PLANNING COMMISSION

This will be a virtual meeting
instructions to follow

April 16, 2020
CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:
* March 19, 2020

SITE/FINAL PLANS:
* 1. Final Plan for Streamsong Condominiums (Phase 2), 715 West Osterhout Avenue

PUBLIC HEARINGS:
* 1. Special Land Use Permit (Group Child Care Home), 9837 Pine View Drive
* 2. Special Land Use Permit (Rustic Axe Throwing Outpost), 618 Romence Road
* 3. Adult-Use Marihuana Zoning Ordinance

NEW BUSINESS:

OLD BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED
February 11, 2020 City Council Meeting minutes
February 24, 2020 City Council Pre-Meeting minutes
February 25, 2020 City Council Committee of the Whole Meeting minutes
February 25, 2020 City Council Meeting minutes
March 9, 2020 City Council Pre-Meeting minutes
March 10, 2020 City Council Meeting minutes

Star (*) indicates printed material within the agenda packet.
PLANNING COMMISSION
March 19, 2020

The City of Portage Planning Commission meeting of March 19, 2020 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Five citizens were in attendance.

PLEDGE OF ALLEGIANCE

Chairman Corradini led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE

Christopher Forth, Interim Director of Community Development; Michael Carroll, Deputy City Manager and Charlie Bear, Assistant City Attorney (participating remotely via phone).

ROLL CALL

Mr. Forth called the role: Meyer (yes); Baldwin (yes); Fries (yes); Schimmel (yes); Corradini (yes); Joshi (yes); Patterson (yes); Pezzoli (yes – participating remotely via phone); and Harrell-Page (yes – participating remotely via phone).

APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the March 5, 2020 meeting minutes contained in the agenda. A motion was made by Commissioner Fries, seconded by Commissioner Patterson, to approve the minutes as submitted. Upon a roll call vote, the motion was unanimously approved 9-0.

SITE/FINAL PLANS

None.

PUBLIC HEARING

1. Special Land Use Permit: Group Child Care Home (Edwards), 10145 Shuman Avenue. Mr. Forth summarized the staff report dated March 13, 2020 regarding a special land use permit application submitted by Christine Edwards to establish a group child care home for up to 12 children at her residence located at 10145 Shuman Avenue. Mr. Forth discussed the various requirements for a group child care home including distance separations from other similar uses, parking and discretionary screening of the outdoor play area. Mr. Forth indicated an outdoor play area is proposed within the rear yard of the property which is enclosed by a 6-foot wood privacy fence along the south side and a 4-foot chain link fence along the north, east and west sides. Mr. Forth indicated the Zoning Code allows the Planning Commission to consider a condition that would require installation of up to a 6-foot tall screening fence around the outdoor play area "...in order to mitigate and/or avoid possible adverse impacts on surrounding property and to improve safety". Mr. Forth then referred the Commission to a March 17, 2020 communication from Ryan and Monica Johnson (2810 Brahms Drive) contained in the final agenda packet requesting installation of a 6-foot tall screening fence around the entire rear yard outdoor play area. Mr. Forth indicated the application fulfills the requirements for issuance of a special land use permit and was recommended for approval subject to the Planning Commission consideration of a condition for installation of a 6-foot tall screening fence around the outdoor play area.

Christine Edwards (applicant) was present to support the application and explain the proposal to establish a group child care home at her residence. Ms. Edwards indicated there is an existing 6-foot high screening fence along the south property line adjacent to the Johnson’s and didn’t believe it necessary to install a 6-foot high
screening fence around the entire rear yard area, which would be extremely expensive. The Commission and Ms. Edwards next discussed various aspects of the proposed group child care home including hours of operation, parking, number of children (including her own), height of the existing chain link fence and installation of a screening fence around the rear yard of the property.

The public hearing was then opened by Chairman Corradini. Barry Klies, 2788 Brahms Avenue, expressed concern about the number of people, noise, additional traffic and vehicle speed through the neighborhood. Monica Johnson, 2810 Brahms Avenue, recommended the Planning Commission require the entire rear yard be fenced with the six-foot fence. Ms. Johnson also expressed concern about traffic, speed of vehicles and safety of children with a bus stop located nearby. Commissioner Joshi asked Ms. Johnson if she notices traffic at 4:30 a.m. Ms. Johnson indicated no. No additional citizens spoke regarding the special land use permit application. A motion was then made by Commissioner Fries, seconded by Commissioner Baldwin, to close the public hearing. Upon a roll call vote, the motion was unanimously approved 9-0.

Commissioner Joshi indicated a group daycare home does interfere with the quality of life of surrounding residents and indicated that the property is small. Commissioner Patterson stated installation of a 6-foot privacy fence has been the standard practice of the Commission and therefore, supports it as a condition of approval. Commissioner Fries, Meyer and Baldwin concurred with Commissioner Patterson. Commissioner Fries also noted the daycare facility could also serve other residents in the neighborhood. Commissioner Harrell-Page recommended not placing two fences side-by-side along the south property line. Commissioner Fries recommended a survey be completed. There being no further discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Fries, to approve the Special Land Use Permit for Ms. Christine Edwards (group child care home), 10145 Shuman Avenue, subject to installation of a 6-foot tall solid, opaque screening fence along the north and east sides of the rear yard of the site. Mr. Forth suggested a timeframe when the fence must be installed. After discussing the timeframe, Commissioner Pezzoli suggested the motion be amended to require the fence be installed 90 days after the State of Michigan issues the license to operate the group daycare home. Commissioner Joshi and Commissioner Fries accepted the amendment. Upon a roll call vote, the motion was unanimously approved 9-0.

NEW BUSINESS

1. Ordinance Amendment #19/20-A, Adult Use Marihuana – Introduction. Mr. Forth referred the Commission to a draft version of an adult-use marihuana ordinance that has been prepared by the city administration and included with the final agenda materials. Mr. Forth provided a brief history regarding the evolution of medical marihuana in the State of Michigan and Portage. The proposed amendments would not change spacing requirements nor distances from specified land uses currently referenced in the medical marihuana zoning ordinances. As a result, adult-use marihuana facilities will only be allowed where medical marihuana facilities are currently permitted. Mr. Forth indicated the ordinance amendments were being introduced at tonight’s meeting and a public hearing would be scheduled for the April 16th Planning Commission meeting for additional discussion and a formal consideration. Commissioners did not have any preliminary questions or comments regarding the proposed amendments.

OLD BUSINESS:

1. FY 2020-2030 Capital Improvement Program. Mr. Forth referred the Commission to the finalized draft version of the FY2020-2030 Capital Improvement Program (CIP) document that was provided to the Commission with the final agenda materials, along with the communication from the City Manager. Mr. Forth stated the document has not changed since the Commission began review of the preliminary CIP document back on February 20th. Mr. Forth asked the Commission if they had any additional questions and, if not, a formal recommendation to City Council was requested. Commissioner Fries asked if the funding level will remain as proposed or will it change due to ongoing issues affecting people on local and global levels. Mike Carroll, Deputy City Manager, indicated city staff is reviewing revenue projections due to a state revenue tax decrease and the
share the city receives from that state tax. Although the city is anticipating a reduction, CIP projects should not be impacted as a result of a contingency fund.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Fries, to recommend to City Council that the FY 2020-2030 Capital Improvement Program be approved. Upon a roll call vote, the motion was unanimously approved 9-0.

STATEMENT OF CITIZENS/COMMISSIONERS

Commissioner Pezzoli thanked staff and the other Commissioners for the opportunity to participate in the meeting from a remote location. Commissioner Fries concurred. Commissioners Corradini and Joshi indicated they will be in attendance on April 2, 2020. Mr. Forth noted there may not be an April 2, 2020 meeting but will confirm with Commissioners early next week.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Christopher Forth, AICP
Interim Director of Community Development

T:\COMMDEV\2019-2020 Department Files\Board Files\Planning Commission\Minutes\PCMn\03192020.docx
TO: Planning Commission

FROM: Christopher Forta, Interim Director of Community Development

SUBJECT: Final Plan for Streamsong Condominiums (Phase 2), 715 West Osterhout Avenue

I. INTRODUCTION:

A final plan has been submitted by SDV Development LLC, to construct Phase 2 of the Streamsong Condominiums Planned Development project at property addressed as 715 West Osterhout Avenue. Streamsong Condominiums (Phase 2) will include a total of 22 one-family detached condominium units and associated site improvements on approximately 6.42 acres. As information for the Commission, Phase 1 of the Streamsong Condominiums Planned Development received City Council approval on August 8, 2017 and construction of individual condominium dwellings is nearing completion.

II. CONSISTENCY WITH APPROVED TENTATIVE PLAN:

On March 14, 2017, City Council approved the PD, planned development zoning change and associated tentative plan/narrative for the Streamsong Condominiums Planned Development that included a mixed residential condominium project on the approximate 39-acre tract of land. The overall development consists of 102 single family detached and attached residential dwellings constructed in four phases with an interior network of private streets and an overall development density of approximately 2.6 units/acre based on the entire 39-acre site (3.5 units/acre when excluding the wetlands and upland areas located along the eastern portion of the site). The approved tentative plan also included a clubhouse/pool that was constructed with Phase 1 of the development.

On December 18, 2018, City Council approved a Tentative Plan Amendment which allowed a reduction in the minimum dwelling unit floor area from between 1,550 – 1,850 square feet, to between 1,218 – 1,499 square feet for up to 40% of the condominium units (up to 41 units total) with the remaining condominium dwellings being at least 1,500 square feet in floor area.

Phase 2 of the Streamsong Condominiums Planned Development has been designed in substantial conformance with the approved tentative plan (see attached)

III. FINAL PLAN

Access to Phase 2 will continue through the private street boulevard entrance (Streamsong Boulevard) that was constructed from West Osterhout Avenue, opposite the Schrier Park entrance, with Phase 1 of the development. In conjunction with Phase I, the developer also constructed a left-turn lane within West Osterhout Avenue. The internal network of private curbed streets (“E” Drive and “D” Drive) will be extended to the south and east to serve Phase 2 of the development.
Storm water from Phase 2 of the Streamsong Condominiums project will be collected and conveyed from the private streets to an existing low area located along the north side of Units 45-50 and along the south side of Units 16-20 (within Phase 1). This storm water infiltration area will include two emergency overflow discharges that will extend south, beneath “D” Drive, to the natural low area situated along the southern portion of the overall site. Given the proximity of these two storm water emergency overflow discharges to the defined wetland area, the applicant is in communication with Michigan Department of Energy and Great Lakes (MDEGLE) to determine whether a permit will be necessary in conjunction with Phase 2.

Consistent with the approved tentative plan, four-foot wide concrete sidewalks will be extended and installed within Phase 2 along the east side of “E” Drive and along the north side of “D” Drive. While the approved tentative plan identified an approximate 3-foot separation between the sidewalk and the adjacent private street, the applicant during review of the Phase 1 final plan expressed concerns about this separation relating to space constraints/utilities, parking and maintenance. The approved tentative plan also identified a pedestrian walkway extending from the east end of Janelle Court cul-de-sac, between Units 13-14, to future Road “D”. However, and due to an approximate 6-foot grade change in this area and other concerns, the applicant during review of the Phase 1 final plan also proposed to eliminate this walkway. City Council subsequently reviewed and approved these changes during the 2017 review/approval of the Phase 1 final plan.

Consistent with the 2018 Tentative Plan Amendment, minimum floor area for individual condominium dwellings will range between 1,218 – 1,499 square feet for up to 40% of the overall units, with the remaining condominium dwellings being at least 1,500 square feet in floor area.

IV. RECOMMENDATION:

The final plan has been reviewed by the City Administrative departments. Staff advises that the Planning Commission recommend to City Council the final plan for Streamsong Condominiums (Phase 2), 715 West Osterhout Avenue, be approved subject to MDEGLE review and approval of the emergency storm water overflow discharges along the southern portion of the site.

Attachments: Final Plan Sheets
March 14, 2017 Approved Tentative Plan
FINAL PLAN for PHASE 2 of 'STREAMSONG' CONDOMINIUM in PORTAGE, MICHIGAN

ENTIRE PROPERTY = 39.0 ACRES
ADDRESS = 715 W. OSTERHOUT AVE.
CURRENT ZONING = PD

PARCEL DESCRIPTION:
A parcel of land described as in the Northwest quarter of Section 22, T. 2 S., R. 11 E., M. and R. of Portage, Kalamazoo County, Michigan, being more precisely described as follows:

The Northwest 1/4 of the Northeast 1/4 of Section 22, Town 2 South, Range 11 East.

NOTE: WITHIN EXISTING PHASE 1 (UNITS 1 - 25), SOME UNITS HAVE BEEN BUILT, SOME ARE UNDER CONSTRUCTION, AND SOME HAVE NOT YET BEEN CONSTRUCTED. POOL AREA (POOL CLUBHOUSE & PARKING LOT) IS COMPLETE.

PROPOSED PHASE 2
22 UNITS

AREA INFORMATION:
2.47 ACRES EXISTING OSTERHOUT AVE.
3.06 ACRES TO BE PROVIDED FOR FUTURE USE
EXCEEDING THE REQUIRED 60 UNITS PER 2 ACRES

PHASE DATA

PROPOSED PHASE 2 (CONSTRUCTION)
# OF UNITS = 22
DENSITY = 1.26 UNITS PER ACRE

FUTURE PHASES:
# OF UNITS = 23
DENSITY = 1.14 UNITS PER ACRE

SITE INDEX:
1) COVER SHEET
2) LAYOUT PLAN
3) GRADING & UTILITY PLAN
4) CONSTRUCTION DETAILS & NOTES

APPLICANT:
SDV DEVELOPMENT, LLC
3820 STADIUM DRIVE
KALAMAZOO, MI 49008
(269) 375-3820

SDV DEVELOPMENT, LLC

ARCHITECT:
Ingersoll, Watson & McMonagle, Inc.

1/24/2010
39564-2
TO: Planning Commission

FROM: Christopher Forth, Interim Director of Community Development

SUBJECT: Special Land Use Permit: Group Child Care Home (Franklin), 9837 Pine View Drive

I. INTRODUCTION:

An application has been submitted by Ms. Elizabeth Franklin requesting approval to establish a group child care home for up to 12 children at her residence located at 9837 Pine View Drive. According to the applicant, the group child care home will operate in compliance with all state licensing and local ordinance requirements. The applicant indicates the hours of operation will be from 7:00 a.m. to 5:30 p.m. with an additional staff member/aid to assist with the operations.

II. BACKGROUND INFORMATION:

<table>
<thead>
<tr>
<th>Existing Land Use/Zoning</th>
<th>The 0.4 acre parcel is zoned R-1C, one-family residential and occupied by a 1,556 square foot single-story house and attached two-car garage. The parcel has an average width of 105-feet wide by an average depth of 165-feet and is located along the east side of Pine View Drive, between Chaucer Avenue and Briar Crest Drive (north of Bacon Avenue). Single family residences zoned R-1C and located within the Pine View Estates subdivision surround the subject site to the north, south and west. To the east is the residential planned development of Sterling Oaks Condominiums zoned PD, planned development.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive Plan</td>
<td>The Future Land Use Map of the Comprehensive Plan identifies the subject site and surrounding properties as appropriate for low density and medium density residential land use.</td>
</tr>
<tr>
<td>Environmental/Historic District</td>
<td>These characteristics/issues are not present at the subject property.</td>
</tr>
<tr>
<td>Land Development Regulations</td>
<td>The application is submitted pursuant to Section 42-182(1), Special Land Uses in the R-1C, One-Family Residential District. Subject to review and approval by the Planning Commission, this section permits “Group child care homes” subject to conditions. Additionally, Section 42-462, General Standards for Review of Special Land Uses are also applicable.</td>
</tr>
</tbody>
</table>

III. ANALYSIS:

In addition to local ordinance, Michigan statute (PA 110 of 2006, Zoning Enabling Act and PA 116 of 1973, Child Care Organizations) also permits family and group child care homes in residential zoning districts including the R-1C zone.

The application to establish a group child care home at 9837 Pine View Drive fulfills the conditions set forth in the Zoning Code for issuance of a special land use permit. The subject parcel is not situated within 500 feet (measured from nearest property line) nor within 1,500 feet (measured as a traveled
distance along public streets) from another licensed group child care home, adult foster care small or large group home or other similar use. The site has a two-car attached garage and an approximate 40-foot long driveway that provides adequate parking for residents of the home and for children drop-off/pick. Additional parking is also available along Pine View Drive, a local residential street, if necessary.

An outdoor play area is proposed within the rear yard of the property. While a 4-foot tall chain-link fence is located along the south side of the rear yard, the remainder of the rear yard (east, north and west sides) is not fenced and the applicant wishes to keep this area unfenced. In support of this request, the applicant has secured a letter of support from the adjacent property owner to the north (Lauren and Stewart, 9825 Pine View Drive) which is attached with the application materials. However, and in response to the public notice issued for this project, four communications have also been received from residents of the adjacent Sterling Oaks Condominium development to the east/northeast (Norm and Cara Terry, 9895 Fort Myers; Beverly Schmidt, 9862 Fort Myers; Heather Ingram, 9847 Fort Myers; and Sandra Fisher, 1411 Cape Coral). These email communications, which are attached to this report, express concerns regarding the proposed group child care home and request that the outdoor play area within the rear yard of the site be fully enclosed with a 6-foot tall privacy fence.

Section 42-182(I)(3) of the Zoning Code allows the Planning Commission to consider installation of up to a six-foot tall screening fence around an outdoor play area “…in order to mitigate and/or avoid possible adverse impacts on surrounding property and to improve safety”. The Department of Community Development has advised the applicant to discuss the adequacy of the existing rear yard fencing with the neighboring property owners.

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

- **Promote the intent and purpose of this article.** Article 4, Zoning, promotes the public health, safety, comfort, convenience and general welfare through orderly development. A group child care home promotes this article by providing a valuable service for working parents who desire quality child care in a residential setting.
- **Be compatible with adjacent uses of land and the natural environment.** The care of children in a residential setting is compatible with adjacent uses and the natural environment since children are associated with most every residential neighborhood. Recognizing that higher concentrations of children beyond those normally associated with a single-family residential home may impact adjacent homeowners, reasonable conditions such as screening can be required as part of the special land use approval process.
- **Not unduly affect the capacities of public services or facilities.** No impact anticipated.
- **Be consistent with the public health, safety and welfare.** Operation of a group child care home from a single-family residence located in the neighborhood would be consistent with the public health, safety and welfare.
- **Be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan.** A group child care home would promote Housing & Neighborhood objectives by addressing housing and services for special groups such as families in need of in-home child care options.
- **Be planned and designed to ensure that the nature and intensity of the principal use and all accessory uses, and the site layout and its relation to the streets giving access to it, shall not be hazardous or otherwise detrimental to the area or unduly conflict with normal traffic to and from the use.** The care for up to twelve children at this location will likely result in a maximum of 48 vehicle trips (drop-off and pick-up) during an average weekday. A single family residence typically generates between 8-12 vehicles trips during an
average weekday. The operation of a group child care home from this location will not be detrimental to the area or unduly conflict with normal traffic within the residential subdivision. Based on the length and width of the driveway, there is space to accommodate up to four vehicles arriving for drop-off/pick-up. Parking along Pine View Drive, a local residential street, is also available.

Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. A notice was also placed in the local newspaper. At the time of report preparation, no citizen communications have been received regarding the proposed group child care home.

IV. RECOMMENDATION:

Based upon the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends that the Special Land Use Permit for Ms. Elizabeth Franklin (group child care home), 9837 Pine View Drive, be approved. Consistent with Section 42-182(I)(3) of the Zoning Code, the Commission may want to consider a condition for installation of fencing (up to a 6-foot tall screening fence) around the outdoor play area based on any comments that may be received during the public hearing.

Attachments:  Vicinity/Zoning Map
Aerial Photograph Map
Special Land Use Permit Application and Supporting Documentation
April 7, 2020 Email Communication from Norm and Cara Terry, 9895 Fort Myers
April 7, 2020 Email Communication from Sandra Fisher, 1411 Cape Coral
April 6, 2020 Email Communication from Beverly Schmidt, 9862 Fort Myers
April 6, 2020 Email Communication from Heather Ingram, 9847 Fort Myers
**APPLICANT INFORMATION**

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone Number</th>
</tr>
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<tbody>
<tr>
<td>Elizabeth Franklin</td>
<td>269-312-4338</td>
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<table>
<thead>
<tr>
<th>Address</th>
<th>City</th>
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<th>Zip code</th>
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<tbody>
<tr>
<td>9837 Pine View Dr</td>
<td>Portage</td>
<td>MI</td>
<td>49002</td>
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**OWNER INFORMATION** (if different)

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone Number</th>
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<tbody>
<tr>
<td>Kyle Franklin</td>
<td>810-623-3552</td>
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<table>
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<tr>
<th>Address</th>
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<tr>
<td>9837 Pine View Dr</td>
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**PROPERTY INFORMATION**

<table>
<thead>
<tr>
<th>Address of property</th>
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<tbody>
<tr>
<td>9837 Pine View Dr</td>
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</table>

**PROPOSED USE**

Description of proposed Special Land Use (attach additional pages if necessary):

See attached page.

**OWNER CERTIFICATION**

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

Signature: ____________________________ Date: 3/11/2020
Proposed Use

I'm wanting to get approved for a special use land permit to run a licensed group home day care out of home here in Portage. We will be utilizing the basement which is a large enough space and has been completely refinished to accommodate a day care. We do not wish to put in a fence and we have full support from our neighbors. I only plan on running the group home day care out of my home for a couple of years with the end goal of opening up a day care center here in Portage. We have a two-car garage and can park 4 vehicles in our driveway at one time.
Feb. 28, 2020

To whom it may concern:

My name is Lauren Cavalli and my husband, Stewart, and I own and reside at 9825 Pine View Drive in Portage, MI. We are in full support of our neighbor Elizabeth Franklin opening a group home daycare at her residence 9837 Pine View Drive in Portage, MI. If possible, we would prefer that she does not install a fence to separate our properties.

Thank you,

Lauren and Stewart Cavalli
Licensee Name: Elizabeth Franklin
Licensee Address: 9837 Pine View Dr.
Portage, MI 49002

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

Zoning Authority:

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

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

If you have any questions or concerns, please contact the Michigan Department of Licensing and Regulatory Affairs, Bureau of Community and Health Systems, at 517-284-9730.

Thank you.

☐ Location is APPROVED by the local zoning authority.
☐ Location is DISAPPROVED by the local zoning authority.
☐ City, township or county is unzoned.

Signature of Zoning Authority or City, Township, County Manager for Unzoned Communities

Date

Telephone Number

Printed Name of Zoning Authority Authority or City, Township, County Manager for Unzoned Communities

Jurisdiction (City, Township)

Authority: 1973 PA 115
Completion: Required
Penalty: Applicant cannot be licensed/registered

LARA is an equal opportunity employer/program.
CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER Do not click on links or open attachments unless this is from a sender you know and trust.

I have a condo residence on Fort Myers and am wondering about the zoning change for the property on Pineview that is requesting a special use permit. I believe a privacy fence should be erected in their back yard. Perhaps a survey of the property should be done since the out-building sits partially on Sterling Oaks South property. I'm not sure when it was last surveyed, but it seems the home-owners of the day care should order one, so that it can be determined where a privacy fence could be installed.
Thank you.

Norm and Cara Terry
9895 Fort Myers Parkway
Portage, MI 49002
I received a notice about this. I live on Cope Coral. I think if a daycare is set up there should be a fenced in yard and a high privacy fence between the neighbors yards paid by the owner of the daycare.

Sandra Fisher
Christopher Forth

From: Beverly Schmidt <cinderpup@tds.net>
Sent: Monday, April 6, 2020 10:28 PM
To: Michael West
Subject: Group Child Care home at 9837 Pine View Drive

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER Do not click on links or open attachments unless this is from a sender you know and trust.

TO THE PORTAGE PLANNING COMMISSION:

I VERY STRONGLY REQUEST THAT A 6 FOOT TALL PRIVACY FENCE BE INSTALLED AT THE 9837 PINE VIEW DRIVE ADDRESS. ALSO, BECAUSE THERE IS REASON TO BELIEVE THAT THERE IS A PROPERTY LINE PROBLEM, I REQUEST THAT MS. FRANKLIN HAVE A SURVEY COMPLETED BEFORE THE FENCE IS INSTALLED. I QUESTION HOW A GROUP CHILD CARE HOME FOR UP TO 12 CHILDREN CAN BE PERMITTED IN AN AREA ZONED FOR ONE FAMILY RESIDENCE. SUBMITTED BY BEVERLY SCHMIDT
Gentlemen
I live at 9847 Fort Myers Pkwy in Sterling Oaks South. I moved here in 2005 because it was a QUIET condo development for people over 55 years old. I love this quiet peaceful area.
The idea of having 12 noisy children across the street from me is not what I want to live with. There is also the problem with the lot line of that property on Pine View Drive. The Sterling Oaks South Board discovered some years ago that the barn on that property on partly on SOS property. The property therefore needs to be surveyed. The only way I would consider tolerating a Day Care there would be a 6 foot high solid fence surrounding the property.
A Child Day Care facility across the street from me would greatly decrease my property value not to mention my peace and quiet.
Thank you for your consideration
Heather Ingram
TO: Planning Commission
FROM: Christopher Fort, Interim Director of Community Development
SUBJECT: Special Land Use Permit for Rustic Axe Throwing Outpost, 618 Romence Road

DATE: April 9, 2020

I. INTRODUCTION:

An application has been submitted by Benjamin Baker, requesting a special land use permit to establish an indoor commercial recreation facility (Rustic Axe Throwing Depot) within an approximate 4,700 square foot vacant tenant space within the Hillside Shopping Center located at 618 Romence Road. More specifically, the use is proposed within Suite 102 of the building closest to Romence Road, addressed as 626 Romence Road. The approximate 8.5-acre Hillside Shopping Center property is zoned B-2, community business and improved with six separate retail buildings totaling approximately 72,000 square feet.

II. BACKGROUND INFORMATION:

The following background information is provided for Commission consideration:

<table>
<thead>
<tr>
<th>Existing Land Use/Zoning</th>
<th>Subject Site: Hillside Shopping Center, six separate retail buildings and associated parking facilities, zoned B-2, community business.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North: Crossroads Mall zoned B-2, community business.</td>
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<td>East (across Sears Drive): La-Z-Boy Furniture, Craftsman Chop Company and East Egg restaurant zoned B-2, community business.</td>
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<td></td>
<td>South (across Romence Road): Various commercial tenants within the Shoppe @ Romence Village Shopping Center zoned B-2, community business.</td>
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<td></td>
<td>West: Single family residences zoned R-1A, one family residential.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Access</th>
<th>Existing full service driveway and enter-only driveway from Romence Road. No new access drives are proposed with project.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Street</td>
<td>Romence Road is designated a 5-lane minor arterial roadway with 15,014 (2019) vehicles per day and a capacity of 37,100 vehicles per day (level of service “D”).</td>
</tr>
<tr>
<td>Historic District/Structures</td>
<td>The subject site is not located within a historic district and does not contain any historic structures.</td>
</tr>
<tr>
<td>Environmental</td>
<td>The subject property is not encumbered by wetlands, floodplains or other environmental sensitive areas.</td>
</tr>
<tr>
<td>Public Utilities</td>
<td>Municipal water and sewer are available.</td>
</tr>
<tr>
<td>Land Development Regulations</td>
<td>The Special Land Use permit application has been submitted under Section 42-261.C.5, “Bowling alleys, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rinks or similar forms of indoor commercial recreation when located at least 100 feet from a residential district or use lot line”. Section 42-462, General Standards for Review of Special Land Uses is also applicable and sets forth the criteria for evaluating a special land use and allows conditions to be established.</td>
</tr>
</tbody>
</table>

7900 South Westnedge Avenue • Portage, Michigan 49002 • (269) 329-4477
www.portagemi.gov
III. ANALYSIS:

The proposal to establish an indoor commercial recreation facility (Rustic Axe Throwing Depot) within an approximate 4,700 square foot vacant tenant space within the Hillside Shopping Center fulfills the requirements for issuance of a Special Land Use Permit. As detailed in the attached materials, the applicant proposes to establish Rustic Axe Throwing Depot within Suite 102 of the building closest to Romence Road (addressed as 626 Romence Road). This tenant space is located in excess of 100-feet from the nearest residential district or use lot line (R-1A zoning to west). All activities associated with the proposed use will occur indoors and the applicant will make all required interior building modifications necessary to support the use. No exterior site changes are planned.

Per statutory requirements, resident//property owners within 300 feet of the zoning lot have been notified in writing of the special land use permit application and Planning Commission meeting. A notice was also published in the local newspaper. At the time of report preparation, no citizen communications and/or phone calls have been received regarding the proposed Special Land Use Permit.

IV. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Special Land Use Permit for Rustic Axe Throwing Outpost, 618 Romence Road, be approved.

Attachments: Vicinity/Zoning Map
Aerial Photograph Map
Special Land Use Permit Application and Supporting Information
APPLICANT INFORMATION

Name: Benjamin Baker
Telephone Number: 269.501.1640

Address: 2207 S Westnedge Ave
City: Kalamazoo
State: MI
Zip code: 49008

OWNER INFORMATION (if different)

Name: Habib Mandwee
Telephone Number: 269.207.3909

Address: 125 S Kalamazoo Mall Unit 608
City: Kalamazoo
State: MI
Zip code: 49007

PROPERTY INFORMATION

Address of property: 618 Romence Road, Portage MI BLDG 626 Suite 102
Zoning District: B-2 - general business
Land Area (acres): 8.48

LEGAL DESCRIPTION (attach separate page):
SEC 9-3-11 BEG AT A PT 686 FT E OF S1/4 POST SEC 9 TH N 0 DEG 02 MIN W 165 FT TH W 26 FT TH N ALG E
RINGDALE #2 508 FT TH E PAR S LI SD SEC 579.06 FT TH S 2 DEG 55 MIN W 308.64 FT TH W 7 FT TH S 2
55 MIN W 365 FT TO S LI SD SEC 9 TH W ALG S LI 511.39 FT TO PL OF BEG

PROPOSED USE

Description of proposed Special Land Use (attach additional pages if necessary):

Proposed 4,733 sq ft property will be utilized for the Rustic Axe LLC Throwing Outpost - a premium venue utilizing axe throwing as its primary attraction. The Rustic Axe LLC Throwing Outpost will also throwing sports such as cornhole and darts. The trending sport melds concepts of darts and bowling - where the customer will rent out lanes by the hour and throw axes at a manufactured wall target under close oversight coaching by ever-present employees. A tavern license will also be pursued to offer beer, wine, & cider options interested clientele. A patio will also be utilized for outdoor seating and gathering.

OWNER CERTIFICATION

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

Habib Mandwee

3-16-2020

Date

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www.portagemi.gov
The Rustic Axe Executive Summary

We are asking the city of Portage for a special land use permit to open Portage's first axe throwing venue. Our venue will be located at the Hillside Center 618 Romence Road, Portage MI in building 626 - Suite 102. The venue is 4,733 SF and currently zoned B-2 / general business.

Problem

The Greater Kalamazoo area has an entertainment problem. The city is saturated with young professionals, outdoors enthusiasts, and event planners looking for things to do with friends, co-workers, or customers - but options are limited. Current entertainment options are limited to bowling, arcades, bars, or movies. These are all relatively outdated options, especially for a city with forward thinkers and young adults looking for something fresh, trending, and engaging.

Solution

The Rustic Axe provides a premier entertainment option. It will be the first ever axe throwing venue within the Greater Kalamazoo area. Utilizing a 4700 sq. ft. facility that is positioned near I-94 and 131, The Rustic Axe boasts versatility in both location, entertainment offerings, and competitive pricing. Customers will rave over this booming sport that combines concepts from darts and bowling, melding them with the exhilaration of hurling hatchets. With the closest alternate location being over an hour drive (Grand Rapids), The Rustic Axe will offer an addictive and intimate "trade outpost" atmosphere that customers will find impossible to pass up.

Market

Rustic Axe LLC has an ample market. We’re seeing this sport trending across the United States with all age groups. Our target market will be comprised of males & females, ages 22-32, who love adventure, entertainment, and "outdoorsy" activities. This market also has disposable income, as many are unmarried, social, and free of the monetary burden of dependents. With Kalamazoo's average age being 26.2, the area is saturated with this target market. Our research shows there are 12,709 individuals within our immediate target market (excluding the rotating population of students attending KVCC, WMU, and K College) (www.suburbanstats.org). In addition to our primary market, college students provide a "revolving" market much like that of a tourist destination. With a yearly admittance of 22,500 students (wmich.edu/about/facts), WMU provides this bountiful crowd of students looking for an affordable, social activity to enjoy with their cohorts. With our location being less than a 10 minute drive from the WMU campus, Rustic Axe LLC will be a frequented location for the plethora of students within our immediate vicinity.
Unique and Trending

Axe throwing presents a better option than other local entertainment venues for a number of reasons. Outside of its competitive price point, it is also a new trending sport gaining a solid foothold in the competitive target sports world (ESPN has televised the WATL World Axe Throwing Championships since 2017). A sport can only be new for so long, however. Looking to the future of axe throwing entertainment, it has longevity as an entertainment option due to its simplicity, versatility, competitive nature, and social aspects. Axe throwing can borrow game styles from other "throw" games such as cornhole and darts. This simplicity and versatility makes it more than just throwing an axe at wood, and instead escalates its competitive and social potential to an established social sport that can be enjoyed at any experience level.

Why Us?

Cody Cottle and Ben Baker are passionate entrepreneurs with select areas of expertise, in turn creating an optimized team. Cody has nearly a decade of experience in sales - from real estate and time-share consulting, to door-to-door and new car sales. He is highly educated in both sales and marketing, has been a top earner in all of his fields, and has an avid passion for entrepreneurship. This, in line with his organizational abilities and goal-driven mindset, make him a key component for launching Rustic Axe LLC into sustained success.

Ben Baker brings a decorated history of customer satisfaction, interpersonal communication, and a passion for curating an elite customer experience. He earned a BSN from Western Michigan University on a full academic scholarship - one of the top 3 most intellectually challenging undergrad degrees offered. He has since spent the last 7 years as an ICU nurse, consistently receiving accolades for the superior customer service he provides in such an intimate and high-risk setting. He has been chosen for leadership roles as well, including charge nurse responsibilities and a preferred preceptor for new nursing staff. With Cody's superior sales performance and Ben's unparalleled customer service, Rustic Axe LLC is well equipped to deliver a sustainable, premier entertainment experience.
CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER
Do not click on links or open attachments unless this is from a sender you know and trust.

Mike & Chris,

Attached is the business narrative as well as the floor plan for our proposed business venture, Rustic Axe LLC Throwing Outpost. I have also included pictures of current businesses that are doing similar concepts to ours. Do not hesitate to respond with whatever else you may need in addition. We look forward to speaking with Community Development in the near future to share our excitement for what is sure to be a hot spot in Portage for years to come!

All the best,

Ben & Cody
TO: Planning Commission

FROM: Christopher Forth, Interim Director of Community Development

SUBJECT: Ordinance Amendment #19/20-A, Adult-Use Marihuana

I. INTRODUCTION/BACKGROUND:

In November 2008, Michigan voters approved a statewide ballot initiative to create the Michigan Medical Marihuana Act (MMMA). At that time, the Act did not authorize the broad legalization of the cultivation, distribution or use of marihuana. Rather, the MMMA allows qualifying patients with a serious debilitating medical condition to obtain, possess, cultivate/grow and use marihuana for medicinal purposes. The MMMA also allows a primary caregiver to assist a qualifying patient with the medical use of marihuana, in accordance with state law.

In response to the MMMA, the City of Portage adopted a Medical Marihuana Home Occupation ordinance amendment in July 2011 that permits State of Michigan registered primary caregivers to possess, cultivate/grow and distribute medical marihuana in the city on behalf of a registered qualifying patient(s) consistent with the MMMA.

The MMMA did not reference dispensaries or the commercial sale of medical marihuana to qualifying patients or caregivers. As a result, three bills were enacted into law in September 2016 addressing the commercialization of medical marihuana and “medibles” (edible marijuana-infused products). Taken together, the statutes outline a “seed-to-sale” regulatory scheme for the commercialization of medical marihuana and permits consumption of marihuana other than by smoke inhalation. Subsequent to the adoption of the rules for implementation of these acts by the Department of Licensing and Regulatory Affairs (LARA) in December 2017, the City of Portage adopted an ordinance in March 2018 allowing the five types of Medical Marihuana Facilities subject to conditions:

- Grower: Class A – 500 plants; Class B – 1000 plants; Class C – 1500 plants.
- Processor: Extracts resin from plant/creates marihuana-infused products.
- Secure Transporter: Transports marihuana & cash between facilities and may also store marihuana.
- Provisioning Center: Sells marihuana/marihuana-infused products only to registered patients and caregivers.

In November 2018, Michigan voters approved Proposal 1, creating the Michigan Regulation and Taxation of Marihuana Act (MRTMA), which authorizes adult-use marihuana for recreational purposes. At that time, the City opted out so no adult use establishments were allowed in the City until the business and zoning ordinances are amended to allow adult use marihuana businesses. Since that time, the City Administration together with the attorneys have been revising Chapter 14, Article
12. Medical Marihuana Facilities to include adult-use marihuana facilities. Following the Committee of the Whole meeting on February 25, 2020, City Council requested the City Administration to finalize the amendments to Chapter 14, Article 12, Medical Marihuana Facilities to permit adult-use marihuana. Additionally, Council also requested the City Administration to proceed with amendments to the Zoning Code.

II. PROPOSED ZONING CODE AMENDMENTS

Attached are draft highlight and strike copies of the proposed amendments to the B-3, general business, I-1, light industrial and I-2, heavy industrial zoning districts to allow for adult-use establishments under the Adult-use Act. All spacing requirements applicable to medical marihuana facilities are also applicable to adult-use facilities. Consistent with the MRTMA, provisioning centers and marihuana retailers are allowed at the same locations in a B-3 zone, and provisioning centers, retailers, growers and processors are allowed at the same location in the I-1 and I-2. However, each marihuana business located at the same location as another marihuana business is required to have a separate space. Attached for Commission information are two maps that generally shows the eligible locations for medical/adult-use marihuana facilities.

In addition to retail establishments, the MRTMA also allows marihuana event organizers, designated consumption establishments, or temporary marihuana events. At this time, there are no provisions to permit these types of marihuana uses.

III. RECOMMENDATION

Since this ordinance amendment was first introduced to the Commission on March 19th and given that the provisions for the proposed adult-use marihuana regulations are consistent to those of the existing medical marihuana regulations, the Planning Commission is advised to receive public comment during the April 16, 2020 meeting, waive the second public hearing, then make a formal recommendation to City Council to approved Ordinance Amendment #19/20-A, Adult-Use Marihuana.

Attachments: Proposed ordinance amendments (highlight & strike)
Marihuana location maps
Sec. 42-262. - B-3 general business district.

B. Principal permitted uses: In a B-3 general business district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

16. Medical marihuana provisioning center as defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act) and marihuana retailer as defined in the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq. (Adult-use Act).

a. The-A medical marihuana provisioning center or adult-use marihuana retailer shall not be located:

i. Adjacent to or abutting a residential zoning district; and

ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public or private elementary, charter, vocational or secondary school or a public or private college, junior college or university, a public library, child day care center, a substance abuse treatment facility, a park or a playground, public or private youth center, public swimming pool, video arcade facility, recreational facility, religious institution or housing facility owned by a public housing authority; and

iii. Within 1,000 feet of any other medical marihuana provisioning center or adult-use marihuana retailer located within the city.

b. Determination of whether a proposed medical marihuana provisioning center or adult-use marihuana retailer will be located consistent with the provisions of subsection a. above will be made as follows:

i. Whether a proposed medical marihuana provisioning center or adult-use marihuana retailer will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana provisioning center or adult-use marihuana retailer as those lines existed on December 31, 2017, the effective date of this amendment as shown on the assessment rolls of the City of Portage in existence on that date.

ii. Measurements for purposes of subsections 42-262(B)(16)(a)(ii) and iii. above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana provisioning center or adult-use marihuana retailer to the nearest point of the zoning lot occupied by any of the uses listed in subsection 42-262(B)(16)(a)(ii), or to the nearest point of the zoning lot occupied by another provisioning center using an uninterrupted straight line without regard to intervening structures or objects, and using the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the assessment rolls for the City of Portage in existence on that date.

iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.

c. Buildings or structures for the distribution, and sale of medical marihuana and medical marihuana infused products by a medical marihuana provisioning center or an adult-use marihuana retailer shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy
classification, building design, construction and fire suppression. Medical marijuana facilities shall not be located within greenhouses and similar buildings.

d. All medical marijuana provisioning centers and adult-use marijuana retailers must be at a fixed location. Mobile provisioning centers and drive through operations are prohibited. Sale or transfer of marijuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marijuana products as otherwise expressly authorized by the Medical Facilities Act or the Adult-use Act, nor to prohibit home delivery of marijuana products as may be permitted by the Medical Facilities Act or the rules corresponding to that Act. No drive through facilities are permitted for provisioning center facilities.

e. No marijuana or marijuana-infused products may be used or consumed on the premises of a medical marijuana provisioning center or an adult-use marijuana retailer.

f. The activities and operations of the medical marijuana provisioning center and adult-use marijuana retailer shall be indoors within a building and out of public view.

g. No more than one medical marijuana facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marijuana facility shall be allowed in a multi-tenant building. If a medical marijuana facility provisioning center or adult-use marijuana retailer is located in a multi-tenant building with any other activity or business, the medical marijuana provisioning center or adult-use marijuana retailer shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marijuana facility business.

h. An adult-use marijuana retailer and a medical marijuana provisioning center may be located in a B-3 zone at the same location consistent with the Adult-use Act and rules. The medical marijuana provisioning center or adult-use marijuana retailer located at the same location shall be partitioned from each other, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by each marijuana business.

hj. The business and operations of all medical marijuana provisioning centers and adult-use marijuana retailers shall comply at all times with applicable state law and regulations, and this Code of Ordinances.

i. This amendment to chapter 42 to add section 42-262-(B)(16) to refer to chapter 42, article 4, division 4, zoning districts and district regulations shall only take if chapter 14 is amended to add article 12 is amended to add marijuana establishments in the city pursuant to the Adult-use Act, "Medical Marijuana Facilities."

Z.:Jody/Portage/Ordinances/Marijuana B-3 Business District 4185 02 27 20
Sec. 42-280. - I-1 Light Industrial District.

B. 21. Medical marihuana class A, B, and C grower facilities, and medical marihuana processor facilities, medical marihuana secure transporter facilities, medical marihuana safety compliance facilities, and medical marihuana provisioning centers (only when located at the same location with a grow facility or processor facility) as those facilities businesses are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana class A, B, and C grow establishments, medical marihuana processor establishments, marihuana secure transporter establishments, marihuana safety compliance establishments, marihuana microbusinesses, and marihuana retailers (only when located at the same location as a marihuana grow establishment or marihuana processor establishment) as those businesses are authorized and defined by the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq. (Adult-use Act).

a. The grower or processing facility—all marihuana businesses allowed by this section shall not be located:

i. Adjacent to or abutting a residential zoning district; and

ii. Within 1,000 feet from the real property, located either in the city or an adjacent municipality, comprising a public charter or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and

iii. Within 1,000 feet of any other medical marihuana grower or processor facility business allowed by this section located within the city.

b. Determination of whether a proposed grower or processor facility a marihuana business allowed by this section will be located consistent with the provisions of subsection a. above will be made as follows:

i. Whether a proposed grower or processor facility a marihuana business allowed by this section will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana grower or processor facility business as those lines existed on December 31, 2017 as shown on the assessment rolls for the city records of the city in existence on that date.

ii. Measurements for purposes of subsections 42-280 (B), 22(21)-a., (ii) and iii. above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana grower or processor facility business to the nearest point of the zoning lot occupied by any of the uses listed in 42-280 (B), 22(21)-a., (ii), or to the nearest point of the zoning lot occupied by another marihuana business allowed by this section grower or processor using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines of the zoning lots as they existed on December 31, 2017 the effective date of this ordinance as shown on the records of the city assessment rolls for the city in existence on that date.

iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.
c. Buildings or structures for the growing, production or processing of medical marihuana operation of a marihuana business shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.

d. All marihuana businesses must be at a fixed location. Mobile facilities and drive through operations are prohibited. Sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products by marihuana businesses as otherwise expressly authorized by the Medical Facilities Act and rules or the Adult-use Act and rules as applicable. No drive through facilities are permitted for medical marihuana facilities.

e. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical-marihuana business facility.

f. Medical-marihuana grow and processor facilities business shall conduct the activities of the marihuana facility business, including, without limitation, the cultivating, growing, processing, manufacturing, or storage of marihuana and marihuana infused products, and all materials used in connection with the cultivating, growing and processing of marihuana, indoors and out of public view, except marihuana grow businesses may grow or cultivate marihuana outdoors consistent with the Medical Facilities Act and rules or the Adult-use Act and rules.

g. Medical and adult-use grow businesses, medical and adult-use processors, medical provisioning centers, and adult-use retailers may be located as separate businesses at the same location. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location (a stacked license as defined in section 14-246 of this Code shall not be considered a separate facility for the purposes of this section), and no more than one medical marihuana facility shall be allowed in a multi-tenant building. Each marihuana business that is located in the same location shall be partitioned from any other marihuana business in that location, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the marihuana business.

h. If a medical-marihuana facility business is located in a multi-tenant building with any other activity or business, the medical-marihuana facility business shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical-marihuana facility business.

hj. The business and operations of all marihuana facilities businesses shall comply at all times with applicable state law and regulations, and this Code of Ordinances.

ij. This amendment to add section 42-280 (B) 21 to of chapter 42, article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14 is amended to add article 12, "Medical-Marihuana Facilities," is amended to allow marihuana establishments under the Adult-use Act.

22. Medical-marihuana secure transporter and medical-marihuana safety compliance facilities as those facilities are defined by the Medical Marihuana Facilities Licensing Act, MGL 333.27401 et seq. and the Adult-use Act.
a. The facility site, a marihuana secure transporter and marihuana safety compliance facility, shall not be located:

i. Adjacent to or abutting a residential zoning district; and

ii. Within 1,000 feet from the real property, located either in the city or an adjacent municipality, comprising a public charter school, or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center, a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and

b. Determination of whether a proposed marihuana secure transporter or marihuana safety compliance facility will be located consistent with the provisions of subsection a. above will be made as follows:

i. Whether a proposed marihuana secure transporter or marihuana safety compliance facility will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana secure transporter or marihuana safety compliance facility as those lines existed on December 31, 2017, the effective date of this ordinance as shown on the assessment rolls for the city in existence on that date.

ii. Measurements for purposes of subsections B.2422.a.ii above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana secure transporter or marihuana safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in B.2422.a.ii using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines of the zoning lots as they existed on December 31, 2017 as shown on the assessment rolls for the City of Portage in existence on that date.

iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.

c. Buildings or structures in connection with the transport and storage of medical marihuana and medical marihuana infused products or for marihuana safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.

d. No drive-through facilities are permitted for medical-marihuana Facilitiesbusinesses.

e. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical-marihuana facilitybusiness.

f. No more than one medical-marihuana facility secure transporter or marihuana safety compliance facility shall be allowed on a single zoning lot or at the same location, and no more than one medical-marihuana secure transporter or marihuana safety compliance facility shall be allowed in a multi-tenant building. If a marihuana secure transporter or marihuana safety compliance facility, medical-marihuana facility is located in a multi-tenant building with any other activity or business, the marihuana secure transporter or marihuana safety compliance facility, medical-marihuana facility shall be partitioned from any other activity or business, have a separate entrance,
and have a separate HVAC system for the portion of the building occupied by the marihuana secure transporter or marihuana safety compliance medical-marihuana facility.

g. The business and operations of all marihuana secure transporter or marihuana safety compliance facility medical-marihuana facilities shall comply at all times with applicable state law and regulations, and this Code of Ordinances.

h. This amendment to add section 42-280.B.22 to chapter 42, article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14, is amended to add article 12, is amended to allow marihuana establishments in the city pursuant to the Adult-use Act. "Medical Marihuana Facilities."
Sec. 42-281. - I-2 heavy industrial district.

B. Principal permitted uses: In an I-2 heavy industrial district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

7. Medical marihuana class A, B, and C growers facilities, and medical marihuana processors facilities, medical marihuana secure transporter facilities, medical marihuana safety compliance facilities, and medical marihuana provisioning centers (only when located at the same location with a grower facility or processor facility) as those facilities-marihuana businesses are defined by the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq. (Medical Facilities Act), and marihuana class A, B, and C grow establishments, medical marihuana processor establishments, marihuana secure transporter establishments, marihuana safety compliance establishments, marihuana microbusinesses, and marihuana retailers (only when located at the same location as a grower establishment or processor establishment) as those marihuana businesses are defined by the Michigan Regulation and Taxation of Marihuana Act MCL 333.27951 et seq. (Adult-use Act).

a. The facility All marihuana businesses allowed by this section shall not be located:

i. Adjacent to or abutting a residential zoning district; and

ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public charter, or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority; and

iii. Within 1,000 feet of any other medical marihuana grower or processor facility business allowed by this section located within the city.

b. Determination of whether a proposed medical marihuana grower or processor facility marihuana business allowed by this section will be located consistent with the provisions of subsection a. above will be made as follows:

i. Whether a proposed grower or processor facility marihuana business allowed by this section will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marihuana grower or processor facility business as those lines existed on December 31, 2017 as shown on the assessment rolls for the city in existence on that date.

ii. Measurements for purposes of subsections B.7.a.ii and iii. above shall be made from the boundary of the zoning lot to be occupied by the medical marihuana grower or processor facility business to the nearest point of the zoning lot occupied by any of the uses listed in B.7.a.ii, or to the nearest point of the zoning lot occupied by another grower or processor marihuana business allowed by this section using an uninterrupted straight line without regard to intervening structures or objects, and the boundaries of the zoning lots as they existed on December 31, 2017 the effective date.
of this amendment as shown on the assessment rolls for records of the city in existence on that date.

iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.

c. Buildings or structures for the growing, production or processing of used for or in connection with a medical marihuana business shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marihuana facilities shall not be located within greenhouses and similar buildings.

d. No drive-through facilities are permitted for medical marihuana facilitiesbusinesses.

e. No marihuana or marihuana-infused products may be used or consumed on the premises of a medical-marihuana facilitybusiness.

f. Medical marihuana grow and processing facilitiesbusinesses shall conduct the activities of the business facility, including, without limitation, the cultivating, growing, processing, manufacturing, or storage of marihuana and marihuana-infused products, and all materials used in connection with the cultivating, growing and processing of marihuana, indoors and out of public view, except marihuana grow businesses may grow or cultivate marihuana outdoors consistent with the Medical Facilities Act and rules or the Adult-use Act and rules.

g. Medical and adult-use grow businesses, medical and adult-use processors, medical provisioning centers, and adult-use retailers may be located as separate businesses at the same location. No more than one medical marihuana facility shall be allowed on a single zoning lot or at the same location (a stacked license as defined in section 14-246 of this Code shall not be considered a separate facility for the purposes of this section), and no more than one medical marihuana facility shall be allowed in a multi-tenant building. If a medical marihuana facility is located in a multi-tenant building with any other activity or business, the medical-marihuana facilitybusiness shall be partitioned from any other activity or marihuana business at the same location, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical-marihuana facilitybusiness.

h. If a marihuana business is located in a multi-tenant building with any other activity or business, the marihuana business shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the marihuana business.

i. The business and operations of all medical marihuana facilitiesbusinesses shall comply at all times with applicable state law and regulations, and this Code of Ordinances.

jj. This amendment to add section 42-281.B.7 to chapter 42, article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14, is amended to add article 12, "Medical-Marihuana-Facilities." is amended to allow marihuana businesses under the Adult-use Act.
8. Medical marijuana secure transporter and safety compliance facilities as those facilities are defined by the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq. and the Adult-use Act.

a. The facility site of a marijuana secure transporter and marijuana safety compliance facility shall not be located:

   i. Adjacent to or abutting a residential zoning district; and

   ii. Within 1,000 feet from the real property, located either in the City of Portage or an adjacent municipality, comprising a public, charter, or private elementary, vocational or secondary school or a public or private college, junior college or university, a public library, a child day care center a substance abuse treatment facility, park or a playground, public or private youth center, public swimming pool, video arcade facility or recreation facility or religious institution or housing facility owned by a public housing authority;

b. Determination of whether a proposed marijuana secure transporter or marijuana safety compliance facility will be located consistent with the provisions of subsection a. above will be made as follows:

   i. Whether a proposed marijuana secure transporter or marijuana safety compliance facility will be adjacent to or abutting a residential district will be determined by the location of the boundary lines for the zoning lot to be occupied by the medical marijuana secure transporter or marijuana safety compliance facility as those lines existed on December 31, 2017 as shown on the assessment rolls of the city in existence on that date.

   ii. Measurements for purposes of subsections B.228.a.ii above shall be made from the boundary of the zoning lot to be occupied by the medical marijuana secure transporter or marijuana safety compliance facility to the nearest point of the zoning lot occupied by any of the uses listed in B.228.a.ii using an uninterrupted straight line without regard to intervening structures or objects, and the boundary lines for those zoning lots as they existed on December 31, 2017 the effective date of this amendment as shown on the assessment rolls of the city in existence on that date.

   iii. "Zoning lot" is defined in section 42-112 of this Code of Ordinances.

c. Buildings or structures used for or in connection with the transport and storage of medical marijuana and medical marijuana infused products or for safety compliance facilities shall comply with all State of Michigan Construction Codes (building, electrical, plumbing and mechanical) in regard to occupancy classification, building design, construction and fire suppression. Medical marijuana facilities shall not be located within greenhouses and similar buildings.

d. No drive-through facilities are permitted for medical marijuana facilities.

e. No marijuana or marijuana-infused products may be used or consumed on the premises of a medical marijuana facility.
f. No more than one medical marihuana facility-secure transporter or marihuana safety compliance facility shall be allowed on a single zoning lot or at the same location, and no more than one medical marihuana facility-secure transporter of safety compliance facility shall be allowed in a multi-tenant building. If a medical marihuana facility-secure transporter of safety compliance facility is located in a multi-tenant building with any other activity or business, the medical marihuana facility-secure transporter or safety compliance facility shall be partitioned from any other activity or business, have a separate entrance, and have a separate HVAC system for the portion of the building occupied by the medical marihuana secure transporter or safety compliance facility.

g. The business and operations of all medical marihuana facilities-secure transporters or safety compliance facilities shall comply at all times with applicable state law and regulations, and this Code of Ordinances.

h. This amendment to add section 42-281.B.8 to chapter 42, article 4, division 4, zoning districts and district regulations shall only take effect if chapter 14 is amended to add article 12, "Medical-Marihuana Facilities." It is amended to allow marihuana establishments under the Adult-use Act.

Z:Jody/Portage/Ordinances/Marihuana-Adult Use Ordinances/ 1-2 heavy industrial district 02.27.20
Map of Potential Medical Marihuana Locations: Provisioning Centers
February 25, 2020
Date: 2/25/2020

Refer to the medical marihuana ordinance for location requirements.

Properties that meet eligibility requirements regardless of current use
1000' buffer from existing provisioning centers/grow operation
1000' buffer from churches, schools, day cares, libraries, treatment facilities, parks and public and/or private recreation areas
Provisioning centers must be at least 1000' from each other.
This map is considered approximate, and all properties must be individually evaluated to ensure they meet ordinance requirements.

1 inch = 3,167 feet
TO: Planning Commission
FROM: Christopher Forth, Interim Director of Community Development
DATE: April 9, 2020


I. INTRODUCTION/BACKGROUND:

An application has been submitted by Trade Centre Holdings, LLC requesting to amend previously approved conceptual plans to allow construction of a new 4-story hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. The overall 30-acre tract of land (commonly known as Trade Centre Commercial Planned Development) is zoned CPD, commercial planned development and includes parcels addressed as 300, 400, 450, 500, 550, 650, 750, 850, 950 and 1150 Trade Centre Way.

In 2002, City Council approved the original CPD conceptual plan submitted by Furniture Row USA, LLC for the approximate 20-acre tract of land currently addressed as 300, 400, 450, 500, 650 and 750 Trade Centre Way. The original conceptual plan proposed construction of two hotels, one retail furniture store, two specialty retail buildings and two restaurants. In 2003, H & G, LLC acquired the property and constructed Phase 1 of the development which included a three-story, 50-foot tall, 83,000 square foot office building (Trade Centre I) and associated site improvements along the western portion of the property at 750 Trade Centre Way. This office building replaced the two specialty retail buildings previously identified on the original conceptual plan. In 2012, City Council approved an amendment to the originally approved conceptual plan that changed the overall development plan to include two hotels, one additional office building and three restaurant/retail buildings and related site improvements on the 20-acre tract of land. To date, the additional office building (650 Trade Centre Way), the two hotels (400 and 500 Trade Centre Way) and one restaurant building 550 Trade Centre Way) have been constructed, while two vacant parcels (300 and 450 Trade Centre Way) remain for future construction of restaurant or retail buildings.

In 2004, City Council approved a separate CPD conceptual plan submitted by Trade Centre, LLC for an approximate 12-acre tract of land located at the western terminus of Trade Centre Way, currently addressed as 850, 950 and 1150 Trade Centre Way. This conceptual plan proposed construction of a four-story, 65-foot tall 106,000 square foot office building. This project involved a partnership with the City of Portage whereby the Trade Centre II office building would occupy approximately 9.4 acres and the remaining 2.6 acres (850 Trade Centre Way) would be conveyed to the city for public road and storm water purposes. The office building and associated site improvements were constructed in 2006/2007 on the 950 Trade Centre Way parcel, while the 1150 Trade Centre Way parcel was retained in vacant open space.

As detailed in the application materials, the applicant is proposing to amend these previously approved CPD conceptual plans and combine the two conceptual plans into one to allow construction of a new 4-story, 59-foot tall hotel building and associated site improvements on a new approximate 2-acre parcel that includes portions of 750, 850 and 950 Trade Centre Way. This proposal involves another
partnership with the City of Portage whereby the existing City of Portage storm water basin located on
the 850 Trade Centre Way parcel will be relocated to the northwest to allow for construction of the
new hotel building and associated parking facilities. An exchange of land between the City of Portage
and Trade Centre Holdings, LLC and modification of property lines involving 750, 850 and 950 Trade
Centre Way is also proposed in order for this project to come to fruition. This process involves an
amendment to the Downtown Development Authority Plan.

II. COMMERCIAL PLANNED DEVELOPMENT PROCEDURES/REQUIREMENTS:

For development projects within the CPD zone, the Zoning Code requires that City Council approve a
conceptual plan for development after a public hearing and after Planning Commission review and
recommendation. The conceptual plan is intended to show the overall development of the area
including proposed uses, number and location of building sites, parking, location of streets/driveways
and so forth. The specific (site) plan shows the proposed development details and characteristics for
each individual site. The Zoning Code stipulates that the Planning Commission subsequently reviews
and approves the specific (site) plan. If a specific (site) plan is not received by the time required in an
approved program of development, or two years after approval of the conceptual plan, whichever is
less, the conceptual plan approval shall expire.

While specific (site) plans for the two Trade Centre Office Buildings at 750 and 950 Trade Centre Way
were submitted and approved in 2003 and 2006, future development of the intervening 850 Trade
Centre Way parcel was not envisioned at this time or identified in the two previously approved
conceptual plans. Therefore, the applicant is submitting a combined, amended conceptual plan/narrative for the overall 30-acre tract of land (300-1150 Trade Centre Way) which details the
proposal to construct the new hotel building on the 850 Trade Centre Way parcel.

III. PRELIMINARY ANALYSIS:

Section 42-414.A of the Zoning Code establishes standards and objectives of review for conceptual
plans that the Planning Commission and City Council are to consider as part of the
recommendation/approval process. The following information summarizes the proposed conceptual
plan amendment as requested by the applicant.

Surrounding Land Uses/Property Issues – Consistent with the CPD ordinance and previous projects
within the Trade Centre CPD, the proposed conceptual plan amendment has been designed to
minimize impacts on surrounding properties through site design, access, building use/location and
relate details. The portion of the CPD development proposed for the amendment (primarily the 850
Trade Centre Way parcel) is situated adjacent to the 50-acre City of Kalamazoo wellfield property, the
Portage Creek and privately owned residential properties to the north including 5255 Old Colony Road
and 5265 and 5300 Bronson Boulevard. This area is characterized by natural wetlands, floodplain,
Portage Creek, mature trees and associated natural vegetation. The nearest single family residence
(5255 Old Colony Road) is situated in excess of 300 feet to the north of the proposed hotel building.
Additionally, this residence along with other residences located to the northwest and northeast, are
situated approximately 35 feet higher in elevation than the proposed hotel building.

Traffic and Access Issues – The capacity of the adjacent street network to accommodate land
development within and adjacent to the Trade Centre CPD site and the Downtown Development Area
(DDA) has been carefully considered over the past several years. In preparation of establishing the DDA and changing the area zoning, a planning level traffic study was prepared in 1998 by Traffic Engineering Consultants, PC that evaluated the entire 60-acre area. This study assumed a land use matrix and anticipated traffic generation that is consistent with the existing and proposed development pattern within the surrounding area. Another traffic study was completed in 2009 by Abonmarche Consultants that specifically evaluated the Trade Centre CPD area, redesign/reconstruction of the South Westnedge Avenue and I-94 interchange area and concluded with several recommendations regarding the design of South Westnedge Avenue/Trade Centre Way intersection that were subsequently implemented.

Significant investment has been made to the surrounding public street network (Trade Centre Way, West Fork Crossing, Marketplace and South Westnedge Avenue) in and around the DDA to support existing and planned development projects. As such, traffic generation from the existing and proposed uses within the Trade Centre CPD project area can be accommodated by the adjacent public street network.

Environmental Issues – As part of the land transfer/development agreement with the city and in conjunction with the proposed hotel site construction, the existing city storm water basin will be relocated to the northern portion of the existing 850 Trade Centre Way parcel. While the treatment cell and infiltration basin will be adjacent to the Portage Creek, all construction activities will occur outside of designated wetland and floodplain areas. All necessary permits and approvals for the overall discharge to the adjacent wetland area and Portage Creek will be obtained from the Michigan Department of Environment, Great Lakes and Energy (EGLE), if applicable.

Modifications. In conjunction with the proposed conceptual plan amendment and similar to the previously approved multi-story hotel and office buildings within the Trade Centre CPD, the applicant is requesting one modification and one waiver:

1) Height modification to allow construction of the four-story hotel to a height up to 65-feet. Section 42-350.B(6) of the Zoning Code establishes a building height 30-feet and one-story when the zoning lot abuts a single family residential zoning district. The Planning Commission can approve a building height up to the height normally permitted in the district (35 feet) and City Council approval is necessary for a building height that exceeds 35 feet.

2) Conflicting land use screening waiver for the remaining northern portion of the development where abutting single family residential zoning (City of Kalamazoo wellfield, Portage Creek and single family residences) to the north. Section 42-573.E of the Zoning Code requires construction of a six-foot tall landscaped berm between the development and property either zoned or used for residential purposes that can be modified/waived with City Council approval.

With regard to the proposed building height modification and screening waiver, the presence of the 50-acre City of Kalamazoo, combined with the setback distances, elevation differences and the presence of the Portage Creek and associated natural area (wetland, floodplain, mature trees and associated vegetation) will mitigate any potential adverse impacts to the existing residences located to the north, northeast and northwest. The proposed hotel building will also be consistent and compatible in height, mass and orientation with the existing previously approved multi-story office buildings located immediately to the east and west, and the multi-story hotel buildings located further to the east. As
indicated in the attached materials, the applicant is continuing to design the layout of the proposed hotel site, similar to the previous two hotel sites, so as to provide scenic views of the large natural wetland areas.

Integration of the Development – Consistent with the previously approved conceptual plans and previous buildings constructed within the Trade Centre CPD, the proposed hotel building will continue the cohesive and integrated architectural theme of the overall development. Orientation of the hotel will be aesthetically pleasing from I-94 and Trade Centre Way and will overlook the natural wetland/floodplain area located to the north, along Portage Creek. Exterior building finishes will consist of concrete and unit masonry materials and a mixture of stone/wood with a color scheme that will integrate positively with the existing Trade Center I and II office buildings to the east and west, and the mass of the two existing hotel buildings located further to the east. Site landscaping will continue the unifying theme of the Trade Centre CPD that emphasize the adjacent Portage Creek and associated wetland/floodplain vegetation. The proposed hotel site will also be integrated through interior vehicular and pedestrian interconnections and a reciprocal easement agreement (REA) that will ensure the property is developed in a cohesive manner. Preliminary building elevations for the proposed hotel are attached for Commission review.

IV. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the evaluation at a subsequent meeting, the Commission is advised to receive public comment during the April 16, 2020 meeting and adjourn the public hearing for the Conceptual Plan Amendment for Trade Centre CPD, 300-1150 Trade Centre Way, to the May 7, 2020 meeting.

Attachments:  Zoning/Vicinity Map  
Aerial Photograph  
Conceptual Plan Amendment (narrative and conceptual plan drawings)  
Color elevation drawing (proposed hotel)

S:\Committees\2019-2020 Department Files\Board Files\PLANNING COMMISSION\2020\Reports\C21.0000 Plan Amendment2021/04/09 Trade Centre CPD, 300-1150 Trade Centre Way \conceptual plan amendment final.doc

7900 South Westnedge Avenue • Portage, Michigan 49002 • (269) 329-4477
www.portagemi.gov
April 2, 2020

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

RE: Conceptual Plan Amendment for Trade Way Commercial Planned Development

Dear Mike:

What follows is our revision to the 2002 conceptual plan approval, amended in 2012 for 750, 650, 550, 500, 450, 400 and 300 Trade Centre Way and the 2004 conceptual plan approval for 1150, 950 and 850 Trade Centre Way. The purpose of this amendment is to allow for the development of a hotel building at 850 Trade Centre Way, in between 950 Trade Centre Way and 750 Trade Centre Way. Other facets of the planned development have been previously approved and are unchanged.

The original conceptual plan was approved by Portage City Council in 2002 with an update in 2012. Prior to 2002, out-of-town developers had envisioned the property for hotel, restaurant and retail use; three uses we still propose today. Further, they had requested modifications for screening, setbacks and height, all to accommodate a hotel. In 2003 we developed an 83,000 square foot, Class A office building at 750 Trade Centre Way. In 2004 a separate conceptual plan was submitted for the westernmost 11.98 +/- parcel to develop the parcel as an office building site. Over the subsequent years a substantial amount of development has taken place. In 2006/07 a 110,000 square foot Class A office building on the 950 Trade Centre Way Site was constructed. In 2014, construction started on a Courtyard by Marriott hotel. In 2016, construction started on a Hilton Garden Inn. In 2017/2018 a 100,000 square foot Class A office
building was opened at 650 Trade Centre Way. A 10,000 SF +/- Black Rock restaurant was opened in 2018.

The proposed amendment involves the 750 Trade Centre Way and the 950 Trade Centre Way parcels which are both currently owned by the developer. Additionally, the amendment involves the 850 Trade Centre Way parcel, which is presently owned by the City of Portage. A portion of the City of Portage land is being deeded to the developer under a separate development agreement.

We are requesting one modification and a waiver like what has been requested in this planned development in the past: a height modification request, and a screening waiver in accordance with City of Portage Land Development Regulations.

Statement of Purpose: The purpose of this conceptual plan amendment is to allow for the development office buildings, hotels, restaurants and retail space in a manner is that consistent with the high quality that has been established in the Trade Centre development. We are requesting to revise the Commercial Planned Development conceptual plan for the Trade Centre and the 750, 850 and 950 Trade Centre way parcel areas as noted herein.

General Development Plan: The concept plan indicates the existing buildings (3 office buildings, two hotels and a restaurant) along with one additional four-story hotel and two additional restaurant or retail buildings. While this plan is conceptual in nature, we expect the following approximate sizes and square footages for each use. The 4-story hotel will occupy a 2.0 acre +/- site, as the 950, 850 and 750 Trade Centre Way sites are reconfigured. The building will be of an architectural and structural character that will express an architectural character that integrates well into the existing development. In addition, the landscaping will be upscale through the development and will emphasize the adjacent West Fork of the Portage Creek where appropriate. We intend to orient the buildings so that they are aesthetically pleasing from I-94 and Trade Centre Way. The exterior building finishes will be mainly split face block, brick, pre-cast or synthetic materials such as DRIVIT which have the appearance of masonry.
Some natural stones or woods may be integrated into the design for architectural diversity. The color schemes for the primary building surfaces will be limited to those that integrate well with the existing Trade Centre office buildings. The masses of the hotel building will be broken up with banding and color differentiation and movement in the elevation.

**Property Map:** We have attached a conceptual plan per the CPD requirements.

**Developer:** The developer is H & G, L.L.C, (Roger Hinman, Principal of The Hinman Company and Joe Gesmundo, Principal of AVB) of 4200 W. Centre Avenue, Portage, MI, 49024 and 750 Trade Centre Way, Portage, MI 49024. The land owner entities are Trade Centre Holdings, LLC, H & G, LLC, 950 Trade Center, LLC, 750 Trade Centre, LLC, 650 Trade Center, LLC and Trade Center H, LLC, Trade Center G, LLC, and 1150 Trade Centre Way of 750 Trade Centre Way, Portage, MI, 49024. All the noted entities are owned 50/50 by Joe Gesmundo and Roger Hinman.

**Holdings:** The 750 Trade Centre Way and the 950 Trade Centre Way parcels which are both currently owned by the developer. Additionally, the amendment involves 850 Trade Centre Way parcel, which is presently owned by the City of Portage. A portion of the City of Portage land is being deeded to the developer under a separate development agreement. The 750, 850 and 950 Trade Centre Way parcels will all be reconfigured to allow for a new 850 Trade Centre Way parcel where the hotel building will be developed.

**Property Lines, Streets and Utilities:** The attached conceptual plan provides the adjacent tract property lines, the public streets, easements, and the locations of the underground water and sanitary sewer. Utilities are in place and ready to serve the development.

**Topography:** The topography of the Property is relatively flat.

**Use, Height & Setbacks:** The 650 Trade Centre office building is five stories and is less than the previously approved 78 feet to the top of the screen wall (tallest point on the building). The existing hotel buildings at 400 and
500 Trade Centre Way are four stories and do not exceed 59 feet tall. The 950 and 750 Trade Centre Way office buildings do not exceed 65 feet to the top of the screen wall and the proposed four-story hotel will also not exceed 65 feet.

We are therefore requesting, in accordance with Section 42-414(G) of the Land Development Regulations of the City of Portage, a height modification request to allow the construction of the proposed hotel to a height not to exceed 65 feet above the existing elevation of the land. When considering this request please note the following factors which mitigate the impact of the height of this building.

- The property to the north and west contains many mature trees that will further screen the homes to the west and north from our proposed building. Further the residential property to the north is 30 to 35 feet higher in grade higher than the conceptual plan property.

- The proposed hotel building will be approximately 300 feet from the nearest residence, located on 5255 Old Colony.

- Expert testimony provided by William Clark, Ph.D., during development of the 950 Trade Centre building, indicated that the additional building mass reduces road noise impact on the residential properties to the north. Some resident comments have also indicated that the construction of the 950 Trade Centre building has reduced the sound impact of I-94.

We are also requesting a waiver from the screening requirement from the adjacent property to the north. It is our desire to allow the hotel guests to overlook the adjacent natural wetland properties. Like the existing hotels at 400 and 500 Trade Centre way, the new hotel at 850 Trade Centre Way will be designed with an outdoor open space and plaza to specifically orient to the natural views. In addition, please also note the following.

- The property north and east of the proposed hotel is the City of Kalamazoo wellfield.
• The area north of the 850 Trade Centre Way hotel development is mainly wetlands and floodplains.

• Additionally, we are relocating the existing storm water area from the existing 850 parcel to the area immediately north of the 950 Trade Centre Way parcel and office building.

**Development Staging:** What follows is our anticipated staging of the development. However, no final commitments exist beyond the new hotel building.

• Hotel Building #3 – Fall of 2020 to Fall 2021
• Restaurant/Retail #1 – Summer 2020 to Fall of 2021
• Restaurant/Retail #2 – Summer 2021 to Fall of 2022

**Development Integration & Independence:** Each building proposed herein is designed to be a part of a cohesive development while maintaining the ability to fully stand on its own merits. Additionally, the buildings will be benefited by a reciprocal easement agreement (the “REA”) to allow for the integrated development of the property. The REA document ensures that utility corridors and connections can be made and vehicular and pedestrian connections can be made and maintained between parcels.

**Common Open Space:** The common open space within the Trade Centre development is best demonstrated by viewing the attached conceptual plan. To outline the conceptual plan, common open space includes the Westnedge and Trade Centre Way entry statement, sign, and boulevard, the landscaping along the entire Trade Centre both north and sides, the relocated storm retention area north of 950 Trade Centre Way.
Additionally, for aesthetics, the developer mows the I-94 right of way between I-94 and the decorative fence (which is also owned and maintained as common space by the developer). This common area maintenance program would be one of many common areas that have been maintained by the developer successfully over the last 40 years. These common areas facilitate a natural and well-maintained feel to the entire development and is a unifying theme for the development.
Water & Sanitary Sewer: The water and sanitary sewer already run through the development, mainly along Trade Centre Way. The proposed buildings would be served by tying directly into these existing utilities. The storm system was previously permitted by the MDEQ and the City of Portage. We presently anticipate maintaining all storm water east of 650 Trade Centre Way underground, with overflows of said underground system being release to the West Fork of Portage Creek according to the flows approved by the MDEQ permit. If above ground storm water detention becomes necessary, such storm water volume would be proposed in a manner similar to the storm water area between the 750 and 950 Trade Centre Way buildings. The western portion of the Trade Centre is served by the existing storm area on the 850 Trade Centre Way parcel. As this storm water area is moved north and west from its current location, we are confident it will continue to receive the positive feedback that it has over the years. This storm water area has been an enhancement to our overall development and is commented on often by current and prospective tenants for its attractiveness and natural feel.

Traffic & Parking: Traffic will be routed to the development along Trade Center Way, West Fork Crossing and Westnedge Avenue. Trade Centre Way is designed for the proposed development activities. The width of Trade Centre Way is 32 feet. Parking will all be accommodated around the buildings as can be seen on the attached conceptual plan.

Covenants, Restrictions, Easements: The attached conceptual plan provides the proposed property lines and the location of Trade Centre Way. The civil engineering plans include the locations of the underground water and sanitary sewer. The main utilities are in place and ready to serve the development. In addition, as previously noted, easements will be provided to allow for cross access between the sites, public utilities and for public turn around over the reconfigured 850 Trade Centre Way parcel.

Natural Features: The property is bordered on the west by the natural land buffer area, on the north by the West Fork of Portage Creek and the City of Kalamazoo well field, on the east by West Fork Crossing and on the South by Trade Centre Way and I-94. The land buffer area to the west is restricted from development. With its exposure to I-94, the property is
exposed to a significant amount of visual inspection daily. The main natural features have been created in our re-development of this property in the form of landscaping and storm water features. The development is also benefited by the City of Kalamazoo well field to the north.

It should be noted that there are existing wetlands on the north edge of the property, immediately adjacent to Portage Creek. A small portion of this northern edge of the property is also within the floodplain. We have designed the hotels as well as the existing hotels and the existing office buildings to overlook the natural wetlands to the north. We believe this is an especially appealing feature of these properties even though they are positioned so close to I-94. Further, the proposed hotel will not encroach on the wetlands. The proposed concept plan is compliant with previous MDEGLE storm water discharge permits and MDEGLE staff has indicated that no new permits are therefore required.

In summary we at H & G look forward to working with both the City of Portage and our neighbors in a positive manner. Please direct any questions to me at (269) 329-3636 or gdobson@avbinc.com.

Sincerely,

[Signature]

Greg Dobson

C: Joseph L. Gesmundo, Roger E. Hinman, Rich MacDonald
MATERIALS TRANSMITTED
CITY COUNCIL MEETING MINUTES FROM FEBRUARY 11, 2020

The Regular Meeting was called to order by Mayor Patricia Randall at 7:00 p.m. The following members were present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also in attendance were City Manager Joe La Margo, City Attorney Randy Brown and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs as well as to reflect on the critical support of Gryphon Place and the United Way.

Following the moment of silence, the City Council and audience recited the Pledge of Allegiance.

PROCLAMATION: Mayor Randall issued a proclamation recognizing February 11th as National 2-1-1 Day. Mayor Randall invited Maricela Alcala, CEO of Gryphon Place and Ashlee Croy, Marketing Associate for United Way, to read the proclamation recognizing National 2-1-1 Day in the City of Portage. After reading the proclamation, Ms. Alcala shared details about Gryphon Place efforts related to Suicide Prevention and organizations such as United Way that can provide assistance to those in crisis. Councilmember Urban expressed appreciation of the demanding yet important work of a 2-1-1 volunteer based on personal experience. Mayor Pro Tem Pearson noted as a past member of Portage Rotary that the organization supports Gryphon Place. Mayor Randall thanked Ms. Alcala and Ms. Croy for their work and efforts with the organizations.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Citizen Carolyn Pesheck requested that Item A.4, Tentative Plan Amendment for Greenspire Planned Development, be removed from the Consent Agenda. Motion by Pearson, seconded by Burns, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Pearson, seconded by Burns, to approve the Regular Meeting of January 28, 2020, and the Pre-Council Meeting Minutes of February 10, 2020. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 11, 2020: Motion by Pearson, seconded by Burns, to approve the Accounts Payable Register of February 11, 2020. Upon a roll call vote, motion carried 7 to 0.

MDOT CONTRACT #19-5633 (SHAVER RD AND S. WESTNEDGE AVE RECONSTRUCTION – W. CENTRE AVE TO ROMENCE RD): Motion by Pearson, seconded by Burns, to approve Contract #19-5633 between the Michigan Department of Transportation and the City of Portage for reconstruction of Shaver Road and South Westnedge Avenue from West Centre Avenue to Romence Road and adopt a Resolution authorizing the City Manager to sign all documents related to the project on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

PUBLIC STREET VACATION – GLADYS STREET (WEST PORTION): Motion by Pearson, seconded by Burns, to accept the Resolution for the city to vacate its interest in: the former Gladys Street public right-of-way (west approximate 416 feet) located along the east side of South Westnedge Avenue, and, the service drive that extends north/south from the former Gladys Street to
the new or realigned Gladys Street, and place the Resolution on file for 28 days with the City Clerk. Upon a roll call vote, motion carried 7 to 0.

**FISCAL YEAR 2020-2021 PROPOSED BUDGET REVIEW SCHEDULE:** Motion by Pearson, seconded by Burns, to establish Tuesday, April 21 and Tuesday, May 5, from 5:00 to 8:00 p.m., with a tentative session Tuesday, May 12, 2020 from 4:00 p.m. to 6:00 p.m., as the dates for review of the proposed Fiscal Year 2020-2021 Budget. Upon a roll call vote, motion carried 7 to 0.

**MINUTES OF BOARDS AND COMMISSIONS:** Motion by Pearson, seconded by Burns, to receive the minutes of the Planning Commission of January 9, 2020; and, Human Services Board of January 16, 2020. Upon a roll call vote, motion carried 7 to 0.

**CALENDAR OF MEETINGS:** Motion by Pearson, seconded by Burns, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 7 to 0.

**PETITIONS AND STATEMENTS OF CITIZENS:** Dr. Romeo Phillips, 1983 Brighton Lane, provided a reminder of the 5th Annual Martin Luther King, Jr./Black History Month event scheduled for February 21st at 7 p.m. He reviewed the plan for the evening’s event, including a panel discussion featuring the presidents of Kalamazoo College and Kalamazoo Valley Community College, among others.

Dr. Monifa Jumanne, 610 Mall Drive, thanked City Council for the Resolution on the meeting’s agenda regarding hosting an annual event to commemorate Black History Month and recognize the many contributions of Dr. Martin Luther King, Jr. Dr. Jumanne stated that the Resolution was a good start for Portage and she wants to see more change from the city, including hiring and staffing. She asked the city to aim for equality.

Mayor Randall thanked both Dr. Phillips and Dr. Jumanne for their comments as well as their efforts with the City of Portage.

**COMMUNICATIONS:**

**PRESENTATION FROM CCTA/KCTA BOARD CHAIR GREG ROSINE AND EXECUTIVE DIRECTOR SEAN MCBRIDE:** Mayor Randall introduced Kalamazoo County Transportation Authority (KCTA) & Central County Transportation Authority (CCTA) Executive Director Sean McBride. Mr. McBride recognized Mayor Pro Tem Pearson and Councilmember Burns for their appointments on the CCTA Board. Mr. McBride provided an update on the status of the KCTA & CCTA. He highlighted the millage proposal slated for the March 10, 2020 ballot, stating that the current millage of 0.75 mills expires in 2020. He noted the proposed millage is asking for 0.9 mills to maintain the current level of service.

Mayor Randall inquired about routes versus demand in light of the influx of jobs with recent developments such as FedEx. Mr. McBride noted that routes exist in the affected areas, but that he appreciates when project engineers reach out to Metro Transit early in planning to work on incorporating public transit.

Mayor Pro Tem Pearson emphasized the future influx of jobs for the city and the expected increase of traffic in the Portage Road corridor. He noted there is a countywide need for public transit and relayed that he will continue to lobby for KCTA and CCTA to serve the area. Mayor Randall then relayed a citizen from the recent Lake Center workshops who requested a bus route for south Portage.
Motion by Reid seconded by Ford, to receive the presentation from CCTA/KCTA Board Chair Greg Rosine and Executive Director Sean McBride. Upon a voice vote, motion carried 7 to 0.

REGULAR BUSINESS:

RECOGNITION OF BLACK HISTORY MONTH AND DR. MARTIN LUTHER KING, JR: Mayor Randall asked Mayor Pro Tem Pearson to deliver the resolution. After his motion, Mayor Randall noted the city's support of the resolution and commitment to equality, as well as with hiring. Councilmember Urban requested and read the Resolution in its entirety into the record. Motion by Pearson, seconded by Ford, to adopt a resolution committing the City of Portage to hosting an annual event to commemorate Black History Month and recognize the many contributions of Dr. Martin Luther King, Jr. Upon a roll call vote, motion carried 7 to 0.

TENTATIVE PLAN AMENDMENT FOR GREENSPIRE PLANNED DEVELOPMENT: Mayor Randall asked the citizen who requested the item be removed from the Consent Agenda to come forward and speak on the matter.

Carolyn Pescheck, 6745 Shoreham, explained that she is a former resident of Greenspire and has no objections to the proposed development, but did inquire whether the proposal includes any low income housing options. She stated that she is a member of Interfaith Strategy for Advocacy & Action in the Community (ISAAC), which is working to increase low income housing in the community.

Mayor Randall responded that low income housing is not part of the Greenspire development proposal, but highlighted the recent Selinon Park development as an option. City Manager La Margo also responded to Ms. Pescheck, noting that the city has been working with the Michigan Governor's Office to navigate hurdles with the state's criteria for funding assistance towards increasing low income housing in Portage. Ms. Pescheck noted that ISAAC plans to visit state representatives in Lansing soon and offered to assist in lobbying efforts.

Councilmember Urban stated he was not aware of the city's issues with meeting state funding criteria and requested additional background from the City Administration on the matter. Mayor Randall stated that the funding formula from the state included walkability factors that Portage did not meet. Councilmember Urban highlighted the earlier presentation from KCTA/CCTA noting the potential for public transit to be used in the funding equation.

Councilmember Reid noted the city's long-standing Community Development Block Grant low income housing buyer and repair programs, suggesting those as alternative options to Ms. Pescheck as well.

City Manager La Margo noted he would continue to work with the state on funding options and assistance for Portage.

Motion by Urban, seconded by Burns, to accept the Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court, and set a public hearing for March 10, 2020; and subsequent to the public hearing, consider approving the Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court, subject to the four conditions contained in the January 17, 2020 Department of Community Development staff report. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Knapp provided an update on the City Council Communications Committee, noting it had welcomed new member Graham Holley from the Youth Advisory Committee to provide feedback on communication tools for the youth demographic. She further noted two new staff additions, Sam Bower and Mary Ruple, to the Communications
Department with Mary Beth Block, highlighting the increased importance of communication to the community. Councilmember Knapp also stated that the city Facebook pages, with the exception of the Public Safety, Senior Center and Farmers Market pages, have been merged into the overall City of Portage Facebook page. She noted the Committee is also reviewing the Twitter and Instagram platforms with the hopes of using one comprehensive program to simultaneously publish announcements to all city pages and platforms. Councilmember Burns noted that social media was a campaign pledge and he has been pleased to see this improve under the new City Administration. Councilmember Ford highlighted the analytics review also planned for social media implementation.

Councilmember Burns provided an update on a recent meeting of the Central County Transportation Authority that hosted Sheriff Fuller. Councilmember Burns provided background on a previous agreement between the Transit Authority and the City of Kalamazoo for a public safety presence at the transit hub in downtown Kalamazoo. He noted that the Sheriff’s Office will now be assuming that duty, pending additional hiring efforts. Councilmember Burns also noted that union negotiations with Transit Authority personnel have culminated in Board approval of the first agreement, yet wage discussions continue.

Motion by Pearson, seconded by Ford, to receive the Council Committee Reports as presented. Upon a voice vote, motion carried 7 to 0.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Burns thanked the public, City Council and the City Administration for participating in the Lake Center Area Workshops earlier in the week. He stated that he looks forward to including the availability of public transit in that area as well.

Councilmember Urban thanked the attendees of the Lake Center Area Workshops, highlighting the historic attendance numbers and importance of the citizen input events.

Councilmember Reid thanked everyone for attending the Lake Center Area Workshops and reminded citizens of the February 13th town hall session on groundwater and PFAS. She further highlighted the upcoming City Council Budget Review sessions that were scheduled for April and May as part of the Consent Agenda, noting one meeting date had been modified from the preliminary published agenda.

Councilmember Knapp stated the Lake Center Area Workshops were great for communication, transparency and feedback. She noted that many of the citizen comments received echoed her own as she is also a resident of that area.

City Manager La Margo noted that the City Administration continues to seek citizen input regarding the Lake Center Area. He highlighted the upcoming PFAS meeting and provided an update on the recent efforts to address PFAS by the city, the Michigan Department of Environment, Great Lakes, and Energy, and the Kalamazoo County health department. He stated the city continues to test the area’s groundwater, yet noted there is no safety concern to residents and stated information regarding the PFAS matter has been posted on the city website.

Mayor Pro Tem Pearson noted the recent Lake Center Area Workshops and asked the public to attend pending additional meetings on the matter expected for March and April.

Mayor Randall highlighted the staff outreach effort and media coverage with the Lake Center Area Workshops. She noted that not all who wanted to attend the sessions were able to, but relayed that the City Administration is continuing to gather input on the matter. Mayor Randall also noted the Black History month event planned for February 21st at the Air Zoo. The Mayor closed by relaying that assessment notices had recently been mailed which included the new school millage and property owners have ample time to meet with the city’s assessing team to review property concerns prior to the upcoming March Board of Review.
ADJOURNMENT: Mayor Randall adjourned the meeting at 8:06 p.m.

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Erica L. Eklov, City Clerk
MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF FEBRUARY 24, 2020

Mayor Patricia Randall called the meeting to order at 8:00 a.m. Councilmembers Chris Burns, Lori Knapp and Mayor Pro Tem Jim Pearson joined via the conference phone line. Councilmembers Richard Ford, Claudette Reid and Terry Urban were absent with excuse. Also in attendance were City Manager Joseph La Margo, Deputy City Manager Mike Carroll, Deputy City Manager Adam Herrington and City Clerk Erica Eklov.

Mayor Randall began by reviewing the agenda and asked if anyone would be present to read the Global Love Day Proclamation. City Clerk Eklov responded that it was a national request and no one would be present.

With regard to Item A.2, Mayor Pro Tem Pearson questioned check numbers 12682(A) and 12708 (A) to OnStaff totaling over $31,000 and inquired what the payments entail. Mayor Randall additionally inquired how many contract employees the city had in total. City Manager La Margo stated he would research and respond.

With regard to Item A. 6, Mayor Pro Tem Pearson asked for further justification as to the expense in replacing the Grain Elevator roof and why there was only a single vendor. He further asked for the square footage of the building in relation to the size of the roof. City Clerk Eklov relayed the historic aspects of the Grain Elevator, the need for matching the existing roofing and review of the Historic District Commission. City Manager La Margo stated he would further research Mayor Pro Tem Pearson’s inquires and respond.

Mayor Randall reminded Council of the Committee of the Whole Meeting scheduled at 6:00 p.m. prior to the regular meeting on Tuesday regarding Recreational Marihuana. Mayor Pro Tem Pearson asked for an update as to why Council is being asked to review the topic at this time. City Manager La Margo responded that staff has been working on a draft ordinance with the assistance of an attorney specializing in the legal aspects of marihuana and the draft is currently ready for Council review. City Manager La Margo relayed that Councilmember Ford had expressed concerns regarding a potential sunset clause but found that the clause only involved the City of Flint. Mr. La Margo stated that the Committee of the Whole Meeting was scheduled to address additional concerns from Councilmembers Reid and Urban, but otherwise, any additional swiftness in the process originated with the City Manager.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:10 a.m.

Erica L. Eklov, City Clerk
MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF THE PORTAGE CITY COUNCIL OF FEBRUARY 25, 2020

Mayor Patricia Randall called the meeting to order at 6:00 p.m. The following Councilmembers were present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also present were City Manager Joe La Margo, Deputy City Manager Adam Herringa, Deputy City Manager Mike Carroll, Interim Director of Community Development Chris Forth, Public Safety Chief Nick Arnold and City Clerk Erica Eklow. Attorney Denise Policella attended via phone. Citizen Jevin Weyenberg was also present.

Mayor Randall asked City Manager Joe La Margo to introduce the purpose of the meeting. City Manager La Margo relayed that the City Administration desired to get an ordinance in place before allowing recreational marihuana in the City. Mr. La Margo noted that the City did have a rough draft on file starting November 2019, but had since brought on an attorney specialized in marihuana. City Manager La Margo then turned the meeting over to Deputy City Manager Carroll.

Deputy City Manager Carroll acknowledged Attorney Denise Policella and summarized her work with the City. Mr. Carroll highlighted Attorney Policella’s provision of a draft ordinance to which he had made only minor revisions following prior discussions with Deputy City Manager Adam Herringa and Interim Director Chris Forth regarding prior ordinance history on adult-use marihuana. Deputy City Manager Carroll noted that the City Administration decided to convene a Committee of the Whole Meeting before further discussing policy decisions in an effort to get direction from City Council regarding opting in to recreational marihuana. Mr. Carroll relayed that the City Administration understood that Council desired to opt-in to adult-use marihuana, but desired to be restrictive and limit the number of licenses to those who already had a medical marihuana license. Mr. Carroll stated that there are currently eight medical marihuana licenses issued in the City of Portage, including one grower license. He noted that Councilmember Reid had previously expressed a desire to have a cap on the licenses, however, Attorney Policella had advised that a numerical cap requirement creates the need for a competitive process. Deputy City Manager Carroll noted that the proposed draft ordinance for adult-use marihuana pairing licenses with medical marihuana licensees was the safest route with the least potential for litigation.

Mayor Pro Tem Pearson asked whether a separate recreational marihuana application would be explored at later date. Councilmember Reid asked for the pros and cons of tying recreational marihuana to medical. Deputy City Manager Carroll responded that, based on the desire of City Council to restrict potential recreational/adult-use licenses to the lowest number possible, the staff was pursuing this route at the beginning of the process following consultations with Attorney Policella. Attorney Policella added that tying recreational marihuana to medical marihuana under the Michigan Medical Marihuana Act does not require a competitive process if you limit the number of applicants and creates an automatic cap both the City and the State have fully vetted.

Deputy City Manager Carroll highlighted the existing Medical Marihuana Zoning Map detailing the few remaining areas in the City permitted for medical marihuana licenses based on the current zoning ordinance. He further noted there was only one applicant during the 2019 application window.

Councilmember Knapp asked about the sale or transfer of a business or a facility and what happens with the license in that instance. Deputy City Manager Herringa answered with medical marihuana the licenses are directly tied to both the applicant, as well as the location. Mayor Randall noted the presence of language regarding licensing in the draft in response to Councilmember Knapp. Mayor Randall then inquired if there were only two more permissible locations in the City based on the zoning map. Deputy City Manager Carroll responded that presumably, that was the case. Mr. Carroll further stated that the zoning code does not have a provision for recreational marihuana but that amending the zoning code at the same time as introducing the recreational/adult-use marihuana ordinance would be the cleanest route. Attorney Policella noted that she supported
adopting the police powers portion of the adult-use marihuana ordinance first before moving into the zoning ordinance.

City Manager La Margo asked Deputy City Manager Carroll regarding the timeline for implementing the proposed ordinance noting a potential month delay. Deputy City Manager Carroll responded that the Planning Commission review is needed first which would delay Council action by approximately two months.

Councilmember Burns asked about certain new types of licenses allowed by the Michigan Medical Marihuana Act that do not require an initial medical marihuana license. Attorney Policella advised against permitting such types, stating that Council could prohibit these new types or permit them but then zero them out.

Mayor Pro Tem Pearson asked Interim Director Forth to elaborate on the microbusiness provision in the State language. Director Forth noted that microbusinesses are much like microbreweries and would make marihuana businesses similar to a hookah lounge or a festival such as Hash Bash. Mayor Pro Tem Pearson noted microbusinesses seem to be more hometown based and asked if any hometown medical marihuana operators exist currently. Deputy City Manager Carroll responded that they could be allowed but there would be complications. Mayor Pro Tem Pearson asked if a micro-business could be included in the proposed ordinance as he likes to promote local business. Deputy City Manager Carroll asked Attorney Policella about potential legal complications should City Council want to include micro-businesses in the proposed ordinance. Attorney Policella responded that this would create a problem with microbusinesses as it is a retail facility with all three types in one location and zoning would be an issue due to neighbors with odor concerns. Attorney Policella also noted that recreational require separate zoning for microbusinesses.

Councilmember Reid asked if the City could limit the microbusinesses to a local owner versus a franchise owner. Attorney Policella responded that the legal language for micro businesses at the state level was created with the intent to be local only. However, the State has found in practice that the owner cannot supply the required funding. She stated that several franchisees have already created plans and the industry is starting to blossom in a way the State did not desire. Attorney Policella said regulating would be legally difficult as it would require interviews and then the process would appear biased.

Mayor Pro Tem Pearson highlighted prior City history relating to the Home Occupation Ordinance concerning caregivers and inquired how this may relate to the proposed ordinance. Mayor Randall asked if caregivers can sell marihuana. Attorney Policella responded that the MMA expressly prohibits caregivers to sell and the State is already finding this to be a problem. Mayor Pro Tem Pearson asked Attorney Policella if people can circumvent the law concerning freebies. Attorney Policella responded that the MMA does not allow the transfer of cash or the practice of trading for a product, but that anyone can give or get a sample. Councilmember Urban noted the Home Occupation Ordinance does not allow on-site consumption and stated he has no interest in promoting it.

Mayor Randall asked Attorney Policella if the City’s current review structure with the City Manager as the administrator of the Medical Marihuana Ordinance is typical for other jurisdictions. Attorney Policella responded that there is currently no typical structure. Councilmember Reid inquired whether there was one mechanism more favorable than others regarding the City Manager adjudicating marihuana licensees versus the Council. Attorney Policella responded that the best possible option is avoiding the need to make decisions entirely, but noted that the current draft ordinance circumvents any type of merit-based system.

Deputy City Manager Carroll noted that the proposed adult-use ordinance is based on the current practice but states that the City Administration is open to transferring that power to City Council should they desire.

Mayor Randall asked Attorney Policella how marihuana business in Michigan was faring financially. Attorney Policella responded that is it not going well, noting the shortage of marihuana in
the state to meet the demand and the resulting explosion of the black market. She further stated that people will begin seeking the product through the black market if the limits become too strict and relayed that the temporary pause in licensing at the state level did not help.

Mayor Pro Tem Pearson stated he agrees with allowing eight licenses in the City in light of the current population statistics and stated that the creation of the original Medical Marihuana Ordinance was not set in stone. He stated the current proposed proposal is also flexible.

Councilmember Burns asked for clarification regarding the zoning code for adult use. Attorney Policella responded that the State cannot overly limit zoning under the Home Rule Act and the oversight is given to the municipalities. She highlighted the 1,000-foot buffer with schools under the MMA unless a municipality has its own provision that is similar or less restrictive. She noted that marihuana remains a Schedule I drug that is prohibited in the federal Drug-Free School Zones.

Councilmember Burns then inquired about the proposed application fee in the new ordinance in light of the existing fees in the medical marihuana ordinance. Deputy City Manager Carroll responded that the application fee for adult use remains $5,000.

Mayor Pro Tem Pearson asked about the state law for keeping medical and recreational uses separate. Attorney Policella confirmed that facilities are required to keep medical and adult-use enterprises separate, include location, sales, and inventory.

Councilmember Urban noted that adult-use marihuana remains in the regulatory phase and is not statutory yet. Attorney Policella confirmed that the current state regulations have a sunset clause of May 1, 2020. Councilmember Urban then asked why the City is not waiting for the adoption of state rules to ensure the proposed City ordinance aligns with the state. Attorney Policella responded that the proposed ordinance is not expected to conflict.

Councilmember Ford noted the New York City Medallions case and expressed concern regarding the liability with the City creating limits that could result in anti-trust or inflation. Attorney Policella responded that marihuana remains a federally regulated substance, which would prevent such instances.

Councilmember Urban asked if the City can limit the number of sales per day more than the State. Attorney Policella responded that the City cannot.

Mayor Randall noted the lateness of the hour and asked Attorney Policella whether she had any additional comments. Attorney Policella responded that she did not. Mayor Randall then acknowledged the citizen present asked if he had any comments. Jevin Weyenberg thanked City Council and Attorney Policella for their efforts and noted that this was an important community issue concerning safety and choice. Mr. Weyenberg noted there is an urgency to raise the standard of the marihuana product in the community and that demand is currently exceeding the product. He stated that the Lake Effect retail location always has their door open if someone wanted to discuss further or view the facility.

Mayor Randall asked Chief Arnold his opinion on the proposed ordinance. The chief responded that his department would support any City Council decision.

Mayor Pro Tem Pearson noted the City’s current stance based on the November 2018 election which had 19 precincts voting in support for medical marihuana. The Mayor then asked about the next steps. Councilmember Urban noted the prior process that Council supported had delayed any additional action until June.

City Manager La Margo requested clarification from Council regarding next steps and asked if it was Council’s direction for the City Administration to pursue the process as currently drafted. Councilmembers responded in the affirmative and directed the City Manager to proceed as proposed.
ADJOURNMENT: Mayor Randall adjourned the meeting at 6:59 p.m.

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Erica L. Eklov, City Clerk
MINUTES FROM THE PRE-MEETING OF THE PORTAGE CITY COUNCIL
OF MARCH 9, 2020

Mayor Pro Tem Jim Pearson called the meeting to order at 8:00 a.m. Councilmembers Chris Burns, Lori Knapp and Claudette Reid joined via the conference phone line. Councilmembers Richard Ford, Terry Urban and Mayor Patricia Randall were absent with excuse. Also in attendance were City Manager Joseph La Margo, Deputy City Manager Adam Herringa and Deputy City Manager Mike Carroll joined the meeting. City Clerk Erica Eklov was absent to prepare for the Presidential Primary Election.

With regard to Item A.2, Councilmember Knapp inquired as to check 12770(A) which was for “Lakeview Park Concept Plan.” She inquired if the plan was part of efforts related to the Lake Center Business District or similar. City Manager La Margo stated that he would research and respond.

With regard to Item A.3, Councilmember Reid noted the large discrepancy between the highest and lowest bids and wondered as to the reason why. Mayor Pro Tem Pearson and City Manager La Margo shared that firms will often submit a quick high bid on the chance that they might get the contract thus resulting in a substantial profit margin.

With regard to Item A.5, Councilmember Reid noted that the cost increase of the contract with Farr Associates appears to be related primarily to the creation of a public report. She commented that $50000 for such a report seemed high. City Manager La Margo stated that the report requires additional effort and will be created such that it can be used in the upcoming Comprehensive Plan that must be put together by the Department of Community Development. Mayor Pro Tem Pearson noted that some of the increased cost could be attributed to the expansion of the project study area. Councilmember Reid also asked for clarity regarding the dates of Planning 101 and charrettes that are being planned. Mr. La Margo noted that the “Planning 101” meeting will be held on March 30, preliminary charrette workshops with the public will be held in April and the final charrettes will be in early May.

With regard to Item A.7, Councilmember Reid expressed concern with safety related to 22 units being built in the first phase of the project yet there being only once access point to the property. She inquired as to the number of units that can be permitted per access drive and noted that, eventually, a second emergency access is planned. Later in the Pre-Council Meeting Councilmember Reid inquired as to stormwater flow to the retention basin. She asked if the flow was all downhill and who owns or is responsible for the related pipe and basin.

With regard to Item A.8, Councilmember Reid asked for clarity between the Personnel Rules and Regulations and Administrative Orders noting that Council has little understanding of the Administrative Orders or their content. Deputy City Manager Carroll noted that the Administrative Orders are currently under review. He continued by stating that permitting City Administration the authority to review and modify Personnel Rules will afford the City Manager flexibility to quickly adapt these rules as needed and ensure they are synonymous with the Administrative Orders. Deputy City Manager Carroll shared a recent experience in which City Administration was recruiting a candidate but ran into difficulties with the Personnel Rules when it came to negotiating time off. He continued by stating that, in his
experience, City Council supervises the City Manager but the City Manager should have the flexibility to set the rules for staff. Councilmember Reid questioned why there needs to be both Personnel Rules and Regulations and Administrative Orders. Mr. Carroll noted that the contents of the Personnel Rules and Regulations are similar to an employee handbook and provide a basic understanding of expectations and benefits. Administrative Orders, he continued, get into greater detail and provide consistency across the organization.

Mayor Pro Tem Pearson noted that the contents of Administrative Orders and rules for employees are often a mystery to City Council. He then noted the change in dress code and asked what changed and for City Council to be notified when such changes are made. Mr. La Margo explained the change in the dress code and pledged to provide City Council with updates when Administrative Orders are modified. He noted that Deputy City Managers Carroll and Herringa are currently reviewing all Administrative Orders and that City Council would be provided a copy of the results. Mayor Pro Tem Pearson asked that a “highlight/strike” copy be provided. Councilmember Reid concurred with Mayor Pro Tem Pearson.

With regarding to Item D.1, Councilmember Reid commented that the proposed project changes the character of the Greenspire Development. She asked how the public can obtain information and provide feedback. City Manager La Margo stated that the developer will be present at the meeting and should be able respond to Councilmember Reid’s questions. Councilmember Reid noted high water levels in the area and whether the impact of this proposed development would adversely impact water levels. She noted that underground parking and questioned the viability given the high groundwater in this area. City Manager La Margo stated that engineers have evaluated the project for impact on water levels and staff understands the sensitivity in this regard. Mr. La Margo questioned whether the underground parking would become a reality given the cost to create underground parking combined with water levels. He noted the plan is still tentative at this point and project commencement remains two years away. Mayor Pro Tem Pearson asked that City Council forward any questions regarding this project to Mr. La Margo so that the developer can be prepared to answer them at the meeting.

Mayor Pro Tem Pearson summarized the meeting and Deputy City Manager Herringa noted that Mr. Carroll would be serving as City Clerk for the meeting due to the Presidential Primary Election and the unavailability of the City Clerk. Councilmember Reid inquired as to how many absentee ballots had been returned. Mr. Herringa stated that about 4,700 had been issued and around 80% had been returned so far. He also noted that this number of ballots is almost double from four years ago. Mayor Pro Tem Pearson inquired as to the number of spoiled ballots and Mr. Herringa responded that there have been approximately 200 spoiled ballots over the last few days.

**ADJOURNMENT:** Following a summary of the meeting, Mayor Pro Tem Pearson adjourned the meeting at 8:25 a.m.

Adam Herringa, Deputy City Manager
CITY COUNCIL MEETING MINUTES FROM MARCH 10, 2020

The Regular Meeting was called to order by Mayor Patricia Randall at 7:00 p.m. The following members were present: Councilmembers Chris Burns, Richard Ford, Lori Knapp (remotely), Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also in attendance were City Manager Joe La Margo, City Attorney Randy Brown and Deputy City Manager/Recording Secretary Mike Carroll.

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs.

Following the moment of silence, the City Council and audience recited the Pledge of Allegiance, as directed by members of Boy Scout Troop 287. At the request of the Mayor, troop members informed the Council of their activities towards becoming Eagle Scouts.

**PROCLAMATION:** Mayor Randall issued a proclamation recognizing the 18th Annual March for Meals Month. Mayor Randall invited Abbie Finn of Meals on Wheels to read the proclamation. After reading the proclamation, Ms. Finn shared details about Meals on Wheels in general, and the two delivery routes contained in Portage in particular. Ms. Finn shared a story wherein their volunteers discovered a client who had fallen in his home the evening before and needed medical assistance that might not have been summoned but for their volunteers’ alertness.

**CONSENT AGENDA:** Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Councilmember Reid requested Item A.7, Final Condominium for Pennridge Trail #1, be removed from the Consent Agenda. Motion by Ford, seconded by Reid, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

**APPROVAL OF MINUTES:** Motion by Ford, seconded by Reid, to approve the Meeting Summary of the Regular Meeting of February 25, 2020, and Pre-Council Meeting of March 9, 2020. Upon a roll call vote, motion carried 7 to 0.

**APPROVAL OF ACCOUNTS PAYABLE REGISTER:** Motion by Ford, seconded by Reid, to approve the Accounts Payable Register of March 10, 2020. Upon a roll call vote, motion carried 7 to 0.

**RAMONA PARK PARKING LOT PAVING – BID TABULATION:** Motion by Ford, seconded by Reid, to accept the low bid in the amount of $123,900 from Wyoming Asphalt to provide repairs to the Ramona Park parking lots and authorize the City Manager to execute all documents related to the contract on behalf of the City. Upon a roll call vote, motion carried 7 to 0.

**PARKING LOT ASPHALT OVERLAYS - BID TABULATION:** Motion by Ford, seconded by Reid, to award a contract in the amount of $76,725 to Michigan Paving & Materials Company for the Department of Public Works parking lot asphalt overlay and parking lot expansion, and authorize the City Manager to execute all documents related to this action on behalf of the City. Upon a roll call vote, motion carried 7 to 0.
FARR ASSOCIATES AMENDED CONTRACT: Motion by Ford, seconded by Reid, to approve an amended contract with Farr Associates in an amount not to exceed $51,500 for the Lake Center District Area Placemaking and Connectivity Study and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

PUBLIC STREET VACATION - GLADYS STREET (WEST PORTION) AND NORTH/SOUTH SERVICE DRIVE: Motion by Ford, seconded by Reid, to accept the Resolution No. 20-2 for the city to vacate its interest in the west approximate 416-feet of the former Gladys Street public right of way subject to retention of a permanent utility easement; and the service drive that extends north/south from the former Gladys Street to the new or realigned Gladys Street. The vacation and discontinuance of property shall not take effect until the property subject to the purchase and sale agreement between the city and 6405 SW, LLC is transferred by an executed deed. Upon a roll call vote, motion carried 7 to 0.

AMENDMENT TO THE CODE OF ORDINANCES - PERSONNEL RULES: Motion by Ford, seconded by Reid, to accept for first reading the proposed City of Portage Ordinance amending Article 3, Officers and Employees, of Chapter 2, Administration, Section 2-87 Personnel Rules and consider final adoption on March 24, 2020. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Ford, seconded by Reid, to receive the minutes of the Historic District Commission of November 6, 2019; Senior Citizen Advisory Board of January 15, 2020; Planning Commission of February 20, 2020; and, Human Services Board of February 20, 2020. Upon a roll call vote, motion carried 7 to 0.

CALENDAR OF MEETINGS: Motion by Ford, seconded by Reid, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 7 to 0.

ADDITION OF RESOLUTION: Motion by Pearson, seconded by Urban, to add the Resolution for a Temporary Moratorium for Certain Development Activities within the Lake Center District, contained in the Materials Transmitted, to the Agenda as Item E.1. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

GREENSPIRE PLANNED DEVELOPMENT (3413 WEST CENTRE AVENUE AND 8546 SHIRLEY COURT): Mayor Randall opened the Public Hearing for Greenspire Planned Development. Interim Director Forth advised that AVB & Hinman were seeking an amendment to: reclassify 8.5 acres of commercial to mixed-use (residential & commercial), and to add approximately 316 apartment units from the currently approved 704 units to 1020. Interim Director Forth noted density would increase from 8.45 units per acre to just over 11 units per acre. Interim Director Forth advised LandUse USA and Tracy Cross & Associates both feel that this location would be favorable for such a mixed-use development. Interim Director Forth stated the Planning Commission unanimously approved the amendment and staff recommends it as well.
Mayor Randall and Councilmembers Reid and Knapp asked questions of Interim Director Forth. Greg Dobson of AVB fielded questions from Mayor Randall and Councilmembers Reid and Burns and spoke of the 50-year history of Greenspire and the relationship they have built with their neighbors.

Motion by Pearson, seconded by Reid, to close the public hearing. Upon a roll call vote, motion carried 7 to 0. Motion by Pearson, seconded Burns to approve the Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court, subject to the four conditions contained in the January 17, 2020 Department of Community Development staff report. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS:

PENNRIDGE TRAIL #1 FINAL CONDOMINIUM SUBDIVISION: Councilmember Reid indicated her concern about the amount of ingress/egress (one exit) for the project. Interim Director Forth explained the first phase and the potential second phase, along with the history of the discussions on access. The current plan is for an emergency access easement on and through the parcel to the north. Mayor Randall and Councilmember Urban inquired further about the easement being a locked gated driveway and their concerns about its maintenance. Interim Director Forth indicated that the limit for one exit is 30 units. The agreement in place is that prior to the 31st building permit being issued, the emergency access driveway would have to be constructed. Brian Wood of Allen Edwin fielded further questions from the Council about the access easement. He indicated that he spent several months with the property owner to the north, and with the City, to draft the easement to allow the emergency access. Interim Director Forth did mention there are other emergency access drives in the City, but none that he can recall that would be maintained by an association.

In response to a question by Councilmember Burns, Interim Director Forth indicated that Greenspire had one entry/exit for many more units than being proposed here, up until the light at Cooley was installed. Forth further explained the difficulty of this particular parcel, with the Eliason Preserve to one side and railroad tracks to the other side of this property. Mayor Randall explained that since this project initially came before the Council, there has been a new fire marshal, new interim director of Community Development, and new City Administration. City Manager La Margo also expressed concerns about emergency access and offered to sit down with his team to see if there would be a better alternative. Mayor Pro Tem Pearson inquired of Mr. Wood if he could bring back to staff the figures regarding how much maintenance of the emergency access would cost each homeowner in the development.

After conferring with the City Attorney, it was determined that rather than vote to approve or reject this plan, an adjournment of the issue would be appropriate. Motion by Reid, seconded by Pearson to adjourn the matter until April 14, 2020, and refer to the Administration for further report. Councilmember Ford stated he felt these issues had already been addressed by Council and that homeowners' associations are commonly called upon to maintain infrastructure such as this access road. Upon a roll call vote, motion carried 6 to 1 (Ford).

LAKE CENTER DISTRICT TEMPORARY MORATORIUM: City Manager La Margo described how the City had engaged a consultant to conduct visioning/strategic planning exercises, with the involvement of area stakeholders, for the Lake Center District. Allowing unrestricted development prior to the conclusion of this process could be problematic. Deputy City Manager Carroll further explained there was a provision for relief, should this moratorium cause legal difficulties for developers/property owners. Motion by Urban, seconded by Pearson, to adopt Resolution 20-3
to establish a temporary moratorium for certain development activities within the Lake Center District area. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns advised that he and Mayor Pro Tem Pearson attended a Central County Transportation Authority meeting wherein they learned the committee had received a clean financial audit. They also had the first reading of a remote attendance policy, which was modeled after the City of Portage’s policy. The Executive Director also spoke to the authority about the sanitation procedures in place on the buses due to the coronavirus.

Motion by Ford, seconded by Reid, to receive the Council Committee Reports as presented. Upon a voice vote, motion carried 7 to 0.

STATEMENTS OF CITIZENS: Mr. Gary Drill of Larkspur Lane addressed the Council, requesting how the improvements being discussed in the Lake Center District were going to be paid for, and whether that was an appropriate function of government. Mr. La Margo explained that this was a budgeted part of the Capital Improvement Plan and the governmental rationale for developing the area. Mayor Randall also indicating that this area was long overdue for improvement, as other areas of the City had received attention in recent years. Mayor Pro Tem Pearson also explained that this area had been identified as needing attention 24 years ago.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban stated that the action the City Council took (and that the Council encouraged the County to take) to inform the President that Portage would accept refugee families into the city has helped. An Afghan refugee family arrived a couple of weeks ago, supported by Bethany Christian Services and Portage Chapel Hill United Methodist Church. They were attending multiple cultural and educational activities. Residents were encouraged to welcome the family into our community. Mayor Randall thanked Councilmember Burns for his efforts on this front as well.

Councilmember Reid recognized Senior Deputy Fire Chief Podgorski, who is retiring as of March 27th, after 18 years of service to the City, and Barb Janicke, who retired from the City Clerk’s office February 28th after 38 years of service. She also advised that a lot of events are being canceled (conferences, etc.) to reduce contact because of the coronavirus, and asked everyone to take proper precautions.

Councilmember Burns reminded everyone it is Election Day. He congratulated the City Clerk for running a good election. Also, a reminder that the Portage Public School Board was considering the construction of school(s) and was seeking community input on their website.

Councilmember Ford thanked the City Clerk and the Deputy City Managers for exhibiting great teamwork on this election season. Congratulations to Michigan State Spartans for third straight Big 10 championship in men’s basketball.

City Manager La Margo noted that the City staff has increased its efforts to sanitize all commonly touched surfaces in city buildings. He also advised Standard & Poor’s confirmed our credit rating of AA+ and indicated the city’s financial position improved from “Strong” to “Very Strong”. He gave thanks to the Council for reducing debt without increasing millages. Kudos to the City Clerk and both Deputy City Managers for pitching in this week, over the weekend and late at night, working through this election season.

Mayor Pro Tem Pearson eulogized Dr. Russell Mohney, a longtime pillar of the community. Mayor Randall also mentioned that Dr. Mohney was a special friend of hers and a great steward of the City. The School District website will have a public survey available on their website,
beginning March 20th. Hard copies will also be available at the School Administration Building. The Senior Center Cabinet had a meeting today. $4.2 million has been raised so far. Byce was chosen as the Architects, and AVB was chosen to construct the Center. A target of an additional $1.3 million is hoped to be raised. Groundbreaking should be late summer, and construction completed by Thanksgiving 2021. Mayor Randall further commented on the Pennridge Trail action taken tonight. She explained the difficulty of coming in midstream on a project, especially in light of the tremendous amount of change at City Hall. She felt it best to take a step back, to make sure the Council “gets it right”.

The Mayor thanked all of those who worked so hard to make the election season run smoothly and all staff for wearing many hats.

**ADJOURNMENT:** Mayor Randall adjourned the meeting at 8:36 p.m.

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Michael F. Carroll, Deputy City Manager

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