernmental ventures.
- Expand employee training and wellness programs and opportunities to ensure a well trained, healthy and motivated work force.
- Improve the utility of citizen advisory boards.
- Evaluate and propose possible Charter and ordinance revisions.
- Continue to evaluate contracting or privatizing city services and programs.

FINANCE AND BUDGETING

Goal: Maintain the financial health of the city.

Objectives:

- Continue to pursue revenue enhancement through alternate funding opportunities.
- Assess financing methods for future capital improvement needs.
- Continue to evaluate expenditures to provide for the most effective and efficient use of city resources.
- Promote volunteerism to assist in providing important services.
- Promote safety and minimize risk exposure by continuing to identify and prevent accident/ liability exposure.
- Consider and implement alternative means of addressing city insurance needs to further enhance financial health of the city.

MATERIALS TRANSMITTED

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
February 2012 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. 2011 annual report submitted to MDEQ, with moderate groundwater quality improvements. <i>Investigation into methane gas presence is underway.</i></p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. -<i>Review of 3 site/building plans and/or plats completed in February 2012.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-<i>Sanitary sewer hookup permits issued in February 2012: 0 residential; 1 commercial.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. The 2011 lake survey and treatment preparations are complete. Additional areas requested by the Association for treatment. Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011. The 2011 program is complete. Lake Association is preparing 2012 plan.</p>
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	<p>-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on</p>

June 25, 2010. The 2010 year report received in January 2011. The 2011 results show declining groundwater levels throughout the city. The 2011 annual report received and under review. Groundwater results show that general groundwater table on the east side of Portage has risen approximately one foot in 2011 and is generally at levels seen in 2009. *Groundwater levels especially on the east side of Portage, continued to rise approximately six inches in February.*

Wellhead Protection Program (WHPP)
 Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Plan implementation is ongoing.

Leaf Compost Monitoring Program
 Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. The 2010 report was received with results showing minimal impact on groundwater. Annual sampling completed in June 2011 minimal impacts noted. Sampling will continue.

National Pollution Discharge Elimination System (NPDES) permit implementation
 Five year plan to implement the current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice from MDNRE rescinding the 2008 permit due to a recent court case ruling. MDNRE reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. *MDNRE expected to issue new permit in 2014.* City staff presented public information with other local agencies at the 2011 Home Expo on March 9-12, 2011. Tour of Liberty Park Stormwater

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

National Pollution Discharge Elimination System (NPDES) permit implementation

Kalamazoo River Mainstem Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. Notice received July 18, 2011 that grant application was not awarded. Kalamazoo River Watershed council completed a watershed update in November, 2011.

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current watershed plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan. *Grant outcome pending.*

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

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

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

Storm Sewer Outfall Testing

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

Garden Lane Arsenic Removal Facility

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

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Contract awarded by City Council on December 6, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. Facility is in regular operation.

Environmental Incident/Spill Clean Up Notification

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

-The number of environmental incident/spill investigations per firm in February 2012 -- 0. Number of environmental cleanups in February -- 0. Emergency spill response contract for 2012-13 with Terra Contracting is in place.

Hampton Wetland Area Water Level

Assistance with the Inverness Condominium Association to Review Surface Water Levels

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

currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. The Association is considering next steps. No new developments.

Southwest Michigan Regional Sustainability Covenant
Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.

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

CITY COUNCIL MEETING MINUTES FROM MARCH 13, 2012

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

At the request of Mayor Strazdas, J.D. Markland of the Cherry Creek Community Church in Portage gave the invocation and Boy Scout 244 led 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, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Councilmember Jim Pearson was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATION: Mayor Strazdas issued a 100 Years of Girl Scouting, 2012 Proclamation that was read by Councilmember Campbell.

APPROVAL OF MINUTES: On a Point of Order, City Clerk James Hudson indicated that he made some additions to the Ad Hoc Committee Item of the Agenda in the Minutes for City Council review and consideration that included some advisory comments as being critical to the discussion from City Attorney Randy Brown. Motion by Urban, seconded by Reid, to approve the February 18, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

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

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 13, 2012:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of March 13, 2012. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

TENTATIVE PLAN AMENDMENT AND THE FINAL PLAN FOR THE HOMESTEAD PLANNED DEVELOPMENT, 3821 WEST MILHAM AVENUE: Mayor Strazdas opened the Public Hearing and introduced Community Development Director Vicki Georgeau, who provided a history of the proceedings thus far and an overview of the request for approval of a Tentative Plan at 3821 West Milham Avenue, citing some past examples of successes and some of the challenges that lie ahead. Additionally, she mentioned that the applicants, Mr. Patrick Lynch and Mr. Jack Gesmundo, also requested a proposal to modify the boundaries of the Van Riper historic district. She stated that the City Administration recommended approval subject to the conditions outlined in the January 13, 2012 Department of Community Development report that included: the modification of the boundaries of the Van Riper historic district; consistent with the 2006 approved tentative and final plans, the access drive for the cottage offices must be moved east, shared with the theme restaurant/office, and align with future development activities planned on the north side of West Milham Avenue; when a final plan for development is submitted involving the existing historic home site, the adequacy of the screening/buffering along the east property line be evaluated and supplemental screening/buffering be required as may be necessary; removal or replacement of the sign located near the south end of the pedestrian path that connects The Homestead neighborhood to the Arbutus Trail neighborhood that prohibits non-Homestead residents from using this path; and Final Plan approval involving three single family residential land divisions located on the north side of McGillicuddy Lane.

Finally, she indicated that after the Planning Commission convened a public hearing on December 1, 2011, and January 19, 2012, the Planning Commission recommended approval of the Tentative Plan Amendment subject to the aforementioned conditions and recommended that the Final Plan involving three single family residential land divisions located on the north side of McGillicuddy Lane be approved. Discussion followed.

In answer to questions from Mayor Pro Tem Reid, Ms. Georgeau explained the process utilized for further review and evaluation of any proposed screening/buffering modifications.

Mayor Strazdas opened the public hearing for public comment and invited Jack Gesmundo, American Village Builders, 4200 West Centre Avenue, and Patrick Lynch, 10209 Portage Road, to speak.

Mr. Gesmundo explained that The Homestead has been around since 2001 with 52 new homeowners in the last ten years with an average price of \$400,000, making it a first class community of which he and his associates are very proud. He explained that when it was determined that the Villas of Secret Gardens was not going forward, City staff recommended that the project be reconsidered, so his firm performed a new study to determine the highest and best use of the property. He pointed out screening/buffering along the east property line required by city staff for buffering purposes is still in the plan, and he indicated that Mr. Lynch has agreed that property owners could contact him and plant their own trees sooner rather than later to allow for a more mature berm by the time the project begins. He also noted in order to support the Tree City status of Portage, American Village Builders planted over 100 trees in the neighborhood over the last six months, including 44 trees in the storm retention area, 50 trees in the new phase and a dozen trees just last week with most of the trees being 10 to 14 feet tall. He indicated that in the last two years, they have had twelve new homeowners, which he considered was quite good considering the economy, plus he pointed out that American Village Builders is still able to build new homes for new Portage homeowners. Finally, he discussed the need to have a separate drive for the original structure as Mr. Lynch is considering moving into the home and wanted a separate access from the office structures.

Mr. Lynch discussed his interest in having the single family historical home become more consistent with the neighborhood, yet still retain the historic drive in the form of a boulevard as a stately access to this most significant historical home in Portage. He explained his long history of maintaining and restoring homes in Portage that numbers close to thirty buildings, including farm buildings, restored over the years. Discussion followed. In answer to Councilmember Urban and his concerns about the driveway accesses, Mr. Lynch assured him that he envisioned that the historical home would remain a single family residence for the foreseeable future, but he expressed a need and a desire for flexibility. He offered that if it ever went office or commercial that the two drives could be combined or reconfigured as needed. Discussion followed regarding the future process necessary to make modifications before presenting the Final Plan for approval. Discussion followed.

Motion by Reid, seconded by Sackley, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Urban, seconded by Sackley, to approve the Tentative Plan Amendment for The Homestead Planned Development, 3821 West Milham Avenue, subject to the conditions outlined in the January 13, 2012 Department of Community Development report; and following action on the Tentative Plan Amendment, approve the Final Plan for the three McGillicuddy Lane land divisions. At the request of City Attorney Brown, who asked that the four conditions outlined in the January 13, 2012 Department of Community Development report be a part of the motion for the record and that the Final Plan for the three McGillicuddy Lane land divisions be read to be approved without the condition," following action on the Tentative Plan Amendment," motion by Urban, seconded by Sackley, to approve the request to modify the boundaries of the Van Riper historic district; consistent with the 2006 approved tentative and final plans, the access drive for the cottage offices must be moved east, shared with the theme restaurant/office, and align with future development activities planned on the north side of West Milham Avenue; when a final plan for development is submitted involving the existing historic home site, the adequacy of the screening/buffering along the east property line be evaluated and supplemental

screening/buffering be required as may be necessary; removal or replacement of the sign located near the south end of the pedestrian path that connects The Homestead neighborhood to the Arbutus Trail neighborhood that prohibits “non-Homestead” residents from using this path; and approve the Final Plan for the three McGillicuddy Lane land divisions. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **RESOLUTIONS ACCEPTING NEW PUBLIC STREETS AND NEW ACT 51 STREET ADMINISTRATOR:** Motion by Reid, seconded by Urban, to adopt the resolution to accept all new streets constructed within new residential plats approved by City Council during the calendar year January 1, 2011, through December 31, 2011, as public streets and the resolution designating a new City of Portage Act 51 Street Administrator. Upon a roll call vote, motion carried 6 to 0. Resolutions recorded on page 363 and 365 of City of Portage Resolution Book No. 44.

* **ADOPTION OF BOND REFUNDING RESOLUTION:** Motion by Reid, seconded by Urban, to adopt the Resolution Authorizing Refunding of the City of Portage Capital Improvement Bonds, Series 2003, 2004 and 2005, as well as the Resolution Approving of the Undertaking to Provide Continuing Disclosure. Upon a roll call vote, motion carried 6 to 0. Resolutions recorded on page 367 and 377 of City of Portage Resolution Book No. 44.

* **FIRE APPARATUS MAINTENANCE AND REPAIR CONTRACT – INTERGOVERNMENTAL COOPERATION:** Motion by Reid, seconded by Urban, to approve a contract amendment with Emergency Vehicle Products, Inc., for Fire Apparatus Maintenance and Repair through July 31, 2012, with the option of four additional one-year renewals. Upon a roll call vote, motion carried 6 to 0.

* **AGREEMENT TO LOCATE SIGN IN RIGHT-OF-WAY, DAVIS OIL COMPANY, 4421 WEST CENTRE AVENUE:** Motion by Reid, seconded by Urban, to approve the *Agreement to Locate Sign in Right-of-Way* for Davis Oil Company (4421 West Centre Avenue) and authorize the City Manager to execute the agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

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

Portage Historic District Commission of January 11 and February 1, 2012.

Portage Board of Education Regular Meeting of January 30 and Special Meeting and Committee of the Whole Work Session of February 13, 2012.

Portage Human Services Board of February 2, 2012.

Kalamazoo County Board of Commissioners Committee of the Whole and Regular Meeting of February 7 and February 21, 2012.

Portage Planning Commission of February 16, 2012.

BID TABULATIONS:

* **PINEVIEW WATER TOWER EXTERIOR RENOVATIONS:** Motion by Reid, seconded by Urban, to award a contract to Fedewa, Incorporated, in the not to exceed amount of \$87,900 for the Pineview Water Tower Exterior Renovations; accept the proposal from Dixon Engineering for testing and inspection in the amount of \$8,200; and authorize the City Manager to execute all documents related to the contracts on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **PAVEMENT MARKING SERVICES – INTERGOVERNMENTAL COOPERATION:** Motion by Reid, seconded by Urban, to award a one-year contract to Michigan Pavement Markings,

LLC, to provide pavement marking services in the amount to not exceed \$86,926 and authorize the City Manager to execute all documents related to this contract and subsequent renewals on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **SANITARY SEWER LEAD REPAIR:** Motion by Reid, seconded by Urban, to award a contract for the Emergency Sanitary Sewer Lead Repair to Peters Construction Company in the not to exceed amount of \$26,212.87 with the option to renew the contract for two additional one-year periods and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban highlighted the opening of the new Loaves and Fishes location and emphasized the importance of this service in the community, reflected on his training and plans for contributing to Loaves and Fishes, and encouraged citizen participation in the effort.

Councilmember Sackley recognized the passing of former Schoolcraft Public Schools Superintendent and past Schoolcraft Village President Loren Warfield and reflected on his cooperation attempts among the various municipalities.

City Manager Evans indicated that the City of Portage website at www.portagemi.gov received the Sunny Award which is a top award for transparency in government websites.

Mayor Pro Tem Reid reported on the Legislative Café and a collaboration of families, parents and children who discussed a variety of topics related to early education. She also expressed her appreciation and the enthusiasm she experienced when she attended the Regional Forensics Tournament at Portage Northern High School.

Mayor Strazdas highlighted Item F.1, Resolutions Accepting New Public Streets and New Act 51 Street Administrator, where City Council assigned more duties to an existing employee, as has happened many times over the last few years in all city departments, which shows that the City of Portage is doing more with fewer employees. Secondly, he highlighted Item L.2, Pavement Marking Services, as a cost-savings intergovernmental effort. Lastly, he reflected on letters he received from reading a book to Moorsbridge Elementary School Fourth Graders, the enjoyment he experienced with the children and the fun he had reading their "thank you" letters.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:20 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 28, 2012

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

At the request of Mayor Strazdas, Pastor Ken Hale of Victory Baptist Church in Portage gave the invocation and Boy Scout 244 led 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, Terry R. Urban and Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Mayor Pro Tem Reid asked that the minutes reflect that under Item J.1, Ad-hoc Committee Report, she provided the presentation on Fees and Councilmember Urban provided the presentation on the Community Survey Committee. Motion by Reid, seconded by Sackley, to approve the February 14, 2012 Regular Meeting Minutes as amended. Upon a voice vote, motion carried 7 to 0. Motion by Sackley, seconded by Reid, to approve the February 14, 2012 Special Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmembers Campbell and Randall abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember Randall asked that Item F.3, Comprehensive Liability, Property and Auto Fleet Insurance Coverage, and Councilmember Urban asked that Item F.4, Dispatch Collaboration and Acceptance of State Funding Resolution, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 28, 2012:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of February 28, 2012. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT - WEST CENTRE AVENUE (OAKLAND DRIVE TO SHAVER ROAD):** Motion by Urban, seconded by Reid, to approve Contract 12-5028 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on West Centre Avenue, Oakland Drive to Shaver Road; approve an engineering services contract with Wightman Jones, Incorporated, for construction inspection and administration of street improvements on West Centre Avenue, Oakland Drive to Shaver Road, in the not to exceed amount of \$92,500; adopt a Resolution authorizing the City Manager to sign Contract 12-5028; and authorize the City Manager to sign all other documents related to the Michigan Department of Transportation and consultant contracts for this project on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 355 of City of Portage Resolution Book No. 44.

* **SOUTH WESTNEDGE AVENUE RIGHT-OF-WAY VACATION (PCOC PROPERTY):** Motion by Urban, seconded by Reid, to approve a resolution setting a public hearing on the vacation of a portion of 7130 South Westnedge Avenue, place the resolution on file with the City Clerk for 28 days and take final action on March 27, 2012, at 7:30 p.m. or as soon thereafter as may be heard, and authorize the City Manager to execute all documents related to this action on behalf of the

city. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 357 of City of Portage Resolution Book No. 44.

COMPREHENSIVE LIABILITY, PROPERTY AND AUTO FLEET INSURANCE

COVERAGE: As a result of the discussion at the City Council pre-meeting, Councilmember Randall expressed an interest in determining the actual cost of operating the aging fleet of city vehicles, including gas and maintenance, in order to make a comparison with the \$0.55 per mile reimbursement amount allowed by the Internal Revenue Service. She wanted to know whether the city can afford to have seven vehicles for use during the work day by city employees. Discussion followed. Councilmember Randall agreed with City Manager Maurice Evans that the time to receive the comparisons was at the Spring Budget Session. Mayor Strazdas concurred.

In answer to Mayor Pro Tem Reid, Mr. Evans indicated that there is no requirement that employees have their own vehicle and that vehicles are viewed as tools since it is important to the service delivery provided by city employees, such as inspections, that they be timely, especially with code enforcement. He indicated vehicles are viewed much like computers – essential tools to allow the employee to provide proper service delivery. He distinguished reimbursement for trips out of town from the short trip requirements within the city to perform work such as city inspections, and he indicated that personal vehicle use in the public sector for this type purpose is “just not done out there.” In answer to her second question, Mr. Evans agreed that it would become a condition of employment if an employee did not have a vehicle and City Council requires an employee to use his or her personal car to fulfill the public service duties required. Discussion followed.

Motion by Reid, seconded by Pearson, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority at a total not to exceed cost of \$433,977 for the period of March 1, 2012, to March 1, 2013, and authorize the City Manager to execute all documents related to the action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

DISPATCH COLLABORATION AND ACCEPTANCE OF STATE FUNDING

RESOLUTION: Councilmember Urban pointed out that “adopt the Resolution to Approve Dispatch Collaboration” in the Consent Agenda could easily be misconstrued and asked for an explanation from Mr. Evans, and offered to explain it himself. Mr. Evans indicated that City Council is being asked to adopt a Resolution approving dispatch collaboration thereby accepting Michigan Department of Treasury funding because Kalamazoo County has applied for a grant from the state and obtained a \$20,000 grant that can be applied toward the costs of conducting a feasibility study and/or hiring consultants to help out with the overall study of this issue. He indicated that the City Council is being asked as one of the collaborative partners to adopt the Resolution, as are the other Public Safety Answering Points (PSAPS). Councilmember Urban reiterated that the collaboration is to spend some grant money to hire a consultant to help the City of Portage write a request for proposal and to develop a business plan in the event the city should choose to enter into a consolidated dispatch. He emphasized that this can be distinguished from the verbiage, “adopt the Resolution to Approve Dispatch Collaboration” in the Consent Agenda.

Motion by Urban, seconded by Sackley, to adopt the Resolution to Approve Dispatch Collaboration and Acceptance of Michigan Department of Treasury Funding. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 361 of City of Portage Resolution Book No. 44.

* **CITY OF PORTAGE 2010 CENSUS LIQUOR LICENSE AVAILABILITY:** Motion by Urban, seconded by Reid, to authorize the City Administration to solicit proposals from interested parties regarding liquor license availability with a response due date of May 11, 2012; correspond with applicants concerning the time schedule, application and ordinance requirements for liquor licenses; and review all liquor license applications in accordance with the requirements of Chapter 6 of the Codified

Ordinances and provide information for consideration by Council in June 2012. Upon a roll call vote, motion carried 7 to 0.

* **CITY OF KALAMAZOO GIS PARCEL DATA SHARING AGREEMENT FOR 911 DISPATCH SYSTEMS:** Motion by Urban, seconded by Reid, to authorize the City Administration to execute the *Digital Parcel Data Sharing Agreement* for Public Safety Dispatching with the City of Kalamazoo. Upon a roll call vote, motion carried 7 to 0.

* **DOWNTOWN DEVELOPMENT AUTHORITY ANNUAL REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the Downtown Development Authority Annual Report as information only. Upon a roll call vote, motion carried 7 to 0.

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

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

COMMUNICATIONS:

* **UNITED STATES POSTAL SERVICES PLANT MANAGER GREGORY J. CHANSKY:** Motion by Urban, seconded by Reid, to receive the communication from the United States Postal Service regarding the consolidation of mail processing operations. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

* **AMENDMENT TO THE CODE OF ORDINANCES – HISTORIC MODIFICATION: 3821 WEST MILHAM AVENUE:** Motion by Urban, seconded by Reid, to accept the amendment to Section 38-35 of Chapter 38, Historic Preservation, of the Code of Ordinances for second reading and final adoption. Upon a roll call vote, motion carried 7 to 0. Ordinance recorded on page 225 of City of Portage Ordinance Book No. 12.

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

Kalamazoo County Board of Commissioners Regular and Committee of the Whole of January 17, 2012.

Portage Youth Advisory Committee of January 30, 2012.

Portage Planning Commission of February 2, 2012.

AD HOC COMMITTEE REPORT:

SMALL BUSINESS COMMITTEE: Councilmember Randall provided a review of the goal-setting session for the Small Business Committee, including discussion of a plan for focus groups and the idea of creating a design of an on-line survey for small businesses. She expressed an interest in the Urban Land Institute Seminar information to enable the City of Portage to transition from a city that is business ready to a city that is business friendly. She also mentioned the plan to sponsor a tax forum

for small businesses hosted by Kalamazoo County Commission Chair Dave Maturen, Thursday, March 8, 2012, 6:30 p.m. until 8 p.m. that would cover how assessments are arrived at and the steps to take to appeal assessments by the City of Portage. Councilmember Pearson discussed the idea of focus groups for small businesses. Councilmember Campbell indicated that the tax forum is a great opportunity for local businesses and expressed her appreciation to Councilmember Randall for her leadership. When Mayor Pro Tem Reid asked for a motion for discussion purposes, Mayor Strazdas summarized by indicating the two requests from the Small Business Committee are: a tax forum for small businesses and the idea of focus groups for small businesses. He asked City Manager Evans and City Attorney Randy Brown what their preference was for a motion or a consensus. Mr. Evans indicated a preference for a motion because all City Council Committees come to the City Council as a Whole, City Council supports the motion and the item of business moves forward. City Attorney Brown concurred and reminded City Council that a Committee of City Council cannot take any action on its own because any action has to come from City Council; so, if it is going to be a City Council activity, the City Council must vote as a body to approve it.

Discussion followed regarding following the process as established by City Council in order to take into account budget considerations, the time constraints to review both of the Small Business Committee proposals and the ability to reflect on them and formulate an opinion before moving forward. In response to Mayor Strazdas, City Attorney Brown reminded City Council that under the Open Meetings Act, a Committee of City Council constitutes a sub quorum of three so the three Committee members can only discuss issues among themselves. He reminded them that discussion beyond the Committee could be construed as a constructive quorum, so discussion is pretty limited. He offered the options of bringing matters forward as items on the agenda or to the City Manager for discussion. He warned that e-mails to the entire City Council or to a quorum of City Council, and discussion back and forth through that e-mail, could be a violation of the Open Meetings Act. Mayor Strazdas asked that City Council share their ideas through the City Manager.

After discussing whether to consider only the forum question at this time and to allow more time to revisit the materials covered by David Wheatley in 2006 as background material for considering the idea of focus groups for small businesses, motion by Pearson, seconded by Campbell, to support a March 8 forum at City Council Chambers - a KGAR like forum with volunteers from different disciplines - to meet and talk to businesses in Portage and anyone else who would like to attend the forum. Upon a roll call vote, motion carried 7 to 0. Discussion followed.

BID TABULATIONS:

* **HP STORAGEWORKS P4300 G2 MDL SAS STARTER SAN SOLUTION HARD DRIVE ARRAY:** Motion by Urban, seconded by Reid, to approve the purchase of one HP StorageWorks P4300 G2 MDL SAS Starter SAN Solution hard drive array with three-year extended service at a cost of \$22,146 and authorize the City Manager to execute all documents related to this purchase on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **SUPERDECK BOARDWALK – BID RECOMMENDATION:** Motion by Urban, seconded by Reid, to approve a sole-source provider bid from Aggressive Industries in the amount of \$11,250 for supply and delivery of SuperDeck materials for improvements to the Bishop's Bog Preserve trail and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Mayor Strazdas thanked Boy Scout Troop 244 for their assistance with the Pledge of Allegiance and for attending the meeting.

Councilmember Randall reviewed the dates and times of the March Board of Review, as found in the *Portager*, offered that the March Board of Review can be extended if needed and that days can be added.

Councilmember Pearson said that the Consumer Confidence Index is up from 61.5 points to 70.8 points, higher than it has been in a year on the national level, and in Portage, there is the Rock Church Grand Opening, and the Post Community Credit Union and the Horizon Bank openings. He also mentioned the three construction projects from the February 14, 2012 Agenda and a lot of things going through the Planning Commission.

Councilmember Campbell invited the public to visit the new Horizon Bank when it opens on Monday.

Councilmember Sackley indicated that he and Mayor Strazdas met at a Southwest Michigan First sponsored meeting to discuss the continuation and progress of the transition agenda, the development of the plan and encouraged participation. He also discussed the progress of the Austin Lake Governmental Lake Board Aeration Bioaugmentation project and indicated that the Assessment Roll was certified last Wednesday and publication in the *Kalamazoo Gazette* will take place this Wednesday and Thursday. He said the application has been filed with Department of Environmental Quality for installation and start of the project and on February 14, 2012, City Council approved license that will allow the location of one of the compressor stations to be installed on city property. He indicated that periodic reports will follow and special assessment bills will be mailed August 1, 2012.

City Manager Evans extended congratulations to Chief Information Officer/Information Technology Services Director Devin Mackinder for receiving a transparency award for the city website by scoring an A+ rating and placing us in the top 4% of the country by the Sunshine Review Organization. He also congratulated Mr. Mackinder for the Apex Award for Publication Excellence and the AVA Gold Award for Design.

Mayor Pro Tem Reid indicated that at a Transportation Forum organized by House of Representatives Margaret O'Brien, there was discussion of the pro's and con's of the funding options for deteriorating roads owing to a reduction of revenue since less gas tax is being collected because of the gas efficiency of cars being sold today. She also mentioned that the Head Start Program has been required to be bid and the Kalamazoo County Commission will decide whether the Community Action Agency will place a bid on the Program. She also complimented the new Waylee facility where she attended a recent Public Media Network Committee meeting.

Mayor Strazdas thanked each Councilmember for their time, level of engagement and their work on each of their respective committees. He indicated that the city is 12 to 18 months behind full recovery, and stressed it is important to think regionally and act locally for Portage citizens.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:23 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – February 13, 2012

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

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

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

APPROVAL OF THE MINUTES: Schimmel moved and Bunch seconded a motion to approve the January 9, 2012 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA #11-15, 7141 South Westnedge Avenue: Staff summarized the request for a variance to allow moving messages and images on an Electronic Message Display (EMD). Lowell Seyburn abstained due to a conflict of interest. Beth Reinholt stated she disagreed with staff's position that mounting the EMD to the freestanding sign structure was a conforming alternative and that the EMD was intentionally placed on the wall instead of the freestanding sign because some trees on the adjacent properties block the view of their freestanding sign. Staff stated they experienced no difficulty seeing the freestanding sign. Ms. Reinholt stated visibility is more problematic during the months when leaves are out and felt that asking for a variance for moving images on their EMD was a lesser variance than asking to remove their neighbor's trees. Ms. Reinholt stated their unique circumstances also included the low traffic counts in front of their business and the number of vacant properties in the immediate vicinity, such as the old PCOC building and the property south of Culvers. Staff responded the circumstances were not unique; that businesses in other areas with much lower traffic counts than the applicant's property successfully operate and that businesses coming and going frequently occur in commercial areas. Staff stated that both examples of vacant properties cited by applicant were either already recently approved for redevelopment or pending sale. Bright stated he thought the city should try to help businesses any way they could and inquired if the applicant thought signs with moving images endangered safety. The applicant stated they had observed no accidents in front of their property during the short time their EMD has displayed moving images. Staff explained sign legibility and stated a moving image that required an observer's attention for a four second long video posed a greater potential safety issue than a static image displayed for the same interval. The applicant noted that some schools in the area had moving images on their EMD's and must therefore think them safe. Linenger noted schools were not subject to the Zoning Code. Linenger inquired if the applicant had tried displaying static images for four seconds. Ms. Reinholt said no. Singer stated she never noticed the sign on the wall either with or without the moving images.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Singer, supported by Rhodus, to deny a variance to allow moving messages and images on an EMD sign, as the immediate practical difficulty causing the need for the variance request was created by the applicant; and the variance would materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this

hearing and the findings of the Board, and that the action of the Board be final and effective immediately. Upon roll call vote: Schimmel–Yes, Singer–Yes, Linenger–Yes, Bunch–Yes, Rhodus–Yes, Bright–No, Smith–No. The motion carried 5-2.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:59 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator