AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
July 10, 2012

7:30 p.m. Call to Order.

Invocation: Pastor Paul Nuechterlein, Prince of Peace Lutheran Church.

Pledge of Allegiance.

Roll Call.

Proclamation:

A. Approval of the June 26, 2012 Regular Meeting Minutes and June 27, 2012 Special Meeting Minutes.

* B. Approval of Consent Agenda Motions.

* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of July 10, 2012, as presented.

D. Public Hearings:

* 1. Public hearing for Rezoning Application #11-05:
   a. subsequent to the public hearing, consider approving Rezoning Application #11-05 and rezone 7812, 7840 and 7842 Portage Road to B-3, general business, and the portion of 7908 Portage Road (approximately 351 feet by 178-feet) located immediately south of 7842 Portage Road, to P-1, vehicular parking.

* 2. Public hearing for Rezoning Application #11-04:
   a. subsequent to the public hearing, consider approving Rezoning Application #11-04 and rezone 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue to OS-1, office service, with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

* 1. Communication from the City Manager recommending that City Council approve:
   a. a change order in the not to exceed amount of $431,600 for additional street reconstruction at extended unit pricing with Michigan Paving & Materials Company for the 2012 Local Street Reconstruction Program;
   b. a contract amendment with Jones & Henry Engineer, Ltd, for construction administration and material testing for the streets added to the 2012 Local Street Reconstruction Program in the not to exceed amount of $16,000; and

   authorize the City Manager to execute all documents related to this contract on behalf of the city.

* 2. Communication from the City Manager recommending that City Council approve the acquisition and installation of equipment necessary to upgrade the emergency warning siren system through West Shore Services in the amount of $30,483 and authorize the City Manager to execute all documents related to this matter on behalf of the city.

* 3. Communication from the City Manager recommending that City Council:
   a. approve the cancellation of the current Sprint Solutions contract for mobile phone/data service;
   b. approve the Verizon Wireless mobile phone/data service agreement; and

   authorize the City Manager to execute all documents related to this action on behalf of the city.

G. Communications:

H. Unfinished Business:

* 1. Communication from the City Manager recommending that City Council accept the amendment to Division 2, Section 2-171; 2-173; and 2-175, Article 5 "Purchases and Sales" in the City of Portage Code of Ordinances for final reading and adoption.

* I. Minutes of Boards and Commissions Meetings:

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

J. Ad-Hoc Committee Reports:

K. New Business:

L. Bid Tabulations:

* 1. Communication from the City Manager recommending that City Council award a three-year contract for the provision of weekly curbside recycling services to the low bidder, City Star Services, LLC, dba Republic Services of West Michigan, in the not to exceed amount of $1,563,413.88 and authorize the City Manager to execute all documents related to this agreement on behalf of the city.

* 2. Communication from the City Manager recommending that City Council approve a contract with Automatic Microfilm Company of Michigan Center, Michigan, for document microfilming, imaging and destruction in the approximate amount of $19,950 for a one-year period with the option of two annual extensions and authorize the City Manager to execute all documents related to this action on behalf of the city.

* 3. Communication from the City Manager recommending that City Council approve the expenditure for repairs to a portion of the concrete sidewalk and stairs along the northwest corner of the police facility to Schoolcraft Concrete Construction, LLC, of Schoolcraft, Michigan, in the amount of $18,000 and authorize the City Manager to execute all documents related to this matter on behalf of the city.

M. Other City Matters:

1. Statements of Citizens.

2. From City Council and City Manager.

* 3. Reminder of Meetings:

a. Wednesday, July 11, Park Board, 6:30 p.m., Ramona Park, 7:15 p.m. Lakeview Park.
b. Wednesday, July 11, 7:00 p.m., Environmental Board, City Hall Room #1.
c. Monday, July 16, 8:00 a.m., Legislative Roll Call, Chamber Building, 346 W. Michigan Ave., Kalamazoo.
d. Tuesday, July 17, 8:00 a.m., Board of Review, City Hall Room #1.
e. Wednesday, July 18, 2:30 p.m., Senior Citizen Advisory Board, Portage Senior Center.
f. Thursday, July 19, 7:00 p.m., District Library Board, Portage District Library.
g. Thursday, July 19, 7:00 p.m., Planning Commission, Council Chambers.

N. Materials Transmitted of June 22 and 26, 2012.

Adjournment.

CITY COUNCIL MEETING SUMMARY

June 26, 2012

PROCLAMATION

- Mayor Strazdas issued a Firefighters Boot Drive Weekend for Muscular Dystrophy Proclamation.

CHECK REGISTER

- Approved the Check Register of June 26, 2012, as presented.

REPORTS FROM THE ADMINISTRATION

- Acknowledged receipt of all of the submitted liquor license applications; and selected the Repertoire Coffee House and Theater, Inc., application and requested additional information from this applicant for consideration of conditional approval on September 25, 2012.
- Approved the Fiscal Year 2012-13 Community Development Block Grant Fund contracts and General Fund Human/Public Services contracts and authorized the City Manager to execute all documents on behalf of the city.
- Accepted the amendment to Article 5, Finance, Division 2, Purchases and Sales, Section 2-171, Purchasing procedures; bids generally; 2-173, Change orders to construction contracts; and 2-175, Sale of personal property in the City of Portage Code of Ordinances for first reading and set a second reading with final adoption for July 10, 2012.
- Approved replacement of The Meadows at Woodbridge Hills sign located in the Churchill Lane median island and authorized the City Manager to execute the Streetscape Enhancement Agreement.
- Approved a permit for a proposed fireworks display on July 4, 2012, sponsored by the Portage Rotary Club.
- Extended the contract with Kal Clean, Inc., dba Paris Cleaners, for police uniform cleaning through December 31, 2012, in the approximate amount of $8,000 and authorized the City Manager to execute all documents related to this matter on behalf of the city.
- Received the communication from the City Manager regarding the May 2012 Summary Environmental Activity Report as information only.
- Received the Department Monthly Reports.

AD HOC COMMITTEE REPORT

- Received a presentation and report from Mayor Pro Tem Claudette Reid regarding Housing and Neighborhoods Committee.

UNFINISHED BUSINESS

- Approved the first draft presented as Attachment Number One to the Communication from the City Manager dated June 19, 2012, entitled *City Council Best Practices on Formation of City Council Committees and Responsibilities* as presented by City Manager Maurice Evans and City Attorney Randy Brown.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- Councilmembers Sackley, Urban, Mayor Pro Tem Reid and Mayor Strazdas expressed their sympathies for the family of deceased Councilmember Dorothy M. Sutter and recounted some of their fond memories of her and their respect for her fine service to the community.
- Councilmember Pearson indicated that the gates to McCamley Field open at 6 p.m., Wednesday, July 4th for the Fireworks Display sponsored by the Portage Rotary.
- City Manager Evans reminded everyone of the Special Meeting of City Council, Wednesday, June 27, 2012, at 6:30 p.m. regarding the tree removal by Midwest Energy Cooperative along Angling Road.
- Mayor Pro Tem Reid warned the public to be careful setting off fireworks because of the dry conditions and invited everyone to attend the Rotary Fireworks Display.
- Councilmember Sackley indicated that Emil J. "Bud" Popke, who passed away recently, served on the Suburban Kiwanis Club and was initially responsible for providing fireworks for Portage many, many years ago.
- Mayor Strazdas noted that the local businesses were paying for fireworks and no tax dollars were being utilized and expressed his appreciation for Rotary volunteers.

COMPLETE MINUTES OF EACH CITY COUNCIL MEETING ARE AVAILABLE ON THE CITY WEBSITE AT PORTAGEMI.GOV, IN CITY HALL AND IN THE DISTRICT LIBRARY. MINUTES OF CITY BOARDS AND COMMISSIONS ARE AVAILABLE ON REQUEST FROM VARIOUS DEPARTMENTS.

CITY COUNCIL MEETING MINUTES FROM JUNE 26, 2012

DRAFT

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

Mayor Strazdas called for a moment of silence for former Mayor Pro Tem and Councilmember Dottie Sutter. At the request of Mayor Strazdas, Pastor Mike Drew of Workplace Chaplains gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

PROCLAMATIONS: Mayor Strazdas issued a Firefighters Boot Drive Weekend for Muscular Dystrophy Proclamation.

APPROVAL OF MINUTES: Motion by Reid, seconded by Sackley, to approve the June 12, 2012 Special and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Sackley to read the Consent Agenda. Mayor Strazdas removed Items F.1, City of Portage 2010 Census Liquor License Availability, and F.5, Permit to Conduct Fireworks Display, from the Consent Agenda. Councilmember Randall asked that Item F.3, Amendment to Code of Ordinances – Purchasing, be removed from the Consent Agenda. Discussion followed. Councilmember Randall indicated that she wished the record to reflect that she abstained from voting on Item F.2, FY 2012-13 Community Development Block Grant and General Fund Contracts, but to leave the item on the Consent Agenda. Discussion followed. Motion by Sackley, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 26, 2012:** Motion by Sackley, seconded by Reid, to approve the Accounts Payable Register of June 26, 2012. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

CITY OF PORTAGE 2010 CENSUS LIQUOR LICENSE AVAILABILITY: Mayor Strazdas deferred to City manager Maurice Evans, who asked Community Development Director Vicki Georgeau to provide a history of the process. She reviewed the communication from Mr. Evans dated June 18, 2012, which outlines the requirements and criteria to be considered from Chapter 6, Alcoholic Liquor, of the Portage Code of Ordinances, and the applications filed by the interested parties who wish to qualify for the one available 2010 Census Liquor License.

Ms. Georgeau concluded by indicating that The Repertoire Coffee House and Theatre, Inc., most closely met the criteria as specified in the ordinance as it involves a unique concept to Portage that includes live Blues and Jazz music, a seating capacity of 231 with an outdoor patio capacity of 40, and applicants who have relevant experience for the proposed business. She also recommended that additional important project information was necessary for consideration of conditional approval on September 25, 2012, including: a more fully prepared development plan of the proposed restaurant and live music venue to obtain zoning and permitting approval from the city; cost estimates for the

buildings, furnishings and fixtures; estimates of the number of employees for the operation of the facility; information regarding the management of the facility; information regarding planned entertainment and dancing; and answers to any related questions regarding improvements or operation of the facility. Discussion followed.

Attorney Tom King from Kreis, Enderle, Hudgins and Borsos, representing the Riviera Maya, Inc., applicant, argued that the location of their proposed restaurant was in an area where City Council has worked hard to enhance over the years, the Downtown Development District Area (DDA). He pointed out that it was the original site proposed for The Repertoire Coffee House and Theatre, Inc., but Riviera Maya, Inc., had the lease rights to that location. He also noted that their original seating capacity at 5036 South Westnedge Avenue would have been less than the 231 with an outdoor patio capacity of 40 that is proposed at the 129 West Centre Avenue location. He distinguished the Census 2010 Liquor License from one that is available in a DDA since the DDA liquor license does not have the same value and is not moveable. He further argued that the concept of the Riviera Maya, Inc., restaurant is unique, "tried and true" and the applicant has successfully operated a number of restaurants in the area, including Los Amigos on South Westnedge Avenue. Discussion followed.

Wayne Deering, 1004 Northampton Road, Kalamazoo, representing The Big Burrito, Inc., applicant referred City Council to the model used by the Department of Labor and Economic Growth where most hotels would be eligible for the hotel liquor license since it is available as a Resort "C" license with an investment of one million dollars, and the redevelopment liquor license is available at a lower cost of $20,000 for businesses such as Riviera Maya, Inc. He argued that the Census 2010 Liquor License or "quota" license is made available because of growth and is issued at the discretion of City Council and argued that issuance should be based upon need and not constrained by criteria contained in a local ordinance. He indicated that liquor licenses used to be valued at $90,000 to $100,000, but now are selling for $40,000 to $50,000, so consideration should be given to an applicant of a smaller restaurant or concern where the need factor is high. Discussion followed.

Marty Ray, owner of The Big Burrito, 5036 West KL Avenue, Oshtemo Township, indicated that he has eighteen years of experience in the restaurant business, has an Accounting Degree in Business, and has the experience of working with a liquor license for three years. Discussion followed.

Matt Bastos, 261 East Kalamazoo Avenue, Kalamazoo, spoke on behalf of The Repertoire Coffee House and Theatre, Inc., and encouraged City Council approval of their application.

Theophlis "Ted" Duckett emphasized that his proposal is unique and indicated that negotiations for the 5036 South Westnedge Avenue location had taken place with the owners and a seating capacity of 230 plus outdoor options was a part of the plan at that location. He stressed the experience of his Manager, Steve George, and the balance offered by the team assembled by The Repertoire Coffee House and Theatre, Inc., in order to provide a safe, friendly, enjoyable experience for patrons with good food and entertainment. Discussion followed.

In answer to Mayor Strazdas, Ms. Georgeau responded that because The Big Burrito is a smaller operation, job creation and economic development would be about the same with the other applicants. She also provided some history of the 2000 Census License experience and discussion followed.

In answer to Councilmember Sackley of whether City Council would have legal standing to deviate from the City of Portage Code of Ordinances, City Attorney Randy Brown indicated that the ordinance lists "just about any criteria under the sun" and total discretion lies with City Council to determine what is felt to be an important reason under the ordinance and what weight to provide each item or criteria in their comparison. He also favored citing a reason in the motion for the selection. Discussion followed.

Motion by Urban, seconded by Reid, to acknowledge receipt of all of the submitted liquor license applications, select the Repertoire Coffee House and Theater, Inc., application and request additional information from this applicant for consideration of conditional approval "above all others" on September 25, 2012, for the reasons of the uniqueness of the venue proposed, and the size and the investment of the venue. Discussion followed.

City Attorney Brown indicated that Mayor Pro Tem Reid thought that the applicant satisfied the criteria, "tends to provide a service, product or function not presently available in the general public residing in the community" and offered that if Councilmember Urban agreed, it could be added to the motion as another reason for selecting Repertoire Coffee House and Theater, Inc. Councilmember Urban agreed to amend the motion to include that the applicant satisfied the criteria, "tends to provide a service, product or function not presently available in the general public residing in the community" and Mayor Pro Tem Reid agreed. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

* **FY 2012-13 COMMUNITY DEVELOPMENT BLOCK GRANT AND GENERAL FUND CONTRACTS:** Motion by Sackley, seconded by Reid, to approve the Fiscal Year 2012-13 Community Development Block Grant Fund contracts and 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 5 to 0 with Councilmember Randall abstaining.

AMENDMENT TO CODE OF ORDINANCES – PURCHASING: Councilmember Randall expressed her concern that at the Budget Session in the Spring, a purchase amount had not been determined; that her concern for a fleet reduction was still important to her; that the cars within the fleet cost less than $20,000; so, she asked whether the checks and balances are still in place. City Manager Maurice Evans assured her that the checks and balances were still in place. Discussion followed and Mr. Evans pointed out that all purchases are reviewed and approved under Item C.1, Accounts Payable Register.

Councilmember Pearson expressed his concern whether new vehicle purchases would still be discussed at the Budget Session each year and Mr. Evans assured him that vehicle purchases will still be a part of the Budget Session discussion. Discussion followed.

Motion by Sackley, seconded by Urban, to accept the amendment to Article 5, Finance, Division 2, Purchases and Sales, Section 2-171, Purchasing procedures; bids generally; 2-173, Change orders to construction contracts; and 2-175, Sale of personal property in the City of Portage Code of Ordinances for first reading and set a second reading with final adoption for July 10, 2012. Upon a roll call vote, motion carried 6 to 0.

* **THE MEADOWS AT WOODBRIDGE HILLS STREETSCAPE ENHANCEMENT:** Motion by Sackley, seconded by Reid, to approve replacement of The Meadows at Woodbridge Hills sign located in the Churchill Lane median island and authorize the City Manager to execute the Streetscape Enhancement Agreement. Upon a roll call vote, motion carried 6 to 0.

PERMIT TO CONDUCT A FIREWORKS DISPLAY: Mayor Strazdas pointed out that Saugatuck /Douglas discontinued fireworks based on cost, and Stockton, California, a city of over 300,000 people, is considering bankruptcy. Mayor Strazdas then asked Mr. Evans to distinguish Portage and comment on what measures the city has in place to allow citizens to sleep at night in safety and quiet, considering the new laws in place regarding fireworks in the State of Michigan. Mr. Evans expressed his appreciation to the Portage Rotary for their fundraising efforts to provide the fireworks.

Mr. Evans deferred to Public Safety Director Richard White and asked him for comment on the Act 256, enforcement and what do we have in place to protect citizens.

Mr. White reviewed the Noise Ordinance, the after 10 p.m. rule, the intent of Act 256, the reasonable approach of the Public Safety Department, enforcement action, warnings, citations and referral of violations to the City Attorney's Office. He discussed the options being considered for the Portage Rotary Fireworks Display to ensure fire safety owing to the dry conditions because of a lack of rain. Discussion followed.

Councilmember Pearson asked for volunteers beyond Members of Portage Rotary to assist in hosting the 4th of July Fireworks Display.

Councilmember Urban asked whether the permission can legally be withdrawn if the application is approved at this time for safety reasons and City Attorney Brown indicated that the Portage Fire Marshall has the power to prohibit or stop an activity that in his opinion it would cause a fire hazard or violate the International Fire Code. Discussion followed.

In answer to Councilmember Randall, Public Safety Director White deferred to the Portage Rotary should the date of the display have to be moved and the fireworks set off later. Councilmember Sackley revealed that he was involved with Battle Creek fireworks displays for twenty years and indicated that once the equipment is set up in the field, it probably can not be taken apart because the risk is too high. He asked Mr. White whether the risk to fire attributable to fireworks is greater in the approved, permitted, controlled display in a public area with public safety personnel all around, or is the real risk in the non-permitted areas where people are going to be setting off fireworks all around the city. Mr. White responded the general public would receive the same warnings and safety precautions which gave rise to the cancellation of the Portage public display of fireworks and discussion followed.

City Attorney Brown indicated that, under a section of the new law, municipalities can indeed prohibit the discharge, ignition and use of fireworks except that the municipality cannot regulate by passing an ordinance under that subsection to prohibit the use of fireworks. However, he indicated that an existing noise ordinance is not a new ordinance and is not enacted under that section of Act 256; therefore, it does not fall within that exception and, similarly, fire code sections also do not fall under such a restriction and still apply.

At the request of Mayor Strazdas, motion by Urban, seconded by Sackley, to approve a permit for a proposed fireworks display on July 4, 2012, sponsored by the Portage Rotary Club. Upon a voice vote, motion carried 5 to 0 with Councilmember Pearson abstaining as he is an incoming Portage Rotary Board Member. Discussion followed and Mayor Strazdas requested use of common sense and a list of safety guidelines for the community.

* **POLICE UNIFORM CLEANING CONTRACT EXTENSION:** Motion by Sackley, seconded by Reid, to extend the contract with Kal Clean, Inc., dba Paris Cleaners, for police uniform cleaning through December 31, 2012, in the approximate amount of $8,000 and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

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

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

UNFINISHED BUSINESS:

CITY COUNCIL BEST PRACTICES ON FORMATION OF COMMITTEES AND RESPONSIBILITIES: Mayor Strazdas introduced the item and Councilmember Pearson revealed that there were a number of proposed drafts as changes to the original draft from the Administration and that he is awaiting feedback from outside sources, including City Attorney Randy Brown, who called him one and one-half hours before the meeting with some suggestions. He also expressed his opinion that there is no rush to pass the document; that the whole team is not present at the meeting tonight as Councilmember Campbell could not be present; therefore, in the spirit of team unity and the agreement

of a new start, he moved to table this item until all of the team is present at our regularly scheduled July 24, 2012 meeting for discussion and consensus agreement on the document to be referred to staff for final form approval at the August 7, 2012 Regular City Council Meeting. Councilmember Sackley supported the motion. Councilmember Urban pointed out that he will not be at the July 24, 2012 Regular City Council Meeting. Councilmember Sackley withdrew his support of the motion. Discussion followed.

Motion by Pearson, seconded by Sackley to table this item until all of the team is present at the August 14, 2012 Regular City Council Meeting for discussion and consensus agreement on the document to be referred to staff for final form approval at the August 28, 2012 Regular City Council Meeting. Discussion followed. Councilmember Sackley withdrew his support of the motion. Discussion followed regarding Roberts Rules of Order and Councilmember Sackley reinstated his support for the motion. Upon a roll call vote, motion failed 3 to 3: Yeas: Councilmembers Pearson, Randall and Mayor Strazdas. No: Councilmembers Urban, Sackley and Mayor Pro Tem Reid. Discussion followed.

Councilmember Randall questioned the unwillingness to wait for the entire City Council as a team to deliberate on this "team" document in the spirit of the team approach agreed upon. She advocated waiting for everyone to be present and to put off the decision to a future City Council meeting. Mayor Pro Tem Reid responded that business matters are addressed in a timely manner with less than a full City Council all of the time and cited Item F.1, City of Portage 2010 Census Liquor License Availability, as an example of a serious decision made tonight with only six members. Councilmember Sackley indicated that Councilmembers are actively engaged in committee meetings currently and advocated a 70% consensus as suggested by Facilitator David Wheatley at the May 31, 2012 Special Meeting. He pointed out that it is important not to continue to postpone this matter any longer as this policy can be changed at any future meeting and expressed a desire for guidance for the eminent committee meetings that take place throughout the summer. Mayor Strazdas asked that the draft document of the Administration be approved with the proviso that it can be changed as soon as the next meeting, and he promised that he would bring the item forward at the August 14, 2012 Regular City council Meeting when all City Councilmembers would be present. Discussion followed.

Motion by Sackley, seconded by Urban, to adopt the Attachment Number One to the Communication from the City Manager dated June 19, 2012, *City Council Best Practices on Formation of City Council Committees and Responsibilities* by City Manager Maurice Evans/City Attorney Randy Brown as a starting point and a base for discussion and modification. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

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

Portage Historic District Commission of May 2, 2012.
Portage Environmental Board of May 9, 2012.
Portage Zoning Board of Appeals of May 14, 2012.
Portage Board of Education Regular Business of May 21, 2012.

AD HOC COMMITTEE REPORT:

HOUSING AND NEIGHBORHODS COMMITTEE: Mayor Pro Tem Reid summarized and read from the minutes of the June 26, 2012 Housing and Neighborhoods Committee Meeting that took place at 3 p.m. that the City Clerk archived with the City Council Agenda Packet for the Regular City Council Meeting of June 26, 2012. She indicated that Public Safety Director Richard White and Community Development Director Vicki Georgeau reported on the significant activities being

performed by the respective departments with regard to the committee priorities of: 1) maintaining and or improving property maintenance and neighborhoods; and 2) crime pocket identification and action plans. Activities cited were: a renewed emphasis on the Recurring Complaint Address Program (RECAP); continued activities of the Neighborhood Watch Program and assistance received from Jaqua Realtors; renewed effort in the "Broken Windows" Program; continued submission of a semi-annual Performance Measures Report, including GIS mapping enhancements; continued periodic, proactive inspections of long-term foreclosed properties for potential community quality concerns; collaborative efforts between the Departments of Public Safety and Community Development. She indicated how impressed she was with how much various departments are working together and the current efforts to maintain neighborhoods.

With regard to the third priority of the Housing and Neighborhoods Committee, Housing and property maintenance, owner versus rental housing trends, rental housing registration and rental housing inspection programs, Mayor Pro Tem Reid reviewed the discussion regarding the increase, though insignificant, in single-family houses being rented trend; the potential for crime and neighborhood blight issues with regards to unoccupied homes; that upon review, mandatory registration or registration and inspection of rental properties is not warranted at this time, although continued monitoring of this option will take place. Discussion followed. Mayor Pro Tem also reported that the Community Development Department will consider the development of a brochure for new landlord in order to inform them of responsibilities under the City of Portage Code of Ordinances and programs and supports available to landlords. Motion by Reid, seconded by Pearson, to receive the report of the Housing and Neighborhoods Committee, accept the recommendation to take no action and to dissolve the Committee. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmembers Sackley, Urban, Mayor Pro Tem Reid and Mayor Strazdas expressed their sympathies for the family of deceased Mayor Pro Tem and Councilmember Dorothy M. Sutter, recounted some of their fond memories of her and their respect for her fine service to the community.

Councilmember Pearson indicated that the gates to McCamley Field open at 6 p.m., Wednesday, July 4th for the Fireworks Display sponsored by the Portage Rotary.

City Manager Evans reminded everyone of the Special Meeting of City Council, Wednesday, June 27, 2012, at 6:30 p.m. regarding the tree removal by Midwest Energy Cooperative along Angling Road.

Mayor Pro Tem Reid warned the public to be careful setting off fireworks because of the dry conditions and invited everyone to attend the Rotary Fireworks Display.

Councilmember Sackley indicated that Emil J. "Bud" Popke, who passed away recently, served on the Suburban Kiwanis Club and was initially responsible for providing fireworks for the City of Portage many, many years ago.

Mayor Strazdas noted that the local businesses were paying for fireworks, that no tax dollars were being utilized and expressed his appreciation for Rotary volunteers.

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

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James R. Hudson, City Clerk

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

DRAFT

MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
MIDWEST ENERGY TREE REMOVAL ALONG ANGLING ROAD
JUNE 27, 2012

Mayor Peter Strazdas called the meeting to order at 6:33 p.m. The following Councilmembers were present: Councilmembers Jim Pearson, Patricia Randall, Edward Sackley and Terry Urban, Mayor Pro Tem Claudette Reid and Mayor Peter Strazdas. Councilmember Elizabeth Campbell was absent with excuse. Also present were City Manager Maurice Evans, City Attorney Randy Brown and City Clerk James Hudson.

Mayor Strazdas provided opening remarks and outlined the plan for the proceedings asking that everyone focus on the "Move Forward" Plan and deferred to City Manager Maurice Evans, who distinguished the service areas specific to the Midwest Energy Cooperative with the assistance of maps provided by Transportation & Utilities Director Chris Barnes, and specified the areas where planting trees in the future can and would take place. Mr. Barnes outlined the "Move Forward" Plan using a cross section of the area from U.S. 131 to the right-of-way of Midwest Energy, Angling Road itself and the front lawns of the home owners on Angling Road. He demonstrated that the trees, as planted, would provide the necessary screening from a typical truck on U.S. 131. He analyzed the topography and located the various utilities depicted by the cross sectional view of the area. Discussion followed.

Midwest Energy Cooperative Representative Patty Nowlin expressed her appreciation to the City Administration for their efforts thus far in the spirit of cooperation and the understanding demonstrated by staff. She indicated that Midwest Energy Cooperative is a utility regulated by the State of Michigan Public Service Commission, is a member-owned and governed electric utility serving more than 36,000 residential, agricultural, commercial and industrial users in 11 counties across southern Michigan and northern Indiana and Ohio. She stressed that Midwest Energy Cooperative is different from other electric utilities in Michigan since they are member-owned and work for the best interests of their owners; therefore, their primary goal is to provide reliable and safe electric energy service in the most financially responsible manner.

Ms. Nowlin mentioned that the top five causes of power outages tracked by Midwest Energy Cooperative are trees, weather, age/equipment, animals and member/public, so the historical approach to line clearance is based upon the expectation for reliable service delivery and has gone from a reactive program of trimming and pruning prior to 2002, to implementing a team developed 13 to 15 year strategic and planned approach to line clearance after 2002 that sought to meet the standard recommended by the United States Department of Agriculture, Rural Utilities Service. She stressed the consistency and full disclosure of the approach: communication with the property owner in advance of the work; 15-foot, ground to sky, on each side of the line; underground service is offered as an alternative where feasible property owner and/or benefiting member(s) assume all or most of the financial responsibility; following the line clearance, crews remove wood and other debris, but not the stumps; and delivery of Midwest Energy Cooperative *Country Lines* Monthly Magazine, a monthly newsletter and *TeamMidwest.com* website. She provided a bar graph of the results showing progress toward the goal of reducing outages on the system. She thanked the City Council for inviting her to present and discussion followed.

Mayor Strazdas asked for a representative from the Michigan Department of Transportation (MDOT). There being none, he asked that the Administration review the discussion of the meetings between the Administration and MDOT. Mr. Barnes indicated that MDOT has a program for roadside landscaping and tree-planting; that it is a permit-based program, through the application process; that they base it on program location, size and type of the project; but, that MDOT does not replace trees as a part of any permit. In answer to Mayor Strazdas, Mr. Barnes indicated that they have certain criteria and certain standards, and the City of Portage is within those guidelines with regard to putting trees in their right-of-way.

Mayor Strazdas introduced House of Representatives Member Margaret O'Brien, who indicated that the Michigan State Legislature has no control in this matter, but the Michigan Public Service Commission and the Federal Energy Regulatory Commission (FERC) have most of the decision-making power and have a goal of assuring safe and reliable energy. She discussed her meetings with MDOT, logistics, global energy and multi-state blackouts. She indicated that after August 13, 2003, FERC set forth reliability standards put in place to prevent another regional blackout. Next, she indicated that the Midwest Independent Transmission System Operator (MISO) performs regional planning in accordance with FERC principles; and, she touched on the primary objective of MISO infrastructure planning, to provide an efficient and reliable transmission system.

Representative O'Brien indicated that MISO also has a Transmission Plan (MTEP), which is a long-term annual planning agreement approved by MISO and includes recommendations for transmission infrastructure additions and electric grid improvements throughout the Midwest Projects that are approved through a stakeholders process made up of interested parties such as the Michigan Public Service Commission, Consumers Power and other interested parties. She discussed how rates, supplies, services and infrastructure are regulated.

Representative O'Brien indicated that once she was aware of the problem, she quickly brought the decision-makers together to resolve the issues, especially how to fix the problem for the residents who were negatively affected, and to decipher what are some of the indirect, unintended consequences of cutting trees next time before the trees get cut with a commitment to go back and take the necessary corrective action. She also indicated that discussion of proper notification, even if their property is not going to be affected, was essential in these situations and expressed her confidence that the screening will be replaced, but that MDOT has said they are only going to approve those trees that are sustainable and not prone to disease. Discussion followed regarding proper screening, proper species selection, spacing of the trees and a review and comments on the proposed plan.

Leonard Vandenberg, 145 West Main Street, Mendon, expressed his disappointment that the trees on Angling Road are gone and his appreciation for what the City has done. He expressed his disagreement with the process utilized by Midwest Energy Cooperative and discussion followed.

Nancy Vandenberg, concurred with Mr. Vandenberg, expressed her appreciation for Councilmember Pearson's effort, the letter from City Manager Evans, and scolded Midwest Energy Cooperative for their Policy of cutting trees down instead of pruning them. Ms. Vandenberg said that a tree was cut on MDOT property without a permit in addition to the row of trees and asked for Midwest Energy Cooperative to replace the trees, especially the 14 foot Blue Spruce Tree across from the stop sign on Wishing Well Court. Discussion followed.

Mayor Strazdas asked for the thoughts of those present of the "Move Forward" Plan. John Bruinwood, 4571 Homestead Lane, thanked the City Council, Midwest Energy Cooperative for providing information to Representative O'Brien and all who spoke with the State of Michigan in support of a resolution to this issue. Mr. Bruinwood cited an article, "Midwest and the Community," from the June 2012 online *Country Lines* magazine published by Midwest Energy Cooperative for its customers on page 8 stating "giving back to the community is one of our core values....to strengthen and support the communities in which we live, work and serve." He then proposed that Midwest Energy Cooperative get involved financially to assist in the costs associated with these trees based on the "core value" as published in the newsletter. He noticed a series of trees where 85% to 90% of the tree was cut off with basically a very tall stump with one branch growing off of it and asked that these be removed because of aesthetics. Discussion followed.

Tamara Quintieri-Russell, 4585 Wishing Well Court, expressed her love for the neighborhood, the schools and the community and indicated that her husband took a cut in pay to remain in Portage when he lost his job. Ms. Quintieri-Russell asked about the fence that remains because the fence is damaged and will look unsightly, even when the trees are replaced. She also asked about replacement policy for trees that do not survive and she asked who would be responsible for the 250+ tree stumps and large chunks of wood left behind by Midwest Energy Cooperative. She referenced the "Ground to Sky" language when she demonstrated where ground level is and that stumps are above ground level, so they should be removed at ground level. Finally, she issued a complaint about the contractors who became derisive and pointed at her neighbor's house that had been devastated by the tree removal. She personally thanked City Council and the Administration for their fine effort, their leadership and responsiveness in this matter. Discussion followed. At the request of Mayor Strazdas, Mr. Barnes responded that MDOT installs and maintains the right-of-way fences. Discussion followed and Mr. Barnes outlined the City of Portage maintenance and replacement policy for Ms. Quintieri-Russell. Discussion followed.

Jim Norwood, 8915 Angling Road, concurred that there a number of large pieces of wood that still need to be cleared. He expressed his opinion that Midwest Energy Cooperative should be responsible for replacement of the fence and not MDOT since it was Midwest Energy Cooperative that damaged it with the trees. He also reported a cable box that had been knocked over by the tree removal, so Midwest Energy Cooperative should be held accountable for that. He scolded Midwest Energy Cooperative for not communicating with its members in addition to the notice sent to the City of Portage. He indicated that he has lived on Angling Road since 1987 and Midwest Energy Cooperative has never trimmed the trees in all of that time, so he contended that Midwest Energy Cooperative let the growth get "out of hand" and unmanageable. He thanked the City Council and asked for the source of the finances for this replacement and clean-up. City Manager Evans indicated that staff reviewed the tree needs of the city as a whole and determined there were approximately 160 trees needed for various sites. He also said that the Administration will ask City Council $80,000 extra for tree replacement, and that the source of the funds is from the savings realized because of a mild winter. He also indicated that the Angling Road tree replacement cost is approximately $60,000. Mr. Norwood expressed his appreciation for what the City Council and the Administration has done. Discussion followed.

Mayor Strazdas asked for closing comments and advocated rolling out the plans at an informal setting. Mr. Evans explained that he jotted down a lot of questions and will be working on getting the answers for City Council and moving forward on this matter and Mr. Barnes concurred and will be getting a letter out to the residents with the dates and times for an informal session to consider the plans. Discussion followed.

Midwest Energy Cooperative Representative Patty Nowlin indicated that she will be in communication with Mr. Evans, will be providing answers to the questions that arose and thanked City Council for inviting Midwest Energy Cooperative to the meeting.

Mayor Strazdas praised Representative O'Brien for her leadership in getting everyone together for a discussion of the matter. Representative O'Brien recognized that tree removal is a very emotional and important issue and empathized because a similar situation occurred when she lived next to I-94. She offered her services with however she can help with information, notice and collaboration. Discussion followed.

Councilmember Ed Sackley supported the suggestion from Mr. Norwood that Midwest Energy Cooperative participate financially, at least to some extent, even though it is not legally required to help plant additional tees owing to the unique circumstances that might not set a precedent. Also, he encouraged the members to attend the annual meetings of Midwest Energy Cooperative.

Mayor Pro Tem Reid thanked everyone for coming out, recognized that trees are an emotional issue, that this is a unique situation, that trees have many functions and advocated careful diligence in the future.

Councilmember Randall indicated that she bikes the area, was overwhelmed by the smell and reviewed the damages, asked Midwest Energy Cooperative to address the undergrounding of the cables before the trees get planted and welcomed the recommendation that Midwest Energy Cooperative contribute financially toward the effort.

Councilmember Pearson thanked everyone for coming out, expressed his appreciation to Nancy Vandenberg for her leadership in this matter and to the city Administration for planting eight to twelve foot trees instead of seedlings at extra expense to the City of Portage. He asked that the Administration review the article, "Midwest and the Community," from the June 2012 online *Country Lines* magazine published by Midwest Energy Cooperative and consider the language contained in the article when writing a letter to them since the City of Portage is trying to do the right thing by planting the larger trees.

Councilmember Urban thanked everyone for coming out, concurred with comments from fellow Councilmembers and asked Midwest Energy Cooperative to communicate through the Administration what he hopes is their belief that the disrespect shown to the Portage residents by their contractor is unacceptable, to perhaps reevaluate that contractor and at least hold him to task. He suggested that an apology would not be out of line by any means and perhaps a different company should be contracted realizing it is their business. Training and relations with Midwest Energy Cooperative members and customers should be part of your contract with anyone who is going to deal with the public.

Mayor Strazdas thanked everyone for coming out and expressed his appreciation for the efforts of City Council, the Administration, Representative O'Brien, MDOT and the Representatives of Midwest Energy Cooperative. He pointed out that this is a unique circumstance and Midwest Energy Cooperative indicated that this is such a unique situation that they would like to change their process as a result of this experience.

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He pointed out that after all is said and done, all everyone wants is screening and everyone needs to be engaged in this plan and the process itself to ensure positive results, so he asked everyone continue to work in cooperation with the Administration, especially M. Barnes..

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:19 p.m.

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James Hudson, City Clerk

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** July 2, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Accounts Payable Register

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of July 10, 2012 as presented.

Attached please find the Accounts Payable Register for the period June 17, 2012 through July 1, 2012, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
06/20/2012	281094	U S POSTAL SERVICE	3276	466.20
06/22/2012	281095	A I S CONSTRUCTION EQUIP. CO.	640	52.17
06/22/2012	281096	AT&T	849	3,835.61
06/22/2012	281097	A-1 SIGNS	2873	1,415.58
06/22/2012	281098	ACE PARKING LOT STRIPING, INC.	459	433.00
06/22/2012	281099	ADVANCED REAL ESTATE SERVICES	999999	37.50
06/22/2012	281100	ALEXANDER, ALLISON	999999	452.09
06/22/2012	281101	ALLEGRA PRINT & IMAGING	533	988.00
06/22/2012	281102	AMEMIYA, MINORU	999999	41.65
06/22/2012	281103	AMERICAN BUSINESS EQUIPMENT, I	112	118.00
06/22/2012	281104	ANY CUTTING & WELDING	3347	2,065.00
06/22/2012	281105	APPROVED FIRE PROTECTION CO.	630	228.00
06/22/2012	281106	AQUATIC SERVICES, INC	744	21,450.00
06/22/2012	281107	TODD ARBANAS ENTERPRISES INC.	1704	1,770.00
06/22/2012	281108	ARTWEAR APPAREL GRAPHICS, INC.	3804	354.00
06/22/2012	281109	AUTO TRIM	1239	836.00
06/22/2012	281110	ADP, INC.	3305	1,134.93
06/22/2012	281111	AUTOMATION DESIGN & ENTERTAINM	2906	5,095.00
06/22/2012	281112	AVALON WATERWAYS	999999	20,000.00
06/22/2012	281113	BALKEMA EXCAVATING, INC.	130	945.00
06/22/2012	281114	BATTERSON, MICHAEL S & L E	999999	200.00
06/22/2012	281115	BILL'S LOCK SHOP, INC.	146	80.00
06/22/2012	281116	BLUE CROSS/BLUE SHIELD OF MICH	642	96,439.43
06/22/2012	281117	BREAD OF LIFE, LLC	4729	63.99
06/22/2012	281118	BRONSON METHODIST HOSPITAL	156	500.00
06/22/2012	281119	BROWN, LAURA	999999	17.00
06/22/2012	281120	BROWN, LORI	999999	252.00
06/22/2012	281121	BRUCE, LINDA	999999	33.00
06/22/2012	281122	BUSH, JAMES C.	532	149.95
06/22/2012	281123	BUSINESSWEKK	999999	25.00
06/22/2012	281124	CAMPBELL AUTO SUPPLY	437	84.58
06/22/2012	281125	CHARTER COMMUNICATIONS	3080	106.50
06/22/2012	281126	CHICAGO TITLE OF MICHIGAN, INC	999999	40.00
06/22/2012	281127	CLARK, RITA	999999	90.00
06/22/2012	281128	CLINGENPEEL, DAVID	4786	240.00
06/22/2012	281129	COASTAL TRAINING TECHNOLOGIES	1116	240.15
06/22/2012	281130	CONSUMERS ENERGY	743	42,492.06
06/22/2012	281131	CONSUMERS ENERGY - KALAMAZOO	190	1,465.24
06/22/2012	281134	CONSUMERS ENERGY-BILL PMT CNT	189	51,272.92
06/22/2012	281135	CONTRACTORS EQUIPMENT & SUPPLY	192	112.00
06/22/2012	281136	CORE TECHNOLOGY CORP.	3226	2,412.00
06/22/2012	281137	D'ELEGANCE PHOTOGRAPHY	803	138.00
06/22/2012	281138	DENOOYER BROTHERS, INC.	210	218.92
06/22/2012	281139	DEPATIE FLUID POWER CO., INC.	211	655.89
06/22/2012	281140	JACK DOHENY SUPPLIES INC.	69	7,000.00
06/22/2012	281141	DOSTER, KYLE	532	2,962.31
06/22/2012	281142	EMERGENCY VEHICLE PRODUCTS	2948	5,129.51
06/22/2012	281143	ENTENMANN-ROVIN CO.	8	55.02
06/22/2012	281144	FADER EQUIPMENT, INC.	688	381.25
06/22/2012	281145	FERRELLGAS, LP	384	327.49
06/22/2012	281146	FLINT NEW HOLLAND, INC.	1114	171.60

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
06/22/2012	281147	FLORES, ERIN	999999	22.00
06/22/2012	281148	GILBARCO INC.	3864	142.00
06/22/2012	281149	GIRL SCOUTS HEART OF MICHIGAN	4798	325.00
06/22/2012	281150	GORDON WATER SYSTEMS	517	247.00
06/22/2012	281151	GRIFFIN PEST CONTROL, INC.	598	50.00
06/22/2012	281152	HALL BUILDERS LLC	4360	200.00
06/22/2012	281153	HARTMAN, CHARLES	913	282.00
06/22/2012	281154	HATFIELD, CHRISTINE	999999	100.00
06/22/2012	281155	HAVENS, DOLORES	999999	50.00
06/22/2012	281156	HOADLEY, LEO	4228	176.00
06/22/2012	281157	HOME DEPOT	691	1,225.31
06/22/2012	281158	HOMETOWN URGENT CARE AND WORKC	4752	1,280.00
06/22/2012	281159	HOVIOUS, GENA	999999	100.00
06/22/2012	281160	HOWELL, STEVE	999999	15.15
06/22/2012	281161	HUMANERGY, INC.	3770	687.50
06/22/2012	281162	IERVOLINA, SUSAN	2074	192.00
06/22/2012	281163	INNOCORP, LTD	4793	319.00
06/22/2012	281164	INTEGRATED WEED CONTROL	4800	515.00
06/22/2012	281165	THE IRRIGATOR	2047	1,075.13
06/22/2012	281166	IRWIN, SARAH	999999	42.00
06/22/2012	281167	J & J LAWN SERVICE, INC.	457	1,200.00
06/22/2012	281168	J-AD GRAPHICS, INC	4444	347.00
06/22/2012	281169	JAMES E. FULTON AND SONS	999999	1,215.00
06/22/2012	281170	KAL CNTY ADVOCATES SR ISSUES	999999	30.00
06/22/2012	281171	KAL CO MEDICAL CONTROL AUTH	735	356.00
06/22/2012	281172	KALAMAZOO COUNTY ROAD COMMISSI	87	493.08
06/22/2012	281173	KALAMAZOO LANDSCAPE SUPPLIES	90	423.10
06/22/2012	281174	KAMM, JESSICA	999999	100.00
06/22/2012	281175	KEALA, TRICIA	999999	169.58
06/22/2012	281176	KERSTEN, PAUL	999999	114.00
06/22/2012	281177	KIESER & ASSOCIATES	234	2,563.25
06/22/2012	281178	KLINE, ERIC	532	89.71
06/22/2012	281179	KLOSTERMAN DISTRIBUTING	3805	289.81
06/22/2012	281180	LEARNING ZONEXPRESS	4801	89.90
06/22/2012	281181	LEFFINGWELL, TAMI	999999	100.00
06/22/2012	281182	LEWIS PAPER PLACE, INC.	242	173.22
06/22/2012	281183	LEXISNEXIS/MATTHEW BENDER	2701	159.50
06/22/2012	281184	LOCEY SWIM POOL CO.	243	52.36
06/22/2012	281185	LOFTUS, PAIGE	999999	42.00
06/22/2012	281186	LOUTHAN, WILLIAM F	3021	399.50
06/22/2012	281187	LOWE'S HOME CENTER	2630	21.37
06/22/2012	281188	M & M MOTOR MALL	2132	489.87
06/22/2012	281189	M P E L R A	2305	25.00
06/22/2012	281190	MAGLOCLEN	1552	400.00
06/22/2012	281191	MAIN STREET PORTRAITS INC	4481	175.00
06/22/2012	281193	MAURER'S TEXTILE RENTAL SERVIC	4746	562.60
06/22/2012	281194	MCDONALD'S TOWING & RESCUE, IN	728	25.00
06/22/2012	281195	MENARDS, INC	258	34.95
06/22/2012	281196	MI ASSOC. OF CHIEFS OF POLICE	2157	100.00
06/22/2012	281197	STATE OF MICHIGAN (MGT & BUDGE	2498	500.00
06/22/2012	281198	MICHIGAN ELECTION RESOURCES, L	264	12,110.20

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
06/22/2012	281199	MICHIGAN MUNICIPAL LEAGUE	4515	15.00
06/22/2012	281200	MICHIGAN PAVING & MATERIALS CO	3389	135.46
06/22/2012	281201	MIDLAND ENGINE, INC	1986	60.14
06/22/2012	281202	MLIVE MEDIA GROUP	89	586.47
06/22/2012	281203	NEW FRESH CLEANING SERVICE	4351	225.50
06/22/2012	281204	NEW WORLD SYSTEMS	1154	31,081.00
06/22/2012	281205	NEWHOUSE, LARRY P	999999	440.00
06/22/2012	281206	NEWSWEEK	999999	40.00
06/22/2012	281207	NYE UNIFORMS	299	1,706.22
06/22/2012	281208	O'BOYLE-COLWELL-BLALOCK & AS.	860	1,000.00
06/22/2012	281209	OFFICE DEPOT, INC.	1721	1,235.04
06/22/2012	281210	OFFICEMAX INCORPORATED	301	184.79
06/22/2012	281211	PARIS CLEANERS	1794	1,016.85
06/22/2012	281212	PATESEL, TERRY	4455	151.00
06/22/2012	281213	PESETSKY, HANNAH	999999	26.41
06/22/2012	281214	PETERMAN CONCRETE CO.	310	1,015.75
06/22/2012	281215	PETERSON, KEITH	999999	55.00
06/22/2012	281216	PETERSON, TAYLORE	999999	42.00
06/22/2012	281217	PETTY CASH-FIRE	610	309.02
06/22/2012	281218	PETTY CASH-PARKS	536	689.04
06/22/2012	281219	PETTY CASH-POLICE DEPT.	890	326.60
06/22/2012	281220	POST COMMUNITY CREDIT UNION	999999	2,975.00
06/22/2012	281221	POSTMAN INC., THE	4790	400.00
06/22/2012	281222	PRATT, CHRIS & ALLEN, TRACI TR	999999	265.00
06/22/2012	281223	PRIORITY HEALTH	4254	17,557.99
06/22/2012	281224	PRUDENTIAL NURSERY	937	1,570.00
06/22/2012	281225	RAFT	999999	80.00
06/22/2012	281226	RELIABLE ASPHALT, LLC	4773	1,602.51
06/22/2012	281227	RENEWED EARTH, INC.	4686	9,916.66
06/22/2012	281228	REPUBLIC SERVICES OF WEST MICH	4443	37,125.72
06/22/2012	281229	RICHARDSON, JODI	999999	100.00
06/22/2012	281230	RIDGE AUTO NAPA	438	183.25
06/22/2012	281231	ROBERTS LANDSCAPE	4294	5,800.65
06/22/2012	281232	ROEHRIG, GLEN	999999	921.88
06/22/2012	281233	ROMENCE GARDENS, INC	343	156.18
06/22/2012	281234	SHELBURNE, LAURIE	999999	149.00
06/22/2012	281235	SHERWIN WILLIAMS	356	79.54
06/22/2012	281236	SHORELINE TOURS & TRAVEL	1727	22,552.48
06/22/2012	281237	SIGNWRITER & SERIGRAPHICS	2376	790.00
06/22/2012	281238	SLADE, ROBERT	532	167.39
06/22/2012	281239	SMITH, KENNETH R	999999	35.50
06/22/2012	281240	SPRINT	3721	1,450.36
06/22/2012	281241	STATE INDUSTRIAL PRODUCTS CORP	2010	432.15
06/22/2012	281242	STATE SYSTEMS RADIO, INC	369	1,388.38
06/22/2012	281243	STEENSMA LAWN & POWER EQUIPMEN	3222	297.24
06/22/2012	281244	STIEL, MARGOT	999999	110.00
06/22/2012	281245	C. STODDARD & SONS INC.	1444	55.00
06/22/2012	281246	STUUT, STACIE	999999	42.00
06/22/2012	281247	SYMPRO INC.	3528	5,793.00
06/22/2012	281248	SYNERGISTIC ONLINE SOLUTIONS	393	1,635.00
06/22/2012	281249	T D S METROCOM, LLC	4539	3,063.43

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
06/22/2012	281250	TECHNOLOGY SOLUTIONS	4612	2,458.50
06/22/2012	281251	THE APPRAISAL FOUNDATION	999999	85.50
06/22/2012	281252	THOMPSON PUBLISHING GROUP	385	428.50
06/22/2012	281253	JOHANNA THOMPSON	4682	2,433.50
06/22/2012	281254	TIGER DIRECT, INC.	4272	149.99
06/22/2012	281255	TOO CLEAN JANITORIAL	2220	3,065.00
06/22/2012	281256	TRACTOR SUPPLY CORP.	2817	426.41
06/22/2012	281257	TRUGREEN	390	82.00
06/22/2012	281258	TUBERGEN, SHARON	999999	250.00
06/22/2012	281259	UNITED PARCEL SERVICE	545	18.33
06/22/2012	281260	USA TODAY	999999	195.00
06/22/2012	281261	VANDERBILT, JOHN	668	94.00
06/22/2012	281262	VORVA, WILLIAM	999999	5.00
06/22/2012	281263	WADE, TAMI	999999	100.00
06/22/2012	281264	WEDEL'S INC.	410	1,881.01
06/22/2012	281265	WELLER AUTO PARTS INC.	4668	61.00
06/22/2012	281266	WEST MICHIGAN OFFICE INTERIORS	413	1,219.15
06/22/2012	281267	WEST MICHIGAN REALTORS TITLE	999999	88.61
06/22/2012	281268	WINDEMULLER ELECTRIC, INC.	3061	3,355.28
06/22/2012	281269	WOLVERINE LAWN SERVICE, INC.	1089	1,128.55
06/22/2012	281270	XEROX CORPORATION	2684	1,100.81
06/22/2012	281271	ZWART, JOYCE	999999	129.13
06/22/2012	281272	5TH DISTRICT COURT	999999	95.00
06/22/2012	281273	56TH B DISTRICT COURT	999999	210.00
06/29/2012	281274	A I S CONSTRUCTION EQUIP. CO.	640	875.12
06/29/2012	281275	AT&T	849	2,005.95
06/29/2012	281276	A T & T LONG DISTANCE	4060	9.36
06/29/2012	281277	ALL STIRRED UP	999999	176.80
06/29/2012	281278	ALLEGRA PRINT & IMAGING	533	937.32
06/29/2012	281279	ALLIED MECHANICAL SERVICE	974	828.00
06/29/2012	281280	ASAKEVICH, LEE	999999	100.00
06/29/2012	281281	ATTORNEYS TITLE AGENCY LLC	4796	100.00
06/29/2012	281282	AUTOMOTIVE CONCEPTS CARSTAR	4399	962.27
06/29/2012	281283	BARRETT'S SMOKEHOUSE	999999	955.00
06/29/2012	281284	BESCO WATER TREATMENT, INC.	3339	27.75
06/29/2012	281285	BILL'S LOCK SHOP, INC.	146	70.00
06/29/2012	281286	BORGESS HEALTH ALLIANCE	151	1,212.00
06/29/2012	281287	BYHOLT INC.	68	640.96
06/29/2012	281288	CASH REGISTER SALES & SERVICE	2619	55.98
06/29/2012	281289	CHAMBER MAP PROJECT	4005	1,500.00
06/29/2012	281290	COLDSTONE CREAMERY	999999	797.60
06/29/2012	281291	CONSUMERS ENERGY-BILL PMT CNT	189	5,529.74
06/29/2012	281292	CREDIT BUREAU COLLECTIONS	999999	550.33
06/29/2012	281293	CROSSROADS CAR WASH	195	25.25
06/29/2012	281294	DATA CONSTRUCTS LLC	4741	97.95
06/29/2012	281295	JOHN DEERE LANDSCAPES	4448	297.71
06/29/2012	281296	DEPATIE FLUID POWER CO., INC.	211	26.77
06/29/2012	281297	DICKINSON, CASSSANDRA	999999	285.00
06/29/2012	281298	ECONOMY CONSTRUCTION LLC	4802	1,108.00
06/29/2012	281299	ELECTION SYSTEMS & SOFTWARE, I	3367	2,323.00
06/29/2012	281300	FANNIE MAY FINE CHOCOLATES	999999	135.20

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
06/29/2012	281301	FELDER COMMUNICATIONS GROUP, I	3025	2,705.00
06/29/2012	281302	FLORES, ERIN	999999	50.00
06/29/2012	281303	GORDON WATER SYSTEMS	517	48.75
06/29/2012	281304	GRANDPA JIM'S FISHING ADVENTUR	999999	180.00
06/29/2012	281305	GREATER KALAMAZOO FOP LODGE 98	623	2,691.08
06/29/2012	281306	GREATER KALAMAZOO FOP LODGE 98	623	549.20
06/29/2012	281307	GREATER KALAMAZOO UNITED WAY	628	1,027.50
06/29/2012	281308	HIGGINBOTTOM, ROSEMARY	999999	191.48
06/29/2012	281309	HOME DEPOT	691	129.90
06/29/2012	281310	I H S DISTRIBUTING COMPANY, I	3840	540.10
06/29/2012	281311	IERVOLINA, SUSAN	2074	96.00
06/29/2012	281312	INT'L PERSONNEL MGMNT ASSOC	1048	87.76
06/29/2012	281313	INTERNATIONAL CODE COUNCIL, IN	3244	161.50
06/29/2012	281314	JAC'S/CEKOLA'S PIZZA	999999	690.00
06/29/2012	281315	KALAMAZOO COUNTY TREASURER	514	565.42
06/29/2012	281316	KALAMAZOO COUNTY TREASURER	514	20,631.54
06/29/2012	281317	KALAMAZOO COUNTY 9TH CIRCUIT	999999	235.50
06/29/2012	281318	KALAMAZOO FLAG COMPANY	4787	351.80
06/29/2012	281319	KELLOGG COMMUNITY COLLETE	4205	255.00
06/29/2012	281320	KELLY RADIATOR & AUTO REPAIR	4591	40.95
06/29/2012	281321	KELLY'S CAFE	999999	360.00
06/29/2012	281322	KENT COUNTY DPW	2663	67.50
06/29/2012	281323	KUSTOM SIGNAL, INC	237	317.93
06/29/2012	281324	LANGUAGE LINE, INC	1093	5.47
06/29/2012	281325	LAWSON PRODUCTS, INC	240	2,090.51
06/29/2012	281326	LOCEY SWIM POOL CO.	243	128.96
06/29/2012	281327	LOWE'S HOME CENTER	2630	237.76
06/29/2012	281328	LUDERS, ROBERT	532	144.00
06/29/2012	281329	MAIN STREET PUB	999999	380.20
06/29/2012	281330	MATTOX, JAMES THOMAS	999999	100.00
06/29/2012	281332	MAURER'S TEXTILE RENTAL SERVIC	4746	305.42
06/29/2012	281333	MCDONALD'S TOWING & RESCUE, IN	728	194.00
06/29/2012	281334	MCNALLY ELEVATOR CO.	256	95.82
06/29/2012	281335	MENARDS, INC	258	83.97
06/29/2012	281336	MICH AMATEUR SOFTBALL ASSOC	1435	1,800.00
06/29/2012	281337	MICH MUNICIPAL POLICE & FIRE R	4777	1,631.77
06/29/2012	281338	MICHIGAN ASSOC. OF PLANNING	649	625.00
06/29/2012	281339	MICHIGAN PAVEMENT MARKINGS LLC	1358	85,873.67
06/29/2012	281340	MICHIGAN TAX TRIBUNAL	999999	50.00
06/29/2012	281341	MICHIGAN URBAN SEARCH AND RESC	4806	800.00
06/29/2012	281342	MIDWEST ENERGY COOPERATIVE	2030	234.20
06/29/2012	281343	MING DYNASTY	999999	615.20
06/29/2012	281344	MLIVE MEDIA GROUP	89	1,602.27
06/29/2012	281345	MODERN MACHINE & AUTOMATION	4804	575.00
06/29/2012	281347	NEXTEL	1709	2,786.61
06/29/2012	281348	ODE TO PIE	999999	329.60
06/29/2012	281349	OFFICE DEPOT, INC.	1721	1,527.86
06/29/2012	281350	OFFICEMAX INCORPORATED	301	418.08
06/29/2012	281351	ONE WAY PRODUCTS	440	431.12
06/29/2012	281352	ORIENTAL TRADING CO.	3819	231.00
06/29/2012	281353	PETERMAN CONCRETE CO.	310	144.53

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
06/29/2012	281354	PETERS CONSTRUCTION CO.	1638	1,377.60
06/29/2012	281356	PETTY CASH-CITY HALL	767	607.24
06/29/2012	281357	PETTY CASH-PARKS	536	359.46
06/29/2012	281358	PETTY CASH-SENIOR CENTER	537	312.12
06/29/2012	281359	PORTAGE FIREFIGHTERS	625	1,440.32
06/29/2012	281360	PORTAGE ON-CALL FIREFIGHTERS	504	280.00
06/29/2012	281361	PORTAGE POLICE OFFICERS ASSOC	624	1,606.22
06/29/2012	281362	PRICE, CHRISTOPHER	999999	900.00
06/29/2012	281363	PTACEK, JODY	999999	100.00
06/29/2012	281364	RATHCO SAFETY SUPPLY, INC.	327	236.00
06/29/2012	281365	RIETH-RILEY CONSTRUCTION CO.,	4386	1,617.84
06/29/2012	281366	ROMENCE GARDENS, INC	343	34.50
06/29/2012	281367	SCHAEFFER MANUFACTURING COMPAN	4635	579.96
06/29/2012	281368	SOCIETY FOR HUMAN RESOURCE MGM	3581	180.00
06/29/2012	281369	SOURCE TECHNOLOGIES	879	358.00
06/29/2012	281370	STAP BROS LAWN & LANDSCAPE,INC	366	250.00
06/29/2012	281371	STATE OF MICHIGAN	999999	412.86
06/29/2012	281372	STATE OF MICHIGAN (DOT)	368	21.83
06/29/2012	281373	SUITS U TAILOR SHOP INC	4237	401.00
06/29/2012	281374	TASER INTERNATIONAL, INC	3821	812.00
06/29/2012	281375	TEMPLETON, BETH	999999	100.00
06/29/2012	281376	TRACTOR SUPPLY CORP.	2817	26.98
06/29/2012	281377	TRUGREEN	390	290.00
06/29/2012	281378	U A W, LOCAL 2290	1862	497.24
06/29/2012	281379	U S POSTMASTER	391	3,677.50
06/29/2012	281380	U S POSTMASTER	392	300.00
06/29/2012	281381	UNITED PARCEL SERVICE	545	34.62
06/29/2012	281382	VANGUARD FIRE & SUPPLY CO., IN	3996	372.00
06/29/2012	281383	WASHCO, LLC	1104	9,310.00
06/29/2012	281384	WIGHTMAN & ASSOCIATES, INC.	3785	4,900.00
06/29/2012	281385	WINDEMULLER ELECTRIC, INC.	3061	1,737.00
06/29/2012	281386	WINGS, ETC.	999999	112.00
06/29/2012	281387	WOLVERINE LAWN SERVICE, INC.	1089	101.63
06/29/2012	281388	WOLVERINE POWER SYSTEMS	4322	158.90
06/29/2012	281389	DAN WOOD COMPANY	2019	246.00

DATE RANGE TOTAL * 671,866.31 *

PAYMENT NO	VENDOR NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
1135		ABONMARCHE CONSULTANTS, INC	06/22/2012	17,337.00	072000320000001	0000001	00
1136		ADMIRAL LOCK & KEY SERVICE	06/22/2012	124.53	072000320000002	0000001	00
1137		ALRO STEEL CORPORATION	06/22/2012	817.92	072000320000003	0000001	00
1185		AMERICAN SAFETY & FIRST AID	06/29/2012	115.10	072000320000001	0000001	00
1138		ANDRUS TRAVEL, GAIL	06/22/2012	2,244.00	072000320000004	0000001	00
1139		ANIMAL REMOVAL SERVICE, LLC	06/22/2012	870.00	072000320000005	0000001	00
1186		ANIMAL REMOVAL SERVICE, LLC	06/29/2012	375.00	072000320000002	0000001	00
1140		B & B YARDSCAPE	06/22/2012	2,060.00	072000320000006	0000001	00
1141		BEEBE, RON	06/22/2012	329.00	072000320000007	0000001	00
1142		BELL EQUIPMENT COMPANY	06/22/2012	8,037.28	072000320000008	0000001	00
1187		BELL EQUIPMENT COMPANY	06/29/2012	1,796.00	072000320000003	0000001	00
1143		BEVERIN, TYLER	06/22/2012	200.00	072000320000009	0000001	00
1144		BLUE CARE NETWORK-GREAT LAKES	06/22/2012	60,184.82	072000320000010	0000001	00
1145		BLUESTONE PSYCH	06/22/2012	2,125.00	072000320000011	0000001	00
1188		BRENNER OIL CO.	06/29/2012	19,673.90	072000320000004	0000001	00
1146		C D W GOVERNMENT, INC.	06/22/2012	185.00	072000320000012	0000001	00
1189		C D W GOVERNMENT, INC.	06/29/2012	5,320.00	072000320000005	0000001	00
1147		C M P DISTRIBUTORS, INC.	06/22/2012	1,220.00	072000320000013	0000001	00
1190		C M P DISTRIBUTORS, INC.	06/29/2012	93.00	072000320000006	0000001	00
1148		CARRIER & GABLE	06/22/2012	1,986.00	072000320000014	0000001	00
1149		CONTINENTAL LINEN SUPPLY CO.	06/22/2012	121.16	072000320000015	0000001	00
1150		DELTA DENTAL PLAN OF MI	06/22/2012	19,781.40	072000320000016	0000001	00
1151		EMPLOYMENT GROUP, INC.	06/22/2012	1,038.08	072000320000017	0000001	00
1191		EMPLOYMENT GROUP, INC.	06/29/2012	551.48	072000320000007	0000001	00
1152		ETNA SUPPLY, INC.	06/22/2012	634.35	072000320000018	0000001	00
1153		FORSHEE, MARK	06/22/2012	286.00	072000320000019	0000001	00
1154		GRAINGER INC, W W	06/22/2012	767.52	072000320000020	0000001	00
1155		GREAT LAKES DESIGN BUILD, LLC	06/22/2012	1,500.00	072000320000021	0000001	00
1156		HARTFORD LIFE INSURANCE COMPANY	06/22/2012	7,691.46	072000320000022	0000001	00
1157		INDUSCO SUPPLY CO., INC.	06/22/2012	178.20	072000320000023	0000001	00
1192		INDUSCO SUPPLY CO., INC.	06/29/2012	712.95	072000320000008	0000001	00
1158		IRISH AYRES ENTERPRISES, LLC	06/22/2012	825.00	072000320000024	0000001	00
1159		J B PRINTING COMPANY	06/22/2012	1,987.20	072000320000025	0000001	00
1193		J B PRINTING COMPANY	06/29/2012	4,034.50	072000320000009	0000001	00
1160		KAHN, WILMA	06/22/2012	240.00	072000320000026	0000001	00
1161		KNAPP ENERGY, INC.	06/22/2012	7,908.30	072000320000027	0000001	00
1194		KNAPP ENERGY, INC.	06/29/2012	8,086.50	072000320000010	0000001	00
1162		KOPEC, CASEY	06/22/2012	180.00	072000320000028	0000001	00
1163		KUIPER BUILDING SERVICES LLC	06/22/2012	3,017.32	072000320000029	0000001	00
1195		KUIPER BUILDING SERVICES LLC	06/29/2012	1,900.00	072000320000011	0000001	00
1164		KUSHNER & COMPANY, INC.	06/22/2012	326.36	072000320000030	0000001	00
1165		LIFEGUARD STORE, THE	06/22/2012	46.00	072000320000031	0000001	00
1166		MALZ, DONALD	06/22/2012	135.00	072000320000032	0000001	00
1167		MCCARTHY SMITH LAW GROUP, PLC	06/22/2012	8,315.55	072000320000033	0000001	00
1168		MEDEMA, TIMOTHY	06/22/2012	114.00	072000320000034	0000001	00
1169		MEJEUR ELECTRIC LLC	06/22/2012	192.00	072000320000035	0000001	00
1196		MICROSYSTEMS, INC.	06/29/2012	1,835.08	072000320000012	0000001	00
1170		NON-DESTRUCTIVE TESTING GROUP	06/22/2012	1,385.40	072000320000036	0000001	00
1171		PACIFIC TELEMGMT SERVS, JAROTH INC	06/22/2012	303.00	072000320000037	0000001	00
1172		PARKER, ROBERT	06/22/2012	188.00	072000320000038	0000001	00
1197		PLEUNE SERVICE COMPANY	06/29/2012	230.00	072000320000013	0000001	00
1173		PORTAGE COMMUNITY CENTER	06/22/2012	55.00	072000320000039	0000001	00

PAYMENT NO	VENDOR NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER	EFT BATCH	BANK CODE
1174		PRECISION PRINTER SERVICES INC	06/22/2012	1,261.59	072000320000040	0000001	00
1198		PRECISION PRINTER SERVICES INC	06/29/2012	264.90	072000320000014	0000001	00
1199		QUALITY AIR HEATING & COOLING, INC.	06/29/2012	832.33	072000320000015	0000001	00
1175		ROAD EQUIPMENT PARTS CENTER	06/22/2012	259.95	072000320000041	0000001	00
1176		ROBERTS, CHARLES D	06/22/2012	188.00	072000320000042	0000001	00
1177		SAFETY SERVICES, INCORPORATED	06/22/2012	588.28	072000320000043	0000001	00
1178		SARCOM, INC	06/22/2012	39,143.41	072000320000044	0000001	00
1179		SHULTS EQUIPMENT	06/22/2012	5,172.84	072000320000045	0000001	00
1180		THOMPSON, HELENE	06/22/2012	304.00	072000320000046	0000001	00
1200		UNITED PETROLEUM	06/29/2012	715.00	072000320000016	0000001	00
1201		UNITED WATER ENVIRONMENTAL SERVICES	06/29/2012	167,775.40	072000320000017	0000001	00
1181		VANDERBERG, WARD M	06/22/2012	188.00	072000320000047	0000001	00
1182		VISION SERVICE PLAN INSURANCE CO	06/22/2012	1,902.36	072000320000048	0000001	00
1183		WEST, STEVE	06/22/2012	235.00	072000320000049	0000001	00
1184		360 SERVICES, INC.	06/22/2012	2,582.26	072000320000050	0000001	00

GRAND TOTAL: 421,073.68 NO. OF CHECKS: 67

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** June 1, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Rezoning Application #11-05, 7812, 7840, 7842 and 7908 Portage Road

ACTION RECOMMENDED: That City Council:

a. accept Rezoning Application #11-05 for first reading and set a public hearing for July 10, 2012; and
b. subsequent to the public hearing, consider approving Rezoning Application #11-05 and rezone 7812, 7840 and 7842 Portage Road to B-3, general business and the portion of 7908 Portage Road (approximately 351-feet by 178-feet) located immediately south of 7842 Portage Road to P-1, vehicular parking.

An application has been received from four property owners requesting that 7812, 7840, 7842 and 7908 (portion thereof) Portage Road be rezoned from B-2, community business and I-1, light industry to B-3, general business and P-1, vehicular parking. The rezoning application was originally initiated by Mr. Mike Stoddard who has plans to construct and operate a micro-brewery/restaurant and related parking facilities from 7842 and 7908 (portion thereof) Portage Road. Mr. Stoddard also approached the owners of 7812 and 7840 Portage Road who subsequently decided to join the rezoning application.

In the attached report dated May 11, 2012, the Department of Community Development recommends that 7812, 7840 and 7842 Portage Road be rezoned from B-2 community business to B-3, general business and the portion of 7908 Portage Road (approximately 351-feet by 178-feet) located immediately south of 7842 Portage Road be rezoned from I-1, light industrial to P-1, vehicular parking. The rezoning request is consistent with the Future Land Use Map designations for this area and is also consistent with the surrounding zoning/land use pattern.

The Planning Commission convened a public hearing during its May 3rd and May 17th, 2012 meetings. After considering the proposed rezoning and public comment, the Commission voted 5-0-2 to recommend to City Council that Rezoning Application #11-05 be approved consistent with the staff recommendation.

Attachment: Communication from the Department of Community Development

CITY OF PORTAGE **COMMUNICATION**

TO: Maurice S. Evans, City Manager **DATE:** June 1, 2012

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Rezoning Application #11-05, 7812, 7840, 7842 and 7908 Portage Road

An application has been received from four property owners requesting that 7812, 7840, 7842 and a portion of 7908 Portage Road be rezoned from B-2, community business and I-1, light industry to B-3, general business and P-1, vehicular parking.

The rezoning application was originally initiated by Mr. Mike Stoddard who has plans to construct and operate a micro-brewery/restaurant and related parking facilities at 7842 and 7908 (portion thereof) Portage Road. Recognizing the Future Land Use Map also designates the three properties to the north (7840, 7812 and 7726 Portage Road) as appropriate for general business use, staff suggested Mr. Stoddard approach each property owner and inquire if they want to be included in the rezoning application. After evaluating the proposal, the owners of 7840 and 7812 Portage Road decided to have their property included for rezoning consideration. Although 7726 Portage Road is also designated for general business, this vacant parcel, owned by Pfizer has not been included in the rezoning request.

The Future Land Use Map component of the Comprehensive Plan indicates that 7812, 7840 and 7842 Portage Road are planned for general business use, while the land area to the south and west (Consumers Energy property) is planned for park/recreation use. The Future Land Use Map further designates Portage Road as a designated commercial corridor, a commercial revitalization area (south of East Centre Avenue) and the vicinity of the Portage Road/East Centre Avenue intersection as a primary commercial node. The proposed B-3/P-1 zones are consistent with these designations. In a report dated May 11, 2012, the Department of Community Development has recommended that Rezoning Application #11-05 be approved and 7812, 7840 and 7842 Portage Road be rezoned to B-3, general business and the portion of 7908 Portage Road (approximately 351-feet by 178-feet) located immediately south of 7842 Portage Road be rezoned to P-1, vehicular parking.

The Planning Commission convened a public hearing during the May 3rd and May 17th, 2012 meetings. One citizen spoke during the May 3rd meeting and expressed a desire to protect his property and inquired about the nature of the proposed micro-brewery/restaurant. No additional citizens spoke during the May 3rd or May 17th meetings and no written communications have been received from the area residents or concerned citizens. At the conclusion of the May 17th meeting and after careful consideration, the Commission voted 5-0-2 to recommend to City Council that Rezoning Application #11-05 be approved consistent with the staff recommendation.

Attached find the Planning Commission transmittal, Department of Community Development report and related materials for review.

Attachments: Planning Commission transmittal dated June 1, 2012
Planning Commission Minutes dated May 3rd and 17th, 2012
Department of Community Development report dated May 11, 2012
Ordinance Amendments

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TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: June 1, 2012

SUBJECT: Rezoning Application #11-05, 7812, 7840, 7842 and 7908 Portage Road

The Planning Commission convened a public hearing during the May 3rd and May 17th, 2012 meetings to consider the rezoning of a 5.2 acre tract of land located at 7812, 7840, 7842 and 7908 Portage Road from B-2, community business and I-1, heavy industry to B-3, general business and P-1, vehicular parking. At the May 3rd meeting, one citizen (Mr. John Logan, 2215 East Centre Avenue, formally addressed as 7891 Engle Court) spoke in regards to the proposed rezoning. Mr. Logan stated he was not opposed to the rezoning request, however, desired to protect his property and had questions regarding the proposed micro-brewery/restaurant. No additional citizens spoke during the May 3rd and May 17th meetings. Additionally, no written communications were received from area residents or interested citizens.

After careful consideration, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to recommend to City Council that Rezoning Application #11-05 be approved and 7812, 7840 and 7842 Portage Road be rezoned to B-3, general business and the portion of 7908 Portage Road (approximately 351-feet by 178-feet) located immediately south of 7842 Portage Road be rezoned to P-1, vehicular parking. The motion was approved 5-0-2 with Commissioner Stoffer and Chairman Cheesebro abstaining due to conflict of interests.

Sincerely,

Allan Reiff

Allan Reiff, Chair Pro Tem
City of Portage Planning Commission

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PUBLIC HEARINGS:

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

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

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

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

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

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

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

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

The public hearing was convened by Chairman Cheesebro. No citizens spoke regarding the four month review of the active home occupation permit application. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Welch, to conclude the four-month review of the Modified Active Home Occupation Permit for Arrow Car Service, 3617 Wedgewood Drive, with no additional modifications to the conditions that were attached to the original January 5, 2012 approval with the exception of condition #5 (applicant no longer needs to provide the Department of Community Development copies of the daily run on a monthly basis). The motion was unanimously approved.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

DRAFT

could be carried over to another meeting but would have to be noticed since the public hearing had been closed. Commissioner Bosch did not believe another meeting before the Planning Commission was necessary since the City Council makes the final decision, the extensive discussion that took place, the split between Commission members, and uncertainty how the other two Commission members would vote. Commissioner Bosch suggested the rezoning application be forwarded to City Council without a recommendation. Commissioner Patterson concurred and also added that it was a very good discussion with different perspectives and opinions. If the Commission cannot come to an agreement, Commissioner Patterson stated it is appropriate to forward the application to City Council. The consensus of the Planning Commission was to forward the rezoning application to the City Council without a recommendation.

2. Final Report: Rezoning Application #11-05, 7812, 7840, 7842 and 7908 (portion thereof) Portage Road. Chairman Cheesebro stated he would be abstaining from discussion and voting on this rezoning request since his employer was one of the applicants. Commissioner Stoffer also indicated he would be abstaining from discussion and voting on this rezoning request due to a personal relationship with one of the neighboring property owners to the west. Since there was no other officer present, Chairman Cheesebro nominated Commissioner Reiff as the Chair Pro Tem. There being no discussion, Commissioner Reiff assumed the role of Chair Pro Tem. Both Chairman Cheesebro and Commissioner Stoffer left Council Chambers for the duration of the discussion.

Mr. Forth summarized the final staff report dated May 11, 2012 regarding a request received from the owners of 7812, 7840, 7842 and 7908 (portion thereof) Portage Road from B-2, community business and I-1, light industry to B-3, general business and P-1, vehicular parking. Mr. Forth stated the rezoning was being requested, in part, to facilitate construction of a micro-brewery and restaurant at 7842 and 7908 Portage Road. Mr. Forth stated staff was recommending the rezoning be approved as submitted. Commissioner Bosch asked if staff has received any other public comments since the last public hearing. Mr. Forth responded that no further comments have been received.

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

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

There being no further discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to recommend to City Council that Rezoning Application #11-05 be approved and 7812, 7840 and 7842 Portage Road be rezoned to B-3, general business and the portion of 7908 Portage Road (approximately 351-feet by 178-feet) located immediately south of 7842 Portage Road be rezoned to P-1, vehicular parking. The motion was approved 5-0-2 with Chairman Cheesebro and Commission Stoffer abstaining.

OLD BUSINESS:

None.

NEW BUSINESS:

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** May 11, 2012

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Final Report: Rezoning Application #11-05, 7812, 7840, 7842 and 7908 Portage Road

I. INTRODUCTION:

An application has been received from four property owners requesting that the following parcels of land be rezoned from B-2, community business and I-1, light industry to B-3, general business and P-1, vehicular parking:

Property Address	Owner of Record	Parcel Number	Zoning	
			Existing	Proposed
7812 Portage Road	Sharon Wagoner	14-095-O	B-2	B-3
7840 Portage Road	The Deep Waters, LLC	14-090-A	B-2	B-3
7842 Portage Road	Guernsey Investment	14-085-A	B-2	B-3
7908 Portage Road (portion thereof)	Consumers Energy	14-015-O	I-1	P-1
Total: Four parcels (5.2 acres)				

The rezoning application was initiated by Mr. Mike Stoddard who has entered into a buy/sell agreement with Guernsey Investment to purchase 7842 Portage Road. Mr. Stoddard has tentative plans to construct and operate a micro-brewery and restaurant at this location. However, because a micro-brewery is not permitted in the B-2, community business zoning district, a zoning change to B-3, general business is necessary (a micro-brewery/restaurant is permitted in the B-3 district subject to review and approval of a special land use permit). Furthermore, Mr. Stoddard approached Consumer Energy officials and inquired about entering into a license agreement to utilize a portion of their property located immediately to the south for off-street parking purposes. Attached is a letter from Ms. Laura Stensland, Consumers Energy Corporate Real Estate Land Management, acknowledging receipt of the request. The letter from Ms. Stensland suggests Consumers Energy is willing to enter into a license agreement to allow Mr. Stoddard to use a portion of their property. In addition, staff has confirmed that Consumers Energy consents to the rezoning request of a portion of their property.

Recognizing the Future Land Use Map of the Comprehensive Plan also designates three properties to the north (7840, 7812 and 7726 Portage Road) appropriate for general business use, staff suggested Mr. Stoddard approach each property owner and inquire if they want to be included in the rezoning application. After evaluating the proposal, the owners of 7840 and 7812 Portage Road decided to have their property included for rezoning consideration. Although 7726 Portage Road is also designated for general business, this vacant parcel, owned by Pfizer has not been included in the rezoning request.

II. EXISTING CONDITIONS:

Land Use/Zoning	Rezoning Site: • 7812 Portage Road – Zoned B-2 and occupied by a 1,308 sq. ft. office building for Accounting Tax Services. Two detached accessory buildings are also located on the property.

Land Use/Zoning (cont.)	• 7840 Portage Road – Zoned B-2 and occupied by a 4,200 sq. ft. commercial building for Precision Windows. • 7842 Portage Road – Zoned B-2 and occupied by a 2,078 sq. ft. two-story residential dwelling that was previously converted to a non-residential use and two detached accessory buildings that are 1,104 sq. ft. and 1,920 sq. ft., respectively. 7840 and 7842 Portage Road share a common driveway and parking lot maneuvering lane. • 7908 Portage Road – Zoned I-1 and occupied by a Consumers Energy transmission line. This is a larger parcel that extends to the north and west, and east across Portage Road. However, only approximately 350 feet of the parcel extending west of the Portage Road right-of-way line is included in the rezoning application (consistent with the depth of the 7842 Portage Road parcel to the north). South: PNC Bank zoned OS-1, office service. West: Property owned and occupied by a Consumers Energy transmission line. Further west are several single-family dwellings located on the east side of Engle Court, a private street. North: Vacant land zoned I-1, light industrial owned by Pfizer. East: Across Portage Road, vacant land zoned B-1, local business and I-2, heavy industrial owned by Pfizer.
Zoning/Development History	• There have been no rezoning of properties in the immediate area since adoption of the 2008 Comprehensive Plan. • In 2003 and as part of the Zoning Code update, 7812, 7840 and 7842 Portage Road were rezoned from I-1, light industrial to B-2, community business at the request of Guernsey Investment, owner of 7842 Portage Road. • In 2000 and 2005 several parcels of land located near the southeast corner of Portage Road and East Centre Avenue were rezoned from I-2, heavy industrial to B-3, general business. This area is now part of the CentrePort Commons development project.
Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	This section of Portage Road is designated as a 4-lane major arterial with approximately 16,242 vehicles per day (2008); capacity of 32,500 vehicles per day (level of service "D").
Public Utilities	Municipal water is available. Sanitary sewer service is not currently available, however, could be extended north from East Centre Avenue, along the east side of Portage Road, by the property owners.
Environmental	The City of Portage Sensitive Land Use Inventory Map does not identify any potential wetland or floodplain areas near the rezoning site.

III. PUBLIC REVIEW/COMMENT:

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

IV. FINAL ANALYSIS:

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

Comprehensive Plan/Future Land Use Plan Consistency. The Future Land Use Map component of the Comprehensive Plan indicates that 7812, 7840 and 7842 Portage Road are planned for general business use. The land area to the south and west (Consumers Energy property) is planned for park/recreation use. The intent of the park/recreation designation of the Consumers Energy property is to facilitate a future extension of the multi-use trail network similar to the Northwest Portage Bikeway (during site plan review, the design/location of off-street parking and options to preserve an easement to extend the multi-use trail to Portage Road would be discussed). The land area on the east side of Portage Road is designated for general business and general industrial. The Future Land Use Map further designates Portage Road as a designated commercial corridor, a commercial revitalization area (south of East Centre Avenue) and the vicinity of the Portage Road/East Centre Avenue intersection as a primary commercial node. The proposed B-3/P-1zones are consistent with these Comprehensive Plan designations.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development projects, infrastructure improvement programs (i.e. public expenditures on streets, sewers, water mains and others that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies which influence the use of land for consistency with community development and preservation objectives. A change in zoning to B-3/P-1 would be consistent with applicable development guidelines contained in the Comprehensive Plan (attached).

Suitability of Existing B-2 and I-1 Districts/Impacts of Proposed B-3 and P-1 Districts. While the B-2 zoning district is generally consistent with the Comprehensive Plan designation of general business and similar to the B-3 zoning district, the primary differences between the B-2 and B-3 districts involve: 1) the types of permitted land uses, and 2) minimum required building setbacks. The types of uses permitted in the B-2 district are more restrictive than those permitted in the B-3 district. For example, gas stations, hotels/motels, used car sales facilities, and a micro-brewery/restaurant, such as the one proposed by the applicant, are permitted in the B-3 district. However, many of the more intensive land uses permitted in the B-3 district also require a Special Land Use Permit, which have specific and general site development standards. Furthermore, during the review of a Special Land Use application, the Planning Commission has the ability to include conditions of approval to protect surrounding land uses. Due to the size and mass of buildings often constructed in the B-2 district (e.g. larger scale commercial shopping centers), the building setbacks are greater than those required in the B-3 district. For example, the front yard setback and setback from the zoning district boundary is 75 feet. In comparison, the minimum front yard setback in the B-3 district is 30 feet, the side yard setback is 10 feet (when adjacent to a residential zoning district) and the rear yard setback is 20 feet.

To the west of the rezoning site, there are five existing single-family residential homes located along Engle Court (a private road), zoned R-1B, one-family residential. Separating the single-family dwellings from the rezoning site is Consumers Energy property, zoned I-1, light industrial, which is 180 feet in width and occupied by electrical transmission towers. A change in zoning from B-2 to B-3 and resulting development may have some impact on adjacent residences to the west due to higher intensity land uses and reduced building setbacks. Because the area proposed to be rezoned to does not abut single-family residential

zoned land (separated by the Consumers Energy property that is zoned I-1), the conflicting land use screening provisions of Section 42-573 are not applicable. However, the Site plan review provisions of Section 42-483, and the General standards for special land uses specified in Section 42-462 provide the Planning Commission an opportunity to consider additional screening during the development review process. In addition, the 180-foot wide Consumers Energy property, which has wooded areas, provides separation between the proposed rezoning area and residential uses to the west.

With regard to the portion of the Consumers Energy property directly south of 7842 Portage Road, changing the zoning from I-1, light industrial to P-1, parking will have minimal, if any, impacts. An off-street parking lot is a less intensive land use in comparison to those permitted in the I-1 district. In addition, only a small 15-foot tall parking lot attendant building is permitted in a P-1 district. Although not specifically mentioned as a permitted/special land use in the P-1 district, the electrical transmission lines and towers are considered an essential service and exempt from Article 4, Zoning.

As a final comment, the applicant has indicated the change in zoning is needed to facilitate the construction and operation of a micro-brewery/restaurant at 7842 Portage Road. No specific development or uses are proposed for the properties at 7840 and 7812 Portage Road. If the zoning is changed to B-3, general business, the properties can be developed with any use allowed in the B-3 district.

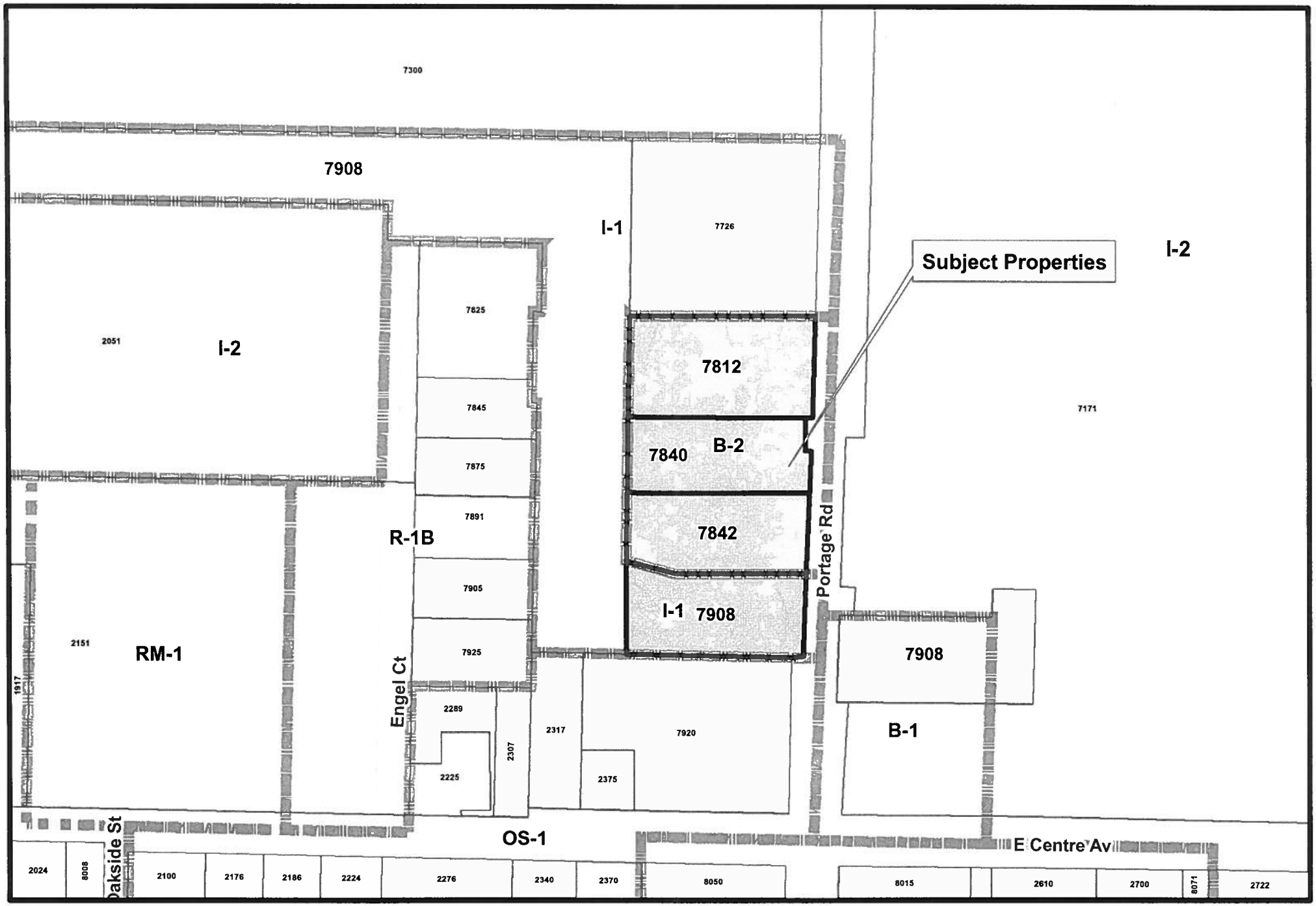
Traffic Considerations. If 7812, 7840 and 7842 were rezoned to B-3 and redeveloped collectively, the 3.9-acre rezoning site could accommodate an approximate 42,500 square foot (based on 25% lot coverage) building. The ITE Trip Generation Manual, Sixth Edition, indicates that a specialty retail center of this size would generate approximately 1,728 vehicle trip ends (864 vehicles) on an average weekday. If each site were to redevelop independently, three buildings ranging in size from 12,688 to 17,000 square feet (based on 25% lot coverage) could be constructed. These three specialty retail buildings would collectively generate approximately the same amount of vehicle trip ends and vehicles on an average weekday (1,728/864) as one an approximate 42,500 square foot building. Similar development and traffic generation scenarios could also result under the existing B-2 zoning.

Under either of the above scenarios, anticipated traffic generated by a retail project can be accommodated by the surrounding roadway network under either the existing B-2 zone or proposed B-3 zone. Issues related to access management will be reviewed upon submittal of site plans.

V. RECOMMENDATION:

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

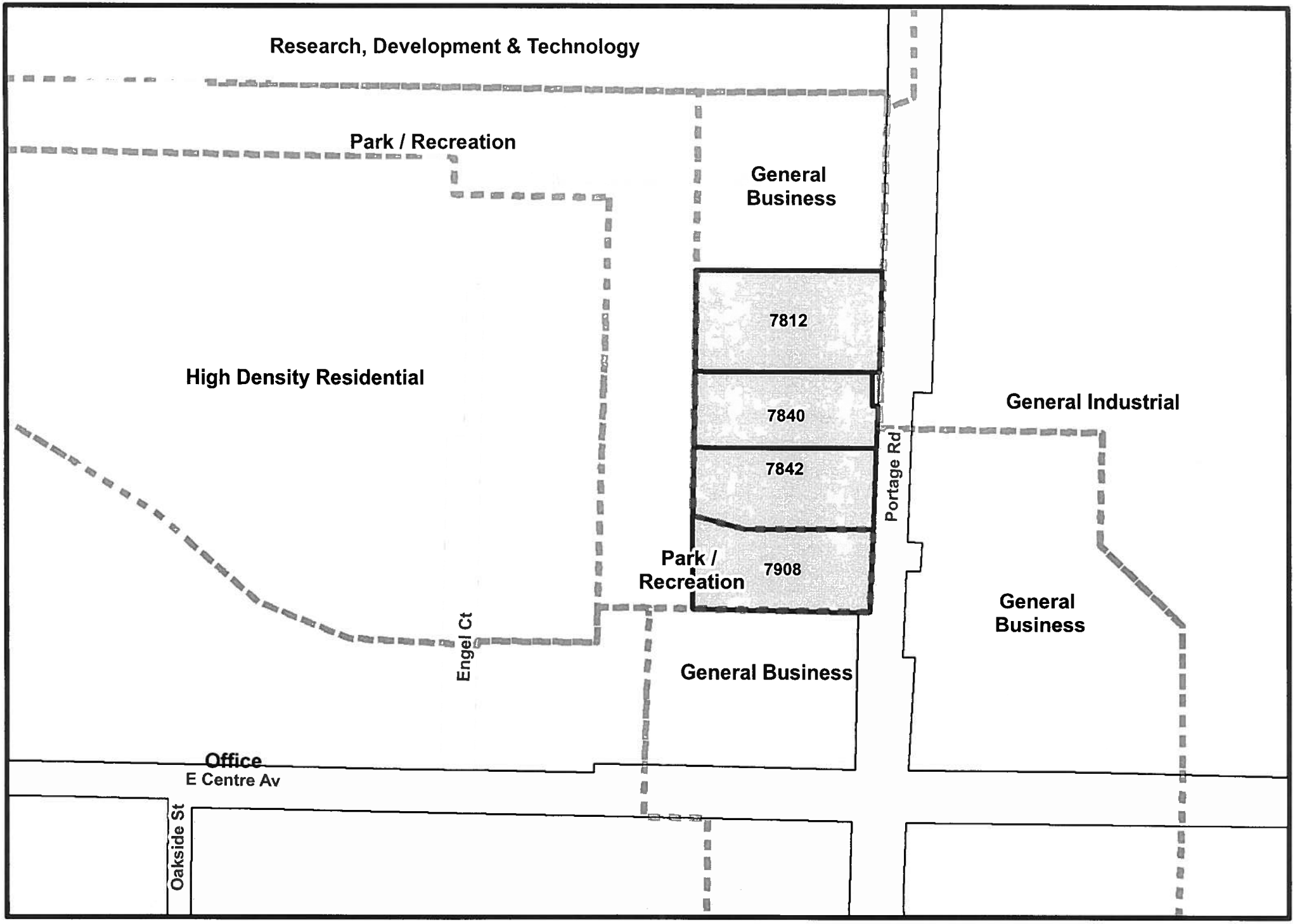
Attachments:
- Zoning/Vicinity Map
- Future Land Use Map
- Aerial Photograph (rezoning site and surrounding area)
- Development Guidelines (B-3/P-1)
- Rezoning Application and supporting materials



Zoning Boundary
Subject Properties

Rezoning #11-05
7812,7840,7842 & 7908 (portion thereof)
Portage Road

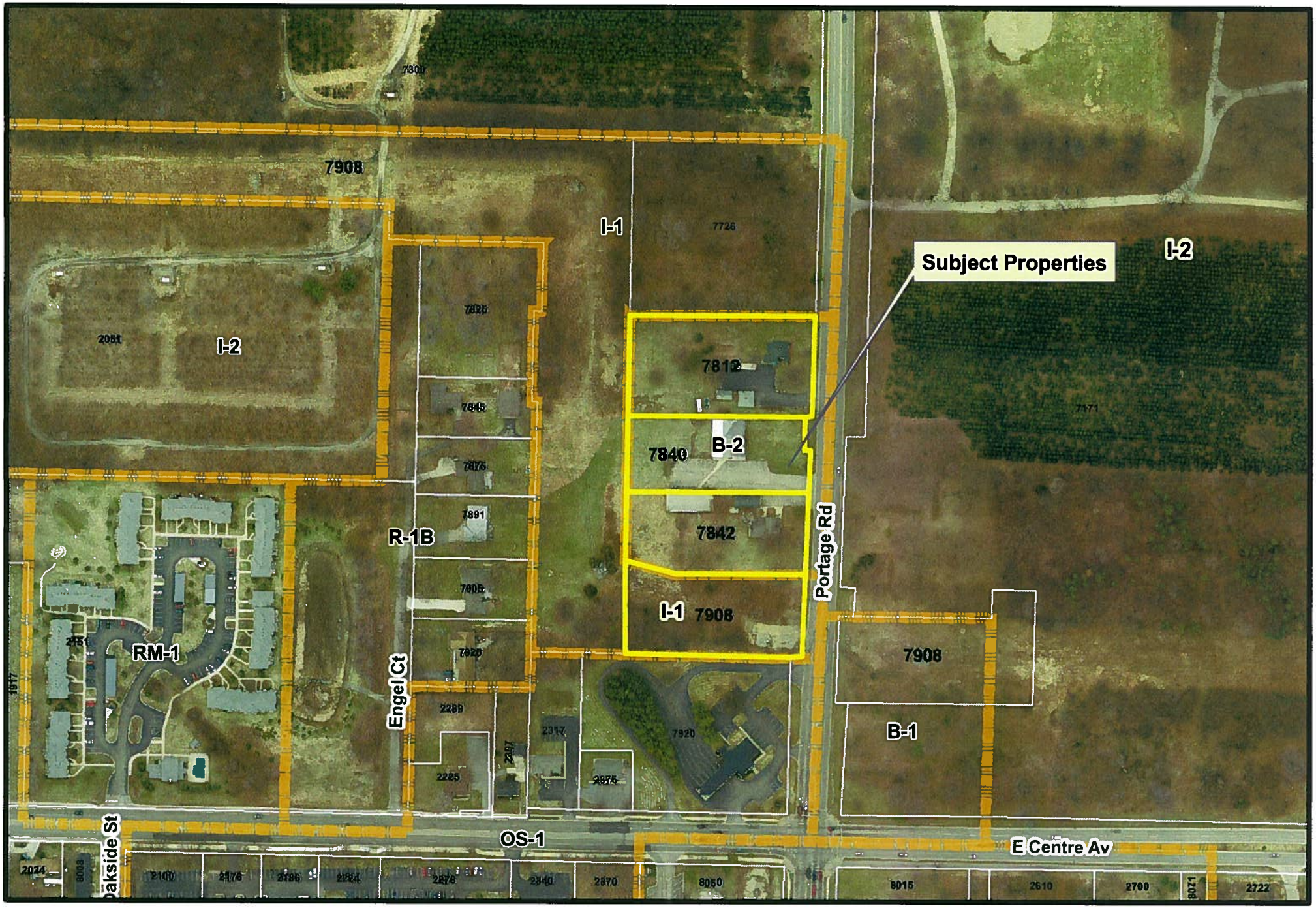
1 inch = 240 feet



Future Land Use
Subject Properties

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

1 inch = 233 feet



Subject Properties
Zoning Boundary

Aerial Photo
7812,7840,7842 & 7908 (portion thereof)
Portage Road

1 inch = 240 feet
2009 Pictometry Imagery

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

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

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

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

RECEIVED
APR 10 2012
COMMUNITY DEVELOPMENT

APPLICATION FOR ZONING AMENDMENT

Application number 11/5

Date 4/10/12

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

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

b. Unplatted Land:

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

REQUESTING 7812, 7840, 7842 FROM B-2 TO B-3. REQUESTING 7908 TO BE CHANGED FROM I-1 TO P-1. THE EAST 350.8

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

b. Name of the owner of the property to be rezoned: SHARON WAGNER, DEEP WATERS LLC, DUERSNEY INVESTMENT, CONSUMERS ENERGY.

Address _____

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: TO BUILD A MICROBREWERY / RESTAURANT THE PORTAGE BREWING COMPANY.

4. CURRENT ZONING: B-2 & F-1 PROPOSED ZONING: B-3 & P-1

ZONING TEXT AMENDMENT

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

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

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

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

(Signature of Applicant) (Signature of Applicant)

8351 WEST LONG LAKE DR. / KAZOO, MI. 49048
(Address) (Address)

269-303-9339
(Phone) (Phone)

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

APPLICATION FOR ZONING AMENDMENT

The proposed zoning change is for the following properties: 7812, 7840, 7842, and 7908 Portage road. 7908 is owned by Consumers energy, and will be changed from light industrial to P-1 parking. The other lots are currently zoned B-2 and would be changed to a B-3 zoning.

Mike and Joe Stoddard (owners of 7842 Portage road) will pay for all properties to be re-zoned.

Lot 7812 is 1.53 acres, lot 7840 is 1.15 acres, lot 7842 is 1.22 acres, and the consumers property is approximately 1.25 acres to be re-zoned. The total acreage is approximately 5.17 acres, with a total cost of $1200.

The intention is to build a restaurant/brewery on 7842 Portage road. The restaurant will be open for lunch and dinner, and also boast a on-site brewery.

7812 Portage road, parcel number-00014-095-0 Sharon Wagner

7840 Portage road, parcel number-00014-090-A Sherry R. Larson

7842 Portage Road, parcel number-00014-085-A [illegible]

7908 Portage Road, parcel number-00014-015-0 See attached letter dated 4/5/12

Consumers Energy

One Energy Plaza, EP7-468, Jackson, MI 49201
From the office of Laura E. Stensland • 517.740.7421• Facsimile 517.788.1216

April 5, 2012

Re: Consumers Energy Property

Mr. Stoddard,

Thank you for your interest in utilizing the Consumers Energy property that adjoins the South and West sides of 7842 Portage Rd., Portage, MI.

I have received your request and will begin processing the license agreement upon receipt and approval of your site plans.

In the meantime, if you have any questions, please call me at 517.740.7421 or by email at: laura.stensland@cmsenergy.com

I look forward to working with you to make this project possible!

Thank you in advance for your cooperation.

Sincerely,

LStensland

Laura E. Stensland
Consumers Energy
Corporate Real Estate
Land Management

FIRST READING
CITY OF PORTAGE, MICHIGAN
NOTICE

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

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

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

THE CITY OF PORTAGE ORDAINS:

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

Parcel of land described as follows:

Tract of land located in Section 14, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

Street Address	Parcel ID Numbers
7812 Portage Road	00014-095-O
7840 Portage Road	00014-090-A
7842 Portage Road	00014-085-A
7908 Portage Road	00014-015-O

Portion thereof described as follows:
SEC 14-3-11 BEG AT A PT 348.52 FT N OF S1/4 POST SEC 14, TH CONT N ALG NS1/4 LI 158.98 FT, TH W PAR S LI SD SEC 281.81 FT, TH N 75 DEG 20 MIN 15 SEC W. 100.94 FT th Southerly 175 Feet +/- parallel with the N/S 1/4 line to a East/West line that is 348 +/- N of the S Line of section 14, then Easterly to the POB.

From B-2, community business and I-1, light industry to B-3, general business and P-1, vehicular parking, office service, or any other classification allowed by law.

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

Dated: _____

_____
James R. Hudson, City Clerk

(App #11-05)
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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING ARTICLE 4 OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS OF THE CODIFIED ORDINANCES OF PORTAGE, MICHIGAN

THE CITY OF PORTAGE ORDAINS:

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

Parcel of land described as follows:

Tract of land located in Section 14, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

Street Address	Parcel ID Numbers
7812 Portage Road	00014-095-O
7840 Portage Road	00014-090-A
7842 Portage Road	00014-085-A
7908 Portage Road	00014-015-O

Portion thereof described as follows:
SEC 14-3-11 BEG AT A PT 348.52 FT N OF S1/4 POST SEC 14, TH CONT N ALG NS1/4 LI 158.98 FT, TH W PAR S LI SD SEC 281.81 FT, TH N 75 DEG 20 MIN 15 SEC W. 100.94 FT th Southerly 175 Feet +/- parallel with the N/S 1/4 line to a East/West line that is 348 +/- N of the S Line of section 14, then Easterly to the POB.

From B-2, community business and I-1, light industry to B-3, general business and P-1, vehicular parking.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

_____
Peter J. Strazdas, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2012.

_____
James R. Hudson, City Clerk

(App #11-05)

Approved as to Form:
Date: 6/5/12
By: _____
City Attorney

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** June 7, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Rezoning Application #11-04, East Centre Avenue between Lakewood Drive and Garden Lane

ACTION RECOMMENDED: That City Council:

a. accept Rezoning Application #11-04 for first reading and set a public hearing for July 10, 2012; and
b. subsequent to the public hearing, consider approving Rezoning Application #11-04 and rezone 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential.

A rezoning application has been jointly filed by the owners of 775, 801, 809, 821, 827 and 903 East Centre Avenue requesting a zoning change from R-1A, one family residential and R-1B, one family residential to OS-1, office service. At the April 5, 2012 meeting, the Planning Commission reviewed the rezoning application and voted unanimously to expand the zoning area to include four additional properties (7932 Lakewood Drive and 707, 743 and 815 East Centre Avenue) also located along this section of East Centre Avenue between Lakewood Drive and Garden Lane.

In a report dated May 11, 2012, the Department of Community Development presented several rezoning options, and recommended the properties be rezoned consistent with staff supported Alternative 3 from this report: Rezone 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue from R-1A, one family residential and R-1B, one family residential to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential.

The Planning Commission convened a public hearing during its May 3rd and May 17th, 2012 meetings. Several of the applicant property owners spoke in favor of rezoning the entire area to OS-1 and two applicant property owners suggested OS-1 rezoning with retention of an R-1A buffer area along the northern portion (20-30 feet) of 801, 809, 815, 821 and 827 East Centre Avenue. Several neighborhood residents spoke and expressed concerns regarding the OS-1 zoning encroaching into the adjacent neighborhood.

During the May 17th Planning Commission meeting, two separate motions were made, but each failed to receive the minimum number of votes (five) for approval. The first motion involved a recommendation consistent with staff recommended Alternative 3. Upon a roll call vote, this motion failed 3-4. The second motion involved a recommendation to rezone the properties to OS-1, except for the north 50 feet of 801, 809, 815, 821 and 827 East Centre Avenue, which would have remained zoned R-1A as a buffer. Upon a roll call vote, this motion failed 4-3. After additional lengthy discussion, it was the consensus of the Planning Commission to forward Rezoning Application #11-04 to City Council without a specific recommendation.

While office uses are considered an appropriate "transitional" use between higher intensity uses and major streets and interior residential neighborhoods, rezoning all of 801, 809, 815, 821 and 827 East Centre Avenue to OS-1 is not entirely consistent with the Comprehensive Plan. The Comprehensive Plan recommends limiting the depth of office uses for this section of East Centre Avenue between Lakewood Drive and Garden Lane. Accordingly, staff recommended Alternative 3 is more consistent with the Comprehensive Plan, and surrounding land use/zoning pattern. Alternative 3 also provides the property owners office redevelopment options along East Centre Avenue while limiting the encroachment of nonresidential development into the established residential neighborhood. The retention of the R-1A zoning along the northern 198-feet of several properties provides sufficient depth and area for future single family residential development sites, with frontage and access available from Bye Street and/or Garden Lane.

Attached find the Department of Community Development report, Planning Commission transmittal and related materials with regard to Rezoning Application #11-04. It is recommended that Council approve Rezoning Application #11-04, and rezone 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue to OS-1, office service, with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential.

Attachment: Communication from the Department of Community Development

CITY OF PORTAGE **COMMUNICATION**

TO: Maurice S. Evans, City Manager **DATE:** June 1, 2012

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Rezoning Application #11-04, East Centre Avenue between Lakewood Drive and Garden Lane.

A joint rezoning application was received from the owners of 775, 801, 809, 821, 827, and 903 East Centre Avenue requesting a zoning change from R-1A, one family residential and R-1B, one family residential to OS-1, office service. During the April 5, 2012 meeting, the Planning Commission reviewed the rezoning application, surrounding land use/zoning pattern and the Comprehensive Plan, and then voted unanimously to expand the rezoning area to include four additional properties (7932 Lakewood Drive, 707 East Centre Avenue, 743 East Centre Avenue and 815 East Centre Avenue) also located along East Centre Avenue between Lakewood Drive and Garden Lane.

The Future Land Use Map component of the Comprehensive Plan identifies 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue as appropriate for office land use. Parcels addressed as 801, 809, 815, 821 and 827 East Centre Avenue are also designated for office land use, with a depth extending between 132 and 285 feet north of East Centre Avenue. The remaining northern portion of these properties is designated for low density residential land use. The Comprehensive Plan also identifies Centre Avenue as one of two primary office corridors and further indicates that offices are considered a "transitional" use between higher intensity uses and major streets and interior residential neighborhoods. These zones of transition between nonresidential and residential land use designations along major thoroughfares and interior residential neighborhoods are common on the Future Land Use Map and, unlike zoning district boundaries, are not intended to be property line specific.

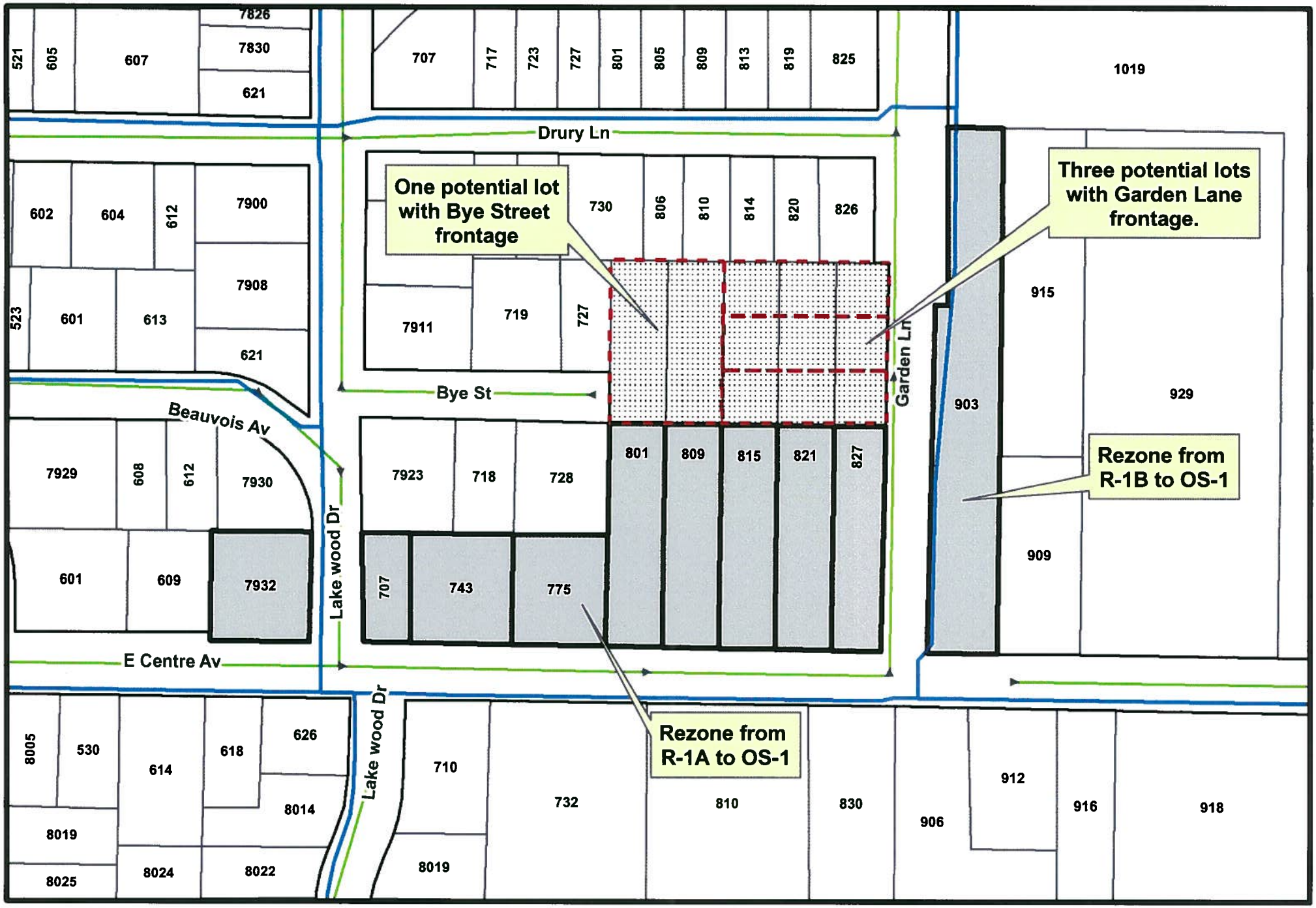
In a report dated May 11, 2012, the Department of Community Development presented several rezoning alternatives for consideration. After a thorough review, staff recommended that Rezoning Application #11-04 be approved consistent with Alternative 3: Rezone 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential. This rezoning arrangement is consistent with the Comprehensive Plan, Future Land Use Map, surrounding land use/zoning pattern and affords the property owners office redevelopment options along East Centre Avenue, while limiting the encroachment of nonresidential development into the adjacent residential neighborhood. Retaining the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue with the existing R-1A zoning also provides sufficient depth and area for future single family residential development sites, with frontage and access available from Bye Street and/or Garden Lane (the attached map illustrates residential development options for the north 198 feet of 80-824 East Centre Avenue).

The Planning Commission convened a public hearing during the May 3rd and May 17th, 2012 meetings. Several of the applicant property owners spoke in favor of rezoning the entire area to OS-1 and two applicant property owners suggested OS-1 rezoning with retention of an R-1A buffer area along the northern portion (20-30 feet) of 801, 809, 815, 821 and 827 East Centre Avenue. Several neighborhood residents spoke and expressed concerns regarding the OS-1 zoning encroaching into the adjacent neighborhood. During the May 17th meeting, the Commission engaged in a lengthy discussion of the rezoning alternatives, consistency with the Comprehensive Plan, surrounding land use/zoning pattern, redevelopment potential of remaining R-1A zoning, and impacts on the adjacent residential neighborhood associated with a change to OS-1. Two separate motions with recommendations to City Council were made but each failed to receive the minimum number of votes (five) for approval. The first motion involved a recommendation to approve Rezoning Application #11-04 consistent with staff recommended Alternative 3, which included that 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue be rezoned to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential, with the understanding that the north 198 feet of retained residential zoning has the ability to be developed. Upon a roll call vote, this motion failed 3-4. The second motion involved a recommendation to approve Rezoning Application #11-04, which included that 7932 Lakewood Drive, 707, 743, 775, 801, 809, 815, 821, 827 and 903 East Centre Avenue be rezoned to OS-1, office service except for the north 50 feet of 801, 809, 815, 821 and 827 East Centre Avenue, which would have remained zoned R-1A as a buffer. Upon a roll call vote, this motion failed 4-3. After additional discussion, it was the consensus of the Planning Commission to forward Rezoning Application #11-04 to City Council without a specific recommendation.

While office uses are considered an appropriate "transitional" use between higher intensity uses and major streets and interior residential neighborhoods, rezoning all of 801, 809, 815, 821 and 827 East Centre Avenue to OS-1 is not entirely consistent with the Comprehensive Plan designation for this section of East Centre Avenue between Lakewood Drive and Garden Lane, which recommends limiting the depth of office uses. The staff recommended alternative is more consistent with the Comprehensive Plan, surrounding land use/zoning pattern and provides the property owners office redevelopment options along East Centre Avenue while limiting the encroachment of nonresidential development into the established residential neighborhood. As noted above, the retention of the R-1A zoning along the northern 198-feet of several properties provides sufficient depth and area for future single family residential development sites, with frontage and access available from Bye Street and/or Garden Lane.

Attached find the Planning Commission transmittal, Department of Community Development report and related materials for review.

Attachments: Planning Commission transmittal dated June 1, 2012
Planning Commission Minutes dated May 3rd and 17th, 2012
Department of Community Development report dated May 11, 2012
Ordinance Amendments



Recommended OS-1
Recommended R-1A
Potential Residential Development Options
Water Main
Sewer Main

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

1 inch = 150 feet

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: June 1, 2012

SUBJECT: Rezoning Application #11-04, East Centre Avenue between Lakewood Drive and Garden Lane

The Planning Commission convened a public hearing during the May 3rd and May 17th, 2012 meetings to consider the rezoning of a 5.8 acre tract of land (10 properties) located along the north side of East Centre Avenue, between Lakewood Drive and Garden Lane, from R-1A, one family residential and R-1B, one family residential to OS-1, office service. At the May 3rd meeting, Mr. Thomas Rogers (applicant, owner of 775 and 801 East Centre Avenue) spoke in support of the rezoning and stated that he and the other applicants were requesting the entire depth of the parcels be rezoned to OS-1. Two additional citizens, Mr. Craig Binder (743 East Centre Avenue) and Mr. Brian Mahoney (7911 Lakewood Drive) also spoke during the May 3rd public hearing. Mr. Binder stated he had no opinion regarding rezoning of his parcel, however, stated the Commission should consider the depth of OS-1 zoning for the parcels to the east. Mr. Mahoney also expressed concerns about the depth of any OS-1 rezoning for the long narrow parcels and suggested the northern portions be retained in the R-1A zone to preserve trees and limit the intrusion into the neighborhood.

During the May 17th meeting, Mr. Rogers was again present and restated his support for the entire depth of the properties being rezoned to OS-1. Mr. Rogers indicated that he could also support an OS-1 rezoning with a 20-30 foot R-1A buffer adjacent to the residential lots located on Drury Lane. Mr. Rogers did not support staff recommended Alternative 3 and stated residential development of the northern half of 801, 809, 815, 821 and 827 East Centre Avenue would be difficult due to utility extensions and the availability of other residential lots in the area that have not sold. Mr. Leroy Butler (821 East Centre Avenue) also spoke in support of rezoning the entire area to OS-1 and expressed concern about the development potential of the north 198 feet if the R-1A zoning is retained. Ms. Lucinda Owen (827 East Centre Avenue), speaking on behalf of the property owner, supports OS-1 zoning for the entire parcel. Mr. Stephen Nuss (809 East Centre Avenue) spoke in support of the rezoning, however, indicated an R-1A buffer along the north property line would be acceptable. Mr. Mahoney was again present and spoke in support of staff Alternative 2 since it would provide an adequate buffer for the Drury Lane residents and also to the resident who lives at 728 Bye Street. Mr. Doug Champagne (728 Bye Street) spoke in opposition to a zoning change to OS-1 adjacent to his eastern property line expressing concerns over office development impacts.

During the May 17th meeting, the Commission engaged in a lengthy discussion of the rezoning alternatives, consistency with the Comprehensive Plan, surrounding land use/zoning pattern, redevelopment potential of any remaining R-1A zoning and impacts on the adjacent residential neighborhood associated with a change to OS-1. Two separate motions with recommendations to City Council were made but each failed to receive the minimum number of votes (five) for approval. The first motion involved a recommendation to approve Rezoning Application #11-04 consistent with staff recommended Alternative 3 and 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue be rezoned to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential with the understanding that the north 198 feet of retained residential zoning has the ability to be developed. Upon a roll call vote, this motion failed 3-4.

The second motion involved a recommendation to approve Rezoning Application #11-04 and 7932 Lakewood Drive, 707, 743, 775, 801, 809, 815, 821, 827 and 903 East Centre Avenue be rezoned to OS-1, office service except for the north 50 feet of 801, 809, 815, 821 and 827 East Centre Avenue that will remain zoned R-1A as a buffer. Upon a roll call vote, this motion failed 4-3.

After additional discussion, it was the consensus of the Planning Commission to forward Rezoning Application #11-04 to City Council without a recommendation

Sincerely,

James Cheesebro, Chairman
City of Portage Planning Commission

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PUBLIC HEARINGS:

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

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

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

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

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PLANNING COMMISSION

May 17, 2012

The City of Portage Planning Commission meeting of May 17, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 10 citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Mark Siegfried and Paul Welch

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

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

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. Final Report: Rezoning Application #11-04 (expanded), East Centre Avenue between Lakewood Drive and Garden Lane. Mr. Forth summarized the final staff report dated May 11, 2012 regarding the expanded rezoning consideration involving properties located at 7932 Lakewood Drive, 707, 743, 775, 801, 809, 815, 821, 827 and 903 East Centre Avenue. The applicants are requesting that the current zoning of R-1A and R-1B, one-family residential be changed to OS-1, office service. Mr. Forth summarized four alternatives for Planning

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Commission consideration. Staff was recommending Alternative No. 3, which involves rezoning 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential.

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

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

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

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

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

Commissioner Dargitz indicated she prefers Alternative No. 2 since it is most consistent with the Comprehensive Plan, provides protection to the existing residential neighborhood and office redevelopment options for the East Centre Avenue property owners. Commissioner Bosch agreed with Commissioner Patterson's earlier comments about split zoning. Commissioner Bosch does not believe that residential use on the north 198 feet is a viable use but would support a buffer. Commissioner Bosch also commented on the

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difficult task to assemble land owned by different property owners and then redraw property lines. Commissioner Bosch believed that if the residential zoning of the north 198 feet of 809, 815 and 821 East Centre were retained, that portion of the property could be landlocked and unusable. Commissioner Felicijan concurred with Commissioners Patterson and Bosch. Chairman Cheesebro noted that due to the narrow width of 801 East Centre, recommending retention of a residential buffer along the east side of 728 Bye Street is difficult.

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

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

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

Attorney Brown clarified that the 198 feet of retained residential zoning on the north portions of 801 through 827 East Centre Avenue is not a buffer but is land to be developed. Attorney Brown noted that there should be redevelopment options for individual property owners in addition to participating in a land assembly

arrangement. Attorney Brown suggested the idea of constructing a residential dwelling unit in the north portion of each individual lot be explored. Mr. Forth indicated the Zoning Code does allow storm water retention areas designed to collect storm water from buildings and parking lots to be located in an area zoned for residential use. Mr. Forth also noted the Zoning Code would not prohibit the construction of residential dwelling unit in the north portion of each individual lot.

Commissioner Bosch reiterated his support for Alternative No. 1 with a 50 foot buffer along the north portion of lots 801 through 827 East Centre Avenue adjacent to the Drury Lane and was willing to make a motion. Commissioner Reiff reiterated his support of Alternative No. 3 and offered a motion to recommend to City Council that Rezoning Application #11-04 be approved and 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue be rezoned to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential with the understanding that the north 198 feet of retained residential zoning has the ability to be developed. The motion was supported by Commissioner Stoffer. Commissioner Dargitz asked if Commissioner Reiff would accept an amendment to the motion to include a 50 buffer along the west property line of 801 East Centre. Commissioner Reiff indicated he would not accept the amendment due to the narrow width of the 801 East Centre and the impact retaining a 50 foot buffer of residential zoning would have on future office development potential. Commissioner Dargitz asked what other options were available to protect the Bye Street residents. Commissioner Reiff responded by stating screening/buffering provisions can be considered during site plan review. Commissioner Stoffer asked for clarification regarding the last statement inserted in the motion offered by Commissioner Reiff. Mr. Forth referred the Commission to the last sentence of the last paragraph in the staff report which states "This option provides the property owners reasonable redevelopment options consistent with the Plan designations and surrounding development pattern and protects the adjacent residential neighborhood from further nonresidential encroachment." Chairman Cheesebro asked Commissioner Reiff if that was his intent. Commissioner responded yes. Chairman Cheesebro also asked Commissioner Stoffer if he was in agreement. Commissioner Stoffer responded yes as well.

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

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Attorney Brown noted that there has been some discussion involving the value of land and under Michigan case law, a rezoning is sustainable even if it results in a decrease in property value. Also, Attorney Brown clarified that the Commission does not have to consider the highest and best use of land when deliberating zoning issues. Chairman Cheesebro commented that the proposed residential area outlined in Alternative No. 3 had little chance of being developed and will likely become a buffer area. Chairman Cheesebro indicated support for Alternative No. 1 with a 30 foot buffer area along the north portions of the 801 through 827 East Centre.

There being no further discussion, Chairman Cheesebro asked for a roll call vote: Patterson (no), Stoffer (yes), Cheesebro (no), Dargitz (yes), Bosch (no), Reiff (yes) and Felicijan (no). Motion failed 3-4. Commissioner Bosch offered a motion that the Planning Commission recommend to City Council that Rezoning Application #11-04 be approved and 7932 Lakewood Drive, 707, 743, 775, 801, 809, 815, 821, 827 and 903 East Centre Avenue be rezoned to OS-1, office service except for the north 50 feet of 801, 809, 815, 821 and 827 East Centre Avenue that will remain zoned R-1A as a buffer. The motion was supported by Commissioner Patterson. Commissioner Dargitz asked if there was any support for retaining a R-1A buffer along the east side of 728 Bye Street. Commissioner Bosch responded no citing the same reasons expressed by Commissioner Reiff earlier. Chairman Cheesebro mentioned there are screening/buffering options, such as the use of trees, berms and fences during the site plan review process that are intended to minimize impacts on the adjacent resident. Commissioner Dargitz asked staff if the Commission can justify a buffer along the north end but not on the east adjacent to 728 Bye Street. Mr. Forth stated the Planning Commission must justify its recommendation; however, comments have been made by both Commissioners Reiff and Bosch why a buffer adjacent to 728 Bye Street is not being recommended. Commissioner Bosch concurred with the previous reasons and also reiterated the tools available during the site plan review process. Chairman Cheesebro stated if the Commission is inclined to require a buffer along the west side of 801 East Centre, then a buffer on the north side of 707, 743 and 775 East Centre should also be considered. However, screening in these situations will be adequate given the size of the lots.

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

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

The Planning Commission discussed whether or not to adjourn the public hearing until the June 7, 2012 meeting when there would likely be a full nine member commission. Attorney Brown indicated the discussion

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could be carried over to another meeting but would have to be noticed since the public hearing had been closed. Commissioner Bosch did not believe another meeting before the Planning Commission was necessary since the City Council makes the final decision, the extensive discussion that took place, the split between Commission members, and uncertainty how the other two Commission members would vote. Commissioner Bosch suggested the rezoning application be forwarded to City Council without a recommendation. Commissioner Patterson concurred and also added that it was a very good discussion with different perspectives and opinions. If the Commission cannot come to an agreement, Commissioner Patterson stated it is appropriate to forward the application to City Council. The consensus of the Planning Commission was to forward the rezoning application to the City Council without a recommendation.

2. Final Report: Rezoning Application #11-05, 7812, 7840, 7842 and 7908 (portion thereof) Portage Road. Chairman Cheesebro stated he would be abstaining from discussion and voting on this rezoning request since his employer was one of the applicants. Commissioner Stoffer also indicated he would be abstaining from discussion and voting on this rezoning request due to a personal relationship with one of the neighboring property owners to the west. Since there was no other officer present, Chairman Cheesebro nominated Commissioner Reiff as the Chair Pro Tem. There being no discussion, Commissioner Reiff assumed the role of Chair Pro Tem. Both Chairman Cheesebro and Commissioner Stoffer left Council Chambers for the duration of the discussion.

Mr. Forth summarized the final staff report dated May 11, 2012 regarding a request received from the owners of 7812, 7840, 7842 and 7908 (portion thereof) Portage Road from B-2, community business and I-1, light industry to B-3, general business and P-1, vehicular parking. Mr. Forth stated the rezoning was being requested, in part, to facilitate construction of a micro-brewery and restaurant at 7842 and 7908 Portage Road. Mr. Forth stated staff was recommending the rezoning be approved as submitted. Commissioner Bosch asked if staff has received any other public comments since the last public hearing. Mr. Forth responded that no further comments have been received.

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

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

There being no further discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to recommend to City Council that Rezoning Application #11-05 be approved and 7812, 7840 and 7842 Portage Road be rezoned to B-3, general business and the portion of 7908 Portage Road (approximately 351-feet by 178-feet) located immediately south of 7842 Portage Road be rezoned to P-1, vehicular parking. The motion was approved 5-0-2 with Chairman Cheesebro and Commission Stoffer abstaining.

OLD BUSINESS:

None.

NEW BUSINESS:

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** May 11, 2012

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Final Report: Rezoning Application #11-04 (expanded), East Centre Avenue between Lakewood Drive and Garden Lane

I. INTRODUCTION/BACKGROUND:

A joint rezoning application has been received from several property owners located along the north side of East Centre Avenue, between Lakewood Drive and Garden Lane, requesting a zoning change from R-1A, one family residential and R-1B, one family residential to OS-1, office service. The property owners involved in the original application include: Thomas Rogers, 775 and 801 East Centre Avenue; Stephen Nuss, 809 East Centre Avenue; Leroy and Diana Butler, 821 East Centre Avenue; Joyce Anderson, 827 East Centre Avenue; and Shirley Kloosterman, 903 East Centre Avenue.

At the April 5, 2012 meeting, the Planning Commission reviewed the rezoning application, surrounding land use/zoning pattern and the Comprehensive Plan. After this review, the Planning Commission then voted unanimously to expand the rezoning area to include four additional properties also located along this section for East Centre Avenue between Lakewood Drive and Garden Lane and set a public hearing for May 3, 2012. These four additional properties include 7932 Lakewood Drive, 707 East Centre Avenue, 743 East Centre Avenue and 815 East Centre Avenue. A listing of all the properties involved in this expanded rezoning consideration, including ownership, acreage and other site related information, is provided below.

Address	Parcel I.D. Number	Property Owner	Acres	Existing Land Use	Current Zoning	Proposed Zoning
7932 Lakewood Drive	04200-179-O	Hobson	0.35	Residential	R-1A	OS-1
707 East Centre Avenue	04200-181-O	Kreamalmeyer	0.18	Residential	R-1A	OS-1
743 East Centre Avenue	04200-182-A	Binder	0.35	Residential	R-1A	OS-1
775 East Centre Avenue **	04200-184-O	Rogers	0.35	Vacant	R-1A	OS-1
801 East Centre Avenue **	00015-365-O	Rogers	0.70	Residential	R-1A	OS-1
809 East Centre Avenue **	00015-370-O	Nuss	0.70	Residential	R-1A	OS-1
815 East Centre Avenue	00015-375-O	HUD	0.70	Residential	R-1A	OS-1
821 East Centre Avenue **	00015-380-O	Butler	0.70	Residential	R-1A	OS-1
827 East Centre Avenue **	00015-385-O	Anderson	0.70	Residential	R-1A	OS-1
903 East Centre Avenue **	00015-465-O	Kloosterman	1.07	Residential	R-1B	OS-1
Ten Properties: 5.8 acres						

**** Property owners part of original Rezoning Application #11-04**

In conjunction with the required public notice, staff personally contacted the four additional properties owners and/or their representatives included in the expanded rezoning consideration to explain the proposal and answer any questions. Staff did speak with Ms. Marilyn Hobson (owner of 7932 Lakewood Drive), Ms. Vickie Kreamalmeyer (owner of 707 East Centre Avenue), Mr. Craig Binder (owner of 743 East Centre Avenue) and local real estate agents representing both the owner of 815 East Centre Avenue and a prospective buyer. At the time of report preparation, none of the individuals contacted have expressed either support or opposition to the proposed zoning change of their respective properties.

II. EXISTING CONDITIONS:

Land Use/Zoning	Rezoning Site: With the exception of 775 East Centre Avenue, which is vacant land, the other nine parcels are occupied by single family residences and either attached or detached garages that are zoned R-1A, one family residential and R-1B, one family residential (903 East Centre Avenue is zoned R-1B). South: Across East Centre Avenue, there are single family residences zoned R-1A, one family residential (west of Lakewood Avenue), Centre Street Market, Otis Montessori School, vacant land and nonconforming single family residences zoned B-3, general business and P-1, vehicular parking. West: Office uses zoned OS-1, office service (west of 7932 Lakewood Drive). North: Various single family residences located within the Lakewood Homesites subdivision zoned R-1A, one family residential and a vacant parcel zoned R-1B, one family residential (north of 903 East Centre Avenue).
Zoning/Development History	No rezoning of properties in the surrounding area since adoption of the 2008 Comprehensive Plan. In 1993 (Rezoning Application #93-2), 505 and 515 East Centre Avenue were rezoned from R-1A, one family residential to OS-1, office service. In 1990 (Rezoning Application #89-4), 325, 411 and 425 East Centre Avenue were rezoned from B-3, general business to OS-1, office service. In 1967 (Rezoning Application #67-3), 601 and 609 East Centre Avenue were rezoned from R-1A, one family residential to OS-1, office service.
Historic District/ Structures	The parcel and residence located at 903 East Centre Avenue is located within a City of Portage Historic District and any proposed change to the building and/or modification to the boundaries of the land would be subject to review/recommendation by the Historic District Commission and review/approval by City Council.
Public Streets	East Centre Avenue is designated as a five-lane major arterial with 20,233 vehicles per day (2011); capacity of 34,200 vehicles per day (level of service "D").
Public Utilities	Municipal water and sewer are available.
Environmental	The City of Portage Sensitive Land Use Inventory Map does not identify any wetlands and/or floodplains near the rezoning site.

III. PUBLIC REVIEW/COMMENT:

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

IV. FINAL ANALYSIS:

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

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Map component of the Comprehensive Plan identifies 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue as appropriate for office land use. Parcels addressed as 801, 809, 815, 821 and 827 East Centre Avenue are also designated for office land use, with a depth extending between 132 and 285 feet north of East Centre Avenue. The remaining northern portion of these properties is designated for low density residential land use. Adjacent properties to the east and west are also designated for office land use, while properties located to the north are identified for low density residential land use. Properties located along the south side of East Centre Avenue are identified as appropriate for office land use.

The Comprehensive Plan also identifies Centre Avenue as one of two primary office corridors, with Milham Avenue designated as the other office corridor. The Comprehensive Plan also indicates that offices are often considered a "transitional" use between higher intensity uses and major streets and interior residential neighborhoods. These zones of transition between nonresidential and residential land use designations along major thoroughfares and interior residential neighborhoods are common on the Future Land Use Map and, unlike zoning district boundaries, are not intended to be property line specific.

Four of the 10 properties included in the rezoning application (7932 Lakewood, 707, 743 and 775 East Centre) are located within the larger "Study Area" of the 2008 City Centre Area Plan, and the Future Land Use component of the City Centre Area Plan also designates the frontage of East Centre Avenue as appropriate for office development, with the surrounding residential neighborhood recommended for low density residential land uses, consistent with the existing development pattern. The City Centre Area Plan recommends that higher intensity mixed use developments be encouraged and accommodated within the Detailed Plan Area which presents a more urban character, and is two blocks or approximately 960 feet to the west of the rezoning site. It is noted that if the properties are rezoned, a work/live arrangement is available pursuant to the Work/Live Accommodations ordinance adopted in August 2011.

Notwithstanding the above, each proposed zoning change and the appropriate depth of the nonresidential zoning along these major thoroughfares needs to be evaluated on a case-by-case basis, considering the surrounding land use/zoning pattern and other important site/area characteristics.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies which influence the use of land for consistency with community development objectives. Attached is a copy of the Development Guidelines table. The request to rezone the entire area to OS-1 is not entirely consistent with Guideline Z-1 (consistency with the Comprehensive Plan) since the northern portions of 801, 809, 815, 821 and 827 East Centre Avenue are designated for low density residential use. With regard to Guideline R-1 (Protection of Residential

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

Suitability of Existing R-1A and R-1B Zones/Impacts of Proposed OS-1 Zone. The suitability of the existing residentially zoned and developed properties should be carefully considered in relation to traffic volumes along East Centre Avenue and the existing/planned office zoning and land use pattern along this major street corridor. Consideration should also be given to the interior residential neighborhood and potential impacts associated with a change in zoning. The proposed OS-1 zone is generally consistent with the land use/zoning pattern along the East Centre Avenue frontage and the Comprehensive Plan designations. As information for the Commission, uses that are allowed in the OS-1 district include executive, administrative and professional offices, medical offices and clinics, banks and credit unions, art and photographic studios, personal service establishments, along with institutional uses, trade and business schools, and funeral homes. Since the rezoning site abuts single family residential land use/zoning, any future office building construction would be limited to one-story and 25-feet in height. Additional Zoning Code requirements for screening, buffering, lighting and noise designed to mitigate adverse impacts on adjacent residential properties would also be applicable with any office redevelopment project.

A change in zoning to OS-1 would cause the existing single-family residential uses to become legally nonconforming. Section 42-133 of the Zoning Code provides regulations for nonconforming lots, buildings, structures and uses. Under these regulations, a nonconforming use may continue until it is removed, changed to a conforming use or intentionally abandoned. In particular, a property and/or building with a nonconforming use can have a change of tenancy, ownership or management without losing its nonconforming status. General maintenance and repair of the property and/or building in which the nonconforming use is located is also permitted by the Zoning Code. Additionally, if a nonconforming use is abandoned for any reason described in Section 42-133.C.5, any subsequent use of the land must be conforming to the underlying zoning district. Finally, if the building in which a nonconforming use is located were destroyed by fire, tornado or other act of God, the building could be reconstructed to its original location within 18 months.

The regulations for nonconforming uses also specify that a nonconforming use can not be enlarged to occupy a greater area of land, and cannot be moved in whole or part to another area of the property. For example, an expansion to a single-family dwelling would not be permitted, unless a variance from the Zoning Board of Appeals was obtained. However, since accessory buildings are permitted in all zoning districts (with the exception of the P-1, vehicular parking zone), construction of accessory buildings may be permitted provided the use of the accessory building is for storage, and does not otherwise constitute an expansion of a nonconforming use.

During the April 5th meeting, the Commission also discussed whether rezoning the single family residences to a nonresidential zoning district would affect the ability of the property owner to refinance or obtain a conventional mortgage. In an attempt to answer this question, staff contacted area lending institutions. Based on these discussions, it is understood that some lending institutions will typically offer conventional mortgages for nonconforming residential uses and/or buildings where the local zoning jurisdiction has nonconforming regulations that allow for rebuilding of the residence in the event of a fire, tornado or other act of God. In cases where a lending institution will not offer a conventional mortgage to a nonconforming residential use and/or building, other commercial financing options are available.

Traffic Considerations. If rezoned and all ten of the properties were redeveloped, the 5.8-acre rezoning site could accommodate a total of approximately 63,000 square foot (based on 25% lot coverage) of office buildings. Given the varying size, depth and configuration of the ten properties, different ownerships and the separation of parcels by Lakewood Drive and Garden Lane, redevelopment to office uses may not occur as one collective project, but in stages with smaller-size office buildings. As an example, the ITE Trip Generation Manual, Sixth Edition indicates that a 2,500 square foot medical office building would generate approximately 90 vehicle trips (45 vehicles) on an average weekday, while a 2,500 square foot administrative office building would generate approximately 78 vehicle trips (39 vehicles) on an average weekday. Comparatively, a 5,000 square foot medical office building would generate approximately 180 vehicle trips (90 vehicles) on an average weekday, while a 5,000 square foot administrative office building would generate approximately 133 vehicle trips (67 vehicles) on an average weekday. Anticipated traffic generation by office redevelopment projects can be accommodated by the adjacent roadway network. Specific access management related issues including proposed access location, shared and/or cross access will be reviewed during the site plan stage of redevelopment.

V. RECOMMENDATION:

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

1) Recommend to City Council that Rezoning Application #11-04 be approved and 7932 Lakewood Drive, 707, 743, 775, 801, 809, 815, 821, 827 and 903 East Centre Avenue be rezoned to OS-1, office service.

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

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

4) Recommend to City Council that Rezoning Application #11-04 be approved and 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue be rezoned to OS-1, office service and the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue be rezoned to P-1, vehicular parking.

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

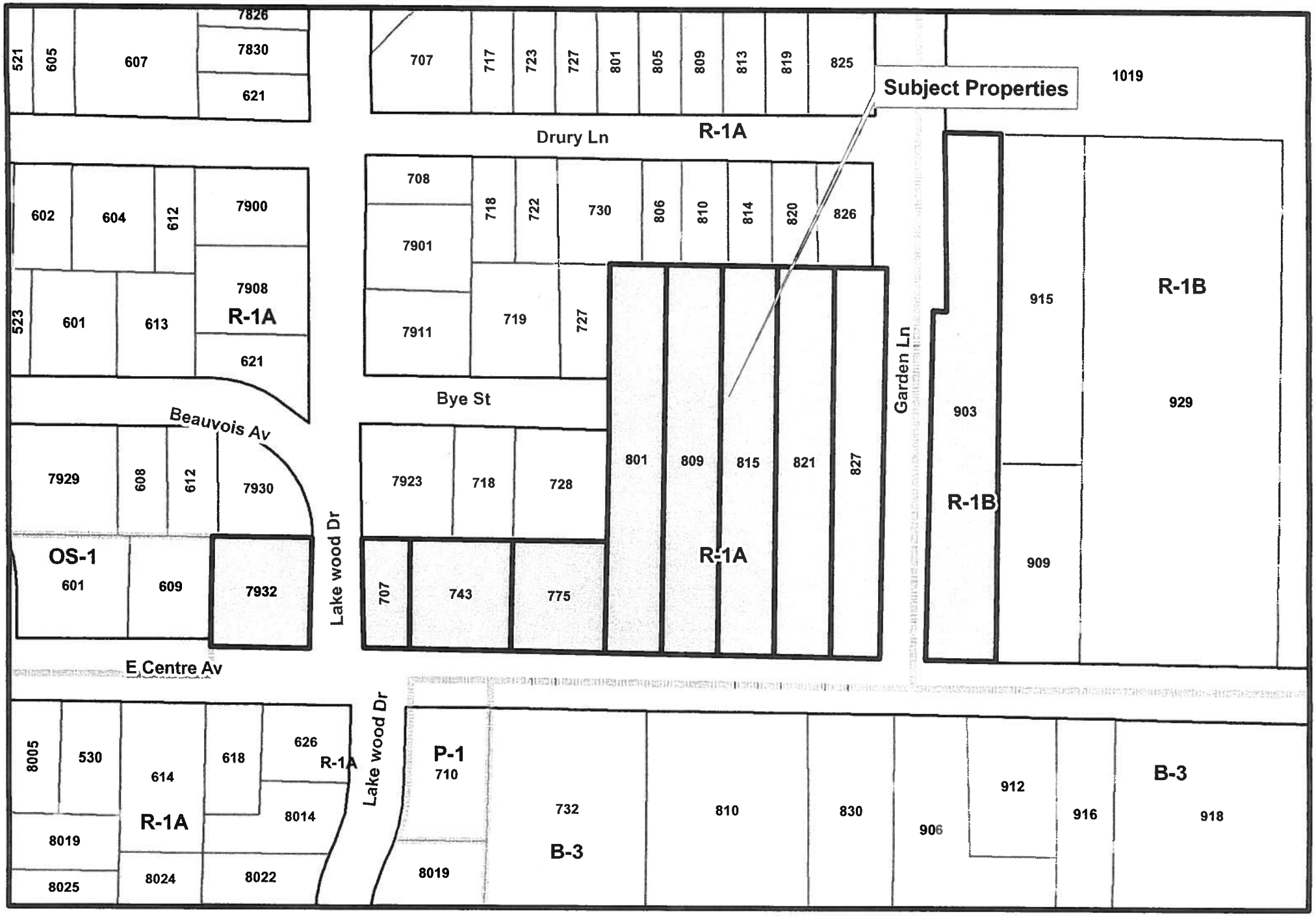
Alternative 2 proposes to follow the boundary of the Future Land Use Map. This alternative does not, however, consider the OS-1 zoning depth (132-feet) that would result for 801 and 809 East Centre Avenue and the potential limitations for office redevelopment of these two parcels.

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

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

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

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

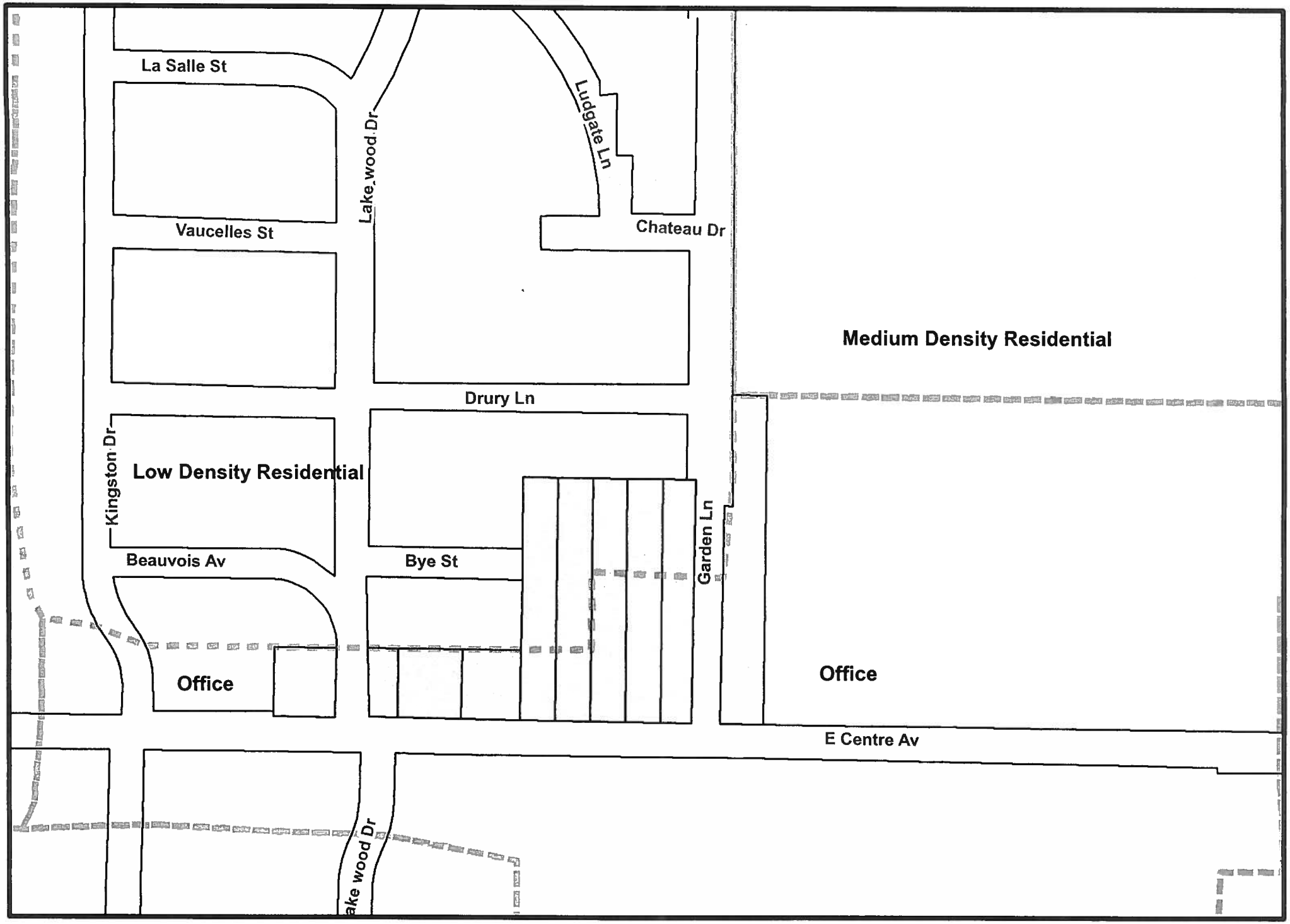


Subject Properties

Zoning Boundary

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

1 inch = 150 feet

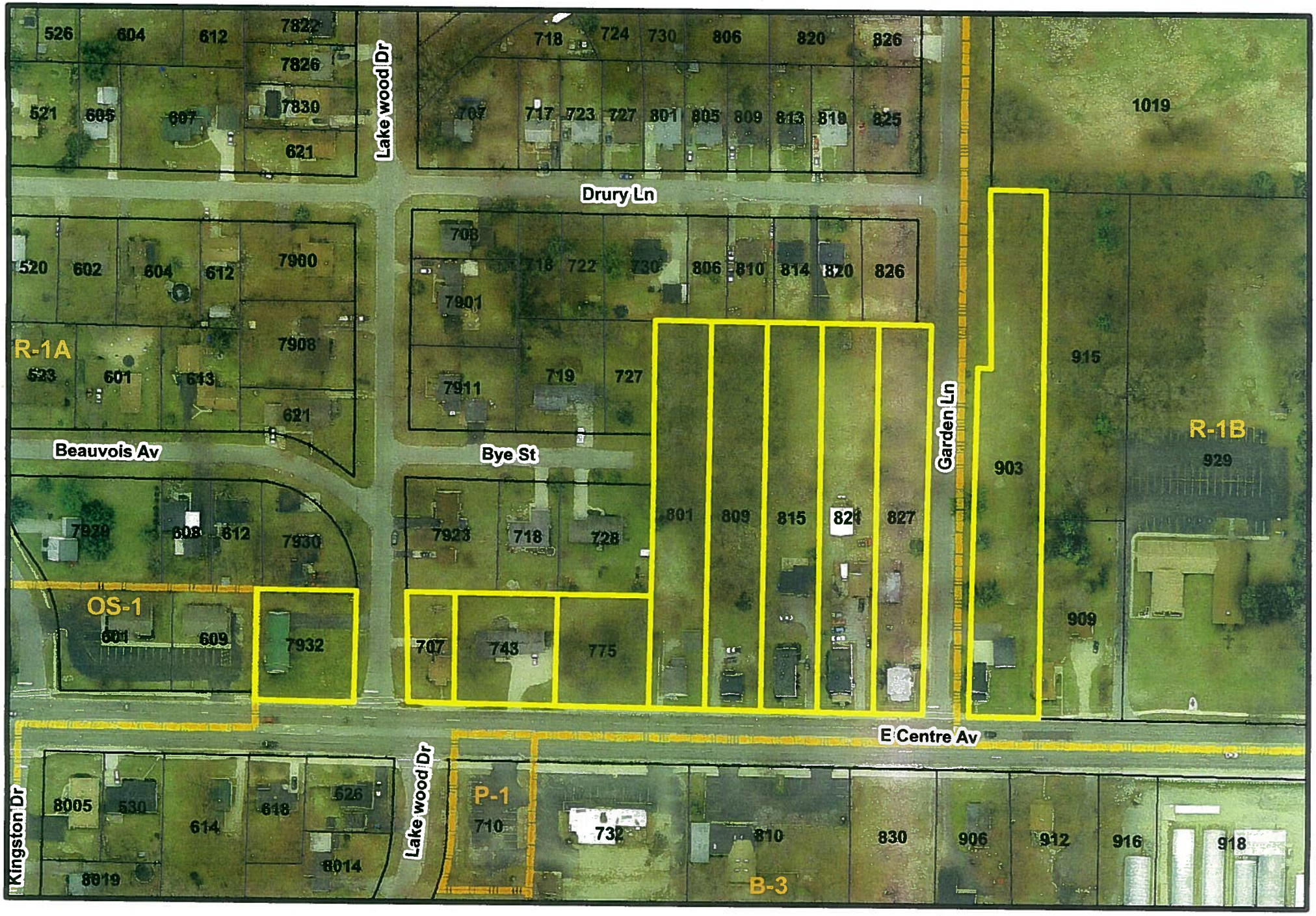


Future Land Use

Parcels considered for Rezoning

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

1 inch = 233 feet



Parcels considered for Rezoning

Zoning Boundary

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

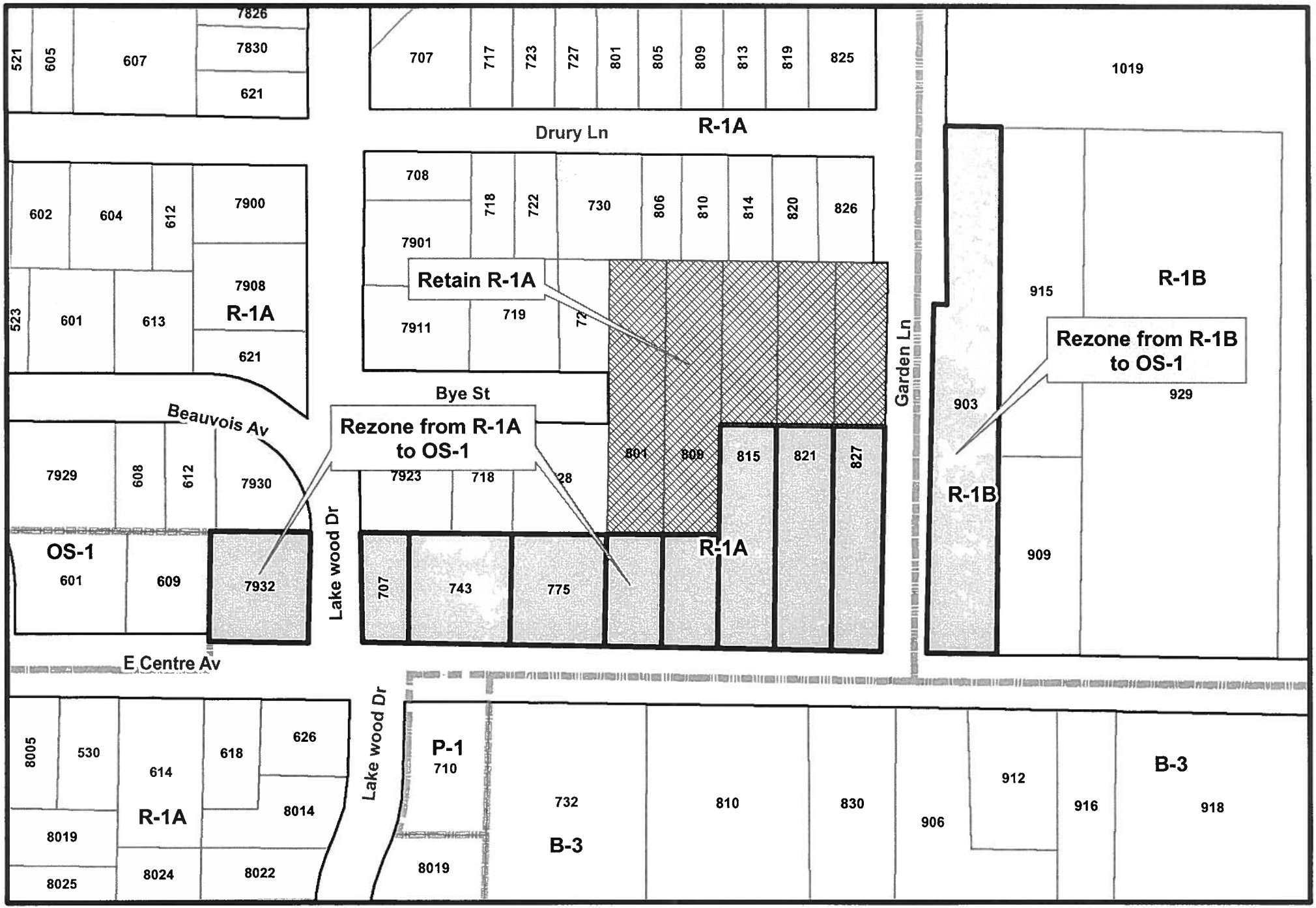
1 inch = 150 feet

Proposed OS-1

Zoning Boundary

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

1 inch = 150 feet



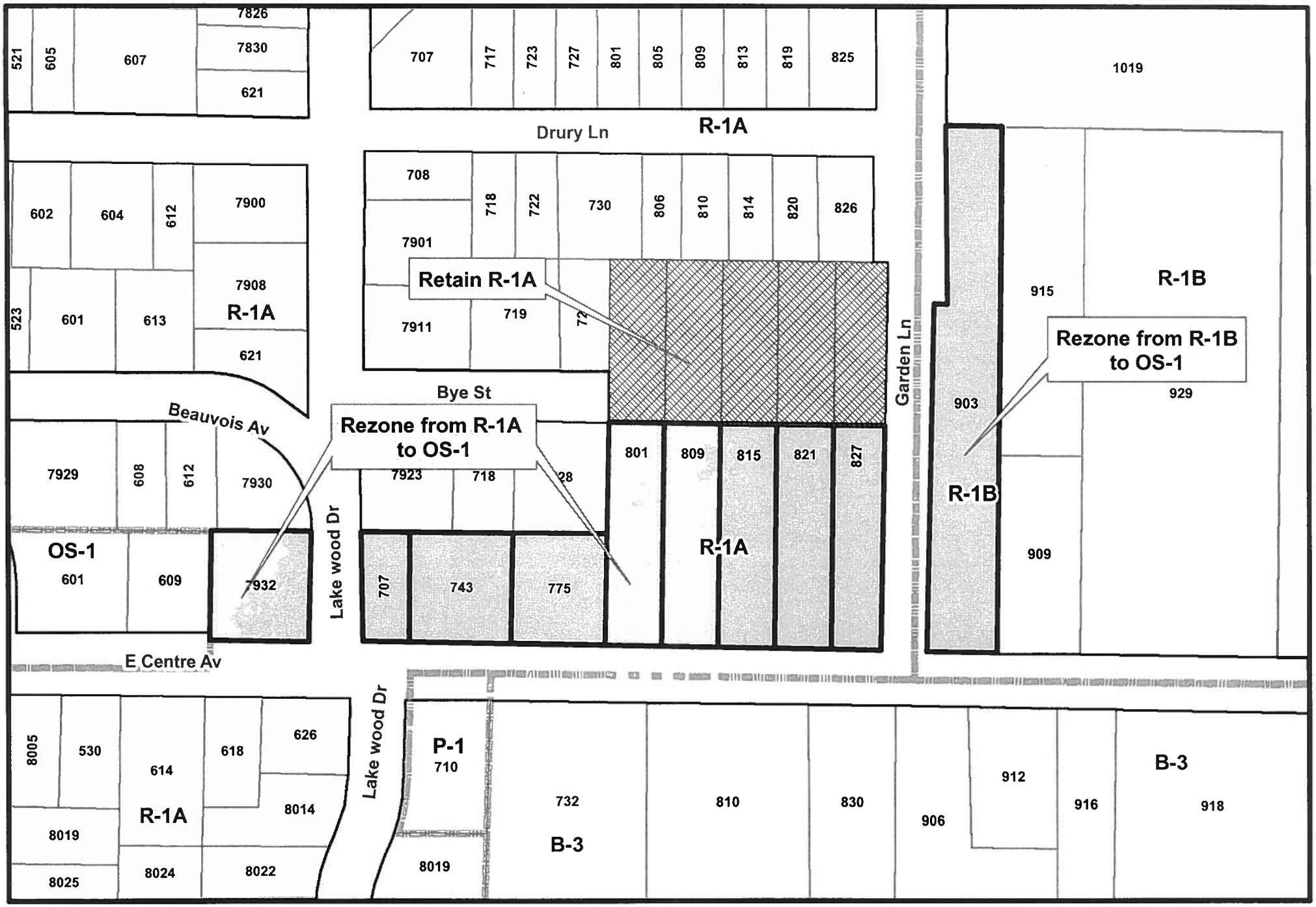
Proposed OS-1

Retained R-1A

Zoning Boundary

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

1 inch = 150 feet



Proposed OS-1

Retained R-1A

Zoning Boundary

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

1 inch = 150 feet

Proposed OS-1
Proposed P-1
Zoning Boundary

Rezoning #11-04 (Alternative #4)
East Centre Avenue
Lakewood Drive to Garden Lane

1 inch = 150 feet

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

Guideline	Description	Consistent	Comments
Rezoning Request – Z-1	Consistency with Future Land Use Plan	**Comment**	Future Land Use Map designates 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue as appropriate for office land use. Parcels addressed as 801, 809, 815, 821 and 827 East Centre Avenue are also designated for office land use with a depth extending between 132 and 285 feet north of East Centre Avenue. The remaining northern portions of these parcels are designated for low density residential land use. The applicants request to rezone the entire area to office service is not entirely consistent with the Comprehensive Plan designations.
Protection of Residential Neighborhoods – R-1	Protect peoples living environment	**Comment**	Although the Comprehensive Plan identifies Centre Avenue as one of two primary office corridors and indicates that office uses are an effective "transitional" use between higher intensity uses and major streets and interior residential neighborhoods, the request by the applicants to rezone the entire area would encroach into the adjacent residential neighborhood.
Commercial – 1	Coordinated Development	**Yes**	No specific redevelopment plans are pending or proposed. Specifics of any redevelopment proposal will be reviewed at the site plan stage of development.
Commercial – 2	Commercial/Office Uses in General	**Yes**	Rezoning site is located along East Centre Avenue, a major arterial street, and adjacent to an established single family residential neighborhood.
Commercial – 6	Office/Commercial Site Design	**Yes**	Since properties involved in the rezoning consideration are located adjacent to single family residential zoning/land use, office buildings would be limited to one-story and 25-feet in height. Conflicting land use screening would also be required where adjacent to residential zoning and/or land use. Issues associated with screening, buffering, landscaping, access, sidewalks, etc. would be reviewed when a site plan is submitted.
Natural & Historic Resources - 1	Environmental Protection	**Yes**	Rezoning site is not characterized by environmentally sensitive areas (wetlands, floodplain, etc).
Natural & Historic Resources - 2	Floodplain	**Yes**	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	**Yes**	Reviewed at the site plan stage of development.
Natural & Historic Resources – 4	Noise	**Yes**	Reviewed at the site plan stage of development.
Natural & Historic Resources – 5	Historic Resource Preservation	**N/A**	The residence located at 903 East Centre Avenue is located within a City of Portage Historic District. Any proposed change to the building and/or modification to the boundaries of the land would require review/recommendation by the Historic District Commission and review/approval by City Council.
Transportation – 1	Transportation Systems	**Yes**	East Centre Avenue is a five-lane major arterial street with 20,233 vehicles per day (2011); and a capacity of 34,200 vehicles per day (level of service "D"). Anticipated traffic can be accommodated.
Transportation – 2	Street Design	**Yes**	Rezoning site has frontage along East Centre Avenue (major arterial), as well as Lakewood Drive and Garden Lane (local streets). Access related issues including the number and location of driveways, shared and cross access will be reviewed at the site plan stage of development.

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

s:\commdev\2011-2012 department files\board files\planning commission\pc reports\development guideline tables\guideline table 11-04 (os-1).doc

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

APPLICATION FOR ZONING AMENDMENT

Application number #11-04

Date MARCH 12 2012

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at 801 & 775 E. CENTRE AVE between LAKEWOOD Street and GARDEN LANE 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 MART 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 Rogers

(Signature of Applicant) (Signature of Applicant)

845 TRANSWAR ISLAND DR. MATTAWAN, MI 49071

(Address) (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

Tom Rogers

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

March 1, 2012

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

Dear Tom:

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

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

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

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

Sincerely,

Michael K. West, AICP
Assistant City Planner

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

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

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.

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

APPLICATION FOR ZONING AMENDMENT

Application number #11-04

Date 3-12-12

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

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

b. Unplatted Land:

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

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

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

b. Name of the owner of the property to be rezoned: 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 Reynes, possible future office redevelopment

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

ZONING TEXT AMENDMENT

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

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

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

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

(Signature of Applicant)	(Signature of Applicant)
327 E Centre	Portage MI 49002
(Address)	(Address)
269 324-6049	
(Phone)	(Phone)

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

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

APPLICATION FOR ZONING AMENDMENT

Application number #11-04

Date 3-13-12

APPLICATION INFORMATION:

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

TO THE PLANNING COMMISSION:

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

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

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Joint Application with Thomas Rutgers possible further Office Delopement

4. CURRENT ZONING: R-PB 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.

Shirley Klousterman
(Signature of Applicant) (Signature of Applicant)

903 East Centre Ave Portage, Mi 49002
(Address) (Address)

1-269-327-9264
(Phone) (Phone)

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

S:\Department Files\Forms\2008 Forms\2008 Application for Zoning Amendment.doc

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

APPLICATION FOR ZONING AMENDMENT

Application number #11-04

Date 3-14-12

APPLICATION INFORMATION:

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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 Derelopement

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

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

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

APPLICATION FOR ZONING AMENDMENT

Application number #11-04

Date 3-15-12

APPLICATION INFORMATION:

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

RECEIVED MAR 15 2012 COMMUNITY DEVELOPMENT

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

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)
1249 Pavana St, Portage MI 49002	
(Address)	(Address)
269-341-0756	269-488-6505
(Phone)	(Phone)

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

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

RECEIVED
MAY 08 2012
COMMUNITY DEVELOPMENT

May 8, 2012

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

Dear Planning Commission:

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

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

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

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

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

Subdivision 5. OS-1 Office Service District

Sec. 42-240. Intent.

The OS-1 office service district is designed to accommodate office and institutional land use activities and planned to serve as transitional areas between residential districts and commercial districts and between main thoroughfares and residential districts.
(Ord. No. 03-01 (Exh. A, ζ 42-450), 2-18-2003)

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

Highest regards,

Thomas C Rogers

Thomas C. Rogers

Enclosure

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

From: tom rogers (rogerstom2000@yahoo.com)

To: rogerstom2000@yahoo.com;

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

Hi Neighbor,

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

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

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

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

Regards,

Tom Rogers

Tom Rogers

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

March 1, 2012

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

Dear Tom:

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

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

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

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

Sincerely,

Michael K. West, AICP
Assistant City Planner

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

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

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING ARTICLE 4 OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS OF THE CODIFIED ORDINANCES OF PORTAGE, MICHIGAN

THE CITY OF PORTAGE ORDAINS:

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

Parcel of land described as follows:

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

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

From R-1A, one family residential and R-1B, one family residential to OS-1, office service.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

_____
Peter J. Strazdas, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2012.

_____
James R. Hudson, City Clerk

(App #11-04)

Approved as to Form:
Date: 5/8/12
By: _____
City Attorney

FIRST READING
CITY OF PORTAGE, MICHIGAN
NOTICE

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

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

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

THE CITY OF PORTAGE ORDAINS:

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

Parcel of land described as follows:

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

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

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

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

Dated: _____

_____
James R. Hudson, City Clerk

(App #11-04)
Z:\Jody\PORTAGE\ORD\REZONE\11-04.docx

June 11, 2012

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

Dear City Council Members:

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

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

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

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

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

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

Highest Regards,

Thomas C Rogers — 801 E. Centre
Thomas Rogers

Steve Nuss — 809 E. Centre

Leroy Butler — 821 E. Centre

Joyce Anderson — 827 E. Centre

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** July 5, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: 2012 Local Street Paving Reconstruction – Additional Street Recommendations

ACTION RECOMMENDED: That City Council approve:

a. a change order in the not to exceed amount of $431,600 for additional street reconstruction at extended unit pricing with Michigan Paving & Materials Company for the 2012 Local Street Reconstruction Program;

b. a contract amendment with Jones & Henry Engineer, Ltd, for construction administration and material testing for the streets added to the 2012 Local Street Reconstruction Program in the not to exceed amount of $16,000; and

authorize the City Manager to execute all documents related to this contract on behalf of the city.

The Fiscal Year 2012-2013 Capital Improvement Program budget includes funding for the reconstruction of selected local streets. Bids were received on May 24, 2012 to perform the work with the low bid submitted by Michigan Paving & Materials Company of Kalamazoo, Michigan. On June 12, 2012 City Council awarded a contract to Michigan Paving & Materials Company in the amount of $750,784.77. As a result of unbudgeted revenue made available to the city from a distribution by the city's property liability insurance carrier, the Michigan Municipal Risk Management Authority (MMRMA), funds are available for additional street reconstruction projects. In light of this opportunity, Michigan Paving & Materials has agreed to extend the unit pricing in the original contract for additional local street reconstruction locations.

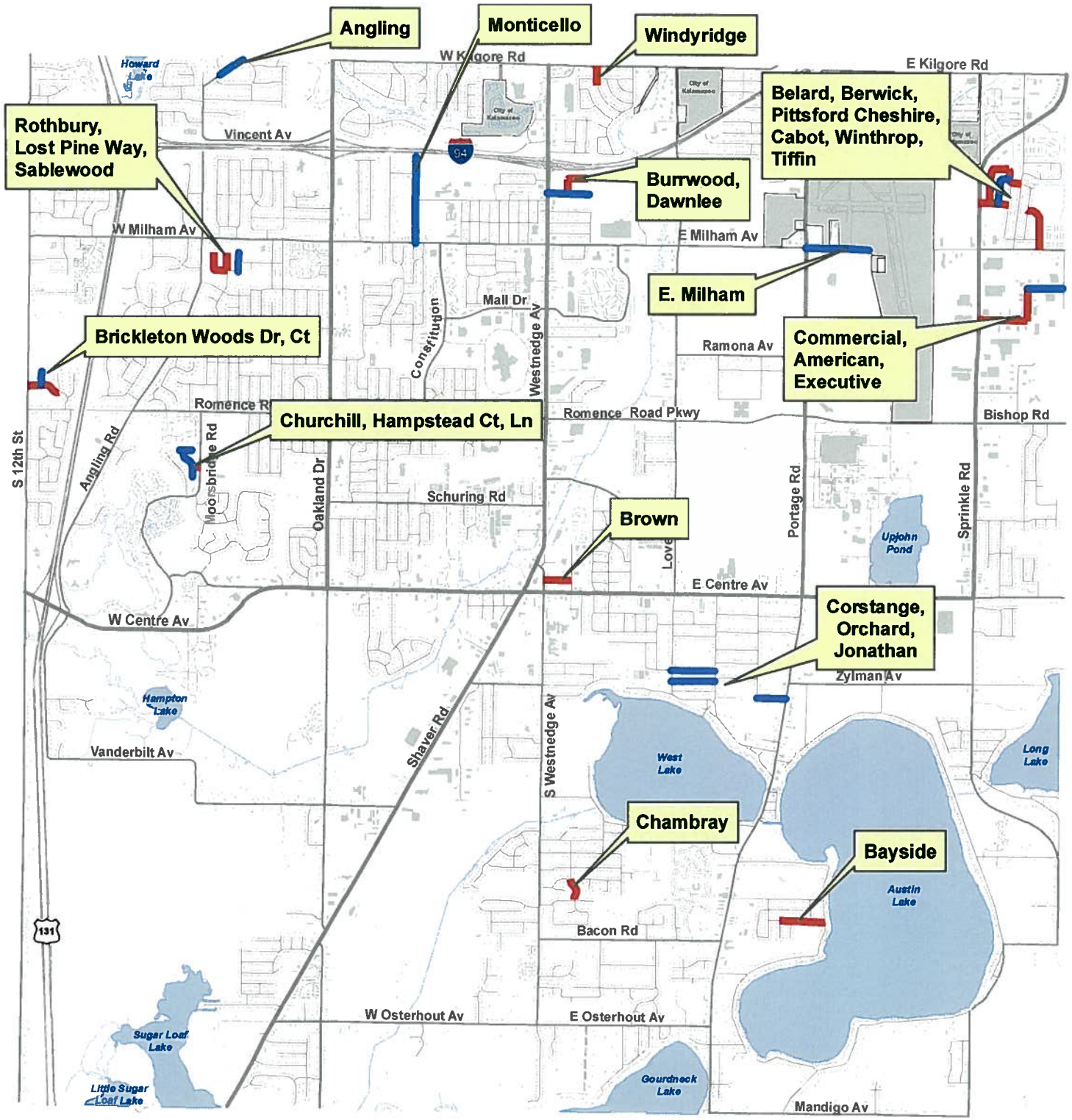
Additional local street reconstruction locations have been identified based on street conditions, as determined by the Pavement Surface Evaluation and Rating (PASER) road classification system, continuity with the current 2012 Local Street Reconstruction program and continuity with the 2011 Local Street Reconstruction program. If approved by City Council, this additional paving will be included for completion under the current contract during the 2012 construction season. The additional street locations include:

- Tiffin Street, Winthrop Avenue to Cheshire Street
- Dawnlee Avenue, South Westnedge Avenue to east end
- Sablewood Circle, Lost Pine Way to north end
- Brickleton Woods Court, Brickleton Woods Drive to north end
- Corstange Avenue, Oakside Avenue to Portage Road
- Jonathon Avenue, Lovers Lane to Newell's Lane
- Orchard Avenue, Lovers Lane to Newell's Lane
- Hampstead Court, Hampstead Avenue to east and west end
- Hampstead Lane, to north and south end
- East Milham Avenue, Portage Road to east end (Air Zoo)
- Angling Road, Lake Forest Drive to city limit
- Executive Drive, American Avenue to Corporate Avenue

In addition, City Council awarded a contract to Jones & Henry Engineers, Ltd, on June 12, 2012 for project layout, construction inspection and material testing for the local street reconstruction project. Jones & Henry Engineers, Ltd, has submitted a proposal to add the additional engineering services in the amount of $16,000. After reviewing the proposal, the City Administration is confident that the fee proposal represents an excellent value for the required construction administrative services.

It is recommended that a contract change order to Michigan Paving & Materials Company for additional locations in the 2012 Local Street Reconstruction Program in the not to exceed amount of $431,600, as well as a contract amendment with Jones & Henry Engineers, Ltd, for additional construction administration and material testing for the 2012 Local Street Reconstruction Program in the not to exceed amount of $16,000 and authorize the City Manager to execute all documents related to these contracts on behalf of the city.

Attachment



CITY OF
PORTAGE
A Place for Opportunities to Grow

2012 LOCAL STREET RECONSTRUCTION PROGRAM

0 0.25 0.5 1 Mile

Legend

- Local Street Paving
- Local Street Paving (additional locations)

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** July 5, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Upgrade of Emergency Warning Siren System

ACTION RECOMMENDED: That City Council approve the acquisition and installation of equipment necessary to upgrade the emergency warning siren system through West Shore Services in the amount of $30,483 and authorize the City Manager to execute all documents related to this matter on behalf of the city.

In order to comply with the Federal Communications Commission (FCC) regulation to narrowband emergency warning siren sites, 16 radios at the emergency warning siren sites must be replaced. In addition, the antennas and cabling associated with the emergency warning siren sites have outlasted their anticipated lifespan and having them replaced at this time will be cost-effective. In addition to upgrading the tower sites, the siren encoder, CPU and software will be replaced.

West Shore Services is a sole source provider for the necessary upgrade. West Shore Services installed the existing emergency warning siren system and is the current maintenance and repair provider for this system. Accordingly, acquisition and installation of the emergency warning siren system upgrades through West Shore Services is recommended. Funds are available in the current FY 2012-2013 budget for this project.

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** July 5, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Verizon Wireless Mobile Phone/Data Service Agreement

ACTION RECOMMENDED: That City Council:

a. approve the cancellation of the current Sprint Solutions contract for mobile phone/data service;
b. approve the Verizon Wireless mobile phone/data service agreement; and

authorize the City Manager to execute all documents related to this action on behalf of the city.

The city and staff rely heavily upon wireless communications, especially for public safety and other essential field operations. Since 1999, the city has contracted with Sprint Solutions for the provision of wireless services. Beginning in January 2012, a noticeable reduction in overall performance of the Sprint Solutions wireless network has been experienced. Dropped calls, "dead" zones, sound quality and inoperable push-to-talk are the primary issues documented. At the direction of Sprint Solutions, the city migrated from the Sprint IDEN network to Sprint Wi-Max network but overall performance has not improved. The current Sprint Solutions agreement expires in September 2012 but can be cancelled at any time without financial penalty.

In order to re-establish reliable wireless service, the city began field testing the Verizon 4G Wireless network in April 2012 with excellent results. Using the Verizon 4G wireless network markedly improved the overall quality of communications.

As a result, it is recommended that City Council approve the cancellation of the current Sprint Solutions contract for mobile phone/data service due to non-performance. The service will be replaced through a one-year agreement with Verizon Wireless. The value of the current Sprint Solutions agreement is approximately $25,000. The value of the Verizon Wireless agreement is approximately $24,400. Verizon Wireless participates under the Western States Contracting Alliance Contract for Services which allows the city to take advantage of special government pricing. Funds are budgeted and available in the Fiscal Year 2012-13 budget. Therefore, City Council approval of these actions is recommended, as well as authorizing the City Manager to execute all documents related to these actions on behalf of the city.

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** June 21, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Amendment to Code of Ordinances – Purchasing

ACTION RECOMMENDED: That City Council accept the amendment to Division 2, Section 2-171; 2-173; and 2-175, Article 5 "Purchases and Sales" in the City of Portage Code of Ordinances for first reading and set a second reading with final adoption for July 10, 2012.

As follow-up to the April 30, 2012 Fiscal Year 2012-13 Budget Review sessions, an update of the Purchasing Ordinance is appropriate to increase the dollar threshold where City Council purchase authorization is required. The recommended revised dollar limitation is reflective of the Consumer Price Index (CPI) increase since the ordinance was last amended. Proposed changes to the purchasing ordinance have been developed accordingly.

Section 2.177 - Amendment of Dollar Amounts of the Purchasing Ordinance permits the dollar amounts set forth in the division to be changed from time to time by ordinance of the City Council without the necessity of amending the entire division. As a result, recommended changes to the dollar limits have been included in the attached revision.

The last alteration to the Purchasing Ordinance dollar thresholds was made based on 1988 CPI values with the amendment effective January 1989. The rate of inflation over the 24 year interim was 94.5 percent. The City Administration has proposed 100 percent increases for the following ordinance sections:

Section 2-171: "Sealed Bids" – increase from $10,000 to $20,000
Section 2-171: "Written Quotes" – increase from $2,000 to $4,000
Section 2-173 - Change Orders - increase from $10,000 to $20,000
Section 2-175: "Sale of Personal Property - without securing bids" – increase from $2,000 to $4,000
Section 2-175: "Sale of Personal Property - sealed bids required" – increase from $10,000 to $20,000

The proposed ordinance amendment has been reviewed and approved to form by the City Attorney. Therefore, it is recommended that City Council accept the amendment to Division 2, Section 2-171; 2-173; and 2-175, Article 5 "Purchases and Sales" in the City of Portage Code of Ordinances for first reading and set a second reading for July 10, 2012.

Attachment

[ORDINANCE FOR ADOPTION]

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING DIVISION 2, SECTION 2-171; 2-173; and 2-175, ARTICLE 5, OF CHAPTER 2 PURCHASES AND SALES

THE CITY OF PORTAGE ORDAINS:

That Chapter 2 shall be amended as follows:

ARTICLE 5. FINANCE.

Sec. 2-171. **Purchasing procedures; bids generally.**

(a) *Purchases of $4,000.00 or less.* Purchases of $4,000.00 or less may be made without the necessity of securing bids or the approval of the city council. The contracts of purchase may be signed by the city manager.

(b) *Purchases of $20,000.00 or less but over $4,000.00.* No purchases shall be made in an amount of $20,000.00 or less but over $4,000.00 unless an opportunity is afforded for competitive bids thereon. In cases where competitive bidding is required under this subsection, it need not be by written bids, nor must the approval of the council be had. In cases where competitive bidding is not made by written bids, the city manager or his designee shall keep a complete record of all bids or quotations requested or made. The contracts of purchase may be signed by the city manager.

(c) *Purchases over $20,000.00.* Except as otherwise provided in this division, when the amount involved exceeds $20,000.00, sealed bids shall be requested and received. All sealed bids shall be opened by the city clerk or a member of the department of purchasing in public in a room designated for that purpose in a public building. The council may reject any or all bids. In each case of a purchase based upon bids, as provided in this section, the award of such purchase shall be based upon the lowest and best bid of a responsible bidder, as determined by the council. If the council rejects all bids, the council shall order a second submission of bids to be made or may, by a vote of five or more of its members, waive the requirement of a second submission of bids. If the council rejects all bids submitted at the second submission of bids or waives the second submission of bids, the council may direct the director of purchasing to negotiate for the purchase of the materials, supplies or services concerned in the open market to the best advantage of the city. In no event shall the cost of any such purchase of materials so purchased in the open market exceed the amount therefor set forth in the lowest and best bid submitted at the last submission of competitive bids therefor. The contracts of purchase shall be signed by the mayor and city clerk, or the council may direct the city manager to execute all contracts and documents necessary to implement the approved purchase.

(d) *Petty cash purchases.* With the approval of the council, the city manager may allow for purchases from petty cash by officers and departments of the city designated by the council. A purchase from petty cash shall not exceed $100.00 and shall be accounted for to, and approved by, the director of purchasing before the officer or department making such purchase may make any further purchase from the petty cash account allowed to such officer or department.

Sec. 2-172. **Exceptions to competitive bidding requirement.** No change.

Sec. 2-173. **Change order to construction contracts.**

The city manager may authorize change orders in any construction contract or extension to any contract approved by the council in an amount not to exceed $20,000.00 without the necessity of securing bids or further approval of the council.

Sec. 2-174. **Forms; adoption of purchasing rules; authority of council to waive requirements.** No change.

Sec. 2-175. **Sale of personal property.**

With the consent of the city manager, personal property of the city may be sold by the department of purchasing as follows:

(1) When the estimated value of an item of personal property is $4,000.00 or less, as estimated by the department head, such property may be sold without securing bids therefor.

(2) When the estimated value of an item of personal property is $20,000.00 or less but over $4,000.00, as estimated by the department head, opportunity for competitive bids shall be afforded, but such opportunity need not be by written bids. The department of purchasing shall keep a record of all bids received.

(3) When the estimated value of an item of personal property is over $20,000.00, as estimated by the department head, sealed written bids shall be requested and received or bids shall be obtained at an advertised public auction. If sealed bids are requested, they shall be publicly opened by the department of purchasing. If the bids received exceed $20,000.00, the final award shall be made by the council. The council may reject any and all bids. If the council rejects all bids submitted, it may direct the city manager to negotiate for the sale of such city personal property in the open market to the best advantage of the city.

Sec. 2-176. **Disposition of found property.** No change.

Sec. 2-177. **Amendment of dollar amounts**. No change.

Secs. 2-178 – 2-200. **Reserved.**

Dated: _____, 2012

_____
Peter J. Strazdas, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 2012.

_____
James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to Form:
Date: 6/12/12
RLB
_____
City Attorney

Z:\Jody\PORTAGE\ORD\NONZONE\Amendment to Chap 2 - Art 5 Div 2 - Sec - 2-1177 - Purchases FOR ADOPTION.061212.doc

[CITY COUNCIL REVIEW VERSION
NOT FOR PUBLICATION]

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING DIVISION 2, SECTION 2-171; 2-173; and 2-175, ARTICLE 5, OF CHAPTER 2
PURCHASES AND SALES

THE CITY OF PORTAGE ORDAINS:

That Chapter 2 shall be amended as follows:

ARTICLE 5. FINANCE.

Sec. 2-171. **Purchasing procedures; bids generally.**

(a) *Purchases of $~~2~~4,000.00 or less.* Purchases of $~~2~~4,000.00 or less may be made without the necessity of securing bids ~~therefor~~ or the approval of the city council. The contracts of purchase may be signed by the city manager.

(b) *Purchases of $~~1~~20,000.00 or less but over $~~2~~4,000.00.* No purchases shall be made in an amount of $~~1~~20,000.00 or less but over $~~2~~4,000.00 unless an opportunity is afforded for competitive bids thereon. In cases where competitive bidding is required under this subsection, it need not be by written bids, nor must the approval of the council be had. In cases where competitive bidding is not made by written bids, the city manager or his designee shall keep a complete record of all bids or quotations requested or made. The contracts of purchase may be signed by the city manager.

(c) *Purchases over $~~1~~20,000.00.* Except as otherwise provided in this division, when the amount involved exceeds $~~1~~20,000.00, sealed bids shall be requested and received. All sealed bids shall be opened by the city clerk or a member of the department of purchasing in public in a room designated for that purpose in a public building. The council may reject any or all bids. In each case of a purchase based upon bids, as provided in this section, the award of such purchase shall be based upon the lowest and best bid of a responsible bidder, as determined by the council. If the council rejects all bids, the council shall order a second submission of bids to be made or may, by a vote of five or more of its members, waive the requirement of a second submission of bids. If the council rejects all bids submitted at the second submission of bids or waives the second submission of bids, the council may direct the director of purchasing to negotiate for the purchase of the materials, supplies or services concerned in the open market to the best advantage of the city. In no event shall the cost of any such purchase of materials so purchased in the open market exceed the amount therefor set forth in the lowest and best bid submitted at the last submission of competitive bids therefor. The contracts of purchase shall be signed by the

mayor and city clerk, or the council may direct the city manager to execute all contracts and documents necessary to implement the approved purchase.

(d) *Petty cash purchases.* With the approval of the council, the city manager may allow for purchases from petty cash by officers and departments of the city designated by the council. A purchase from petty cash shall not exceed $100.00 and shall be accounted for to, and approved by, the director of purchasing before the officer or department making such purchase may make any further purchase from the petty cash account allowed to such officer or department.

Sec. 2-172. **Exceptions to competitive bidding requirement.** No change.

Sec. 2-173. **Change order to construction contracts.**

The city manager may authorize change orders in any construction contract or extension to any contract approved by the council in an amount not to exceed $~~1~~20,000.00 without the necessity of securing bids or further approval of the council.

Sec. 2-174. **Forms; adoption of purchasing rules; authority of council to waive requirements.** No change.

Sec. 2-175. **Sale of personal property.**

With the consent of the city manager, personal property of the city may be sold by the department of purchasing as follows:

(1) When the estimated value of an item of personal property is $~~2~~4,000.00 or less, as estimated by the department head, such property may be sold without securing bids therefor.

(2) When the estimated value of an item of personal property is $~~1~~20,000.00 or less but over $~~2~~4,000.00, as estimated by the department head, opportunity for competitive bids shall be afforded, but such opportunity need not be by written bids. The department of purchasing shall keep a record of all bids received.

(3) When the estimated value of an item of personal property is over $~~1~~20,000.00, as estimated by the department head, sealed written bids shall be requested and received or bids shall be obtained at an advertised public auction. If sealed bids are requested, they shall be publicly opened by the department of purchasing. If the bids received exceed $~~1~~20,000.00, the final award shall be made by the council. The council may reject any and all bids. If the council rejects all bids submitted, it may direct the city manager to negotiate for the sale of such city personal property in the open market to the best advantage of the city.

Sec. 2-176. **Disposition of found property.** No change.

Sec. 2-177. **Amendment of dollar amounts**. No change.

Secs. 2-178 – 2-200. **Reserved.**

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CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** July 5, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Curbside Recycling Contract - Recommendation

ACTION RECOMMENDED: That City Council award a three-year contract for the provision of weekly curbside recycling services to the low bidder, City Star Services, LLC, dba Republic Services of West Michigan, in the not to exceed amount of $1,563,413.88 and authorize the City Manager to execute all documents related to this agreement on behalf of the city.

The City of Portage manages curbside recycling services through a dedicated millage. The program provides for collection at the curb of such recyclables as newspapers; magazines; cardboard; clear, brown and green glass; metal cans and plastics. In addition, the contract involves the transport of collected recyclables to a processing center for sorting and sale through respective recycling markets. The current contract for this service expires September 30, 2012.

In response to a city request, proposals were received on May 3, 2012 for continuation of the curbside recycling program. Firms were requested to submit a three-year proposal using specifications for the current weekly "dual stream" process. One company, City Star Services, LLC dba Republic Services of West Michigan, provided a proposal that meets the dual stream recycling specifications. City Star Services' three-year proposal contains a total cost of $1,563,413.88. The proposed cost represents a limited increase of approximately three percent (3%), partially attributed to an increase in condo and apartment dwelling collections. In addition, City Star Services has agreed to accept all fuel price risk as part of the three year contact, which was previously borne by the city.

A number of alternate proposals for single stream recycling were also received by the city. The alternate proposals varied significantly by submission and generally contained higher costs and/or lower collection service levels. Best Way Disposal provided two proposals: the first with a limited "monthly" collection service and the second with an every-other-week collection, which was priced approximately $275,000 higher than the City Star Services dual stream bid. Waste Management also submitted a single stream proposal utilizing the city's existing 18 gallon containers at a greater cost than City Star Services' dual stream bid. City Star Services' single stream proposal represented an approximate seven percent (7%) increase over current cost levels.

The City Administration remains very concerned about the continuing uncertain economic environment. The previous loss of tax revenue continues to challenge the city financially across multiple funds, including the Curbside Recycling Fund. In addition, there continues to be looming concern over the potential elimination of at least some portion of personal property tax revenue, the specific impact of which remains unknown at this time. These financial challenges continue to be of paramount concern in the effort by the city to maintain existing service levels to residents.

City Star Services is the current vendor and has been providing excellent service for the city, receiving positive comments from residents. City Star Services' dual stream proposal represents the lowest cost option for the city and provides for the continuation of Portage's existing high level of service. As a result, it is recommended that City Council award a three-year curbside recycling contract to City Star Services, LLC, dba Republic Services of West Michigan, in the not to exceed amount of $1,563,413.88 and authorize the City Manager to execute all documents related to this agreement on behalf of the city. Funds will be available through the recycling millage. The proposal tabulation is attached for City Council information. The "alternate" proposal pricing is provided separately from the proposal tab for informational purposes only.

Attachment

TABULATION OF PROPOSALS
DUAL-STREAM CURBSIDE RECYCLING

Contractor	3-Year Total
City Star Services LLC dba Republic Services of West Michigan 3432 Gembrit Kalamazoo, MI 49001	$1,563,413.88

ALTERNATE PROPOSALS

Best Way Disposal 2314 Miller Road Kalamazoo, MI 49001	Proposal 1 - $1,590,102.47 Proposal 2 - $1,837,038.47
Waste Management of Michigan, Inc. 48797 Alpha Drive, Ste 100 Wixom, MI 48393	$1,602,367.08
City Star Services LLC dba Republic Services of West Michigan 3432 Gembrit Kalamazoo, MI 49001	$1,621,163.99

Proposals Received 5/3/2012

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** July 5, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Document Microfilming, Imaging and Destruction

ACTION RECOMMENDED: That City Council approve a contract with Automatic Microfilm Company, of Michigan Center, Michigan, for document microfilming, imaging and destruction in the approximate amount of $19,950 for a one-year period with the option of two annual extensions and authorize the City Manager to execute all documents related to this action on behalf of the city.

Various city departments utilize microfilming, imaging and destruction of document services throughout the year. Vendors were provided an opportunity to submit proposals for these services, enabling the city to obtain the best quality of service at the most competitive price. Automatic Microfilm Company submitted the low bid of $19,950.

It is recommended that City Council approve the contract with the low bidder, Automatic Microfilm Company in the approximate annual amount of $19,950 to provide document microfilming, imaging and destruction services for a one-year period with the option of two annual extensions and authorize the City Manager to execute all documents related to this action. Funds have been budgeted and are available for this service. A bid tabulation is attached for City Council information.

Attachment

BID TABULATION
DOCUMENT IMAGING, MICROFILMING AND DESCRUCTION

Service	Automatic Microfilm Company 4990 Page Ave. Michigan Center, MI 49254	Image Data Conversion, LLC 6564 S. State Road Saline, MI 48176	HOV services Inc. 2121 S. Rose Street Kalamazoo, MI 49001	Informatix, Inc. 1740 Creekside Oaks Dr., #175 Sacramento, CA 95833
Microfilm	$4,550.00	$4,413.00	$11,171.10	$21,750.00
Scanning/Imaging	$14,750.00	$15,400.00	$20,610.00	$33,662.50
Document Destruction	$650.00	$910.00	$1,300.00	$715.00
Grand Total	$19,950.00	$20,723.00	$40,081.10	$56,127.50

Non-Responsive Bid

JoHo Technologies, Inc.
1163 Comet Lane
Grand Ledge, MI 48837

Bids Opened 6/21/2012

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** July 5, 2012

FROM: Maurice S. Evans, City Manager

SUBJECT: Police Facility Concrete Sidewalk and Stair Replacement

ACTION RECOMMENDED: That City Council approve the expenditure for repairs to a portion of the concrete sidewalk and stairs along the northwest corner of the police facility to Schoolcraft Concrete Construction, LLC, of Schoolcraft, Michigan, in the amount of $18,000 and authorize the City Manager to execute all documents related to this matter on behalf of the city.

The sidewalk along the northwest corner of the police facility at 7810 Shaver Road is in need of repair due to the sloping of the sidewalk toward the building, causing rainwater to pool along the outside wall. Subsequently, the water has been seeping into the building, causing mold and damage to interior drywall. The stairs and ramp are also in need of replacement due to continued fracturing caused by the steel handrails.

On March 8, 2012, four bids were received for the replacement of the concrete sidewalk and stairs at the police facility. On April 10, 2012, City Council approved award of this construction contract to the low bidder, Truckey Concrete Construction. Subsequently, Truckey Concrete Construction has been unable to meet the contract requirements for construction bonds and insurance and has withdrawn its bid. At this time, it is recommended that the contract be awarded to the next lowest bidder, Schoolcraft Concrete Construction, LLC, of Schoolcraft, Michigan, in the amount of $18,000.

BID TABULATION
POLICE FACILITY CONCRETE SIDEWALK & STAIR REPLACEMENT

BIDDER	SIDEWALK, STAIRS, RAMP	HANDRAIL	TOTAL
Schoolcraft Concrete Construction LLC PO Box 148 Schoolcraft, MI 49087	$12,500.00	$5,500.00	$18,000.00
Early & Associates, Inc. 3917 Ravine Rd. Kalamazoo, MI 49006	$16,290.00	$3,380.00	$19,670.00
Kalamazoo Contractors, Inc. 3711 Edinburgh Dr. Kalamazoo, MI 49002	$16,565.00	$3,435.00	$20,000.00

Bid Withdrawn
Truckey Concrete Construction

Bids Opened 3/8/2012

CITY OF
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MATERIALS TRANSMITTED

Friday, June 22, 2012

1. Communication from the City Manager regarding the May 2012 Citizen Comment Card Summary – Information Only.

2. Communication from the City Manager regarding the Midwest Energy Cooperative - Tree Removal on Angling Road – Information Only.

cc: Brian J. Bowling, Deputy City Manager

7900 South Westnedge Avenue ▪ Portage, Michigan 49002 ▪ (269) 329-4400
www.portagemi.gov

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MATERIALS TRANSMITTED

Tuesday, June 26, 2012

1. **To be Replaced in Item H.1 of the June 26, 2012 City Council Agenda:** Communication from Mayor Pro Tem Claudette Reid requesting replacement of Attachment #2 in Agenda Item H.1 with the attached updated revisions.

2. Communication from the City Manager regarding several citizen communications regarding the initial barrier reestablishment proposals for the Angling Road area – Information Only.

Maurice S. Evans

Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

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