



# PLANNING COMMISSION

**August 15, 2013**

# **CITY OF PORTAGE PLANNING COMMISSION**

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

**August 15, 2013  
(7:00 p.m.)**

**Portage City Hall Council Chambers**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES:**

- \* June 20, 2013 (revised)
- \* August 1, 2013

### **PUBLIC HEARINGS:**

- \* 1. Preliminary Report: Rezoning Application #13-01, 120 and 126 East Van Hoesen Boulevard
- \* 2. Special Land Use Permit: Group Child Care Home (Jones), 1002 Shumway Avenue

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

### **NEW BUSINESS:**

### **OLD BUSINESS:**

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

July 9, 2013 City Council meeting minutes

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

## PLANNING COMMISSION

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June 20, 2013

The City of Portage Planning Commission meeting of June 20, 2013 was called to order by Vice-Chairman Welch 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, Rick Bosch, Miko Dargitz, Allan Reiff, Wayne Stoffer, Dave Felicijan, Paul Welch, Betty Schimmel and Henry Kerr.

### MEMBERS ABSENT:

None.

### MEMBERS EXCUSED:

None.

### IN ATTENDANCE:

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

### PLEDGE OF ALLEGIANCE:

Vice-Chairman Welch led the Commission in the Pledge of Allegiance.

### APPROVAL OF MINUTES:

Vice-Chairman Welch referred the Commission to the May 30, 2013 special meeting minutes contained in the agenda packet. Commissioner Dargitz asked that the minutes be amended at the bottom of page 2 (beginning of second complete paragraph) to include the following: "which included the subcommittee intent that the other Planning Commission members would not be required to visit 10-20 businesses as suggested by staff and the desire to launch the passbook program in July and not September due to the start of the Comprehensive Plan update". After a brief discussion, a motion was then offered by Commissioner Dargitz, seconded by Commissioner Felicijan, to approve the minutes as amended. The motion was unanimously approved.

### SITE/FINAL PLANS:

None

### PUBLIC HEARINGS:

1. Special Land Use Permit: Indoor Dog Day Care, 129 West Centre Avenue. Mr. West summarized the staff report dated June 13, 2013 regarding the request by Portage Centre Plaza LLC to establish an indoor dog day care center is a Portage Centre Plaza shopping center tenant suite. Consistent with Section 42-652 of the Zoning Code, Mr. West indicated the dog day care center was determined to be a use not specifically addressed in the Zoning Code and a use that may be allowed in the B-3 zone as a special land use subject to Planning Commission review and consideration. Mr. West described the proposed indoor dog day care use that was proposed to be located in the southwestern building and the building construction measures the applicant would

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complete to address potential noise and odors. Mr. West stated staff was supportive of the indoor dog day care use, as proposed by the applicant, subject to the four conditions identified in the staff report.

The Commission and staff discussed the differences between the proposed indoor dog day care and a commercial kennel, standards regarding minimum square footage per dog and previous dog day care approvals in the city. Mr. Mike Kreps (applicant's representative) and Mr. Tanner Nicholson (Portage Centre Plaza LLC) were present to support the application and explain the indoor dog day care use. Commissioner Felicijan asked if the applicant had an evacuation plan for the dogs in the event of a fire or other emergency. Mr. Kreps indicated the building was protected by a fire sprinkler system, however, additional consideration would need to be given to a building evacuation plan for the dogs. Vice-Chairman Welch opened the public hearing. No citizens spoke regarding the proposed indoor dog day care center. A motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to approve the Special Land Use Permit for Portage Centre Plaza LLC (indoor dog day care), 129 West Centre Avenue, subject to the following conditions: 1) No outdoor exercise areas, kennels/runs or other activities; 2) No overnight boarding, breeding or selling of dogs; 3) Hours of operation be restricted to 7am-7pm, Monday through Saturday (as proposed by the applicant) and 4) Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health. The motion also included the applicant's commitments to install additional building walls, air exchange units and waste collection and disposal devices as indicated in the application materials and June 13, 2013 staff report. The motion was unanimously approved.

#### **NEW BUSINESS:**

1. Election of Officers. Vice-Chairman Welch discussed the recent vacancy of the Chairman position and asked if there were any nominations or Commissioners interested in the position of Chairman. Commissioner Reiff nominated Paul Welch for the position of Chairman. There being no additional nominations or interested Commissioners, by unanimous consent Paul Welch was elected as Chairman. Commissioner Dargitz nominated Dave Felicijan for the position of Vice-Chairman. There being no additional nominations or interested Commissioners, by unanimous consent Dave Felicijan was elected as Vice-Chairman. Commissioner Reiff nominated Wayne Stoffer for the position of Secretary. There being no additional nominations or interested Commissioners, by unanimous consent Wayne Stoffer was elected as Secretary.

#### **STATEMENT OF CITIZENS:**

None.

7:30pm - The Commission took a short recess.

7:35pm - The Commission reconvened the meeting in City Hall Conference Room No. 1

#### **OLD BUSINESS:**

1. City of Portage 50<sup>th</sup> Anniversary Celebration – Recognition of Portage Businesses. Mr. Forth summarized the June 14, 2013 staff report that included suggestions for consideration of the Passbook program and also referred the Commission to highlight-strike versions of the various Passbook documents, as proposed by Attorney Brown and staff. Commissioners Felicijan and Dargitz expressed concern regarding the suggestion to eliminate business names from the press release and Portager article. Commissioner Dargitz discussed her initial contact with the 13 businesses currently listed and her commitment to provide advertising for these businesses. Commissioner Dargitz also discussed the intent to highlight specific businesses that have

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agreed to donate a gift for the Passbook program. Attorney Brown restated his concern over emphasizing one business over another business and the appearance that the city is endorsing certain businesses in a non public forum. Attorney Brown indicated the 13 businesses currently listed were specifically approached/solicited, while other businesses were not. Attorney Brown stated that listing all the participating businesses in the Passbook (without any special emphasis) was acceptable; however, strongly recommended against any specific business listing in the press release, Portager or on the web site. The Commission, Attorney Brown and staff next discussed other activities where the city lists specific businesses (i.e., New and Expanding Businesses article in Portager and leaf pick up bag advertisement and coupons in Portager) and the differences between these activities and the Passbook program. Attorney Brown stated the purpose of the Passbook is to celebrate the City of Portage 50<sup>th</sup> Anniversary and businesses within the community and not to advertise or promote specific businesses. Commissioners Dargitz and Felicijan discussed possible inclusion of the passbook in the September edition of the Portager. Mr. Forth and Attorney Brown indicated they did not realize it was the intent of the subcommittee to include the actual passbook in the Portager. Given the other documents and details that needed to be addressed immediately, Commissioner Felicijan suggested discussing this matter at a later date. After additional discussion, the Commission agreed to eliminate specific business listing from the press release and Portager and not to place any specific emphasis on businesses that donate a gift for the Passbook program.

The Commission also reviewed the various passbook documents and the proposed changes recommended by Attorney Brown and staff. In regard to the News Release, no additional changes were proposed by the Commission. In regard to the Portager article, the Commission discussed a minor change to the second paragraph to clarify the completed Passbook needs to be received by the last day of the month to be eligible for that month's drawing. In regard to the Business Registration form, the Commission agreed to change the word "expose" to "connect". In regard to the Participating Business Instructions sheet, the Commission only had a minor change to No. 1 and the elimination of the word "with". In regard to the Frequently Asked Questions sheet, the Commission agreed to reword No. 2 (b) to state the businesses will be recognized when gift(s) are awarded. The Commission also clarified No. 9 (a) that the raffle/drawing would be held each month at the first meeting of the Planning Commission.

Commissioners Dargitz and Felicijan indicated the Passbook was not yet ready for full review and they were hoping final changes would be completed by early next week. Commissioner Dargitz discussed changes to the Passbook since the May 30<sup>th</sup> meeting and Commissioner Felicijan discussed the desire to issue the News Release on June 26<sup>th</sup>. Mr. Forth suggested the 28<sup>th</sup> to allow for time to finalize the documents and website. Commissioner Felicijan agreed. Mr. Forth reviewed the suggestions listed in the five bullet items included in the June 14, 2013 staff report. Commissioner Felicijan stated these suggestions would be addressed by the subcommittee. Mr. Forth stated he would contact Commissioners Dargitz and Felicijan with links to the city web site and the primary contact person for getting documents uploaded. Attorney Brown stated he would like to review the Passbook once finalized and before the document was uploaded to the web site. After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, to move forward with the Passbook program as discussed during the meeting and to give the subcommittee authority to make changes to the program and documents, as needed. The motion was unanimously approved.

#### ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

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

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## PLANNING COMMISSION

August 1, 2013

The City of Portage Planning Commission meeting of August 1, 2013 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 10 citizens were in attendance.

### MEMBERS PRESENT:

Bill Patterson, Rick Bosch, Miko Dargitz, Wayne Stoffer, Dave Felicijan, Betty Schimmel, Henry Kerr and Paul Welch.

### MEMBERS ABSENT:

None.

### MEMBERS EXCUSED:

Allan Reiff.

### IN ATTENDANCE:

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

### PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

### APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the June 20, 2013 meeting minutes contained in the agenda packet. Commissioner Dargitz asked that the minutes be amended under City of Portage 50<sup>th</sup> Anniversary Celebration – Recognition of Portage Businesses to reflect the discussion regarding possible inclusion of the Passbook in the September edition of Portager. Mr. West indicated he did not recall the specifics of the June 20, 2013 discussion, but thought inclusion of the Passbook document in the Portager may not be possible due to logistics and costs. Mr. Forth stated he would look into the matter and recalled discussion of either an insert or a printed Passbook in the Portager. Mr. Forth indicated the June 20, 2013 minutes could be amended to include some of this discussion and he would follow-up with other city departments to see whether inclusion of the Passbook in the Portager was possible. Commissioner Dargitz indicated the subcommittee thought it was essential to include the Passbook in the Portager since the names of the participating businesses could not be included in the press release. As a compromise to not including the names of the participating businesses in the press release, Commissioner Dargitz recalled that Attorney Brown was agreeable to inclusion of the Passbook document in the Portager. After a brief discussion, a motion was offered by Commissioner Stoffer, seconded by Commissioner Bosch, to approve the minutes as amended. The motion was unanimously approved.

### SITE/FINAL PLANS:

None

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**PUBLIC HEARINGS:**

1. Special Land Use Permit/Site Plan: Appletree Learning Center, 1518 and 1530 East Centre Avenue. Mr. West summarized the staff report dated July 25, 2013 regarding the request by BBI Holdings, LLC to establish an 11,645 square foot child daycare center and associated site improvements at 1518 and 1530 East Centre Avenue. Mr. West discussed the conflicting land use screening proposed along the west side of the site, between the parking lot and western property line, where abutting a single family residence and the screening proposed around the outdoor play area. Mr. West also discussed the proposed access arrangement and the applicant's commitment to provide shared/cross access to the property to the west upon its redevelopment.

Steve Witte of Nederveld (applicant's engineer) and Dan Boverhof (BBI Holdings, LLC) were present to support the applications. Mr. Witte summarized the development project and discussed parking, child drop-off, traffic flow and the outdoor play area. Mr. Witte stated the child drop-off was staggered throughout the day with the peak hour between 7:30-8:30 a.m. generating approximately 40 vehicles. Mr. Witte also indicated the outdoor play area would be utilized throughout the day, weather depending, and would involve small supervised groups of 30-40 children. Chairman Welch opened the public hearing. One citizen, Tammy Mason, 1508 East Centre Avenue, spoke in regards to the proposed child daycare center. Ms. Mason expressed concerns regarding traffic flow and volume associated with the daycare center, particularly in the mornings, and also impacts associated with daycare centers located on either side of her property. No additional citizens spoke regarding the proposed child care center. A motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved.

The Commission and staff discussed various aspects of the proposed development including the proximity of the two daycare centers, traffic generation, flow and peak hours associated with the daycare center and the proposed driveway location and future shared/cross access with the adjacent property to the west. Commissioner Bosch expressed concerns regarding possible congestion at the driveway and suggested widening the proposed driveway to accommodate three lanes; two egress lanes and one ingress lane. Mr. Witte stated no opposition to this request and indicated he could work with staff to revise the driveway design. After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the Special Land Use Permit for Appletree Learning Center, 1518 and 1530 East Centre Avenue. The motion was unanimously approved. A motion was then made by Commissioner Bosch, seconded by Commissioner Stoffer, to approve the Site Plan for Appletree Learning Center, 1518 and 1530 East Centre Avenue subject to staff working with the applicant to widen the proposed driveway to three lanes with two egress lanes and one ingress lane. The motion was unanimously approved.

**NEW BUSINESS:**

1. Council Sign Committee and Planning Commission Work Group. Mr. Forth summarized the staff report dated July 25, 2013 regarding the request from City Council for three Planning Commission volunteers to participate in a work group to consider potential amendments to the Zoning Code sign regulations. Chairman Welch indicated he had made contact with potential volunteers and has asked Commissioners Schimmel, Bosch and Patterson to participate in the City Council Sign Committee work group. Mr. Forth indicated that a meeting schedule has yet to be established, but the three Commissioners would be contacted once a first meeting was scheduled.

**OLD BUSINESS:**

1. City of Portage 50<sup>th</sup> Anniversary Celebration – July Passbook Drawing. Commissioners Felicijan and Dargitz conducted the July Passbook drawing and Caroline Selby was selected as the winner of a \$20.00 gift

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car to West Lake Drive-In. Commissioner Felicijan stated the gift card could be picked up at West Lake Drive-In. Commissioner Dargitz discussed how citizens could participate in the Passbook program and how the Passbook could be downloaded from the City web site at [www.portagemi.gov](http://www.portagemi.gov). Commissioner Dargitz discussed how the Passbook program works and stated the winner of the August drawing would be announced at the first Planning Commission meeting in September.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

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

Respectfully submitted,

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

**TO:** Planning Commission

**DATE:** August 8, 2013

**FROM:** Vicki Georgeau, Director of Community Development

**SUBJECT:** Preliminary Report: Rezoning Application #13-01, 120 and 126 East Van Hoesen Boulevard

**I. INTRODUCTION:**

An application has been received from Sonoma Development requesting that 120 and 126 East Van Hoesen Boulevard be rezoned from R-1A, one family residential to B-3, general business and P-1, vehicular parking. According to the applicant, the rezoning would facilitate a commercial redevelopment of the southeast corner of South Westnedge Avenue and East Van Hoesen Boulevard.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
Sonoma Development	120 East Van Hoesen Boulevard	01600-074-O	R-1A	B-3
	126 East Van Hoesen Boulevard	01600-073-O	R-1A	P-1
Two parcels – 0.35 acre				

**II. EXISTING CONDITIONS:**

Land Use/Zoning	<p><b>Rezoning Site:</b> Two single family residences that were built in the 1950s, zoned R-1A, one family residential.</p> <p><b>West:</b> Office buildings and associated parking areas (5841 and 5901 South Westnedge) zoned B-3, general business. Further west (across South Westnedge) and north and south along South Westnedge, various retail and commercial developments zoned B-3.</p> <p><b>East:</b> Single family residence (202 East Van Hoesen) zoned R-1A.</p> <p><b>South:</b> Parking lot (119 Colonial Avenue) zoned P-1, vehicular parking and a single family residence (125 Colonial Avenue) zoned R-1A.</p> <p><b>North:</b> Across East Van Hoesen Boulevard, parking lot (121 East Van Hoesen) zoned P-1, vehicular parking and a single family residence zoned R-1A.</p>
Zoning/Development History	<p>No rezoning of properties in the surrounding area since adoption of the 2008 Comprehensive Plan. However, three rezonings did occur along the east side of South Westnedge, north and south of the subject site, in the early-mid 2000s.</p> <ul style="list-style-type: none"> <li>• In 2006, three properties located at the northeast corner of South Westnedge and East Milham Avenue (5933 South Westnedge, 124 and 202 Colonial) were rezoned from B-3, general business and R-1A, one family residential to CPD, commercial planned development to accommodate the Walgreens redevelopment project.</li> <li>• In 2002, the west 75-feet of 121 East Van Hoesen Avenue was rezoned from R-1A, one family residential to P-1, vehicular parking to accommodate a redevelopment and parking expansion for the Honey Baked Ham site.</li> <li>• In 2002, the west 90-feet of 122 Boston Avenue was rezoned from R-1A, one family residential to P-1, vehicular parking to accommodate a parking lot expansion for the Advantage Physical Therapy site.</li> </ul>

Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	South Westnedge Avenue, between Idaho and Milham, is designated as a 6-7 lane major arterial with 43,051 vehicles per day (2012); capacity of 51,600 vehicles per day (level of service "D").
Public Utilities	Municipal water and sewer are available.
Environmental	The City of Portage Sensitive Land Use Inventory Map does not identify wetland and/or floodplain areas on the subject site.

**III. PRELIMINARY ANALYSIS:**

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

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Plan Map component of the Comprehensive Plan identifies the rezoning site as being in a zone of transition between general business and single-family detached medium density residential land use. The Comprehensive Plan also identifies South Westnedge Avenue as a major commercial corridor. While these designations are intended to serve as a general guide for future development and rezoning considerations, specific zoning district boundaries need to be determined on a case-by-case basis considering overall consistency with the Comprehensive Plan/Future Land Use Map, surrounding land use/zoning pattern, development/redevelopment potential, impacts on adjacent properties and other factors.

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. An evaluation of the Development Guidelines will be provided with the staff recommendation.

Suitability of Existing R-1A Zone/Impacts of Proposed B-3/P-1 Zones. The existing R-1A zoning of the subject properties may be considered in transition due to nonresidential uses/zones located on the north side of East Van Hoesen, south of 120 East Van Hoesen and noise/traffic impacts associated with being in close proximity to the South Westnedge Avenue Commercial Corridor.

The proposed B-3 zone for 120 East Van Hoesen and P-1 zone for 126 East Van Hoesen, combined with the two existing B-3 zoned properties (5841 and 5901 South Westnedge), will facilitate a commercial redevelopment project planned by the applicant. As identified on a preliminary site plan included with the application materials, a 4,500 square foot retail building and associated parking facilities are proposed for these four properties located at the southeast corner of South Westnedge/East Van Hoesen. The B-3 zone permits a wide variety of office, personal service and retail uses, while the proposed P-1 zone for 126 East Van Hoesen would serve as a transition between the commercial uses that would be permitted on the corner

of South Westnedge Avenue and the interior residential district along East Van Hoesen Boulevard. As information for the Commission, only vehicular parking is permitted in the P-1 zone (loading/unloading areas and refuse dumpsters are not allowed in the P-1 zone). Additionally and as shown on the preliminary site plan, a minimum 27-foot front yard setback/greenspace area is required in the P-1 zone, between East Van Hoesen and the parking lot, and a minimum 10-foot setback/greenspace area with conflicting land use screening is required along the east and south property lines.

While some increase in site activity may be associated with the redevelopment project (vehicular traffic, noise, lighting), as noted above the Zoning Code requires appropriate screening/buffering where adjacent to single family residential land use/zoning.

Traffic Considerations. The proposed rezoning and associated commercial redevelopment of the southeast corner of South Westnedge/East VanHoesen is not anticipated to generate significantly more traffic than is currently present at this location and can be supported by the adjacent street network. Recent improvements to South Westnedge Avenue through the South Westnedge Enhancement projects (SWEPS) have significantly improved traffic flow, capacity and safety along this major thoroughfare and any additional traffic generation can be accommodated. Specific access management related issues including driveway locations and shared/cross access will be reviewed at the site plan stage of redevelopment.

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

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, the Commission is advised to receive public comment during the August 15, 2013 meeting and adjourn the public hearing to the September 5, 2013 meeting.

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





**Subject Properties**

**E Van Hoesen Bl**

**Colonial Av**

**S Westledge Av**

**Subject Properties**

Date of photography: March 2013

# Aerial Photography 120 & 126 East Van Hoesen Boulevard



1 inch = 100 feet





Department of Community Development

JUL 16 2013

APPLICATION FOR ZONING AMENDMENT

Application number #13-1

Date 7-16-13

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 120 & 126 E. Van Hoesen between Westnedge Street and Concord Street on the South side of the street, and is known as Lot Number(s) 73 & 74 of Colonial Hills Plat (Subdivision). It has a frontage of 115 feet and a depth of 132 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 X have under contract

b. Name of the owner of the property to be rezoned: Dr. Raymond Maly (120)

Address Shaun Molitor (126)  
120 & 126 E. Van Hoesen

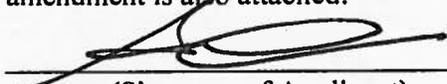
3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Rezone 74 to B-3 and lot 73 to P-1  
Both lots are currently R-1A

4. CURRENT ZONING: R-1A PROPOSED ZONING: LOT 74 - B-3  
LOT 73 - P-1

**ZONING TEXT AMENDMENT**

1. The proposed language to be considered is (attach additional sheets as necessary):  
\_\_\_\_\_  
\_\_\_\_\_
2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.  
\_\_\_\_\_
3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.  
\_\_\_\_\_  
\_\_\_\_\_

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

	
(Signature of Applicant)	(Signature of Applicant)
<u>Authorized Signatur for Sonoma Dvelopment</u>	
<u>660 Cascade West Parkway Ste. 110</u>	
(Address)	(Address)
<u>616-510-5545</u>	
(Phone)	(Phone)

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



W.L. Perry Associates  
226 Quimby N.E.  
Grand Rapids, MI 49505  
ph. 616.454.1740  
fax 616.454.1746  
www.wlperry.com

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

July 15, 2013

Re: 5901 South Westnedge rezoning

Planning Commission,

In efforts to redevelop 5901 S. Westnedge, the developer has obtained options on the four corner parcels.

The proposed plan is to construct a 4,500 SF facing Westnedge and have parking surrounding the building.

We are asking to rezone lot 74 of Colonial Hills Plat to B-3 and to rezone lot 73 of Colonial Hills Plat to P-1.

The B-3 zoning will match the zoning along Westnedge and the P-1 will act as a transitional zoning between the B-3 and R-1A zoning.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Eidson', with a long, sweeping underline.

Kevin Eidson RA  
WL Perry Associates Ltd  
226 Quimby NE  
Grand Rapids, MI 49505  
(616)454-1740 ext.25  
(616)454-1746 Fax  
(616)293-4390 Cell  
[kevine@wlperry.com](mailto:kevine@wlperry.com)



**TO:** Planning Commission **DATE:** August 8, 2013  
**FROM:** Vicki Georgeau, <sup>VG</sup> Director of Community Development  
**SUBJECT:** Special Land Use Permit: Group Child Care Home (Jones), 1002 Shumway Avenue

**I. INTRODUCTION:**

A Special Land Use Permit application has been submitted by Ms. Heather Jones to establish a group child care home for up to 12 children at 1002 Shumway Avenue. Currently, Ms. Jones resides at 929 Shumway but is in the process of moving to 1002 Shumway Avenue, which is located directly across the street. In June 2008, Ms. Jones received a special land use permit to establish a group child care home at 929 Shumway Avenue and she would like to continue to operate the group child care home from 1002 Shumway Avenue. The approximate 0.25 acre zoning lot is zoned R-1A, one family residential.

**II. BACKGROUND INFORMATION:**

The following background information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> <li>• <u>Site:</u> A 1,116 square foot ranch home and one-car attached garage zoned R-1A, one family residential. The zoning lot is 84-feet wide by 132-feet deep.</li> <li>• Single family residences on platted lots zoned R-1A border the subject site to the east, west, southeast and north (across Shumway).</li> <li>• A large, vacant unplatted parcel zoned R-1B, one family residential borders the site to the southwest.</li> </ul>
Comprehensive Plan	<ul style="list-style-type: none"> <li>• Future Land Use Map component of the Comprehensive Plan identifies the subject site, along with adjacent properties to the south, east, west and north (across Shumway), as appropriate for low density residential land use.</li> </ul>
Land Development Regulations	<ul style="list-style-type: none"> <li>• The application has been submitted under Section 42-182.I, <i>Special Land Use</i> in the R-1A one family residential zoning district: "Group child care homes" subject to conditions.</li> <li>• Section 42-462, <i>General Standards for Review of Special Land Uses</i>, sets forth additional criteria for evaluating a special land use and allows conditions to be established.</li> </ul>

**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 for issuance of a special land use permit. The group child care home will not be situated 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. Given the hours of operation of the group child care home (5:30 a.m.-11:30 p.m., Monday through Friday and some

Saturdays), combined with transportation of children to/from school, three nonresident employees assist Ms. Jones in order to comply with State licensing requirements.

An outdoor play area located in the southwest corner of the rear yard is proposed for the group child care home. The rear yard of the site is partially enclosed along the east, south and west sides by a combination of 6-foot tall wooden fence and 4-foot wire fence. There is no fencing between the home and the side property lines. The applicant has indicated that improvements are planned for the property and the entire rear yard of the site will be enclosed with a 6-foot tall wooden fence by the end of summer 2014, if not sooner.

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. A family child care home, 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, a 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. Traffic resulting from 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.

In accordance with statutory requirements, 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 published in the local newspaper.

#### **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. Heather Jones (group child care home), 1002 Shumway Avenue, be approved. As a condition of approval and given the extended hours of operation (5:30 a.m. to 11:30 p.m.) and operation on Saturdays, installation of six foot high wooden screening fence should be installed around the entire rear yard of the site no later than November 1, 2013. As information for the Commission, Ms. Jones current group child care home at 929 Shumway also required similar fencing, which was installed in accordance with the special land use permit.

Attachments: Vicinity/Zoning Map  
Aerial Photograph  
Special Land Use Permit Application and Supporting Materials  
Digital Photos of 1002 Shumway (rear yard)

S:\Commdev\2013-2014 Department Files\Board Files\Planning Commission\PC Reports\Special Land Use Permits\2013 08 08 Group Child Care Home (Jones), 1002 Shumway (SLUP) doc

# Prosperity

826	904	912	918	926	1004	1010	1018	1026	1102	
827	903	909	915	921	929	1005	1011	1017	1025	1101

# Shumway

R-1A

828	904	910	916	924	1002	1008
-----	-----	-----	-----	-----	------	------

**Subject Property**

R-1B

706	825	8308
805		8314
		8320
		8326
		8332
		8338

# Tranquil

8245	8246
8301	8304
8307	8310
8313	8316
8319	8322
8325	8328
8331	8334
8337	8340

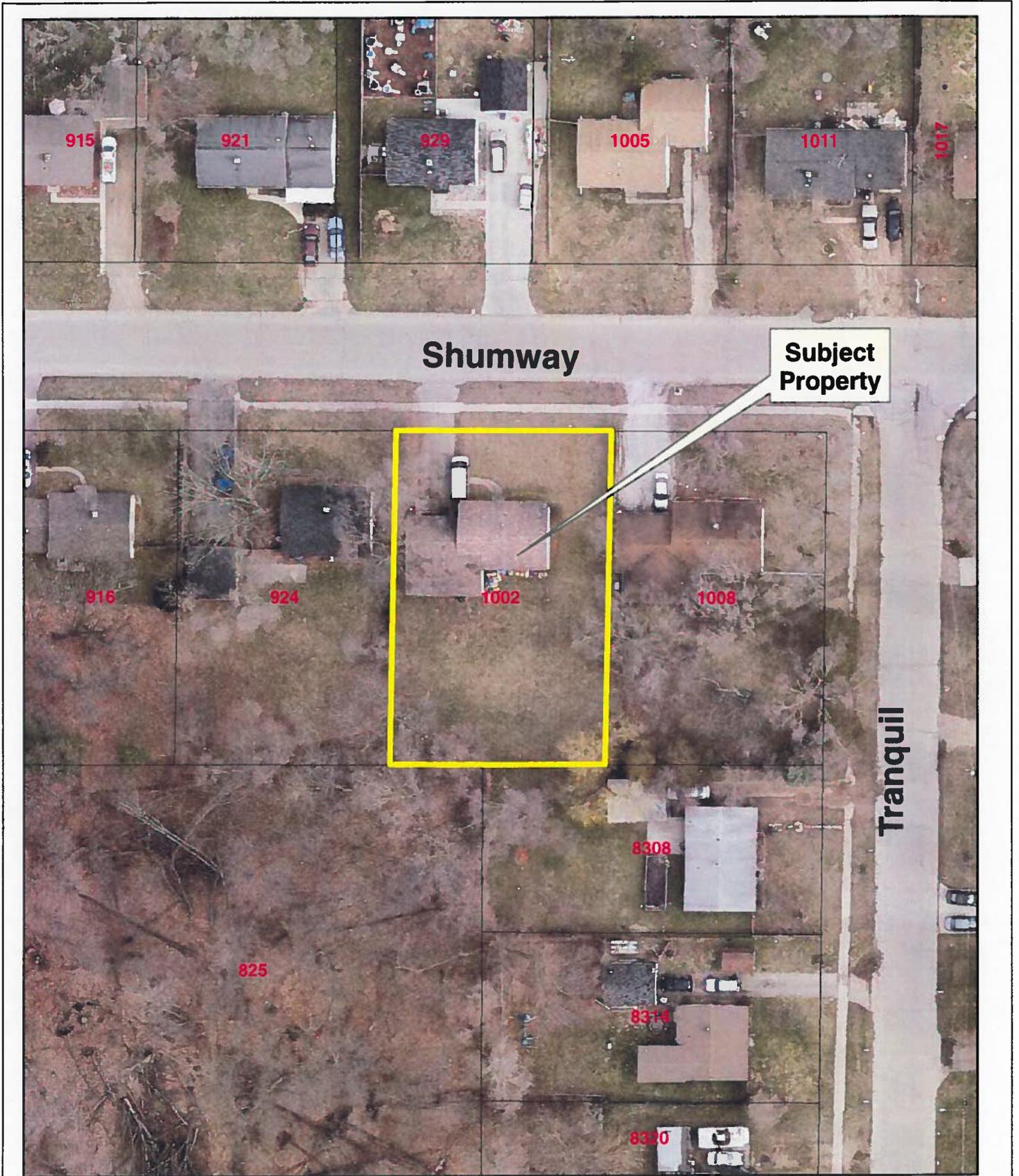


1 inch = 100 feet

## Special Land Use Permit 1002 Shumway Avenue

**Legend**

- 300' Notification Boundary
- Subject Properties
- Zoning Boundary



Shumway

Subject Property

Tranquil



1 inch = 50 feet

Aerial Photo  
1002 Shumway Avenue



# PORTAGE

A Natural Place to Move

Department of Community Development

RECEIVED

## APPLICANT INFORMATION

Name <b>Heather Jones</b>		Telephone Number <b>269 323 1363</b>	
Address <b>1002 Shumway</b>	City <b>Portage</b>	State <b>MI</b>	Zip code <b>49002</b>

## OWNER INFORMATION (if different)

Name		Telephone Number	
Address	City	State	Zip code

## PROPERTY INFORMATION

Address of property <b>1002 Shumway Av.</b>	Zoning District	Land Area (acres)
Legal Description (or attach separate page)		

## PROPOSED USE

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

Having been granted a license to operate a group home in 2008 @ 929 Shumway. Use of property located @ 1002 Shumway (immediately across the street from 929 Shumway) will be consistent. A request for a new group license @ 1002 Shumway has been submitted. A large outdoor play area in the rear of the property, a large playroom within the house provides better accommodations for operating the daycare. Current clientele will remain the same. Currently we are updating our yard. I have included drawings of what it looks like now + hopefully what it will look like by end of Summer. → see.

## 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.

**Heather Jones** \_\_\_\_\_ **7/3/13** \_\_\_\_\_  
Signature Date

If not completely finished by Summers end, Will for sure be finished by Summer 2014 I currently operate my daycare between the hours of 5<sup>30</sup>A - 11<sup>30</sup>pm Monday thru Friday & some Saturdays with the hours I operate I have to have 3 employees to comply with the State licensing Rules

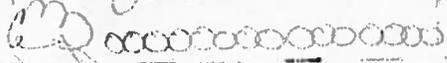
Having been granted a license to operate a group daycare from my home in 2008 @ 929 Shumway, Use of property located at 1002 Shumway (immediately across the street from 929 Shumway) will be consistent. A request for a new group license at 1002 Shumway has been submitted. Large outdoor play area in the rear of the property, large playroom with in the house provides better accommodations for operating the daycare. Current clientele will remain the same.

Currently we are in the process of updating the yard. I have included drawings of what it looks like now and hopefully what it will look like by the end of summer. If not completely finished by summer's end, will for sure be finished by summer 2014. I currently operate my daycare between the hours of 5:30am-11:30pm Monday thru Friday and some Saturdays. With the hours I operate I have to have 3 Employees to comply with the state licensing rules.

8300 Tranquil

Woods

924

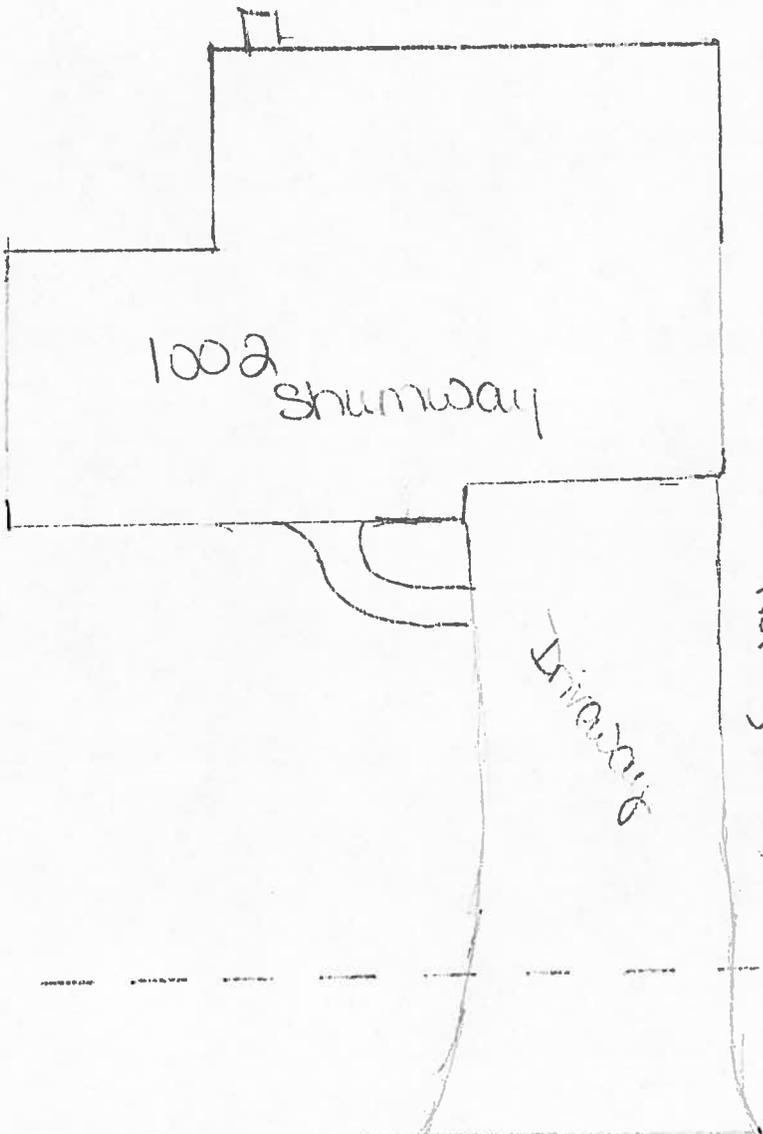


existing  
9500  
Quilley  
3.2013



1008  
Shumway

924  
Shumway



Property Line

Shumway

Bare Tranquil

Woods



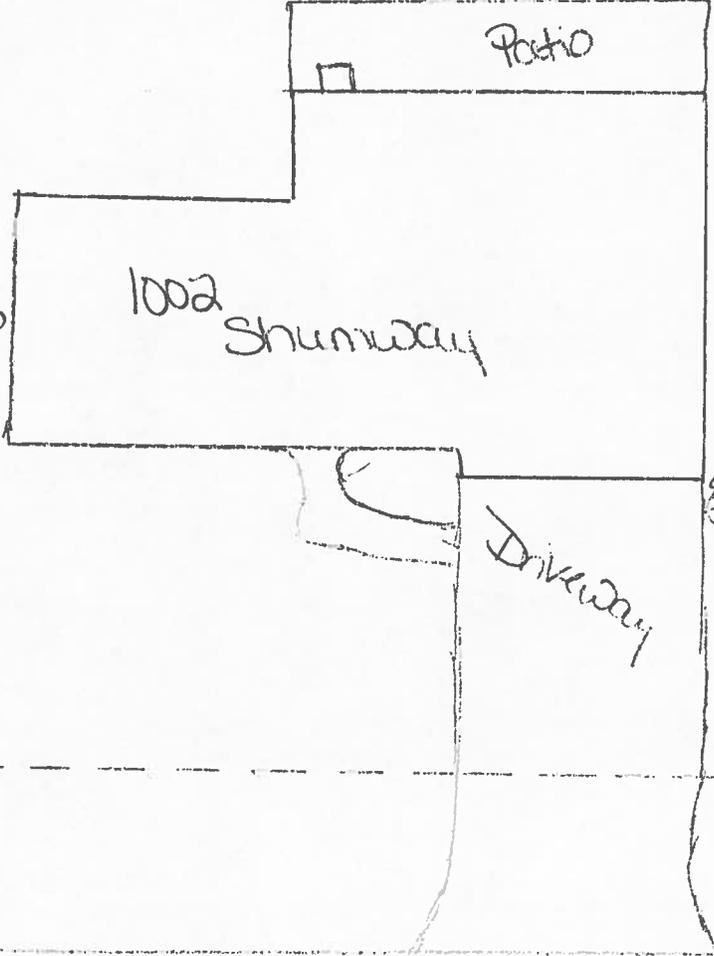
10x11/2  
Shed

Playyard  
Landscape ties

Proposed  
New  
Sept - Oct  
2013

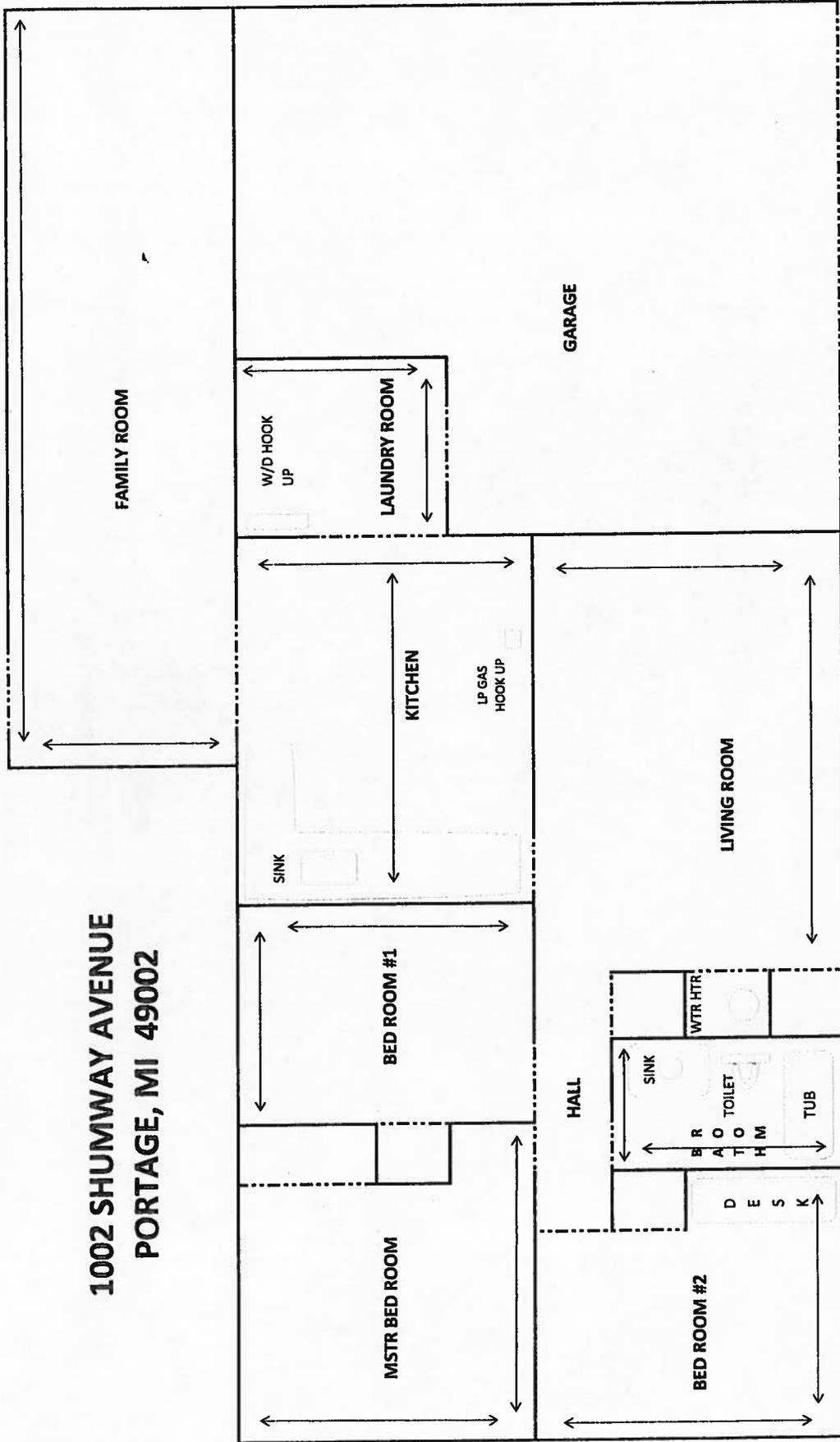
038  
Shumway

924  
Shumway



Shumway

**1002 SHUMWAY AVENUE  
PORTAGE, MI 49002**



<b>DOOR:</b> _____	<b>MSTR BDRM:</b> 12' x 11'10"	<b>LVNG RM:</b> 11'10" x 15'11"	<b>TOTAL:</b> 1163 SQ.FT.
<b>WALL:</b> _____	<b>BDRM #1:</b> 12' x 7'10"	<b>KITCHEN:</b> 12'2" x 13'9"	
	<b>BDRM #2:</b> 11'10" x 10'	<b>BTH RM:</b> 8'10" x 4'11"	
	<b>FMLY RM:</b> 9'5" x 28'3"	<b>LNDRY RM:</b> 9' x 6'7"	



# ZONING APPROVAL FOR GROUP CHILD CARE HOMES

Michigan Department of Human Services

Bureau of Children and Adult Licensing

Licensee Name: Jones, Heather

Licensee Address: 1002 Shumway

Portage, MI 49002

License Type: DG – Group Child Care Home (capacity 7-12 children)

### Zoning Authority:

According to the Michigan Zoning Enabling Act, 2006 PA 110, a group child care home located in a county or township shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meet specific standards. A group child care home located in a city or village may be issued a special use permit, conditional use permit, or other similar permit.

Please complete the lower portion of this form and return this completed form to the licensee/applicant.

If you have any questions or concerns, please contact the Michigan Department of Human Services, Bureau of Children and Adult Licensing, at 517-373-8300.

Thank you.

- Location is APPROVED by the local zoning authority.
- Location is DISAPPROVED by the local zoning authority.

\_\_\_\_\_  
Signature of Zoning Authority

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Printed Name of Zoning Authority

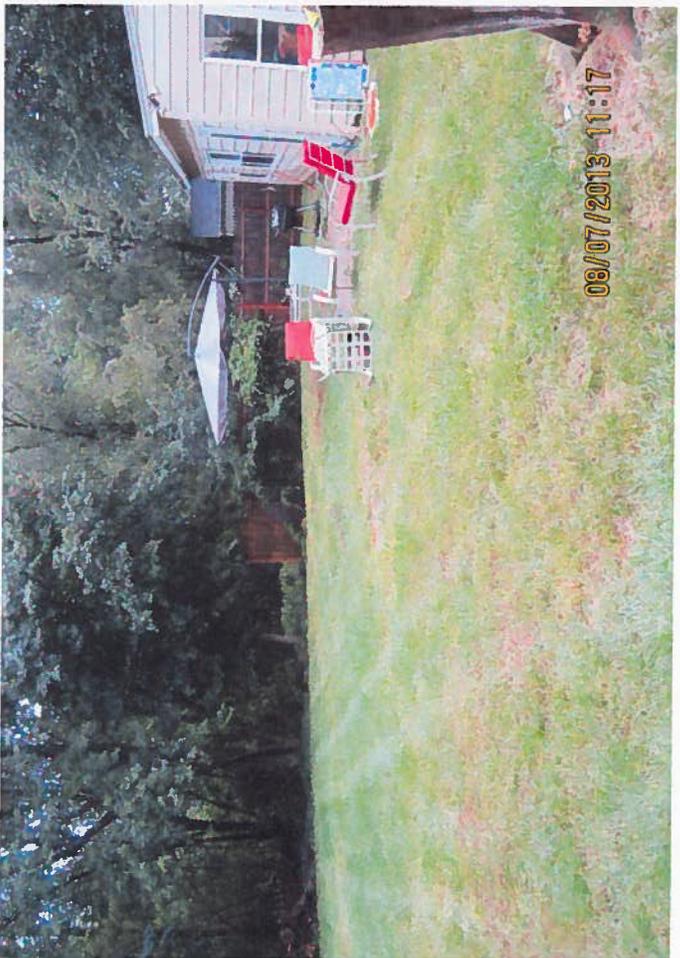
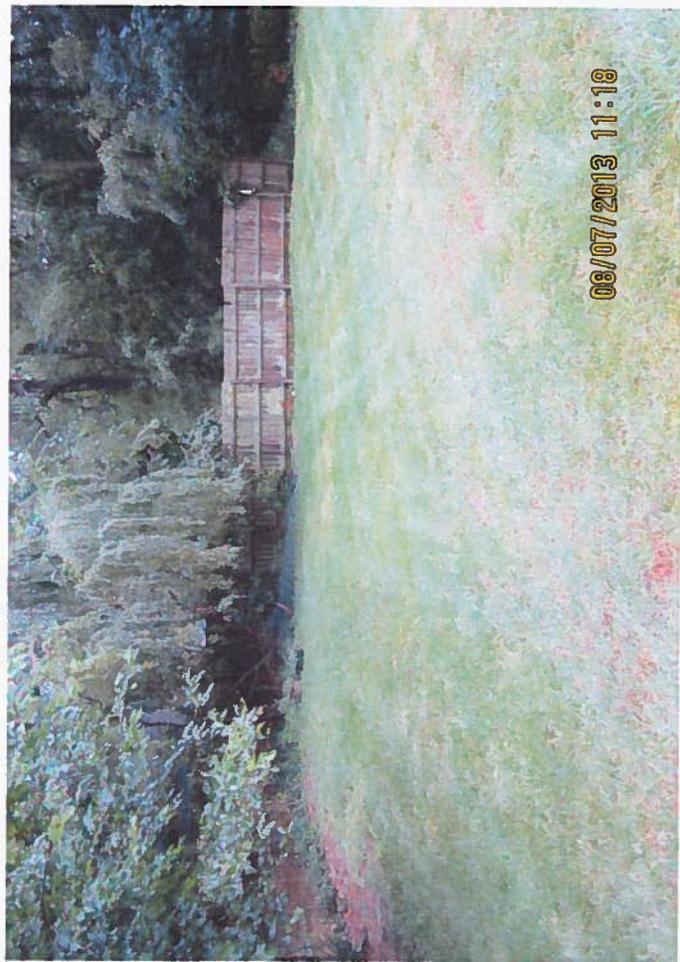
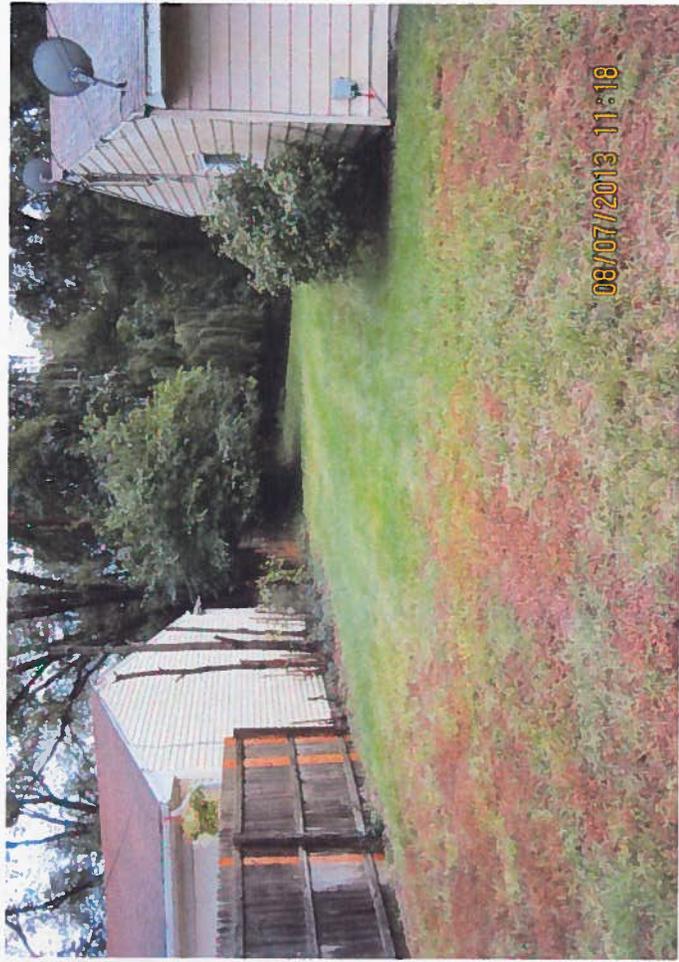
\_\_\_\_\_  
Jurisdiction (City, Township)

Authority: 1973 PA 116

Completion: Required

Penalty: Applicant cannot be licensed/registered

Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.



**MATERIALS TRANSMITTED**

## CITY COUNCIL MEETING MINUTES FROM JULY 9, 2013

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

At the request of Mayor Pro Tem Reid, Councilmember Terry Urban gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

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

**PROCLAMATION:** Mayor Pro Tem Reid issued a Firefighters Fill the Boot Days for Muscular Dystrophy Proclamation.

**APPROVAL OF MINUTES:** At the request of Councilmember Pearson, City Clerk James Hudson checked the DVD recording of the June 25, 2013 City Council Meeting, so the minutes were changed on page 2, ten lines down, to reflect a comment from Board of Review Member Richard Ford, who read a statement at the request of Board of Review Member Bill Fries that read, "who concurred with the concerns expressed previously and added a concern that false building permits that are being used by the Assessor, that do not exist anywhere in City Hall, should not add value to the home." Motion by Urban, seconded by Randall, to approve the June 25, 2013 Regular Meeting Minutes as corrected. Upon a voice call vote, motion carried 5 to 0 with Councilmember Sackley abstaining.

\* **CONSENT AGENDA:** Mayor Pro Tem Reid asked Councilmember Urban to read the Consent Agenda. Councilmember Randall asked that Item F.1, Fiscal Year 2013-14 Community Development Block Grant Fund Contracts, be removed from the Consent Agenda. Motion by Urban, seconded by Randall, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0, with Councilmember Randall abstaining in part of Item F.1 as she is a Board Member of Catholic Charities.

Mayor Pro Tem Reid pointed out that as part of the Consent Agenda, City Council would be going into a closed session at the end of the meeting to discuss a personnel matter, and indicated that City Council would be addressing Item J.1 after the closed session and noted that this is a change in the order of the Agenda.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 9, 2013:** Motion by Urban, seconded by Randall, to approve the Accounts Payable Register of July 9, 2013, as presented. Upon a roll call vote, motion carried 6 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Board of Review Member William Brandt, 1825 Tamfield Avenue, indicated that he was not informed that the rest of the members were coming to speak at the June 25, 2013 Regular City Council Meeting, indicated that he could not concur with everything that was said at the meeting by all of the other Board of Review Members, but did agree that the notice of assessment changes were sent out to the residents late, that sending them out earlier would give citizens a better chance to prepare for an appeal before the Board, and he agreed with the perceptions of the Board that they were being publicly criticized at the City Council meetings.

### REPORTS FROM THE ADMINISTRATION:

**FISCAL YEAR 2013-14 COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND GENERAL FUND CONTRACTS:** Motion by Urban, seconded by Randall, to approve the Fiscal Year 2013-14 Community Development Block Grant Fund contracts and the General Fund

human/public services contracts, and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0, with Councilmember Randall abstaining in part as she is a Board Member of Catholic Charities.

\* **TRANSFER LOCATION OF RESORT CLASS C LIQUOR LICENSE (MULLIGAN'S GRILL AND SPORTS BAR):** Motion by Urban, seconded by Randall, to support the request from Wiitanen Enterprises, Inc., to transfer location of the Resort Class C Liquor License with Sunday Sales Permit (PM), Entertainment Permit, Outdoor Service (1 Area), Specific Purpose Permit (Food) and (2) Bars, issued under MCL 436.1531(2) to the newly constructed building at 9136 Shaver Road, Portage, MI 49002, Kalamazoo County (Mulligan's Grill and Sports Bar), from the razed building at the same address. Upon a roll call vote, motion carried 6 to 0.

\* **CLOSED SESSION:** Motion by Urban, seconded by Randall, to convene a closed session to discuss a personnel matter immediately following the regularly scheduled meeting of July 9, 2013. Upon a roll call vote, motion carried 6 to 0.

#### **UNFINISHED BUSINESS:**

\* **CITY ORDINANCE AMENDMENT:** Motion by Urban, seconded by Randall, to adopt the proposed amendment to the City of Portage Code of Ordinances by adding Article 9, Midwest Energy Cooperative Franchise, to Chapter 14, Business, Sections 14-192 through 14-202. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 257 of City of Portage Ordinance Book No. 12.

**FIREWORKS REGULATION:** City Manager Maurice Evans summarized City Council action thus far, including the passage of an Emergency Ordinance on June 25, 2013, and the First Reading of the Fire Regulations Ordinance currently presented for second reading. He provided a review of the Fire Code Safety Act, and indicated that City Council has a listing of calls and e-mails before them as part of their consideration of a more permanent ordinance. Discussion followed.

Each Councilmember brought concerns expressed to them personally by citizens both for and against fireworks regulations. Some of the discussion centered around the level of restrictiveness, safety versus quality of life, public versus private property concerns, dates to allow fireworks especially when the holiday falls on a mid-week day, the wisdom of imposing further control over the State of Michigan guidelines, the cultural diversity aspects of a wish to celebrate with fireworks demonstrations, and a desire for consistency with surrounding communities. Discussion followed.

Councilmember Urban expressed an interest in investigating the option of having a permitting process for fireworks demonstrations to accommodate cultural holidays, private celebrations or whatever it might be. Discussion followed. Motion by Urban, seconded by Campbell, to send the ordinance back to the Administration and the City Attorney to draft an ordinance that allows for a permit similar to the bonfire permit that allows for fireworks on other days than those mandated by the State Law for future consideration by City Council. Councilmember Campbell requested that the Administration provide the requirements necessary to obtain a commercial fireworks permit through the City, including the five-page application, and explained. Discussion followed.

In answer to Councilmember Sackley, City Attorney Brown indicated that the permit segment of the ordinance would be couched as an exception to the prohibition as it exists in the ordinance. Discussion followed and City Attorney Brown offered some parameters to be considered when writing a permit ordinance and indicated that he would be going over and above what might be standard in order to enable City Council to consider other options and have the flexibility to change things. He also referred to the ability of the Fire Department to promulgate reasonable rules such as the standards in the Bonfire Ordinance and the insurance requirements in other permitting processes. Discussion followed.

Councilmember Sackley spoke in opposition to expanding the ordinance beyond what the State has already mandated.

City Manager Evans reviewed a request by a party who wanted to have a fireworks display on one of the lakes in Portage. He indicated that he reviewed the matter with the City Attorney and worked out some standards in order to protect the neighbors such as insurance, inspections, and ensuring that there is a qualified pyrotechnical individual to discharge the fireworks. He expressed a caveat to City Council that any extra opportunities to have fireworks in the community beyond State Law brings extra Administrative, Public Safety and liability concerns, plus complaints from citizens who wish to retain the quiet enjoyment of their property. Discussion followed.

In answer to Mayor Pro Tem Reid, City Attorney Brown indicated that having a permitting process would increase liability for the City as there would be no liability if the City simply follows State Law owing to errors made, etc. Discussion followed.

Upon a roll call vote, motion carried 4 to 2. Yeas: Councilmembers Campbell, Pearson and Randall and Mayor Pro Tem Reid. No: Councilmembers Sackley and Urban. Discussion followed. Councilmember Randall asked if City Council could obtain information regarding fireworks ordinances or standards from all of the surrounding communities, not just Kalamazoo. Mr. Brown indicated that between his office and city staff that this should be accomplishable.

### **COUNCIL COMMITTEE REPORTS:**

**COUNCIL PRE-QUALIFIED SITES COMMITTEE:** Councilmember Randall indicated that the Council Pre-qualified Sites Committee chaired by Mayor Strazdas with Councilmember Urban as the third member met with Joe Bland and Jennifer Owens from Southwest Michigan First. She indicated that city staff provided much verbal information; that the property owner's participation is critical and necessary before a prequalification can be accomplished on a site; that Michigan does not currently have a prequalification site program in place, but it does have a Redevelopment Ready Communities Program in its second year; and, the Committee agreed that the needs of the landowner has to be taken into consideration and the Southwest Michigan First representatives agreed. She indicated that large segments of land that are zoned industrial segments will be the focus of Southwest Michigan First, hopefully bringing in buyers. She cited a presentation by Southwest Michigan First regarding the "call support" industry study that revealed that Portage has a number of call centers and a work force that would be conducive to attract more of these call centers. She said that the Southwest Michigan First Representatives felt that staff was working well with them, both Mr. Evans and Ms. Georgeau, and expressed her opinion that even though this is a slow process, there were a lot of positive comments in the discussion. Councilmember Urban indicated that unfortunately he was not able to attend the meeting owing to an illness. Councilmember Sackley said he realized that Mayor Strazdas chaired the meeting, but asked if a written report would be forthcoming for the record. Councilmember Randall responded that "the Mayor said that he would have one on the dais, but there wasn't one, so she went off just some notes." Councilmember Sackley asked if City Manager Evans could follow-up and get the written report for the record and Mr. Evans answered in the affirmative. When Mayor Pro Tem Reid asked what the next steps might be, Councilmember Randall answered that the city is at the mercy of Southwest Michigan First and the clients they bring in; that we do have large tracts of privately owned land in Portage that are not for sale noting that there is the dream and there is reality; moreover, Southwest Michigan First indicated that Portage is doing all it can do at this time by working with prospective clients, and Councilmember Randall said, "we can still be visionaries."

Motion by Pearson, seconded by Urban, to receive the presentation from the Pre-Qualified Sites Committee regarding recent activity. Upon a voice call vote, motion carried 6 to 0.

### **BID TABULATIONS:**

\* **2013 LOCAL STREET RECONSTRUCTION PROGRAM:** Motion by Urban, seconded by Randall, to approve a contract with Michigan Paving & Materials Company for the 2013 Local Street

Reconstruction Program in the not-to-exceed amount of \$559,555.77 and a contract amendment with Jones & Henry Engineers, Ltd., for construction administration and material testing for the 2013 Local Street Reconstruction Program in the not-to-exceed amount of \$53,610.00, and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **STREET MILL AND FILL REPAIRS - RECOMMENDATION:** Motion by Urban, seconded by Randall, to approve a contract with Michigan Paving & Materials Company to provide asphalt surface repairs to isolated sections of major and local streets in the not-to-exceed amount of \$210,150.55 and the added expenditure of \$142,266.30 for additional mill and fill repairs at unit pricing within this contract, and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **BUILDING INFRASTRUCTURE REVIEW - PROPOSED RECOMMENDATION:** Motion by Urban, seconded by Randall, to approve the proposal submitted by Paradigm Design, Incorporated, to complete building infrastructure reviews for twelve city facilities in the amount of \$24,000 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

RECESS: 8:42 p.m.

RECONVENE: 8:59 p.m.

#### **COUNCIL COMMITTEE REPORTS:**

**CITY MANAGER SALARY REVIEW/EVALUATION COMMITTEE:** At the request of Mayor Pro Tem Reid, Councilmember Pearson provided a report from the City Manager Salary Review/Evaluation Committee. Councilmember Pearson indicated that the Committee consisted of Councilmembers Sackley, Urban and himself and met to collate the performance reviews of City Manager Maurice Evans. He indicated that City Council has completed the performance review of City Manager Evans for Fiscal Year 2012-2013, and City Council is pleased with the overall performance of Maurice Evans as the City Manager of the City of Portage. He noted that Mr. Evans continues to manage the city in a way that maximizes the value of its resources, both financial and human; that his relationship with City Council and the citizens of Portage is one of mutual respect and professional courtesy; that he has performed admirably in managing financial and fiscal responsibilities with continuing state and national challenges; and, that the City of Portage remains positioned as well as it can be to provide essential city services at a high level of customer satisfaction because of his efforts.

Councilmember Pearson indicated that Mr. Evans achieved an overall rating of *exceeds expectations* to *meets expectations* and, in recognition of this past and current performance, there is a consensus of City Council to award a 2.5% increase in his base salary and a one-time bonus of \$5,000. Motion by Urban, seconded by Sackley, to award a 2.5% increase in the base salary of the City Manager and a \$5,000 one-time bonus. Mayor Pro Tem Reid and Councilmember Sackley spoke with high regard for City Manager Maurice Evans. Upon a roll call vote, motion carried 6 to 0.

**CITY MANAGER'S EMPLOYMENT AGREEMENT:** Councilmember Pearson highlighted some of the changes as requested by Mr. Evans for the remaining three years on his employment contract as it pertained to healthcare and outplacement services after he leaves employment with the City of Portage. He reviewed the material changes to the contract as it applied to or is impacted by spousal benefits, years of service, severance pay, computer hardware/software in lieu of outplacement services and actuarial data to be used if separation is less than ten years. Discussion followed.

Motion by Pearson, seconded by Sackley, to approve the recommendations to the City Manager Employment Agreement from the City Manager Salary Review/Evaluation Committee. Upon a roll call vote, motion carried 6 to 0.

#### **OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Sackley indicated that he provided an e-mail from Laura Tupper, 9516 East Shore Drive, who spoke in opposition to fireworks, to City Clerk James Hudson and City Manager Maurice Evans for distribution to the rest of City Council for later discussion. He expressed concerns with the Fill the Boot Campaign for Muscular Dystrophy as it creates an unsafe situation for motorists and pedestrians at key intersections in the City. He indicated he supports the charity, praised the firefighters for their years of efforts and the millions of dollars raised by them. He emphasized that he supports the cause, but not the method of collection owing to safety concerns and that it shows a poor example to children. He cited that Public Safety Officers have restricted this method for other organizations, explained and gave examples.

Councilmember Urban concurred with Councilmember Sackley and explained. He said he and his family enjoyed the Portage Fireworks Display on July 4<sup>th</sup> and praised The Rotary for providing fireworks and thanked Councilmembers Campbell and Pearson for their direct efforts in the Display. He did voice a concern regarding traffic control and egress following the fireworks citing the new fence that was installed significantly limited the number of exits for patrons and explained.

Councilmember Randall invited everyone to the Eliason Nature Reserve Trail Dedication, Tuesday, July 16, 2013, at 10:00 a.m., 9501 Shaver Road, with parking at the end of Industrial Drive off of West Melody.

Councilmember Pearson mentioned the great turn-out for the Fireworks Display on July 4<sup>th</sup> put on by the Portage Rotary, pointed out that the donations collected at the gate are used solely for Fireworks purposes and asked for donations to keep coming.

City Manager Evans assured City Council that he and Public Safety Director White would be discussing alternatives to the current method of collecting donations for the Fill the Boot Campaign for Muscular Dystrophy. Also, he indicated that he had already sent out an e-mail regarding the concerns expressed by Councilmember Urban regarding the exit issues at McCamley Field after the Fireworks Demonstration. He thanked each City Councilmember for the wage increase, the positive review and the adjustments in his employment agreement.

Mayor Pro Tem Reid indicated that at the June 25, 2013 City Council Meeting, many fervent statements were made by the Board of Review Members as well as Councilmembers Randall and Pearson and, as a result, is looking forward to the August 13, 2013 Regular City Council Meeting and the discussion regarding the Board of Review. She then referred to a comment by Councilmember Randall at the June 25, 2013 Council Meeting where she addressed the sale of the property on Osterhout using the sale approach determination process as an opportunity to make a plea for City Council to consider outsourcing the Assessing Department. She then praised a specific company stating, "WCA is an excellent company. Kalamazoo is using them. Their preliminary bid could save the City over a quarter of a million dollars annually."

With that Mayor Pro Tem Reid indicated that she had not received any information about a preliminary bid put out by the City for assessing services and wondered how Councilmember Randall had this information.

Mayor Pro Tem Reid commented that at the last meeting Councilmember Randall made a very strong point that it was the responsibility of each Councilmember to provide City Council with information to which they had access in order to fully inform everyone. She indicated that she had not received any information about this preliminary bid from WCA. She checked the appropriate city website segment to check for postings of bids designed to ensure transparency and to encourage participation by as many vendors as possible, but there was nothing related to Assessing. When she

asked City Manager Evans about the matter, he told her that the City has not requested any bid for assessing services, preliminary or any other kind. She then said she assumed that Councilmember Randall requested the preliminary bid from WCA on her own. She said she would have called her to check on this, but the last time she called her about a city issue, Councilmember Randall told her not to call her again, so she did not call her.

Mayor Pro Tem Reid said she then did some research on the bid process of the City of Portage. She noted that there are two kinds of bids: bids for specifically defined products, goods and services and request for proposals (RFP's); RFP's are put forth so companies would provide how they would provide the service and at what cost; both are competitive processes; both are publicly advertised; and both are very transparent. She stated that she found out that this process is not arbitrary or changeable by staff, but it is because the basis for the City of Portage bid process is founded in the *City Charter*, the City Code of Ordinances and the State of Michigan law. She expressed her concern that the City is being exposed to possible legal risk by having bids being brought forward by Councilmembers which do not follow the City's own procedures let alone the *City Charter*, the City Code of Ordinances and the State of Michigan law. She also expressed her concern that she does not know the specifics of the Preliminary Bid that no one else on Council or staff is aware of or participated in developing; and, she expressed her concern that it could be highly subjective and just plain wrong.

She also expressed her concern that the results of this preliminary bid would be used for political grandstanding and a threat to push for a recommendation for outsourcing a city department. She also expressed her concern that by her dealing directly with WCA and developing this preliminary bid, that Councilmember Randall has effectively taken them out of the running for providing any assistance to the Assessing Department in the future on that basis; and, it could be easily argued that this particular company benefited from an unfair competitive advantage over other companies because of this activity.

She encouraged all Councilmembers to trust the process and work with all of your colleagues as that is how we can all benefit from a broad range of skills, knowledge and passion found within the members of the Portage City Council. She said that there are reasons that parameters of the bid process are established by *City Charter*, the City Code of Ordinances and the State of Michigan law to prevent unfair practices and poor results, and to provide boundaries for our own personal passions. She asked for a consensus from all of City Council on this.

**ADJOURNMENT:** Mayor Pro Tem Reid adjourned the meeting at 9:29 p.m.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.